

MINUTES OF THE REGULAR MEETING OF THE FRCD BOARD

Tuesday, October 26, 2010

The regular meeting of the Board of Directors of the Florin Resource Conservation District was called to order at 6:30 p.m. by Barrie Lightfoot, Chair, 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: Ann Siprelle, general counsel; Tom Bartlett, treasurer/finance manager; Stefani Phillips, secretary/human resource specialist; Jeffrey Maupin, operations manager; and Ellen Carlson, management analyst
Associate Directors Present: Donald Menasco and Davies Ononiwu
Consultants Present: Rick Robinson, BB&K
Public Present: Larry Ernst, Wood Rodgers; Mark Rodgers, Wood Rodgers; Pete Tubia, Wood Rodgers; Fareed Pittalwala, RBF Consulting; Paul Klein, RBF Consulting; Tom Elson, Luhdorff and Scalmanini; John Fawcett, Luhdorff and Scalmanini; and Lavell Fowler.

Public Comment

Lavell Fowler, rate-payer, commented on the high reconnection fees. Mr. Fowler stated that he did not feel that the District should be performing shut-off's in the dark of the early morning hours because it was not safe for the workers and said it should be done during regular office hours.

Barrie Lightfoot, chairman, responded to Mr. Fowler by stating that staff will look into his concerns. Mr. Lightfoot stated that he would personally call him back.

1. Consent Calendar

- a. Approve Regular Meeting minutes for September 22, 2010
- b. FRCD Cash Flow Worksheet – September, 2010
- c. Warrants Paid – September, 2010
- d. Monthly Water Connections – September, 2010
- e. Bond Covenant Requirements for FY 2010-2011
- f. Revenues and Expenses – Actual vs Budget
- g. CDARS Accounts
- h. Revenue Distribution Worksheet
- i. Consultants Expenses

MSC (Mulberg/Perez) to approve items a-i, 5/0: Ayes: Dawson; Mulberg, Nelson, Perez, and Lightfoot.

2. Engineering Consultant Presentations

- a. Luhdorff and Scalmanini
- b. RBF
- c. West Yost
- d. Wood Rodgers

Each of the organizations gave a presentation containing their background and expertise that they would provide to EGWD.

The Board held a brief question and answer period with each of the organizations.

Tom Nelson, director, provided the background of the RFP and interview process for engineering consultant services and stated that the District could not go wrong with any of the organizations. He said the decision came down to the best fit and the committee recommendation was Wood Rodgers.

MSC (Lightfoot/Dawson) to award a contract for engineering consultant services to Wood Rodgers, 5/0: Ayes: Dawson; Mulberg, Nelson, Perez, and Lightfoot.

3. Resolution of Support for ACWA Policy Principles on Implementation of State and Federal Endangered Species Act (ESA)

Mr. Nelson provided a brief synopsis on the topic. He stated that he is generally in favor of the ACWA Policy Principles for ESA. However, principle number two "Co-Equal Goals" bothers him. Mr. Nelson stated that he felt that it weakened the protection of the endangered animals.

MSC (Dawson/Lightfoot) to approve Resolution 10.26.10.01 of the Board of Directors of the Florin Resource Conservation District Supporting ACWA Policy Principles on Implementation of State and Federal Endangered Species Act, 3/2: Ayes: Dawson; Mulberg, and Lightfoot; and Nays: Nelson and Perez.

4. Operations Report

Jeff Maupin presented an update of the activities in operations of the District.

Mr. Mulberg thanked Mr. Maupin for including the progress report of RBF as requested. The Board requested general counsel to prepare an updated contract to reflect the final scope of work.

Mr. Perez recommended getting the new engineers opinion on the meter-retrofit program.

5. Legislative Update (AB194, AB419, AB727, AB827, AB2304, AB1834, and S3874)

Ellen Carlson, management analyst, presented as requested at the September Board meeting by Mr. Mulberg. Ms. Carlson stated there was a new bill introduced S 3874 regarding "lead free" with respect to soldering.

Mr. Mulberg requested that she indicate on the report that AB 727, which is being held is a two year bill.

6. Committee Meeting(s) Update

Chuck Dawson explained that the only committee meeting that was held was the continuation of the employee manual review. Mr. Dawson stated that an element in the employee manual will be discussed in closed session by the full Board. Mr. Nelson stated that the exercise of reviewing the employee manual has enlightened him. The committee hopes to bring the employee manual to the full Board for adoption on December 8, 2010.

7. Directors Comments/Suggestions & Subjects for Future Board Meetings

Mr. Lightfoot requested that the Franklin High School students who participated in the Forestry Challenge come to the January Board meeting to give a presentation on their experience.

The Board will have a Special Board Meeting on Tuesday, November 16, 2010, at 6:30 p.m. at 9257 Elk Grove Blvd to approve the updated contract for RBF and a closed session to discuss the GM Recruitment.

The Regular Board meeting for the months of November and December will be held Wednesday, December 8, 2010, at 6:30 p.m. at 8820 Elk Grove Blvd.

Mr. Mulberg requested that staff agendize a shut-off policy for the December Board meeting.

8. Closed Session

- a. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)
Name of case: J.B. Jones v. FRCD, EGWS, et al, Sacramento Superior Court Case No. 34-2009-00046310
- 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
- c. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2)

No reportable action.

Respectfully submitted,

Stefani Phillips, Secretary