

# MINUTES OF THE FRCD BOARD MEETING

Wednesday, December 10, 2008

The regular meeting of the Board of Directors of the Florin Resource Conservation District was called to order at 6:30 P.M. by Chair Lightfoot at 8820 Elk Grove Blvd., Elk Grove, CA.

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

Directors Present: Chuck Dawson, Barrie Lightfoot, Elliot Mulberg, Tom Nelson, and Tony Perez,  
Directors Absent: None  
Staff Present: Kevin Collin, Associate General Counsel; Leo D. Havener, Jr., General Manager; Stefani Phillips, Secretary; Thomas S. Bartlett, Ellen Carlson, Conservation Glenn Gilkerson, Water Treatment Foreman, and Scott Myers, District Engineer  
Consultants Present: Richard Wilson, Sentium  
Public Present Include: Ella Dawson, Chuck Dawson IV, Kristin Dawson, Chase Dawson, Brianna Dawson, Johnny and Linnzi Cannon, Roy Herburger, Elk Grove Citizen; Bob Gray, member of the public; Davies Ononiwu, member of the public

## Public Comment

No comments

## FLORIN RESOURCE CONSERVATION DISTRICT (FRCD)

### 1. Presentations/Announcements

- a. Welcome new directors, administer Oath of Office and seat new directors  
Stefani Phillips, Board Secretary, administered the Oath of Office and seated new directors.
- b. FYI  
No comments
- c. Committee Assignments  
Appointments of committee were determined by board consensus as follows: Finance: Chuck Dawson and Tony Perez; Conservation: Barrie Lightfoot, Tom Nelson and Tony Perez as alternate; Infrastructure: Elliot Mulberg and Tom Nelson; Susan B. Gaines Mitchell Building: Elliot Mulberg and Tony Perez; and Planning: Chuck Dawson and Tom Nelson.  
  
Tony Perez, Director, inquired how the minutes for the committee meetings would be submitted. Barrie Lightfoot, Chair, responded that there are no minutes taken for committee meetings.  
  
Elliot Mulberg, Director suggested having a standing item on the agenda for committee reports with the Boards consensus.
- d. NRCS Agency Report – Update  
Mr. Perez stated he had some questions for Dan Taverner, District Conservationist, who was absent. Leo D. Havener, Jr., General Manager, stated he would have Mr. Taverner call Mr. Perez.
- e. Conservation Activities  
Ellen Carlson, Conservation Coordinator, gave the Board an update on conservation activities. She stated that the toilet rebate program exhausted their funds with 92 toilets. Ms. Carlson mentioned this was the first rebate program that EGWS has had with the help of the Community Development Block Program Grant from the City of Elk Grove. She stated the program has been so successful that the City of Elk Grove contacted her to extend the grant.

Mr. Lightfoot recommended the free water efficient shower heads that EGWS is giving away, he said they work great.

Ms. Carlson was asked by Tom Nelson, Vice-Chair, to talk about Weed Management Area. Ms. Carlson stated that the organization had some small grant funds and the Laguna Creek Watershed

Council has been trying to map the invasive weeds along Laguna Creek. She stated they asked if the FRCD would be willing to administrate the funds. Ms. Carlson stated she has agreed to help with the paperwork.

Mr. Perez stated the FRCD has had involvement in weed abatement since he has been on the Board and suggested the furthering it. Ms. Carlson suggested he give her more details because she was not familiar with the program.

Mr. Perez inquired if the Community Development Block Program Grant could be administered under the EDC. A lengthy discussion occurred. Kevin Collin, Associate General Counsel, stated there was a legal and practical issue with doing so. The legal issue is looking at the EDC articles of incorporation to determine the nature and purpose and in succeeding that, the by-laws and corporate articles would have to be changed. The practical issue is that the City of Elk Grove already has their own EDC, how would they benefit by funding the Districts EDC and not their own. Mr. Perez stated he felt it was worth reviewing the by-laws and report back at the January Board meeting. Mr. Havener, asked Mr. Collins to pass that task along to Ann Siprelle, General Counsel.

f. Environthon Sponsorship

Ms. Carlson stated there were two requests for Environthon sponsorship from Monterey Trail High School and Franklin High School for \$2000 each. Franklin High School is currently looking for a coach because their teacher is on maternity leave. Mr. Nelson inquired if they do not find a coach, what happens to the funding. Ms. Carlson replied if they do not find a coach they will not participate and the FRCD will hold on to the funds.

