

REGULAR BOARD MEETING
APPROVED MINUTES

May 24, 2007

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

STAFF PRESENT: Bob Lourey, General Manager
Jim Dykstra, Director of Accounting
Bob Bolton, Director of Parks and Recreation
Mike Sexton, Legal Counsel
Jack Beckman, Construction Project Manager
Ginger Charlton, District Clerk

A. CALL TO ORDER – PLEDGE OF ALLEGIANCE

President Reinkens called the meeting to order at 5:05 p.m. Mr. Dykstra led the audience in the Pledge.

B. AGENDA AMENDMENTS AND APPROVAL

1. Agenda Deletions, Changes and Audience Requests

Mr. Lourey asked to move item #5 up to before item #4.

2. Additions to Agenda

There were no requested additions.

3. Approval of Agenda

Motion to approve the agenda with the requested change of moving item #5 up: Henrikson/Wilkins/4-0 (Director Atchley had not yet arrived)

E. EMPLOYEE RECOGNITION

5. Ralph Turner – Workers' Compensation Safety Incentive Program Award

Mr. Beckman explained that this ACWA/JPIA program recognizes employees for their ideas that help achieve a safe work environment. Ralph Turner's suggestion to purchase a 13 HP snow blower that has good support for the wrists was selected to receive a \$100 award from the program. Mr. Lourey presented the check to Mr. Turner and congratulated him on his efforts.

C. RESOLUTIONS/ORDINANCES

4. Resolution Declaring Support for 5th District Supervisor Bruce Kranz's Draft Proposal for the Middle Fork American River Project Distribution of Net Profits

Mr. Lourey introduced Bruce Kranz and noted that staff supports his resolution. Supervisor Kranz gave a presentation on the basics of the project and the two modifications he is proposing to amend the Middle Fork Project Finance Authority.

Motion to approve: Henrikson/Atchley/5-0 by roll call vote

D. PUBLIC FORUM

There was no participation.

F. FINANCIAL

All items covered under consent calendar.

G. PROJECTS

All items covered under consent calendar.

H. WATER AND SEWER UTILITIES

All items covered under consent calendar.

I. PARKS AND RECREATION

6. Bells Landing Concession Contract Renewal with Mountain Air Sports

Bob Bolton handed out a new addendum to the contract with Bells Landing. He explained that the only difference between the new addendum and the one included in the packet was an opener that was included in case TCPUD has any plans on pursuing any projects in the Bells Landing area. He recommended approval. The board discussed the pros and cons of putting a COLA on the price. Mr. Lourey noted that the reason the District didn't inflate the cost is because there are no charges associated with the agreement other than having to redraft the agreement.

Motion to approve the agreement: Treabess/Atchley/5-0

7. Farmer's Market Contract Renewal with Foothill Farmer's Market

Mr. Bolton reported that he met with the Parks and Recreation Committee last week. He said that the District has incurred costs for the market because of

parking control, set up, and some of the maintenance for the market. The Committee asked him to meet with the manager of the Farmers Market and tell her that it is the District's intent to try to recoup this year the \$3,800 that the market has cost us. After they met, she said that she would meet with her board about this issue and will let Mr. Bolton know what happens. Mr. Bolton also asked her to discuss with her board the possibility of holding the market in the evening. Mr. Sexton asked that the insurance binder be opened even before the new contract is signed.

J. CONSENT CALENDAR

Director Henrikson pulled item #12. Director Reinkens pulled item #9.

**Motion to approve remaining consent calendar items:
Atchley/Wilkins/5-0**

8. Minutes

- April 20, 2007
- May 4, 2007
- May 15, 2007

9. Finance Report

Mr. Dykstra explained a discussion that took place at the Finance Committee meeting regarding putting the \$300,000 from the Post-Retirement Medical Reserve Funds into the restricted area and applying interest on it. That would cause a self-imposed restriction on the money.

Motion to approve: Henrikson/Atchley/5-0

10. General Manager and Staff Reports

- a. General Manager
- b. Sewer and Water Report
- c. Public Works Report
- d. Parks Activity Report
- e. Recreation Activity Report
- f. Project Development Report
- g. Assistant General Manager Report
- h. District Engineer Report

11. Lakeside Trail Phase IV – Pay Estimate #10

12. Heritage Plaza

- a. Change Order #1
- b. Pay Estimate #4

Director Henrikson asked if the Resort Association had sent in their money yet for the project. Mr. Beckman replied that they are waiting to see where the dust settles to see where we sit financially before asking for any payment from the Resort Association. Director Treabess noted that the check for \$75,000 is being cut right now.

