

BOARD MEETING  
APPROVED MINUTES

May 25, 2010

DIRECTORS PRESENT: President Dan Wilkins, Vice President Ron Treabess  
Directors Lou Reinkens, Judy Friedman and Erik Henrikson

STAFF PRESENT: Cindy Gustafson, General Manager  
Jim Dykstra, Director of Accounting & Employee Services/Treasurer  
Matt Homolka, District Engineer  
Tony Laliotis, Director of Utilities  
Bob Bolton, Director of Parks and Recreation  
Mike Sexton, Legal Counsel  
Ginger Charlton, District Clerk

**A. CALL TO ORDER**

President Wilkins called the meeting to order at 5:00 pm and led the audience in the Pledge.

**B. AGENDA AMENDMENTS AND APPROVAL**

1. Agenda Deletions, Changes, and Audience Requests

President Wilkins suggested that item #32, Public Employee Evaluation, be moved to the beginning of closed session so that Director Henrikson could leave afterwards.

2. Additions to Agenda

Mr. Sexton asked to add an emergency item on anticipated litigation to the closed session agenda. He explained that he would like the Board to decide whether to intervene in a lawsuit involving a pipe manufacturer that was filed by the State Attorney General under seal. Although the case has been filed for a long time, it was only just recently that the case became active, and we are advised that the presiding judge now wants to move the case forward. In that regard, the judge wants those parties that desire to intervene to do so. As the District used some of the pipe that was manufactured by the defendant, the Board needs to decide if the District should intervene.

**Motion to add an emergency item: Treabess/Henrikson/5-0**

3. Approval of Agenda

**Motion to approve the agenda as amended: Reinkens/Henrikson/5-0**

**C. PUBLIC FORUM**

Richard Whitaker asked to speak about a refund he is requesting from the District. He explained his situation and asked for the Board's assistance. Ms. Gustafson said that Mr. Whitaker sent her a letter a month ago and she apologized for the delay in dealing with this. She will deal with his protest this month and advise him if he needs to do anything further.

**D. RECOGNITION**

4. Dan Lewis – 10 Year Service Recognition

Mr. Laliotis reviewed Dan's history with the District and said that he shows loyalty, respect, and drive to improve himself and the District. Mr. Olsen and Ms. Gustafson added that he has a huge work ethic and has exceeded everyone's expectations in his move to Supervisor.

5. Brad Stocking – 20 Year Service Recognition

Mr. Laliotis reviewed Brad's history with the District and said that he is a valuable resource to the District. Mrs. Lochridge said that Brad is a wealth of information and takes customer service to heart. Ms. Gustafson thanked him for being shop steward for five years and said that he has been a great facilitator of discussion during negotiations. Director Henrikson added that he sees Brad out in the field and he does a great job with customers.

Jim Dykstra introduced Jill MacGregor, the newly hired Account Clerk II. He gave her history and welcomed her to the District.

**E. FINANCIAL**

6. Update on State Budget by Doug Houston

Ms. Gustafson introduced Mr. Houston and noted that he has been the District's lobbyist since 1994. Mr. Houston reported on the Governor's May Revised Budget and other legislative issues and answered questions of the Board.

**F. PROJECTS**

All items covered under consent calendar.

**G. SEWER AND WATER UTILITIES**

All items covered under consent calendar.

**H. PARKS AND RECREATION**

7. Snow Storage Report for Winter of 2009 - 2010

Mr. Bolton reviewed the history of snow storage at TCPUD in the past year and noted that it went very well. He said that this item was reviewed at the Parks and Recreation Committee and both the Committee and staff recommend that we continue with snow storage the same as last year for one more year; have the community set up a task force; have the contractors commit to snow storage contracts by October; and ask for some trade off from the contractors for using the District's land for snow storage. Ms. Gustafson added that Peter Krautz from Placer County was at the Parks & Recreation/Community Issues meeting and he said that once the Transit Center is in place, the County should possibly play a role with snow storage. Ms.

Gustafson noted that someone else from Placer County called the District and said that the County doesn't see a role to be involved in snow storage. Traffic, the amount of snow that could be held, permits, and multiple sites were all discussed.

David "Johnny B" Rutter asked why the District is only allowing snow storage for one additional year. Mr. Bolton said that we don't know if this solves the problem and there needs to be a permanently permitted site with more capacity.