MSC (Mulberg/Dawson) to approve Environthon sponsorship in the amount of \$2000 per team by a unanimous vote.

Bob Gray, member of the public, made an inquiry on the number of acres left of farm land in the FRCD boundaries. Mr. Lightfoot stated that is a good question for Mr. Taverner. Mr. Gray stated the majority of the people residing in the district are not aware of the FRCD's existence, and he wondered what the district is doing for them. He said most of the activities have been for the water district not the FRCD. Mr. Gray said he would like to know what he is paying for besides the water. Mr. Lightfoot replied the funds for each entity are not comingled. Mr. Gray inquired who the conservation coordinator worked for. Mr. Lightfoot replied that the position works for both entities. Mr. Gray inquired how the position was funded. Mr. Lightfoot stated this topic was not an agenda item for discussion. Mr. Gray commented that he was having the District investigated with the possibility of taking it to the Grand Jury.

## 2. Consent Calendar

### Cash Flow Worksheet – FRCD

A question and answer period occurred regarding the income source for the FRCD.

Mr. Perez requested to review the lease agreement with Cal Smith for the property at 8999 Elk Grove-Florin Rd. in regard to sub-leasing.

Mr. Perez made a motion to get a report on the sub-lease agreement at the January Board meeting. The motion failed due to a lack of a second.

MSC (Nelson/Dawson) to approve the FRCD Consent Calendar by a unanimous vote.

## ELK GROVE WATER SERVICE (EGWS)

### 1. Presentations/Announcements

Mr. Havener informed the Board that Thomas S. Bartlett, Finance Manager, was selected to serve on the California Special Districts Association (CSDA) Audit Committee and Fiscal Committee. Mr. Bartlett stated the CSDA Audit Committee is responsible for maintaining and updating the internal controls and

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

providing guidance to the auditors when possible. The Fiscal Committee oversees the financial direction of the organization including the budget review and implementation.

## 2. Consent Calendar

- a. Regular meeting minutes for October 22<sup>nd</sup>, 29<sup>th</sup>, and November 5<sup>th</sup>, 2008
- b. Warrants paid – October, 2008
- c. Monthly Summary
- d. Monthly Water Connections
- e. Revenues vs. Expense Graphs FY 08-09
- f. Revenues vs. Expenses – Actual to Budget
- g. Notice of Completion – Elk Grove Road Water Main Improvement
- h. Notice of Completion – Segments 1 & 4 School Street Production Well

MSC (Mulberg/Nelson) to approve the Consent Calendar with the exception of items: a, e, and g by a unanimous vote.

A question and answer period followed in regards to the minutes.

Mr. Perez inquired how the notification plans are coming along. Scott Myers, District Engineer and Interim Operations Manager, responded stating that a series of press releases and billing stuffers are currently being developed.

Mr. Collins stated that the purpose of approving the minutes for past board meetings is to identify whether they are accurate as to what happened, not to talk about whether action has taken place. If clarification is necessary to address whether or not action has been carried through, it needs to be on an agenda to come back at a later date as stated in the Brown Act. This would allow members of the public an opportunity to comment on such items. Mr. Perez inquired how he should go about addressing these items. Mr. Collins suggested he address the items during “Directors Comments/Suggestions & Subjects for Future Board Meetings”.

Mr. Perez stated he posed a question to Mr. Myers regarding whether there were any new procedures, mechanical failures, or policy changes that caused the arsenic values to go up and Mr. Myers replied no. He stated he had asked the Board secretary to include all of his remarks and questions in the minutes. Ms. Phillips stated there were six pages of a transcript of his remarks and questions. She stated the minutes are a summary to which include some of the remarks and questions. She followed up stating it would need to be a direction of the Board as to what they would like included in the minutes.

