



**NOTICE OF SPECIAL MEETING
BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
AGENDA
November 10, 2020**

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Notice is hereby given that a special meeting of the Board of Directors of the San Lorenzo Valley Water District will be held on Tuesday, November 10, 2020 at 5:30 p.m.

There will not be a physical location for this meeting. Pursuant to the Governor's Executive Order N-29-20 this meeting will be conducted by video/teleconference. The meeting access information is as follows:

To join the meeting click the link below, or type it into your web browser:

<https://us02web.zoom.us/j/84145908850>

- +1 312 626 6799
- +1 346 248 7799
- +1 669 900 6833
- +1 929 436 2866
- +1 253 215 8782
- +1 301 715 8592

Webinar ID: 841 4590 8850

Agenda documents are available on the District website at www.slvwd.com subject to staff's ability to post the documents before the meeting.

AGENDA

1. Convene Meeting/Roll Call

2. Unfinished Business:

Members of the public will be given the opportunity to address each agenda item prior to Board action. Normally, presentations must not exceed five (5) minutes in length, and individuals may only speak once during Oral Communications. Please state your name and town/city of residence at the beginning of your statement for the record.

- a. URBAN WATER MANAGEMENT PLAN
Discussion and possible action by the Board regarding the District's UWMP.
- b. BOARD MEMBER RESIGNATION / BOARD OF DIRECTORS VACANCY
Discussion and possible action by the Board regarding the process to fill the vacancy declared by the Board on November 5, 2020.

3. Consent Agenda:

The Consent Agenda contains items that are considered to be routine in nature and will be deemed adopted by unanimous consent if no Director states an objection. Any item on the consent agenda will be moved to the regular agenda upon request from an individual Director or a member of the public.

- a. MINUTES FROM BOARD OF DIRECTORS MEETING
OCTOBER 15, 2020
- b. MINUTES FROM SPECIAL BOARD OF DIRECTORS MEETING
OCTOBER 21, 2020
- c. MINUTES FORM SPECIAL BOARD OF DIRECTORS MEETING
OCTOBER 29, 2020
- d. MULTIPLE USER VARIANCE RENEWALS FOR 2020/21

4. District Reports:

No action will be taken and discussion may be limited at the Chairperson's discretion. The District encourages that questions be submitted in writing (bod@slvwd.com) on items listed in the District Reports. Questions submitted, if any, will be posted in the next available District Reports, along with a reply.

- DEPARTMENT STATUS REPORT
Receipt and consideration by the Board of Department Status Reports regarding ongoing projects and other activities.
 - Engineering
 - Legal
- DIRECTORS REPORTS
 - Director's Communication
 - Future Board of Directors Meeting Agenda Items

5. Written Communications

- Letter to the Board from G. Mahood
- Letter to the Board from J. Martin
- Letter to the Board from R. duSaint
- Letter to the Board from V. Ahlgren
- Letter to the Board from A. Zilber
- Letter to the Board from M. Stephens
- Letter to the Board from multiple customers

- Letter to the Board from P. Frietas
- Letter to the Board from multiple customers

6. Adjournment

Certification of Posting

I hereby certify that on November 9, 2020, I posted a copy of the foregoing agenda in the outside display case at the District Office, 13060 Highway 9, Boulder Creek, CA, 24 hours in advance of the special meeting of the Board of Directors of the San Lorenzo Valley Water District (Government Code Section 54956).

Executed at Boulder Creek, California on November 9, 2020.

Holly Hossack, District Secretary
San Lorenzo Valley Water District



NOSSAMAN LLP

Memorandum

TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, General Counsel

DATE: November 10, 2020

RE: Board of Directors Vacancy
502665-0001

SUMMARY:

At the regular meeting of the Board of Directors (Board) that was conducted last week on November 5, 2020, the Board determined that a vacancy exists on the Board.

RECOMMENDATION:

By motion of the Board, establish the process to fill the vacancy by an appointment to be made after the incoming directors take office on or about December 7, 2020.

Alternatively, the Board could establish a process to fill the vacancy by appointment before the incoming directors take office, for example by considering applicants at the regular Board meeting scheduled for December 3.

Alternatively, the Board could decide to fill the vacancy by election rather than by appointment.

Alternatively, the Board could take no action at this time. However, if the District fails to make an appointment or call for an election by January 4, 2021, which is 60 days after the vacancy was declared, then the decision will revert to the County Board of Supervisors. (Gov. Code, § 1780(f).)

BACKGROUND:

Pursuant to California Government Code Section 1780, in the event of a vacancy in any elective office of a governing board of a special district, the remaining board members may fill the vacancy by appointment within sixty (60) days from the effective date of the vacancy, or when they were notified of the vacancy, whichever is later. (See Attachment A.) Because the Board determined that a vacancy exists on November 5, 2020, the Board must make an appointment to fill the vacancy, if at all, no later than Monday, January 4, 2021.

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November 10, 2020
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Appointment Process: If the Board decides to fill the vacancy by appointment, pursuant to Government Code 1780(d)(1), notice of the vacancy must be posted in three or more conspicuous places in the District at least fifteen (15) days prior to the appointment. In practice, this means establishing a closing date for the receipt of applications that allows at least 15 days to submit applications after the notice is posted, with additional time to compile and include the applications in the regular meeting agenda packet.

The District's Board Policy Manual requires establishing a closing date for the receipt of applications for the vacancy, and provides that interviews shall be conducted at the next regular Board meeting following the date of closure of applications. The Board Policy Manual further instructs that the appointment shall be made "without undue delay." (See Attachment B.)

If the Board fills the vacancy by appointment, the appointee will serve out the balance of the outgoing director's term, i.e., until the seat is filled in connection with the November 2022 general election.

Election Process: Instead of filling the vacancy by appointment, Government Code Section 1780 allows the Board to call for an election to be held on the next established election date. The election date must be at least 130 days after the District calls for an election.¹ (Gov. Code, § 1780(c),(e).)

The next date for which an election could be called under the applicable portion of the Elections Code is November 2, 2021.² (See Gov. Code, § 1780(e)(2); Elections Code, § 1000.)

This alternative would result in election costs incurred by the District on the order of about \$4 per registered voter within the District, unless another local entity calls for an election to be conducted on the same date, in which case the costs would be shared. The costs are estimated to be on the order of roughly \$30,000 at the lower end, up to roughly \$80,000 on the higher end (assuming approximately 20k registered voters within the District and no other local entity participates in the election).

¹ June 26, 2020 would have been the deadline to call for a special district election for inclusion on the November 2020 ballot. (The memorandum from the District's meeting conducted last week on November 5 incorrectly said the deadline was August 7, 2020. Although August 7 was the deadline to register with the County Clerk, it would not have satisfied the 130-day requirement.)