Motion to approve: Henrikson/Atchley/5-0

13. Marlette Water Line Replacement
 - a. Change Order #1
 - b. Pay Estimate #1

14. McKinney Water Line Replacement
 - a. Change Order #5
 - b. Pay Estimate #6
 - c. Notice of Completion

15. Midway to Squaw Slope/Trail Repair – FEMA
 - a. Change Order #2
 - b. Pay Estimate #4
 - c. Notice of Completion

16. Harbor Master Pump Station – Pay Estimate #1

K. RESOLUTIONS/ORDINANCES

17. Resolution Approving and Authorizing Execution of Agreement with the County of El Dorado for Collection of Special Taxes, Fees, and Assessments

Mr. Dykstra explained that this is annual item which allows the County to collect delinquent payments for the District.

Motion to approve: Henrikson/Wilkins/5-0 by roll call vote

18. Resolution Requesting Collection of Charges on Tax Roll – Placer County

Mr. Dykstra explained that the assessment for the sidewalks is also collected through this resolution.

Motion to approve: Henrikson/Wilkins/5-0 by roll call vote

19. Delegate Authority to a Committee of the Board to Select and to the General Manager to Contract with a Consulting Firm for a Water and Sewer Rate Study

Mr. Lourey explained that he would like the board to authorize a committee of the board to work with staff in the selection process and then authorize the general manager to contract with the firm that is selected out of the process. He noted that that would allow us to reasonably expedite the process. Director Wilkins asked about the scope of work for the study and wondered if that should come to the full board first. He wanted to be sure that data is obtained from this study that allows us to look at the equity issue regarding what's being covered in water and sewer rates and if we are covering capital replacement costs. Mr. Sexton said that he would like to be able to review the scope of work with the contractor to make sure that the contractor understands some of the purposes for which the rate study is used. He explained that this is a Prop. 218 item and there are some hoops the contractor will have to jump through. It was decided that the Sewer and Water Committee members will work on this project along with Mr. Dykstra and Mr. Sexton. Director Wilkins said that he would be interested in seeing the study done with a couple of different scenarios. One where we're capturing O & M and one where we're capturing full capital replacement to our rates and see what those differences are. Mr. Sexton noted that this item needs action but is not a resolution.

**Motion to approve as stated in the resolution but with the addition of bringing the contract back to the board before it is approved:
Wilkins/Atchley/5-0**

L. GENERAL

20. General Correspondence

There were no comments.

21. Reports

Mr. Bolton reported that the floating docks won't be installed by Memorial Day weekend because of the wait at TRPA. He then updated the board on Rideout. He reported that the Parks and Recreation Committee decided to begin meeting with some school district personnel and two of their board members to begin discussing the next contract with the district to lease Rideout. He noted that they completed interviews for the Rideout Coordinator position and will announce who was selected very soon. Lastly, he reported on an accident that occurred at Commons Beach involving a three year old girl.

Mr. Beckman reported that the Dollar/Highlands Meter Replacement Completion Project will begin next Tuesday with Whiterock Construction.

Director Treabess said that he would really like to have the Project Committee meet to review all current projects.

M. DIRECTOR'S FORUM

22. Director's Comments

Director Wilkins reported that the Town of Truckee Town Council met last week and decided that there should be a paved bike trail connecting with the one from our District. Several public agencies are involved so the process will be complicated.

Director Henrikson asked about a letter of support from the District regarding Tahoe Water Trail legislation. Mr. Lourey responded that staff felt that it was a non-controversial issue because it just said that as operators of some lakefront property we would support having certain beach spots as a stopping point. Director Henrikson said that he was concerned that a letter went out in support of something without some members of the board knowing about it. Mr. Lourey said that if something comes along that isn't controversial for the District, staff can usually handle it. Director Henrikson asked to be notified of items such as this so that when someone asks him about it later, he doesn't look uninformed.

N. MEETING REVIEW AND STAFF DIRECTION

23. Meeting Review

Mr. Lourey reported the following items for follow-up:

- *The Farmers Market contract will be brought back to the Board at a future meeting.*
- *A Project meeting will be scheduled to go over the project list with the Project Committee.*
- *The rate study consultant selection process will be handled by the Sewer and Water Committee with Mr. Sexton's assistance. The scope and recommendation will be brought back to the Board.*

O. GENERAL

24. Pursuant to Government Code Section 54956.9 (c), the Board will Meet in Closed Session with Legal Counsel to Discuss Whether to Initiate Litigation

P. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
GOVERNMENT CODE SECTION 54956.9 (c) One potential case

25. The Board will Meet to Discuss Whether, Based on Existing Facts and Circumstances, to Initiate Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
GOVERNMENT CODE SECTION 54956.9 (a)

26. TCPUD v. St. Francis Lakeside Homeowners Association

Q. CLOSED SESSION REPORT

Mr. Sexton reported out of closed session that on item #25 the board gave direction to staff and its attorney. No other direction was taken.

On item #26, the board was given an update and no action was taken.

R. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Kelly Atchley, Vice President

Ginger Charlton, District Clerk

Prepared by Ginger Charlton