

# MINUTES OF THE FRCD/EDC/EGWS BOARD MEETING

Wednesday, May 28, 2008

The regular meeting of the Board of Directors of the Florin Resource Conservation District/Economic Development Corporation/Elk Grove Water Service was called to order at 6:30 P.M. by Chair Russell at 8820 Elk Grove Blvd., Elk Grove, CA.

## Call to Order; Roll Call; and Pledge of Allegiance.

Directors Present: Barrie Lightfoot, Tom Nelson, Tony Perez, Harry Riebe and Sandi Russell

Directors Absent:

Staff Present: Leo D. Havener, Jr., General Manager; Ann Siprelle, General Counsel; Rick Robinson, General Counsel Associate; Tom Bartlett, Treasurer; Stefani Phillips, Secretary; Ellen Carlson, Management Analyst; John Ornellas, Operations Manager; Jason Mathews, Operations Superintendent; Richard Salas, CIP Foreman; Glenn Gilkerson, Water Distribution Foreman; water distribution crew: Marcell Wilson, Jose' Carrillo', Wilfredo Quintero and Darren Sissom.

District Conservationist:

Consultants Present: Richard Wilson

Public Present Include: Chuck Dawson, Associate Director; Bob Gray, rate payer; Dave Engle, member of the public; Wa Moua, Intern; Tony Terry, Intern; John Tamarit, Intern; Richard Sharp, Intern; Alejandra Ruiz, Intern; Robert Arguello, Intern; Dan Sophia, Calvine High School Principal; and parents and family of the interns.

## Public Comment

No comments

## FLORIN RESOURCE CONSERVATION DISTRICT (FRCD)

### 1. Consent Calendar

Cash Flow Worksheet – FRCD

Tom Bartlett, Treasurer, presented the FRCD Cash Flow Worksheet and explained that it reflected two months March and April. He stated it also reflects that there was a transfer made into the FRCD account in the amount of \$152,000 from the Economic Development Corporation bank account, which was inactive. He stated they are the FRCD funds so the accounts have been combined.

A question and answer period followed.

Tom Nelson, Director, inquired as to what the Irrigation Association Dues were for. Mr. Bartlett replied that he would bring that information back to him at the next meeting.

Mr. Nelson inquired why the FRCD and the EDC accounts had been combined. Mr. Bartlett replied that the EDC funds were not identified as funds that were gained by the EDC; they were in fact FRCD funds. Leo D. Havener, Jr., General Manager, stated that the account had been stagnate for some time and staff had been trying to identify its purpose. The staff determined that the account was originally listed under the FRCD and the funds had not come from the EDC.

MSC (Riebe/Lightfoot) to approve the FRCD Consent Calendar by a unanimous vote.

### 2. FRCD FY' 08-09 Budget

Mr. Havener presented the FRCD FY' 08-09 Budget to the Board and called for questions.

Mr. Nelson inquired what constitutes public relations. Mr. Bartlett replied, it was a staff recommendation and he would respond back to the Board at the next Board meeting with the details. He stated he

believed that it had to do with conservation and FRCD programs. Mr. Nelson stated he would like to know what the licenses, certification, and other fees are.

MSC (Lightfoot/Nelson) to hold the FRCD FY' 08-09 Budget until the June Board meeting by a unanimous vote.

### **3. Directors' Duty to Vote**

Mr. Nelson stated he requested that the item be placed on the agenda because he was unclear as to the purpose for abstentions. He stated that he thought an abstention should only be used if a director had an interest in an item that would keep him from being unbiased.

A discussion period occurred.

Sandi Russell, Chair, stated the only reason she would abstain is if she did not have enough information on an item to vote yes or no.

Ann Siprelle, General Counsel, stated there is no legal requirement that states that directors have to vote yes or no. The directors have a duty to prepare for the issues and vote yes or no and to abstain if there is a conflict of interest. If a director has no opinion on an item they can abstain. Some agencies have adopted a policy that a director shall vote yes or no unless there is legal conflict of interest. Some agencies adopt a policy that an abstention counts as a yes vote.

Mr. Nelson commented that he brought it to the Board for discussion of what they should do for future action items.

Ms. Russell read a comment into the record regarding her opinion on voting. In summary, she stated that an elected official should not vote for or against an issue if they do not feel enough information has been given in order to make an informed decision.