² Although there is an established election date for the "first Tuesday after the first Monday in May of each year," that date is only available for conducting an all-mail ballot election under Elections Code Section 4000, et seq. This date may be used to conduct a County Water District election on matters such as an assessment ballot proceeding, but it is not available for the election of directors.

Memorandum
November 10, 2020
Page 3

Staff Recommendation: Staff recommends that the Board fill the vacancy by an appointment to be made at a Board meeting to be scheduled for December 7, 2020 starting at 4pm. This date appears to be available for a meeting to swear in and seat incoming new Board members shortly after they become qualified to take office. This would allow for an orderly appointment process that allows the incoming Board members to participate in the decision. Also, it would leave enough time to schedule another Board meeting, if necessary in order to make the appointment before the winter holidays and the District's January 4 deadline. To this end, statutory notice of the vacancy could be posted on November 12 (November 11 is Veterans Day), with a closing date of Monday, November 30 by 3:00 pm for the receipt of applications. (November 26 and 27 are Thanksgiving holidays.)

Staff does not recommended making the appointment at the December 3 regular meeting, because it would involve an unusual circumstance in which the appointment could be made right before two incoming directors take office, or if the existing Board fails to make a decision on December 3, it would revert to a newly constituted group of decision-makers including the incoming Board members.

Staff does not recommend the election alternative, because it would result in a prolonged vacancy until after an election is held and results are certified. A prolonged vacancy would create governance challenges such as potential difficulty achieving quorum, and thereby impact the ability of the District to carry on District business. Also, this alternative would result in election costs incurred by the District.

Staff does not recommend the no-action alternative, because if the District fails to make an appointment or call for an election by January 4, then the decision will revert to the County Board of Supervisors.

ATTACHMENTS:

Attachment A – Government Code Section 1780

Attachment B – Board Policy Manual, Relevant Excerpts

Attachment C – Proposed Schedule of Events; Draft Notice of Vacancy; Draft Application

Attachment A


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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599] (Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 4. Resignations and Vacancies [1750 - 1782] (Chapter 4 enacted by Stats. 1943, Ch. 134.)

ARTICLE 2. Vacancies [1770 - 1782] (Article 2 added by Stats. 1943, Ch. 134.)

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city

council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)

Attachment B

20. RESIGNATIONS

Resignations by Directors shall be in writing, state the effective date and be submitted to the President of the Board of Directors and District Secretary. In the event the President of the Board of Directors resigns, the resignation shall be submitted to the Vice-President of the Board of Directors and the District Secretary.

21. VACANCIES

Directors are expected to carry out their responsibilities to the best of their abilities. In order to accomplish this goal, Directors should be present for scheduled meeting or events whenever possible. In accordance with California Government Code section 1770 a Director position vacancy will occur whenever “he or she ceases to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness”, or when absent from the Board of Directors without the permission of the majority of the Board of Directors.

If such vacancy occurs, the Board of Directors will take action in accordance with California Government Code section 1770.

In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the District Board of Directors, after discussion and consideration, shall when deemed appropriate, instruct staff to:

- A) Place a public notice advising that a vacancy has occurred in accordance with applicable provisions of law; and
- B) Said notice shall advise prospective candidates of the steps to take to apply for appointment; and
- C) The District’s Board of Directors shall establish the closing date for the receipt of applications; and
- D) Applicants shall submit the following, by the date specified in the notice:
 - 1. a letter of interest, and
 - 2. a resume, with particular emphasis on the applicant’s knowledge of special districts, and
- E) Applicant(s) shall be interviewed at the next regularly scheduled meeting of the District’s Board of Directors following the date of closure for applications; and
- F) The District’s Board of Directors shall make the appointment without undue delay, but need not act at the same meeting.

22. INCONSISTENT, INCOMPATIBLE AND CONFLICTING EMPLOYMENT OR ACTIVITIES

Pursuant to the provision of the California Government Code section 1126, the Board of Directors of the San Lorenzo Valley Water District has determined that it would be

Attachment C

VACANCY IN OFFICE OF DIRECTOR
PROPOSED SCHEDULE OF EVENTS

<u>DATE</u>	<u>ACTION</u>
November 5, 2020	Board determines that a vacancy exists.
November 10, 2020	Board directs vacancy to be filled by appointment.
November 12, 2020	Staff posts Notice of Vacancy in accordance with Government Code Section 1780.
November 20, 2020	Last day to notify County Clerk of vacancy in accordance with Government Code Section 1780.
November 30, 2020	Closing date for the receipt of applications, to be received no later than 3:00 pm.
December 7, 2020	Interview applicants; possible appointment.
December 22, 2020	If appointment is made on December 7, last day to notify County Clerk of appointment pursuant to Government Code Section 1780.
January 4, 2021	Last date to make an appointment; last date to submit Notice of Election to County Clerk.
November 2, 2021	County's next established election date that is at least 130 days away.

Notice of Vacancy

Interested persons are hereby notified that pursuant to Government Code §1780 there is a vacancy on the

SAN LORENZO VALLEY WATER DISTRICT

Board of Directors

The position to be filled is for a term ending when the November 2022 election results are certified.

The seat will go to election in 2022 for a new 4-year term.

Applications are available at the SLVWD Office located at:

13060 Highway 9, Boulder Creek, CA

On our website:

www.slvwd.com

By contacting the District Secretary:

hhossack@slvwd.com

(831) 430-4636

Applications are due and must be received by the District Secretary no later than Monday, November 30, 2020 at 3:00 pm

Pursuant to Gov. Code §1780, this notice will be posted for 15 days in 3 or more conspicuous locations in the District from November 12, 2020

Application for Appointment to Fill a Vacancy on the San Lorenzo Valley Water District Board of Directors

Instructions:

If you are interested in serving as a Director on the San Lorenzo Valley Water District Board, please complete this application and return it to the District Secretary, 13060 Highway, Boulder Creek, CA 95006 or hhossack@slvwd.com. Receipt of your application will be confirmed.

Due Date is November 30, 2020 by 3:00 pm

Date: _____

Name: _____

Address where you live: _____

Mailing address (if different): _____

Phone (daytime): _____ Phone (evening): _____

Email: _____

Statement of Qualifications:

Please complete this section or attach a current resume.

EDUCATION:

Institution	Major	Degree	Year

WORK/VOLUNTEER EXPERIENCE:

Organization	City	Position	From	To

Letter of Interest:

Please briefly describe your qualifications and why you are interested in serving on the Board of Directors.

DRAFT

Certification:

I certify that the information contained in this application is true and correct. I authorize the verification of the information in this application.

Signature

Date



**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
MINUTES
OCTOBER 15, 2020**

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Thursday, October 15, 2020, at 5:30 p.m., via videoconference and teleconference.