Mr. Collins stated the question to the Board is what requirements you are posing on the secretary. The minutes are an overall view. The meetings are taped, and can be requested for under the California Records Act from the District. He stated the tapes can be transcribed by an independent party for a fee. If the Board wanted to have the minutes transcribed, they would need a court reporter who would type verbatim which would be a great cost to the District.

Mr. Perez made a motion to add all of the questions added to the minutes for the October 29, 2008 Board meeting. Ms. Phillips stated she provided a transcript to every Board member as requested by Mr. Perez for the October 29, 2008 Board meeting. Mr. Perez made a motion to amend the minutes of October 29, 2008 to include the transcript of his questions. The motion failed due to a lack of a second.

Ms. Phillips noted that a correction will be made to the November 05, 2008 minutes. The minutes state that Barrie Lightfoot, Chair who was absent called the meeting to order. The correction will be made indicating that Tom Nelson, Vice-Chair called the meeting to order.

Mr. Perez stated the minutes to the November 05, 2008 meeting were not reflective of Dave Engels report which was almost an hour long. Mr. Perez requested an addendum to the minutes to reflect what Mr. Engel reported. Mr. Lightfoot stated that Mr. Engel was not authorized by the whole Board to give a

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

report. Mr. Collins stated that the Consent Calendar is for non-controversial items and minutes are just an overall scope.

MSC (Perez/Dawson) to amend the November 05, 2008 minutes to reflect Dave Engels report, 2/2/1; ayes: Perez, Dawson; opposed: Nelson, Lightfoot; abstained: Mulberg

Mr. Collins stated that the minutes for November 05, 2008 need to be stricken from the agenda, because in order to pass the vote there would need to be a majority of voting bodies which would have required three votes of Board members who were present on November 05, 2008; therefore, they will remain unofficial minutes, but a permanent record under government code 9312.

MSC (Nelson/Dawson) to approve the October 22, 2008 and October 29, 2008 Board meeting minutes, aye: Dawson, Lightfoot, Nelson; opposed: Perez; abstained: Mulberg

MSC (Mulberg/Nelson) to approve item e. Revenue vs. Expense Graphs FY 08-09 by a unanimous vote

A brief discussion occurred.

MSC (Nelson/Mulberg) to approve item g. Notice of Completion – Elk Grove Florin Road Water Main Improvement by a unanimous vote

### **3. Ordinance Authorizing Lien Procedures for Delinquencies**

Mr. Bartlett requested the Board to adopt an ordinance authorizing lien procedures for delinquent bills and protect the district from lost revenues due to foreclosures, etc. He stated the County of Sacramento has a software package that they have developed and are willing to share it with the District.

A brief question and answer period followed.

Mr. Collins stated he thought that the Board was discussing the second reading of the ordinance in which case would have had a first reading. Because, the Board was viewing the ordinance for the first time it would be required that it they vote for the first reading but it would be necessary for it to be brought back to the January Board meeting for a second reading.

MSC (Nelson/Dawson) to adopt the first reading of Ordinance 12.10.08.01 Authorizing Lien Procedures for Delinquencies, Chuck Dawson: aye; Elliott Mulberg: aye; Tom Nelson: aye; Tony Perez: aye; and Barrie Lightfoot: aye

A five minute break occurred.

Mr. Collins addressed the Board stating that he received direction from Ann Siprelle, General Counsel, who explained that there was a provision in the water code that allows water districts to have only one reading of ordinances.

MSC (Nelson/Dawson) to adopt Ordinance 12.10.08.01 Authorizing Lien Procedures for Delinquencies, Chuck Dawson: aye; Elliott Mulberg: aye; Tom Nelson: aye; Tony Perez: aye; and Barrie Lightfoot: aye

### **4. Administration Report – Elk Grove Water Service**

Operations and Maintenance/Engineering – Update Memo

Mr. Myers briefed the Board on the following items including: The District re-submitted the Urban Water Management Plan (UWMP) to the Department of Water Resources (DWR), it was the 2005 update. DWR had made comments and the District made revisions and re-submitted it; the Regional Water Authority inquired if the District wished to participate in a \$50K grant funding every two years for a total of \$200K to accelerate the meter retrofit program. He stated the UWMP is a condition of the grant; the Polhemus South Water Main is completed; the Elk Grove Blvd. West Water Main has been postponed

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

until the Summer of 2009 due to holiday moratoriums; the School Street Deep Well drill are completed, the building and improvements to the site are scheduled to go out to bid in February 2009. The bids will come to the February Board meeting for award.

