



**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
REGULAR MEETING
MINUTES
APRIL 6, 2023**

Thursday, April 6, 2023, at 5:30 p.m., SLVWD Conference Room, 12788 Highway 9, Boulder Creek, and via videoconference and teleconference.

**1. Convene Meeting 5:30 p.m.
Roll Call**

Board Members Present:

Mark Smolley, President
Jeff Hill, Vice President
Jayme Ackemann, Director
Bob Fultz, Director
Gail Mahood, Director

Staff Present:

Rick Rogers, District Manager
Gina Nicholls, District Counsel *
Holly Hossack, District Secretary

2. Additions and Deletions to Closed Session Agenda:

G. Nicholls requested that item 4b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION be removed from the Closed Session agenda.

3. Oral Communications Regarding Items in Closed Session: None

4. Adjournment to Closed Session: 5:35 p.m.

**5. Re-Convene Meeting 6:30 p.m.
Roll Call**

Board Members Present:

Mark Smolley, President
Jeff Hill, Vice President
Jayme Ackemann, Director
Bob Fultz, Director
Gail Mahood, Director

Staff Present:

Rick Rogers, District Manager
Gina Nicholls, District Counsel *

*attended remotely

Holly Hossack, District Secretary
Carly Blanchard, Enviro Programs Manger & Admin Analyst *
Kendra Reed, Director of Finance & Business Services*
Josh Wolff, Engineering Manager*

6. Report of Actions Taken in Closed Session:

Nothing to report from Closed Session.

7. Additions and Deletions: None

8. Oral Communications: None

9. President's Report: None

10. Unfinished Business:

- a. REQUEST FOR PROPOSALS FOR GENERAL MANAGER RECRUITMENT SERVICES
R. Rogers introduced this item.

Dir. Hill explained the process for preparing the RFP.

Discussion by the Board and staff regarding:

- One on one interviews with the Board are not planned
- Public participation
- RFP specificity
- Rubrik unnecessary
- Ad Hoc Committee will prepare a preferred subset

A motion was made and seconded to direct the District Manager to move forward with the Request for Proposals General Manager Recruitment Services with the agreed upon changes to the RFP and to be released to the public.

M. Dolson* said that the audio is terrible.

J. Mosher* agreed that the sound is cutting in and out.

The Board voted unanimously in favor of the motion. Motion passed.

11. New Business:

- a. EMERGENCY CONTRACT FOR TEMPORARY WORK ON STEWART STREET
R. Rogers introduced and explained this item.

A motion was made and seconded to ratify the provided Emergency Services Contract with Anderson Pacific for construction of a temporary main at Stewart Street in the amount of \$75,000.

*attended remotely

The Board voted unanimously in favor of the motion. Motion passed.

b. RATE STUDY REQUEST FOR PROPOSALS

R. Rogers introduced and explained this item.

Dir. Mahood, Committee Chair of the Budget & Finance Committee, continued with reasons for the recommendation by the committee for Raftelis. Additionally references will be checked and legal counsel will vet Raftelis.

A motion was made and seconded to direct the District Manager to enter into a contract with Raftelis in the amount not to exceed \$99,035 for the 2023 Rate Study.

Discussion by the Board and staff regarding:

- Demonstration of the model - cost going forward and access to the model for future use
- Additional community workshops
- Exploration of the structure for rates
- Negotiate contract with
- Compatibility with Springbrook

M. Dolson* said that the audio is cutting in and out.

J. Mosher* agreed that the audio is having issues. He is positive about Raftelis' public outreach on this proposal.

A. Layng* also said that the audio is not working.

R. Moran, Ben Lomond, said that this rate study needs to meet the criteria for the tiered rates.

The motion was restated to include clarification for access to modeling tool.

4 members of the Board voted in favor of the motion. Dir. Fultz abstained. Motion passed.

c. SLVWD REPRESENTATION ON THE SANTA MARGARITA
GROUNDWATER AGENCY (SMGWA) BOARD OF DIRECTORS

M. Smolley introduced and explained this item. *In response to a recent article by Director Fultz in the San Lorenzo Valley Post, Director Smolley asked the Directors to consider removing Director Fultz as the District's representative on the SMGWA Board because his behavior puts the District at a disadvantage in its interactions with SMGWA.*

*attended remotely

Dir. Mahood read a statement explaining her reason for bringing this item to the Board. *Director Mahood asked the Board to remove Director Fultz as a SMGWA representative because his expression of views outside of Board settings in ways that are antagonistic to the District's partnering agencies makes him ill-suited for the position. Blind-siding the staff and other Directors while doing so unnecessarily complicates the task of those who work with other agencies on SMGWA and other issues. She is concerned that Director Fultz may use the veto power accorded individual Directors by SMGWA bylaws to make a public statement, to the detriment of the Agency and the District's standing in it.*

Dir Fultz explained his position. He said, *the notion that a Board member can speak on issue only in a board meeting is anti-democratic. I promised that I would keep the community informed of important issues, of which this is one. The article in the publication was a summary of what I had previously communicated. I have an absolute First Amendment right to speak on this. I will continue to speak out on this. Who are the people who complained about this and why won't they come out of the shadows to debate the topic?*

The above italicized text was added to the minutes of this meeting at the request of the individual Board members.

Discussion by the Board and staff regarding:

- Disagree with Dir. Fultz but he has a right to express himself
- Notification of articles in the future would be a courtesy to the Board

R. Moran strongly disagreed with the removal of Dir. Fultz from the SMGWA.

C. Moran read a statement and suggested that no action be taken.

J. Mosher* said that Dir. Fultz is not the right person to build alliances.

No action was taken.

12. **Consent Agenda:** Approved

13. **District Reports:**

DISTRICT MANAGERS REPORT

R. Rogers apologized for the issues with the meeting equipment.

14. **Written Communication:**

- Letter from M. Lee - 3.13.23
- Letter from M. Hagler - 3.23.23

15. **Informational Material:** None

16. **Adjournment:** 8:08 p.m.

*attended remotely

Minutes approved: May 18, 2023

Holly B. Hossack
Holly B. Hossack, District Secretary

*attended remotely