1. Convene Meeting 5:30 p.m.
Roll Call: Director Fultz, Director Henry, Director Moran and President Swan were all present. Director Farris was absent.

Staff: R. Rogers-District Manager, G. Nicholls-District Counsel, H. Hossack-District Secretary
2. Additions and Deletions to Closed Session Agenda: None
3. Oral Communications Regarding Items in Closed Session: None
4. Adjournment to Closed Session: 5:31 p.m. (District Counsel noted that Director Farris was present for the Closed Session.)
 - a. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager
 - b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 022-601-05, commonly known as Manana Woods Well and Water Treatment Facility
Agency negotiator: Rick Rogers, District Manager and Gina Nicholls, District Counsel
Negotiating party: Scotts Valley Water District
Under negotiation: Price and terms of payment
 - c. CONFERENCE WITH LEGAL COUNSEL - ANITICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2),(3)
One Case

5. Convene to Open Session at 6:34 p.m.
6. Report of Actions Taken in Closed Session: President Swan announced that there were no reportable actions.
7. Additions and Deletions to Open Session Agenda: None
8. Oral Communications: None
9. Unfinished Business:
 - a. CZU WILDFIRE DAMAGE ASSESSMENT REPORT
R. Rogers introduced this item and shared the damage assessment report from Sandis Engineering.

J. Furtado said that the crew is working to get Big Lyon back into service.

R. Rogers said that the District and consultants are trying to determine the best way to replace piping.

B. Fultz questioned the replacement piping and the cooking of underground pipes.

R. Rogers said that fire should not impact the pipes.

Discussion by staff and Board regarding buried pipes.

R. Moran questioned what is happening to the hazardous material once it is removed.

J. Furtado responded with the process for disposal.

L. Henry questioned how ductile iron pipes are connected.

J. Furtado said that the pipes have gaskets but they are buried and it is believed that the buried gaskets are not effected by fire.

T. To asked if iron pipes rust.

R. Rogers said the pipes are lined and wrapped.

T. To asked if the pipes will survive earthquakes.

R. Rogers said during the 1989 earthquake there was no damage or leaks to the ductile piping.

Roll Call: Dir. Farris, Dir. Fultz, Dir. Henry, Dir. Moran, Pres. Swan were all present and were present when the Board reconvened at 6:3 p.m.

Staff: R. Rogers, J. Furtado-Director of Operations, N. Nicholls, N. Gillespie-Water Treatment & Systems Supervisor, C. Blanchard-Environmental Planner, H. Hossack

b. CZU WILDFIRE WATER QUALITY UPDATE
Rogers introduced this item and read the memo.

N. Gillespie said that he had nothing to add but was available to answer questions.

S. Swan questioned what sort of communication has been going on with the affected residents regarding the lifting of the DND/DNB order.

N. Gillespie responded that the District put out a notification to the affected customers with the process the District goes through to lift the order. Step one is background data. Step two is removal of all service laterals. Step three is water sampling of the affected zone. Then the District will present our case for removal of the water notice. This is all contingent on favorable lab results.

R. Rogers noted that the District is getting ready to update the website with additional mapping to show where the zones are. Then there will be a long-term VOC monitoring plan.

N. Gillespie at a minimum the VOC monitoring will continue until December of 2022.

J. Furtado noted that all Riverside Grove connections have been disconnected from all of the burnt homes and testing was done. We are now waiting for test results. Connections are being disconnected in the West Park area now and should be done this week. The District is on track to lift the order on October 28, 2020.

S. Swan questioned the format for the communication to the public.

N. Gillespie responded that the communication was posted on the website and on Facebook.

R. Moran questioned if the laterals that were removed went to burnt houses.

J. Furtado said that the laterals that were removed went to destroyed homes. Each resident received a letter regarding new service laterals inviting them to work with the District to get their new meters set.

R. Rogers added that the customer will not be charged the monthly charge until they start using water.

R. Moran asked how many homes were burnt.

S. Hill responded that approximately 120 homes were lost.

B. Fultz questioned if the 330 in the Do Not Zone includes the homes that were burned.

J. Furtado said that it doesn't include all of the homes that were burned. In some cases the whole mainline system was replaced resulting in early lifting of DND/DNB to homes that were burned.

B. Fultz is trying to determine how many customers are off line due to damage to homes and how many are off line due to the Do No notice.

R. Rogers said the numbers will be easy to put together. However, he is not sure if all of the homes have been repopulated.

B. Fultz said that there is a financial impact to the District for the DND/DNB notice by limiting water.

J. Furtado noted that some customers that repopulated 2 months ago and are still in the DND/DNB.

Discussion by the Board and staff regarding DND/DNB customers and pressure zones.

T. To said that the mail is not getting to addresses in fire affected areas in a timely manner.

J. Furtado responded that while the crews were working in the field they would hand letters to customers.

T. To said it would be nice to have compensation for water that is not potable.

10. New Business:

a. BOTTLED WATER AND WATER FILLING STATION

R. Rogers introduced this item and read from the memo.

B. Fultz questioned if the end of the year is long enough for the filling station or should the District make it more permanent.

R. Rogers said that there has been a lack of communication with with other water providers. We don't know where they stand in getting back into water service.

J. Furtado noted that the County said that the other water providers aren't communicating with them either.

Discussion by the Board and staff regarding bottled water and filling station.

S. Swan announced that he has sold his home and moved out of state. He will loose qualifications to serve on the Board and will be resigning.

11. Consent Agenda:

Nothing was questioned by the Board in the Consent Agenda.

12. District Reports:

DEPARTMENT STATUS REPORT

Receipt and consideration by the Board of Department Status Reports regarding ongoing projects and other activities.

- Environmental
- Operations
- Finance
- Legal

- COMMITTEE REPORTS

- Future Committee Agenda Items
- Committee Meeting Notes/Minutes
 - SMGWA Meeting Summary - 9.24.20

- DIRECTORS REPORTS

- Director's Communication
- Future Board of Directors Meeting Agenda Items

L. Farris questioned Environmental and Finance status reports.

Discussion by the Board and staff regarding status reports.

13. Written Communication:

- Email from L. Prather dated 9.28.20
- Petitions from N. Naccari received 10.2.20

14. Informational Material: None

15. Adjournment 7:40 p.m.



**SPECIAL MEETING
BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
MINUTES
October 21, 2020**

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Wednesday, October 21, 2020 at 6:30 p.m.

MINUTES

1. Convene Meeting 6:30 pm

Roll Call: Pres. Swan, Vice Pres. Henry, Dir. Fultz, Dir. Farris and Dir. Moran were all present.

Staff: G. Nicholls-Dist. Counsel and R. Rogers-Dist. Manger,

2. New Business:

- a. **LANDSLIDE AND DEBRIS FLOW HAZARD CONDITIONS**
Discussion and possible action by the Board regarding landslide and debris flow hazard conditions now threatening the San Lorenzo Valley, caused by the recent CZU Lightning Complex Wildfire.