Jan Brisco said that the community is going to take this issue out of the public sector and put it back in the private sector where it belongs. She is helping to put together a community task force consisting of business owners, land owners, agencies, and snow removal contractors to handle the issue. TCDA, Placer County, and Redevelopment will be the three key agencies they will work with, but they want the fire department to continue to participate in some fashion. She said that she appreciates the help from TCPUD in the past and would like to keep our property available in case it's needed.

Ms. Gustafson thanked Ms. Brisco for stepping forward on this issue and said that this Board took action previously to ask the County to take more of a role. She said the Board has been trying to educate the County on the limitations in this area and will continue to do so.

Mr. Sexton said that he has an opinion that the Board shouldn't be doing snow storage.

**Motion to continue to allow the use of TCPUD property for a second year for snow storage: Henrikson/Reinkens/5-0**

8. Placer County Parks Maintenance Agreement

Ms. Gustafson said that under Board direction staff met with Placer County Park staff in February to obtain additional funding for the maintenance of Lake Forest Beach, Heritage Plaza, and Commons Beach. They requested a list of actual annual maintenance costs for these facilities which staff has put together for this packet. Ms. Gustafson would like the County to fund the maintenance of County facilities as well as establishing reserve accounts for the parks facilities. Director Henrikson voiced his opinion that when the District is paying much more for the maintenance of Placer County facilities than it is getting back, perhaps the District should give them back. Mr. Bolton said that decreasing the level of maintenance on the facilities is also an option.

Mr. Bolton asked for the Board's opinion on how aggressive staff should be in terms of negotiating posture with the County. The Board held a discussion on their feelings about this issue and gave direction to staff to show the County what the District is spending and tell them that the Board wants to see more money.

**I. CONSENT CALENDAR**

Director Henrikson asked to pull items #9 and #11. Mr. Bolton asked to pull item #14. Mr. Laliotis asked to pull item #17.

**Motion to approve remainder of calendar: Henrikson/Reinkens/5-0**

9. Minutes

- Parks and Recreation Committee Meeting – March 10, 2010
- Finance Committee – April 16, 2010

- Board Meeting – April 23, 2010

Regarding the minutes of the April 23<sup>rd</sup> Board meeting, Director Henrikson asked to have his vote on the adoption of the Resolution of Necessity for Tahoe Park Water Company changed from abstain to absent.

**Motion to approve minutes as amended: Henrikson/Reinkens/5-0**

10. Finance Report
11. General Manager and Staff Reports
  - a. General Manager
    - Director of Utilities
    - District Engineer
    - Project Status
    - Technical Services
  - b. Director of Parks and Recreation
    - Parks Superintendent
    - Recreation Superintendent

Director Henrikson asked if the District is receiving American Recovery Act Funds. Mr. Homolka replied that we receive them through STPUD. Ms. Gustafson added that Senator Feinstein is not supporting any of our grant requests for this year.

Director Henrikson said that Lake Forest Beach has signs that say “no dogs allowed” but there are dog disposal bags nearby with no trash can. He requested a trash can and environmental issue signs. Mr. Bolton said those signs are ready to go but they haven’t been posted yet. He will work on the trashcan.

Director Henrikson asked that the list of special interest classes being held at Rideout be revised so that it makes more sense.

Director Friedman said that she hears community members saying they want to play pickle ball and she wanted to make sure that people who attended the class in the past were called regarding new classes. Mr. Bolton said they were.

Regarding the General Manager’s report, Director Reinkens asked for clarification on contracting out with Steve Teshara. Ms. Gustafson responded that, based on State budget issues that are potentially coming back to this District, she is recommending the strategy to not rehire the Director of Development and Public Information immediately. She has a desperate need for additional support staff with TRPA issues and is contracting with Mr. Teshara in the interim. Mr. Teshara is also looking for potential funding sources and may be doing some grant writing on a contract basis.

**Motion to approve item #11: Henrikson/Reinkens/4-0 (Director Treabess absent)**

12. Progress Pay Estimate No. 1 – Lower Tahoe Tavern Heights Distribution Project
13. Lease Agreement for Rideout Playground Property
14. Rideout Community Center Repaving Project Agreement with Tahoe Truckee Unified School District

Mr. Bolton said that he is coming to the Board for approval of the agreement with TTUSD because the costs went up \$6,601.50 from the approved 2010 capital budget. He explained that it has been determined that grinding the existing asphalt and repaving is the recommended method for the parking lot instead of the 4" overlay that was in the 2010 budget. He is requesting that the additional money come from the \$22,000 savings realized by the lower cost mower purchase approved last month.