Barrie Lightfoot, Director, commented that a conflict of interest is when an official is engaged in other activities that could have a bearing on their vote. He stated, "The Board meetings are not the forum for politicking outside this venue."

Harry Riebe, Director, stated that the Brown Act and Roberts Rules of Order provide a guideline for voting. He stated he did not feel there should be a policy that will influence someone's vote.

The Boards consensus was to leave it as is.

## **ECONOMIC DEVELOPMENT CORPORATION (EDC)**

### **EDC FY' 08-09 Budget**

Mr. Havener presented the EDC FY' 08-09 Budget to the Board.

MSC (Lightfoot/Riebe) to approve the EDC FY' 08-09 by a unanimous vote.

## **ELK GROVE WATER SERVICE (EGWS)**

### **1. Presentations/Announcements**

#### **a. FYI**

Mr. Havener informed the Board that the Elk Grove Water Service was a finalist to the Claire A. Hill Award. The Association of California Water Agencies (ACWA) has 444 water agency members and EGWS was one of six finalists for projects that were submitted. EGWS submitted the Tri-Clarity Back Wash System.

<sup>1</sup>Motion, Second, Carried.

Mr. Havener explained that the Claire A. Hill Award is given by CH<sub>2</sub>M Hill Engineering Firm. This award has been given out for the last 20 years. The award signifies excellence.

The Board congratulated staff.

Mr. Havener stated that there were 94 shut-offs in the month of April, which is a record low.

Mr. Lightfoot shared with the audience that EGWS was recognized by Homeland Security regarding the effective security measures of our treatment facility. A number of other agencies are looking at the way in which the District is securing its facilities.

Mr. Havener stated the District is currently low budget and meeting the bond covenant requirement.

- b. Recognition of Glenn Gilkerson for five years of service  
Mr. Havener presented Glenn Gilkerson a plaque for recognition of five years of service with EGWS. Mr. Gilkerson thanked Mr. Havener and his staff for making it a great place to work for.
- c. Intern Presentations (Robert Arguello, Wa Moua, Alejandra Ruiz, Richard Sharp, John Tamarit and Tony Terry)  
Mr. Havener stated the District developed a pilot intern program. The screening process began with 30 students and was narrowed down to six.

Each intern gave a speech on their experience with the district.

Mr. Havener stated that when the interns were hired the District held an open house for the interns and their families and staff made it very clear that they had earned the right to be at EGWS. He stated he has a saying "You earn the right to be terminated." The interns have all remained and for that the staff is very proud.

Each intern was given a plaque recognizing them for completing the program. Many pictures were taken.

Mr. Havener congratulated all of the interns for a successful completion and stated the intern program with Calvine High School was a wonderful experience and EGWS looks forward to continuing this program each year. Mr. Havener recognized Stefani Phillips and Ellen Carlson for working very hard at getting the program started and throughout the whole process. He thanked all of the staff for working with and supporting the interns during the pilot program. Mr. Havener thanked everyone for their efforts, especially the staff.

Dan Sophia, Calvine High School Principal, thanked Mr. Havener, the Board and all the members of EGWS for the time that was put in to see the program through. He presented a plaque to EGWS in appreciation for the collaborative efforts in the program. He stated the pilot program was a good example of the community working together.

Tony Perez, Vice-Chair, thanked everyone for their efforts in the program. He stated he would like for the speeches to be placed on the EGWS Web site with their picture. He stated his whole career has been with the juvenile justice system. He said that the program and outcome made him very proud. Mr. Perez stated he admired the program and will support it next time.

The parents thanked the EGWS, the Board and Mr. Sophia for supporting the interns and the program. They recognized and praised their children for their hard work and for seeing the program through.

Mr. Nelson gave the history of the initiation of the intern program. He stated that Ms. Carlson and Mr. Sophia had met at a conference and struck up a conversation about opportunities, which led to collaborative efforts between EGWS and Calvine High School to create an intern program. Mr.

Nelson stated he is proud of the organization for putting it together and proud of the two of them for getting it started.

Mr. Lightfoot stated that the intern program was a great thing and it needs to be recognized.

Ms. Russell stated she was proud of EGWS and is equally proud of the students. She congratulated everyone involved.