R. Rogers introduced this item and read from the memo.

S. Swan questioned the status of the Watershed Task Force reaching out to the District.

R. Rogers said that the meeting was facilitated through the County with Supervisor McPherson's office taking the lead. Another meeting is scheduled for October 27th.

B. Fultz questioned what would be the appropriate actions to be taken by the residents and business owners of Boulder Creek in regard to the proximity to dangerous conditions.

R. Rogers said that he can't answer that at this time. The County is working on evacuation mapping.

Discussion by the Board and staff regarding appropriate actions to be taken.

L. Henry questioned the availability of a geologist to work with us.

R. Rogers said that is a possibility.

L. Henry asked if we are getting cooperation from the County.

R. Rogers responded that we are receiving a lot of cooperation with the County to determine if a project is needed and to develop a project.

L. Henry said this is sounding very scary for our community.

R. Rogers said that a lot more information will be coming from the County.

R. Moran thanked the Dist. Manager for being proactive. He was concerned about safety when we try to control nature. He thinks that information getting out to the public regarding safety is the most important facet of the program.

R. Rogers said that the County is focused on early warning for the community.

R. Moran said that rain up here in the mountains is unpredictable and he's happy to see that the County is aware of the possibilities.

S. Swan questioned if the County has developed a plan for public awareness.

R. Rogers said that the County is working on it. He added that he cannot answer technical questions but the meeting is being recorded and we will try to get answers to all questions.

B. Fultz questioned if we can have another meeting on this topic next week.

R. Rogers said that we can do that and Supervisor McPherson is also planning to address this information in a public meeting.

G. Mahood she said that she does not agree with the District/County trying to try to manipulate nature. The early warning is a better plan. Do not take responsibility for an act of God.

L. Ford said he'd like to hear discussion regarding the District protecting its own infrastructure. Our first concern should be to deliver safe water to our rate payers.

G. Nicholls requested that the public address and not use the Chat feature on the Zoom meeting.

E. J. Armstrong said that he appreciates the District. Find somebody to be the point person in this and concentrate on the water district.

B. Thomas questioned whether or not the Fire Dept. and School District are involved.

R. Rogers said that he doesn't know about the School Dist. but the Fire Departments are very involved.

B. Thomas said that she thinks we cannot solely look at the liability.

S. Swan asked if there are plans specifically addressing the District infrastructure.

R. Rogers said that yes, the District is working on diversion control and hardening our structures.

L. Farris questioned if there is an early warning system in place to give us time to evacuate.

R. Rogers said the County is working with USGS to install rain gauges throughout the District.

L. Farris said we should also monitor earth movement.

B. Fultz said safety and property protection is important to Government agencies. Liability is an issue if nothing is done, also.

L. Henry said that there are no easy answers here. This is an act of God we are talking about. What can be done to stop someone from suing the District?

S. Swan we are asking legal questions and we have a legal scholar on the phone.

G. Nicholls hesitates to comment. The key is what can the District do?

S. Swan have you encountered similar situations?

G. Nicholls said that she can try to research that. She believes that the District is doing the best she can with the situation by working with other agencies.

R. Moran said that he thinks that early warning is hard. Debris flows, in his experience, are quick. He thinks an aggressive education program, keeping people informed will be doing something. He lived through a debris flow when he was a child. Make sure that people are safe.

B. Fultz agreed with Dir. Moran. The difference is that we have been informed that there will be a debris flow. The District, the County, and the State need to step up to protect life and property.

L. Farris said soil saturation leads to mudflow. How can we monitor soil saturation?

G. Mahood responded to questions regarding monitoring devices for early warning. The best thing to do is evacuate.

M. Smolley made a comment as a geologist. He said he would identify the areas that are likely to have debris flows, educate the public, and have them prepared to evacuate. K-rail will only work with a very limited debris flow. Educate the public, prepare to evacuate for this season. In the longer term, the District should be looking at other measures.

B. Fultz questioned what should we be educating the public about.

L. Farris made a recommendation that the Engineering Committee schedule a meeting.

Discussion by the Board and staff regarding the Engineering Committee Special meeting.

B. Fultz said that we shouldn't minimize the potential of losing a home.

Discussion by the Board and staff regarding a recommendation by the Board and other agencies.

J. Sherman said that she is on the call tonight to find out about what is happening in individual neighborhoods. Where are the dangers?

J. Furtado said that the County has a map of debris flow potential. Our focus is on our watershed.

G. Mahood said if you look at the WERT report in the agenda you can find your neighborhood.

R. Rogers said that we will be setting up another meeting to keep the Board informed.

3. Adjournment 8:04 pm

Here is a link to the recording of the meeting:

<http://communitytv.org/watch/government-demand/>



**MINUTES OF SPECIAL MEETING
BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
October 29, 2020**

Thursday, October 29, 2020 at 5:30 p.m.

There will not be a physical location for this meeting. Pursuant to the Governor's Executive Order N-29-20 this meeting will be conducted by video/teleconference. The meeting access information is as follows:

Agenda documents are available on the District website at www.slvwd.com subject to staff's ability to post the documents before the meeting.

MINUTES

1. Convene Meeting 5:30 pm

Roll Call: President Swan, Vice Pres. Henry, Director Moran, Dir. Fultz, Dir. Farris were all present.

Staff: R. Rogers-Dist. Manager, G. Nicholls-Dist. Counsel, J. Furtado-Dist. of Operations, C. Blanchard-Environmental Planner, H. Hossack-Dist. Secretary

2. New Business:

- a. **COMMUNITY POWER RESILIENCY ALLOCATION TO SPECIAL DISTRICTS PROGRAM - REPRESENTATIVE AUTHORIZATION**
R. Rogers introduced this item.

C. Blanchard said that 2 weeks ago we received a grant opportunity through CalOES to help fund any money that we have spent for PSPS events in the past. The funds would pay for generators, fuel and other costs. We have until tomorrow to get this submitted to CalOES. We are asking the Board to appoint Rick Rogers-Dist. Manager as the signatory, as we have on past grants, through Resolution No. 5 (20-21).

R. Moran questioned how much we spent on a daily basis for fuel.

C. Blanchard said that J. Furtado could probably answer that question. The grant period is only from July 1, 2020 to October 21, 2021. We are focusing on the generators cost. The grant is for a total of \$300,000 so the generators will use all of the funds.

S. Swan questioned if we can get the money for the generators we have already purchased.

C. Blanchard responded that 2 of the generators were purchased within the time period and we are planning to purchase one additional mobile generator.

H. Hossack noted that the date on the Resolution in the packet is incorrect. The date has been changed to October 29, 2020 on the Resolution.