Glenn Gilkerson, Water Treatment Foreman, gave the Board a report of the operations department activities including: A tour of BSK Analytical Laboratory to learn how the samples were received, analyzed, processed and reported to regulatory agencies and the District; the District field crew will have a sampling refresher course; the treatment staff will be taking a sampling certification course in March 2009; EGWS will begin taking all of their own samples beginning 2009; one individual in the treatment department's entire scope is sampling and is responsible for reporting up the chain of command to the general manager; and a unidirectional hydrant flushing program has been implemented.

Mr. Nelson suggested that the infrastructure committee meet pretty soon to discuss the meter retrofit program. Mr. Havener stated committee meetings will be scheduled for all topics of interest beginning the first of the year.

Mr. Perez inquired if there was a written report for operations procedures. Mr. Gilkerson responded that the sampling procedures have been reviewed. A discussion occurred regarding the sampling procedures. Mr. Myers explained that the sampling can be done by the district, but the analysis of the samples will be completed by BSK Analytical Laboratory. Some of the samples that have special sampling requirements may be taken by BSK labs.

A brief question and answer period followed.

Mr. Havener informed the Board that when any sample analysis indicates that the District is out of compliance the Board will be made aware immediately.

Mr. Myers informed the Board that a report will be provided on a quarterly basis regarding arsenic.

The Board's consensus was for staff to keep them abreast of any water quality issues that are out of compliance.

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

Mr. Nelson reminded the Board of the upcoming board training to be held on Saturday, January 10, 2009. He stated that Dave Aranda, General Manager, Stallion Springs Community Services District and Facilitator through the California Special Services District (CSDA). He requested the Board to review the Effective Utility Management, which he felt would help them identify what the Board's responsibilities are. Ms. Phillips stated she would keep the Board informed of the location of the Board training.

Mr. Mulberg recommended placing a full board packet at the sign in desk to allow members of the public to follow the board meeting.

Mr. Havener stated the request from Davies Ononiwu to be an Associate Director will be brought back to the Board for action at the January meeting.

Mr. Mulberg requested to see the qualifications for an Associate Director. A brief discussion occurred.

Mr. Perez requested the following items to be brought back at the January board meeting:

- Report on lease agreement for the 8999 EG-Florin Rd. property, i.e. property use, sub-lease, etc.
- Report on Election costs and results
- Purchasing Policy

- Revisit Identity Theft Prevention Policy
- Review water quality procedures
- Review the meter retrofit program plan
- Procedures for minutes, i.e. procedures, time period for keeping minutes and tapes, and confidentiality of minutes

Mr. Collins addressed Mr. Perez stating that he felt that it is appropriate to ask staff whether or not it is feasible to provide the information being requested within that time frame.

Mr. Havener informed the Board that the purchasing and identity theft prevention policy would be reviewed during the finance committee meeting in January. The meter retrofit program will be discussed during the infrastructure committee meeting in early 2009.

Mr. Mulberg stated "the role of the Board is to make policies; the role of the staff is to implement the policies".

Mr. Lightfoot suggested that if a Board member has any questions; they should make a phone call to the general manager for clarification.

## 6. Closed Session

### a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant: 9257 Elk Grove Blvd.

Negotiating parties: Florin Resource Conservation District and Joe Kiaser

Under negotiations: Price and Terms of Payment

No reportable action

### b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant: APN number 125-0210-013

Negotiating parties: Florin Resource Conservation District and County of Sacramento

Under negotiations: Price and Terms of Payment

No reportable action

Respectfully submitted,

***Stefani Phillips***

Stefani Phillips, Secretary