**Motion to approve reimbursement of an amount equaling 10% of the project cost not to exceed \$36,601.50: Reinkens/Treabess/5-0**

15. Dollar Property Ski Trail License Renewal with California Tahoe Conservancy
16. Tahoe Cross Country Revised Concession Contract
17. Cross-Connection Policy

Mr. Laliotis reviewed the policy and said that we have had very good compliance in the past. In 2009, 12 assemblies were not tested and staff wants to solidify the process of dealing with non-compliance. Mr. Laliotis reported that Mrs. Lochridge worked with legal counsel to outline a procedure which has gone to the Water and Sewer Committee. Mrs. Lochridge reviewed the changes to the policy made by legal counsel and then the Sewer and Water Committee, answered questions of the Board, and requested approval. Several options to handle the problem of units that don't get tested annually were discussed along with a customer survey. Mr. Laliotis asked that this policy be implemented now with review in a year to see if it's working.

**Motion to approve the amended Cross-Connection Policy: Henrikson/Reinkens/5-0**

**J. RESOLUTIONS**

18. Resolution Declaring an Election Be Held in its Jurisdiction; Consolidation with Other Districts Requesting Election Services (El Dorado County)
19. Resolution Declaring an Election be Held in its Jurisdiction; Requesting the Board of Supervisors to Consolidate this Election with any Other Election Conducted on Said Date: and Requesting Election Services by the County Clerk (Placer County)

Mrs. Charlton reviewed the bi-annual resolutions from El Dorado and Placer Counties and recommended approval.

**Motion to approve Resolutions #10-18 and #10-19: Treabess/Friedman/5-0 by roll call vote**

20. Resolution Approving and Authorizing Execution of Agreement with the County of El Dorado for Collection of Special Taxes, Fees, and Assessments FY 2010/2011 (El Dorado County)
21. Resolution Requesting Collection of Charges on Tax Roll for Tax Year 2010/2011 (Placer County)

Mr. Dykstra explained that these are annual resolutions for El Dorado and Placer County which enable them to collect fees through the property tax process.

**Motion to approve Resolutions #10-20 and #10-21: Reinkens/Friedman/5-0 by roll call vote**

22. Resolution to Call for Bids – Lakeside Trail Phase VII

Mr. Homolka said there was not enough coverage mitigation for the entire trail for Phases V, VI, and VII and they have decided to proceed with Phase VII since there is enough coverage mitigation and funding for it. The project is contingent on a couple of issues but Mr. Homolka doesn't believe there will be a problem.

**K. Motion to approve Resolution #10-22: Henrikson/Reinkens/5-0 by roll call vote GENERAL**

23. Video Recording of Board Meeting – Granicus, Inc.

Ms. Gustafson said that the last meeting was recorded and a link sent to Board members for review. She recommends video recording to enable transparency for customers and to allow second homeowners a chance to watch the meetings. The Board discussed action-only minutes and it was suggested that action plus a brief paragraph about what led to the action should be the goal. Ms. Gustafson reviewed the costs and noted that other groups may want to use the system and could share costs. Director Henrikson asked that the meetings still be digitally recorded for backup.

**Motion to approve proceeding with contracting with Granicus for webcasting, minute's annotation, and integrated public records: Reinkens/Friedman/5-0**

24. Strategic Plan

Ms. Gustafson passed out the most recent draft of the plan and said that she would like to look at adoption in June. She asked if the Board would like to have special workshop on this or bring it to the June agenda to walk through it in a more detailed presentation. Director Wilkins suggested planning to agendize it for the June meeting but if after review, individual Board members felt that there would be value in having a special workshop, they should call the General Manager before June 11<sup>th</sup>. Ms. Gustafson will decide how to proceed based on input. She added that photos will be included in the final copy and the Board will be asked to sign the introductory letter in the plan.

25. Reports

Mr. Laliotis reported that there was an electrical short at the Rubicon Pump Station. Several splices were found and staff is working on it now.