S. Swan made a motion to adopt Resolution No. 5 (20-21) appointing R. Rogers-District Manager, as the point of contact with Cal OES. The motion was seconded.

All present voted in favor of the motion. Motion passed.

b. LANDSLIDE AND DEBRIS FLOW HAZARD CONDITIONS

R. Rogers introduced this item and read from the memo. The permit process is a notice to other agencies that we are moving forward with the project as an emergency response to the wildfire and the potential for debris flows.

Discussion by the Board and staff regarding the use of barriers, mapping, getting information out to the public, and the choke point on Harmon Creek (the focus of the District).

R. Rogers said that the reason that we are focusing on Harmon Creek is because it is the only choke point on District property.

J. Furtado and R. Rogers explained District responsibility versus County & State responsibilities. All agencies are aware of the Debris Flows and are gearing up for a response in their areas.

B. Fultz was confused about barriers in other creeks.

R. Rogers explained that Harmon Creek is the only stream that was identified as a possibility for leaving the channel.

L. Farris questioned if there has been choke point clearing in the past.

R. Rogers responded that we have done debris flow clearings.

J. Furtado is looking to make sure that all Dist. areas are clear of possible debris flow danger.

B. Thomas questioned if the County identified Harmon Creek as a potential problem.

R. Rogers said that CalFire and Conservation District identified the potential debris flow choke points.

G. Mahood reminded everyone that the report was done quickly. More work is being done by the County Geologist.

R. Rogers said that everyone should follow the County instructions and evacuate if told to do so. Be prepared.

J. Furtado said that CERT team members will be going door to door in the affected areas with more information.

S. Swan asked who the key contact for this information is.

R. Rogers said that any questions should go to the County.

3. Adjournment 6:22 pm

MEMO

TO: Board of Directors

FROM: District Manager

PREPARED BY: Finance Department

SUBJECT: MULTIPLE USER VARIANCE RENEWALS FOR 2020/2021

DATE: November 10, 2020

RECOMMENDATION:

It is recommended that the Board of Directors review this memo and approve a one-year variance from Multiple User Status for the following property owners:

015953-000	006838-000	012426-000	006901-000	006179-000
006282-000	006855-000	014614-000	006933-000	013174-000
006337-000	006979-000	015705-000	006934-000	010856-000
006497-000	007223-000	006196-001	007194-000	006823-000
006512-000	007704-000	006432-000	008357-000	
006560-000	009988-000	006498-000	013523-000	
006659-000	010935-000	006643-000	016441-000	

BACKGROUND:

The Customer Service Department has completed its annual review of the accounts that have been given a variance from Multiple User Status, as provided in the District's Utility Billing Policy. Those who qualify for the exemption are charged the 5/8" monthly basic fee as a single-family dwelling, while those who are multiple users are charged 1" monthly basic service fee.

All accounts from the prior year remained. Removal from the variance list could be because the property changed ownership, the unit was found to be a permanent single-family dwelling both units are occupied, or because the owner failed to send back the necessary compliance form. It is recommended that the accounts listed above and on the attached list be approved for a one-year variance from Multiple User Status. A resolution is attached.

FISCAL IMPACT:

Less than \$7,000

SAN LORENZO VALLEY WATER DISTRICT

RESOLUTION NO. 6 (20-21)

SUBJECT: MULTIPLE USER VARIANCE RENEWALS FOR 2019/2020

WHEREAS, the Customer Service Department has completed its annual review of the accounts that have been given a variance from multiple user status as provided in the Utility Billing Policy; and

WHEREAS, those accounts who qualify for the exemption are charged the 5/8" meter monthly basic fee as a single family dwelling, while those who are multiple users are charged a 1" meter monthly basic service fee; and

WHEREAS, the Board of Directors has reviewed the multiple users variance list and desires to grant approval of a one-year variance from multiple user status;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the San Lorenzo Valley Water District that the accounts listed on the attached multiple user variance list be granted approval of a one-year variance from multiple user status.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of CA, on the 10th day of November, 2020 by the following vote of the members thereof:

AYES:
NOES:
ABSTAIN:
ABSENT:

Holly Morrison, District Secretary
San Lorenzo Valley Water District

MEMO

To: District Manager
From: Acting Engineering Manager
Subject: October 2020 Engineering Department Monthly Report
Date: November 5, 2020

Recommendation:

It is recommended that the Board of Directors review and file the Engineering Department Monthly Report for October 2020.

Projects in Construction:

Lompico Tank Replacement: Work on the Lompico Tank Replacement Project with our contractor, Anderson Pacific, is continuing. Lewis tank site, the two new tanks are erected and final touches are being complete to begin filling. System Piping, Paving, and Fencing are in progress. Madrone tank site, the two new tanks have been filled and tested, they are in progress of being put in to beneficial use. Paving and Fencing are in progress along with power for communications. The contractor will be moving in to the Kaski site to begin Demo and excavation in the beginning of November. Great progress is being made on this project and is on schedule.

2020 Pipeline Replacement Project: The Hillside and Reynolds site in north Boulder Creek is progressing. Trenching and main line pipe placement has been complete. Pressure testing, final connections, Hydrant runs, and service laterals will be complete in the first two weeks of November.

California Drive site in Ben Lomond is in process. The contractor has started staging, saw cut the asphalt for the layout of the piping, and is in progress of potholing all existing services and utilities. Trenching and piping is planned to begin the first week of November.

Projects in Design:

Water Master Plan: Akel Engineering is progressing with the District Water Master Plan. We are currently waiting on the collected District wide data to be populated in to the Plan. Completion of the Water Master Plan is forecasted for December 2020.

Glen Arbor Bridge Water Main Replacement Project: Work on the design of the Glen Arbor Pipeline is continuing. Preliminary alignment plans have been submitted by the designer and reviewed by staff. The consultant is working with County and State personnel regarding encroachment permits.

Redwood Park (Swim) Tank Replacement: Environmental review for the tank project has been in process. A draft IS-MND was submitted to the District for review, the review is complete and all information was forwarded back to Rincon Environmental. Work is continuing and progressing.

Lyon Slide Project: Contracts have been signed and a Notice to Proceed has recently been issued to Rincon Environmental for the environmental review of the Lyon Slide Project. A draft IS-MND was submitted to the District for review, and District staff is in progress of review.



TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, District Counsel

DATE: November 5, 2020

RE: Legal Department Status Report
502665-0001

I have been asked by the San Lorenzo Valley Water District (“District”) to provide information about the District’s legal expenditures in a format that is suitable for public disclosure.¹ Since the last legal department status report dated October 15, 2020, the most significant broad categories of expenses arise from providing legal advice and support in the following areas, listed in descending order of their approximate significance in terms of cost to the District:²

- Issues related to debris flow response
- Board meetings
- Personnel/employment
- District policies & procedures
- Contracts & real property
- Insurance coverage & FEMA funding
- Other

¹ Legal work performed for the District is confidential and privileged. Accordingly, the information provided herein is written in broad and general terms to avoid waiver and any disclosures that might compromise the District’s interests in pending or future legal matters.