Mr. Riebe offered his congratulations as well. He stated standing up at the microphone is difficult, but one of the most important skills that a person can learn in a lifetime, to be able to get up in front of a public audience and express themselves. He stated that the interns did a very nice job speaking. Mr. Riebe stated he is very happy and as proud as he could be of the organization and the interns.

A question and answer period occurred regarding an FYI item (November election of officers).

Mr. Havener stated the filing dates are July 14, 2008 through August 8, 2008.

Ms. Russell stated she had a meter installed at her home and she is anxious to see what the bill indicates. She felt that she would pay less money with a meter.

## 2. Consent Calendar

- a. Regular meeting minutes for April 23, 2008
- b. Warrants paid – April, 2008
- c. Miscellaneous Revenues- April, 2008
- d. Revenues vs. Expense Graphs FY 07-08
- e. Revenues vs. Expenses – Actual to Budget

Mr. Perez asked that revisions be made to the April meeting minutes on EGWS item five as follows, "The infrastructure had not been reinvested in by the prior owners and now the rate payers are paying for it."

A question and answer period followed.

Mr. Perez inquired if the legal expenses, equipment rental and building rental could be separated out in the Revenues and Expenses Actual to Budget report. Mr. Havener replied the information that has been requested can be brought to the Board meetings to answer any questions that may be asked, but not separated in the reports. Mr. Perez stated he wanted that information provided because in past Board meeting minutes it has been stated that the cost in legal fees has risen due to poor management of previous Boards and the District is suffering because of it. A discussion followed. The Board concurred that the information could be provided by staff at Board meetings, but not part of the reports.

The Board requested that meeting minutes contain page numbers.

MSC (Nelson/Lightfoot) to approve the EGWS Consent Calendar with revisions made to the minutes by a unanimous vote.

The Board adjourned to closed session.

## 3. Closed Session

### CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator: Leo D. Havener, Jr., General Manager

Pursuant to Government Code Section 54957.6 – Personnel Matters

Non-Represented Employees: All Employees

The Board adjourned the closed session and opened the meeting.

<sup>1</sup>Motion, Second, Carried.

#### 4. Consideration of Cost of Living Allowance (COLA)

MSC (Lightfoot/Nelson) to authorize a COLA in the amount of 3.2%, 3/2; ayes: Lightfoot, Nelson, Perez; opposed: Riebe and Russell.

#### 5. Directors Comments/Suggestions & Subjects for Future Board Meetings

Mr. Nelson stated he would be missing the June meeting.

Mr. Riebe stated he would be missing the June meeting.

Mr. Havener stated he would be missing the June meeting as well.

Bob Gray, rate payer, stated as a member of the audience it is impossible to follow the meeting because the documents and information provided is with the staff and Board. Furthermore, he stated it is hard to hear what is being said. He stated he would like to see public interest in the meetings, but some changes in the presentation would need to happen. A discussion occurred regarding methods to enhance the Board meetings. Staff stated they could provide the Board packet on a CD or a flash drive to present on the overhead projector for the audience to view. In addition, staff will work with the CSD for sound checks.

#### Closed Session

##### a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of case: Florin Resource Conservation District v. Union Bank of California, Sacramento County Case No. 34-2008-0002509

No reportable action taken.

##### b. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: Florin Resource Conservation District v. JBK Finance, LLC, et al, Yolo County Superior Court Case No. CV08-974

No reportable action taken.

##### c. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: Florin Resource Conservation District v. City of Elk Grove and Bay Cities Paving and Grading, Inc, Sacramento Superior Court Case No. 07AS03160

No reportable action taken.

##### d. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Section 54956.8:

Property: 2450 Florin Rd.

Agency Negotiator: Leo D. Havener, Jr., General Manager

Negotiating parties: Florin Resource Conservation District and County of Sacramento

Under negotiations: Price and Terms of payment

No reportable action taken.

##### e. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant: 8999 Elk Grove-Florin Rd.

Negotiating parties: Florin Resource Conservation District, Lower Consumnes Resource Conservation District and Sloughhouse Resource Conservation District

Under negotiations: Price and Terms of Payment

No reportable action taken.

<sup>1</sup>Motion, Second, Carried.

The meeting was adjourned to Wednesday, June 25, 2008.

Respectfully submitted,

***Stefani Phillips***

Stefani Phillips, Secretary