Mr. Laliotis reported that the GPS system on vehicles was installed and is in operation.

Mr. Bolton reported that there are still capital funds remaining from playground purchases which can be applied to the upgrade to ADA restrooms at the Highlands Community Center. The Cross Country group is getting a design and construction costs ready so that we can apply to the State.

Mr. Bolton reported that the Farmers Market should start this Thursday but the growers may not have their produce yet and it may snow.

Ms. Gustafson reported that the reception that was held for the Board of Supervisors was well received and provided a great opportunity to talk to them.

Ms. Gustafson handed out information on the T.O.T. tax.

Ms. Gustafson said that the District got word from PCWA that they granted TCPUD \$20,000 for the seismic evaluation of our tanks in Placer County.

Ms. Gustafson said that PCWA's revenues have gone up tremendously and we should push for more money for the financial assistance program.

Ms. Gustafson said that she got a call from Dennis Caulking. El Dorado County Water Agency has reduced overhead cost and put more money into their financial assistance program. We will be applying for more grants from them.

Ms. Gustafson attended a meeting with the PUC in San Francisco. She went with representatives from Homewood Mountain Resort to talk in general about how they will deal with water for their resort development. She said the PUC wasn't very helpful and they didn't have any good suggestions. Afterwards, the gentleman in charge of small water systems e-mailed and said he understands the predicament and is working with Homewood on options. After the meeting Ms. Gustafson spoke with David Tiereman and Homewood's legal counsel about the effort to build a joint water facility at their South Lodge. Homewood will be researching whether they can serve themselves up to their North Lodge if they partner with us.

#### 26. General Correspondence

There was no comment.

#### 27. Board Follow-up

There was no comment.

### **L. DIRECTOR'S FORUM**

#### 28. Director's Comments and Correspondence

Director Friedman thanked staff for putting together the meetings with TCDA and NTPUD. She said they went smoothly and people in the community are saying they are historical.

### **M. MEETING REVIEW AND STAFF DIRECTION**

Ms. Gustafson reported the following:

- Staff will bring back the Whitaker appeal if she can't resolve it.
- Staff will proceed with negotiations with the County presenting all the information and letting them know long term where we would like to head in their funding participation with County-owned facilities.
- Staff will look at an asset management plan for the parks facilities.
- Staff will get a garbage can near the dog mitt station at Lake Forest Beach.
- Staff will revise the chart on recreational activities and who is offering the classes.
- Staff will look at back flow issues after a survey is done this summer and come back with recommendations if the Board wants to further change the policy.

- Staff will proceed with video recording meetings but back it up with digital recordings. Staff will find out the backup system for their files.
- Staff will do reduced minutes instead of action-only minutes.
- Staff will try to get some of the video recording costs reimbursed by others using the room.
- Board members will call Ms. Gustafson by June 11 if they want a special workshop on the Strategic Plan.
- Staff will find out if there is any state mandate reimbursement money for the video taping of meetings.

**N. CLOSED SESSION**

Added item: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54957.1: One potential case

30. Eminent Domain Proceeding of Lake Forest Water Company

31. District Negotiators: Tony Laliotis, Jim Dykstra, Harold Morgan, and Dennis Viglione

Negotiating Party: Rick Dewante

District negotiators will be given instruction concerning whether the District will seek to purchase the water company and, if so, price and terms of such purchase.

32. General Manager

**O. CLOSED SESSION REPORT**

Added item: The Board met with counsel to decide whether to intervene in United States, ex rel. Hendrix v. J-M Manufacturing Co., Inc. No. ED CV06-0055-GW. The Board decided not to intervene.

30. Counsel and staff briefed the Board on the status of the process.

31. Tony Laliotis briefed the Board on discussions with the water system owner related to purchase of the system, and staff was given further direction.

32. The Board completed the general manager's evaluation. Recognizing there had been no increase in remuneration, and with the continued struggling economic climate in the state and the region, the Board, in lieu of increasing the GM's pay, awarded the GM three weeks added vacation for 2010, as a one-time award.

**P. ADJOURNMENT**

The meeting was adjourned at 9:15 p.m.

Ginger Charlton  
Ginger Charlton, District Clerk

Dan Wilkins  
Dan Wilkins, President

Prepared by Ginger Charlton