² List includes general and special counsel work by Nossaman and other law firms, if any, representing the District; however, it excludes any such work performed by counsel appointed and paid by the District’s insurance providers (i.e., counsel not paid by the District).

Memorandum
November 5, 2020
Page 2

The most significant areas of effort over the next month are likely to include the following:

- Contracts & real property
- District policies & procedures
- Board meetings
- Insurance coverage & FEMA funding
- Personnel/employment

Holly Hossack

From: Gail Mahood <gamahood@icloud.com>
Sent: Monday, November 09, 2020 5:49 AM
To: Holly Hossack
Subject: Letter to SLVWD Directors concerning procedure to fill open Director position considered at November 9 special meeting

RECEIVED

NOV 09 2020

SAN LORENZO VALLEY
WATER DISTRICT

November 9, 2020

Board of Directors (c/o Board Secretary Holly Hossack hhossack@slvwd.com)
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006

Dear Directors Farris, Fultz, Henry, and Moran,

I am writing as a Director-elect regarding the procedure the Board will consider at a special meeting on Nov. 9, 2020 for filling the current vacancy on the Board. I urge the outgoing Board to fulfill its fiduciary responsibility and commitment to transparency and good governance by voting to fill the position by appointment, and to adopt a timeline of advertising the open position and evaluation of applicants that proceeds at a normal pace, resulting in a final vote shortly after the newly elected members of the Board are sworn into office on December 7, 2020.

The option of holding a special election should be rejected out of hand. SLVWD has no precedent for filling vacancies by election, and the current Board had no difficulty filling two open positions by appointment. Spending \$80,000 to conduct an unnecessary special election would be fiscally irresponsible, especially given the fragile financial position of the District due to COVID-related loss of revenues and the enormous costs incurred rebuilding after the CZU Fire.

In filling the vacant position, the results of the recent election should be respected. The voters' priorities are best represented by those they just elected. Tina To and I were elected by large margins over the other candidates, ■ one of whom is on the existing Board. We should participate in the decision to fill the vacant seat, rather than the outgoing two directors, who were appointed rather than elected.

Please follow the precedent that your Board and previous Boards and established, and please honor and respect the will of the voters expressed in the recent election: Schedule the solicitation of applications for the vacant Board position and appointment of the new Board member so that Tina To and I, as the newly elected Directors, participate in the selection process.

Sincerely,
Gail Mahood
910 Jenny Way
Felton, CA 95018

Holly Hossack

From: joniwords@aol.com
Sent: Sunday, November 08, 2020 11:40 PM
To: Holly Hossack
Subject: letter for Board of Directors for special meeting on 11/10/20

RECEIVED

NOV 09 2020

SAN LORENZO VALLEY
WATER DISTRICT

To the SLVWD Board of Directors,

I am writing to urge you to take the most fiscally responsible, honorable, and community-responsive approach to replacing Steve Swan on the SLV Water District Board of Directors.

I understand there are a few ways the vacancy can be filled, and it matters deeply how this is handled.

(1) I urge you NOT to choose the option of holding a special election to fill the seat. The option to hold a special election would be fiscally irresponsible and astonishingly illogical for the following reasons:

* The estimated cost (\$80,000) would be unjustifiable given the present difficult financial situation for the SLV Water District, which was challenging before the fire and much worse in its aftermath. I can't imagine the Board choosing this option given the public pledges present Board members have made to keep costs as low as possible to protect the financial interests of the ratepayers.

* The turnout in our recent election was strong, with a clear will of the voters expressed in their voting patterns. A spring election with only the water district on the ballot would likely result in far lower turnout and therefore result in a less accurate representation of what voters want.

* That would be a really long time to go with a four-person Board, which could result in too many split votes on important decisions as well as extra burdens on Board members with regard to committee service.

* A special election would be completely inconsistent with the recent history of how the Board has handled resignations in the middle of someone's term. The precedent has been to do it by appointment.

(2) I urge you to select the new Board member by appointment, but NOT before the newly elected members of the Board, Gail Mahood and Tina To, are sworn in as Board members and able to vote on the appointee. That is the only logical, fair, and honorable way to handle this vacancy.

To rush through an appointment before Gail and Tina are on the Board would clearly appear to the public as a sneaky way to thwart the dramatically demonstrated will of the voters, who less than a week ago gave more than 9,100 votes to Gail Mahood and over 5,000 votes to Tina To, choosing those two women to represent the community and voters' interests in the SLV Water District. Together, Gail and Tina had twice the vote count of the other two candidates combined, and it would be completely inappropriate so soon after the election for a decision of this importance to be rushed through in order to prevent Gail and Tina from being part of the decision. I can't imagine any of you would vote to do something that underhanded, but I bring it up proactively to emphasize how badly that would look to the community in case any of you was even pondering it.

The Board and staff are surely capable of coming up with a timeline that would allow the newly elected Board members to vote on the appointed member who will be working with them. Even if this involved special meetings of the Board of Directors, that would be perfectly reasonable given how many unscheduled meetings have been recently held and how shady it would look to try to push through an appointment before Gail and Tina are sworn in and how fiscally irresponsible (among other things) it would be to hold a special election for the position in the spring.

Thank you in advance for voting to do the fiscally responsible thing and to honor the will of the voters of San Lorenzo Valley by allowing for Steve Swan's position on the Board to be filled by an appointee voted on by Gail Mahood, Tina To, Lois Henry, and Bob Fultz. Every community member I've spoken with about this agrees that's the right approach.

Sincerely,

Joni Martin
Felton

RECEIVED

NOV 08 2020

SAN LORENZO VALLEY
WATER DISTRICT

275 Farmer Street
Felton, CA 95018

November 8, 2020

Board of Directors
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
c/o Board Secretary Holly Hossack hhossack@slvwd.com

Dear Board of Directors:

Please allow the newly elected directors Gail Mahood and Tina To to participate in the appointment of a new director to fill Director Swan's vacancy. Our community and Ms. To and we trust their judgment.

Sincerely,

Robin duSaint

Robin duSaint

Jon duSaint

Jon duSaint

Holly Hossack

From: Valerie Ahlgren <valahlgren@outlook.com>
Sent: Sunday, November 08, 2020 10:06 PM
To: Holly Hossack
Subject: Filling open Board position

RECEIVED

NOV 08 2020

SAN LORENZO VALLEY
WATER DISTRICT

To: The Board of Directors of the San Lorenzo Valley Water Board

Regarding: The recent resignation of Director Steve Swan and the choices available for filling the position left vacant:

Of the options available to the existing Board of Directors for filling the recently vacated Board seat, that which provides for waiting until applicants have time to apply for consideration of appointment, and providing for the newly elected members to be seated and ready to participate in the selection of the new Board member is clearly the most responsible, honorable, and realistic choice available.

I strongly urge the Board members to choose that course of action demonstrating the respect of your Board in honoring the will of the electorate. The rate payers, the voters, have elected Gail Mahood and Tina To as the new Board members charged with participating in guiding the policies and administration of this essential local public works entity. They should be rightfully included in the process of selecting the appointment of the newest member of the Board.

Respectfully yours,
Valerie E. Ahlgren, SLVWD Rate Payer

November 8, 2020
Board of Directors
San Lorenzo Valley Water District

RECEIVED

NOV 03 2020

SAN LORENZO VALLEY
WATER DISTRICT

Dear SLVWD Directors:

I am writing regarding the vacancy on the SLVWD Board that Director Steve Swan's move out of SLV has created. Given the very short time before two more Directors vacate the Board, I do not think it sensible for the current Directors to rush to make the appointment to fill this vacancy. I do think it is appropriate to allow the newly elected Directors to be seated so they can take part in the review of persons interested in joining the SLVWD Board. This will also give community members a little more time to prepare and apply for consideration as an appointee. A larger pool of candidates can only be to the good. The Board has 60 days from the announcement of the vacancy, to review applications and appoint a new Director. There should be enough time after certification of election results and before Jan. 4th for review and a Board meeting.

I do not support the notion of waiting and holding a special election, which could cost the District between \$60K - \$80K. I know the district sorely needs those funds for repairs to infrastructure from the CZU fires, and in preparing for possible debris flows this winter.

Thank you for taking these points into consideration when making your decision,

April Zilber
Felton ratepayer

Holly Hossack

From: Mark Stephens <mark@markstephensyoga.com>
Sent: Monday, November 09, 2020 9:01 AM
To: Holly Hossack
Subject: Board Action on Steve Swan's Replacement

San Lorenzo Valley Water District Board of Directors
c/o Board Secretary Holly Hossack hhossack@slvwd.com
13060 Highway 9
Boulder Creek, CA 95006

Dear SLVWD Directors,

In the wake of Steve Swan's sudden resignation from the SLVWD Board, please honor the will of the District's voters by allowing his replacement to be selected after seating the two just-elected Board Members, Gail Mahood and Tina To. Just as their clear and decisive victories reflect the will of the people, the choice of Steve's replacement should be made with their involvement rather than by those just voted out of office.

Sincerely,

Mark Stephens
6394 Ashley Street
Felton, CA 95018

(831) 331-3955

November 8, 2020

Board of Directors
San Lorenzo Valley Water District
13060 Highway 9 Boulder Creek CA 95006
c/o Board Secretary Holly Hossack hhossack@slvwd.com

RECEIVED

NOV 03 2020

SAN LORENZO VALLEY
WATER DISTRICT

Dear SLVWD Directors:

We are writing regarding the procedure the Board will adopt for filling the vacancy on the Board resulting from Director Steve Swan's move to Texas. We respect the Board's decision to declare the seat vacant based on Director Swan's move out of state. The vacancy creates a challenging situation for the district.

The District's counsel, Gina Nicholls, has stated that the Board has three options for filling the vacancy:

1. Announce the vacancy to the public and solicit applications for the position to be accepted during the next 15-30+ days. Schedule the date for reviewing the applications and selecting the new appointed director so that the new Board that includes the recently elected directors – Gail Mahood and Tina To – can participate in the selection. The Board has 60 days from the announcement of the vacancy to fill the position.
2. Use the application and appointment process but accelerate the timetable so that the outgoing Board rather than the new Board with the two newly elected directors make the selection.
3. Do not fill the position by appointment and call a special election, which will occur in early May and cost \$80,000.

Option #1 is clearly the superior choice for making an appointment rather than Option #2. First, it provides sufficient time to maximize the chances of soliciting the best qualified candidates. We are entering the holiday season, when people are more likely to overlook communications from the district. Second, the results of the recent election should be honored and respected. The two newly elected Board members should participate in the decision rather than the outgoing two directors, who themselves were appointed rather than elected.

We note that this Board, when deciding the timeline for appointing a new director following Director Smallman's resignation, decided to extend the time for application submittal so that as many applicants as possible could be encouraged to apply. Indeed, Director Fultz made the motion to extend the application deadline at the Board's July 23, 2019 meeting, which was unanimously supported by both the Board and those ratepayers in attendance.

Option #3, to hold a special election in May 2021, should be rejected for the following reasons:

- An election is a waste of resources; the \$80,000 should be reserved for the pressing needs of the district during this challenging post-fire period.
- The Board is perfectly capable of appointing a qualified person to fill this seat for two years, as demonstrated by its previous appointments in 2019.

- The Board and district need a full Board; a 6 to 7-month delay in seating a fifth member is detrimental to the District.
- Special elections are not only expensive and a waste of resources, they have notoriously low voter participation, resulting in outcomes that reflect the priorities of a small minority of voters.
- Our focus should be on addressing the pressing needs of the District. We have just had a campaign in which two new directors were elected by dramatic margins over the other candidates, one of whom is on the existing Board. It is entirely appropriate for those wishing to serve to submit their applications to the new Board and have the new Board make the selection rather than mount an expensive campaign. The voters' priorities would clearly be represented by those they just elected.

SLVWD has no precedent for filling vacancies by election rather than appointment. In fact, the current Board has made two appointments, both occurring relatively soon after an election. When Margaret Bruce resigned in March 2019, four months after the previous election, this Board rejected the election option at its April 4, 2019, meeting. Director Fultz provided the reason for this decision, stating: "If the Board were to wait for the November election, the District would pay for the 2019 election and again for the 2020 election." There was no further discussion. When Director Smallman resigned three months later, the Board did not even consider the election option at its July 23, 2019 meeting.

Please follow the precedent that your Board and previous Boards and established, and please honor and respect the will of the voters expressed in the recent election: Schedule the solicitation of applications for the vacant Board position and appointment of the new Board member so that the newly elected directors participate in the selection process.

Respectfully submitted,

Elaine and Michael Fresco
Peter Gelblum
Karen Holl
Michael Loik
Jim and Michele Mosher
Rebecca and Scott Rubin
Barbara Sprenger
Allison Bates
Michael Stephens

Holly Hossack

From: Pamela Freitas <pamelafreitas@sbcglobal.net>
Sent: Monday, November 09, 2020 10:40 AM
To: Holly Hossack
Subject: Opposition of Option #3 Special Election

RECEIVED
NOV 09 2020
SAN LORENZO VALLEY
WATER DISTRICT

Dear SLV Water Board,

I would like to let the board know that we are strongly opposed to holding a special election to replace the director vacancy. This would be a tremendous waste of much needed financial resources and is not needed. We believe the board is fully capable of appointing the director and a precedent has already been set for this. Thank you for considering our opinion.

Sincerely,

Pamela & Steve Freitas
10245 Riverside Drive
Ben Lomond, CA 95005

831 566 9814

November 9, 2020

Board of Directors
San Lorenzo Valley Water District
13060 Highway 9 Boulder Creek CA 95006
c/o Board Secretary Holly Hossack hhossack@slvwd.com

RECEIVED

NOV 09 2020

SAN LORENZO VALLEY
WATER DISTRICT

Dear SLVWD Directors:

We are writing regarding the procedure the Board will adopt for filling the vacancy on the Board resulting from Director Steve Swan's move to Texas. We respect the Board's decision to declare the seat vacant based on Director Swan's move out of state. The vacancy creates a challenging situation for the district.

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2. Use the application and appointment process but accelerate the timetable so that the outgoing Board rather than the new Board with the two newly elected directors make the selection.
3. Do not fill the position by appointment and call a special election, which will occur in early May and cost \$80,000.

Option #1 is clearly the superior choice for making an appointment rather than Option #2. First, it provides sufficient time to maximize the chances of soliciting the best qualified candidates. We are entering the holiday season, when people are more likely to overlook communications from the district. Second, the results of the recent election should be honored and respected. The two newly elected Board members should participate in the decision rather than the outgoing two directors, who themselves were appointed rather than elected.

We note that this Board, when deciding the timeline for appointing a new director following Director Smallman's resignation, decided to extend the time for application submittal so that as many applicants as possible could be encouraged to apply. Director Fultz made the motion to extend the application deadline at the Board's July 23, 2019 meeting, which was unanimously supported by both the Board and those ratepayers in attendance.

Option #3, to hold a special election in May 2021, should be rejected for the following reasons:

- An election is a waste of resources; the \$80,000 should be reserved for the pressing needs of the district during this challenging post-fire period.

- The Board is perfectly capable of appointing a qualified person to fill this seat for two years, as demonstrated by its previous appointments in 2019.
- The Board and District need a full Board; a 6 to 7-month delay in seating a fifth member is detrimental to the District.
- Special elections are not only expensive and a waste of resources, they have notoriously low voter participation, resulting in outcomes that reflect the priorities of a small minority of voters.
- Our focus should be on addressing the pressing needs of the District. We have just had a campaign in which two new directors were elected by large margins. It is entirely appropriate for those wishing to serve to submit their applications to the new Board and have the new Board make the selection rather than mount an expensive campaign. The voters' priorities would clearly be represented by those they just elected.

SLVWD has no precedent for filling vacancies by election rather than appointment. In fact, the current Board has made two appointments, both occurring relatively soon after an election. When Margaret Bruce resigned in March 2019, four months after the previous election, this Board rejected the election option at its April 4, 2019, meeting. Director Fultz provided the reason for this decision, stating: "If the Board were to wait for the November election, the District would pay for the 2019 election and again for the 2020 election." There was no further discussion. When Director Smallman resigned three months later, the Board did not even consider the election option at its July 23, 2019 meeting.

Please follow the precedent that your Board and previous Boards have established, and please honor and respect the will of the voters expressed in the recent election: Schedule the solicitation of applications for the vacant Board position and appointment of the new Board member so that the newly elected directors participate in the selection process.

Respectfully submitted,

[See list of 66 signators on following page.]

Note: The ratepayers who have signed this letter do so as individuals who do not represent any particular group or organization in the San Lorenzo Valley.

Roz Alley
Arnold Ammann
Karah Ammann
Joyce Anue
Allison Bates
Traci-lin Buntz
Sabrina Diminyatz
Ysraelya Dolinger
Mia L. Dubé
Tom Dwyer
Cynthia Dzendzel
Clara Elliott
Larry Ford
Elaine Fresco
Mike Fresco
Brian Frus
Peter Gelblum
Nancy Gerdt
Jennifer Gómez
Leo Gómez
Mira Haslam
Jennifer Hicklin
Karen Holl
Inga Knudson
Bryan Largay
Hilde Largay
Brenda Leach
Linnea Leopold
Michael Loik
Megan Lonsdale
Paul Machlis
Barb Matessa
Mike Matessaj

Jim Mosher
Michele Mosher
Robin Musitelli
Bob Namba
Pat Namba
Cori Nickel
Ryan Nickel
Grace Pollak
Katelyn Praly
Kristin Praly
Daniel Reedy
Lauren Reedy
Diego Rocamora
Sara Rosenquist
Becca Rubin
Scott Rubin
Brian Sanford
Kelly Sanford
Marc Shargel
Sally Sherriff
Rachel Shupe
Sara Siegel
Barbara Sprenger
Michael Stephens
Angelica Stretch
Lee Summers
Lea Watson
Lauren Weyhe
Beatrice White
Carl White
Nickie Wordsworth Thomson
Lauren Weyhe
Donna Ziel

Holly Hossack

From: Hansen, Mark <MHansen@prologis.com>
Sent: Monday, November 09, 2020 1:53 PM
To: Holly Hossack
Subject: November 10 SLVWD Board of Directors meeting re. method of replacing Steve Swan

RECEIVED

NOV 09 2020

SAN LORENZO VALLEY
WATER DISTRICT

Dear SLVWD Board of Directors,

I recently learned about the resignation of Steve Swan and the Board of Directors' decision to set the vacancy date of Mr. Swan's Board seat as of November 5.

I understand there are a few ways the vacancy should be filled, and I wanted to write to let you know that in my opinion there is only one proper option for how to address this given that we just had an election in which two candidates had such an overwhelming win that clearly represented strong will of our San Lorenzo Valley voters.

I would assume that, given the District's financial challenges especially after the fire and given the fact that present Board members have repeatedly made statements about the importance of keeping costs down, that the present Board members would not push to have a special election to fill this seat. That would be ludicrous and wasteful. And it would make no sense given how long the seat would have to remain unfilled until a special election could be held, and no good argument could be made for doing that since no recent Boards have chosen that method of replacing resigning Board members.

Given that the only logical approach would be to fill the seat by appointment of a qualified applicant (vs. a costly special election), and given the dramatic numbers supporting Gail Mahood and Tina To in the election that ended less than a week ago, I would further say that it would be unethical for the present Board to try to quickly fill the seat before Gail Mahood and Tina To are sworn in on the Board and able to vote on that appointment.

There is no justifiable reason to rush an appointment in such a way that Gail and Tina can't participate in the selection.

Mark Hansen
Felton resident (SLV Water ratepayer for 30 years)

Mark Hansen | Managing Director, Investment Officer
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