

SWEETWATER SPRINGS WATER DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES*
(*In order discussed)

Board of Directors Meeting
Regular Meeting
May 5, 2011
6:30 p.m.

Board Members Present:

Victoria Wikle
Sukey Robb-Wilder
Jim Quigley
Gaylord Schaap
Wanda Smith

Board Members Absent:

(None)

Staff in Attendance:

Steve Mack, General Manager
Julie A. Kenny, Secretary to the Board

Others in Attendance:

Mike Gogna, District Counsel
Wendell Joost
Karen Risore
Terry Milko
Chris Hanley
Tom Tally
Charlene Cannon
Gina Michaletti
Danny Demers
Richard Thomas
Elizabeth Demers
Lloyd Guccione
Nhu Le
David Matt
Steve Williams
Michael Hughes

I. CALL TO ORDER

The properly agendized meeting was called to Order by President Jim Quigley at 6:32 p.m.

II. CHANGES TO AGENDA and DECLARATION OF CONFLICT (6:33 p.m.)

Director Smith moved to adjourn to the Monte Rio Community Center for lack of seating. Public comment was made by (unidentified speakers). Comments were made by District Counsel Mike

Gogna. Discussion ensued. Public comments were made by (unidentified speakers). No action was taken.

III. CONSENT CALENDAR (6:40 p.m.)

Director Smith moved to approve the Consent Calendar as submitted. Director Robb-Wilder seconded. Motion carried 5-0. The following items were approved:

- A. Approval of the Minutes of the April 7, 2011 Board Meeting
- B. Approval of Operations Warrants/ Online payments/EFT payments/ Construction Warrants
- C. Receipt of Item(s) of Correspondence
 - (1) E-mail dated May 3, 2011 from Brian Praxis, PRAXIS Architects, for Monte Rio Recreation and Park Department

IV. PUBLIC COMMENT (6:41 p.m.)

Public comment was made by Terry Milko.
Public comment was made by Lloyd Guccione.

V. ADMINISTRATIVE (6:42 p.m.)

- A. **(6:42 p.m.) Public hearing; Discussion/Action re Resolution 11-08, Adopting Water Rates for Fiscal Year 11-12 and Analysis of protests received.** Director Smith made a motion to open up this item and continue it to the next Board meeting. Discussion ensued. Director Smith amended her motion to continue on and schedule a Special Meeting at least two weeks away. Discussion ensued. No action was taken. The GM made a PowerPoint presentation. Board questions ensued. President Quigley opened the Public Hearing at 7:12 p.m. Public comment was made by the following people:

David Matt
Wendell Joost
Karen Risore
Terry Milko
Tom Tally
Charlene Cannon
Gina Michaletti
Danny Demers
Nhu Le
Lloyd Guccione
Richard Thomas

Board discussion ensued. Further public comment was made by the following people:

David Wells
Danny Demers
Charlene Cannon
Terry Milko
Chris Hanley

District counsel Mike Gogna provided comments regarding oral protests.

Oral protests were made by Charlene Cannon (14793 Canyon 4), and Elizabeth Demers (15240 Canyon 3).

Board discussion ensued. President Quigley suspended further public comment to take a poll of the Board. Discussion ensued. At 8:13 pm, President Quigley closed the Public Hearing. Further Board Discussion ensued. Director Wikle moved to adopt Resolution 11-08, Adopting Water Rates for Fiscal Year 2011-2012. Director Robb-Wilder seconded. Motion carried 4-0, with Director Smith abstaining.

***** At 8:25 p.m., President Quigley called a 5-minute recess. The meeting resumed at 8:32 p.m.**

Upon brief discussion, the Board agreed to postpone the following administrative matters to another meeting at a later date:

- C. Discussion/Action re FY 2010-11 3rd Quarter Actual vs. Budgeted Operations and Capital Expenditures, and County Balances
 - E. Discussion/Action re District's Protest to SCWA Petition Requesting Modification to water Rights Permit by Modifying the Instream Flow Requirements on Permits 12947A, 12949, 12950 and 19596.
 - F. Discussion/Action re Review and Revision of District Policies & Procedures Section 2000
- B. (8:32 p.m.) Public hearing; Discussion/Action re Resolution 11-10, Adopting the FY 2011-12 Operating and Capital Improvement Budget.** The GM provided an overview of this item. Board discussion ensued. Director Robb-Wilder moved to approve Resolution 11-10, Adopting the FY 2011-12 Operating and Capital Improvement Budget. Director Smith seconded. Motion carried 5-0.
- D. (8:43 p.m.) Discussion/Action re Resolution 11-11, Approving the Construction Project Budget and Authorizing the Award of Contract for the FY 2012 CIP to Kat Construction in the Sum of \$1,067,095 and Authorizing the General Manager Total Change Order Approval up to \$106,710 and Single Change Order Approval up to \$25,000.** The GM provided an overview of this item. Public comment was made by Steve Williams. Public comment was made by Michael Hughes. Comments were made by District counsel Mike Gogna. Discussion ensued. Additional comments were made by the GM and by Mike Gogna. Further discussion ensued. Additional comments were made by Mike Gogna. Director Schaap moved to approve Resolution 11-11, Approving the Construction Project Budget and Authorizing the Award of Contract for the FY 2012 Capital Improvement Project to Kat Construction in the Sum of \$1,067,095, and Authorizing the General Manager Total Change Order Approval of \$106,710 and Single Change Order Approval up to \$25,000. Director Robb-Wilder seconded. Motion carried 3-1-1, with Director Smith voting "no" and Director Wikle abstaining from the vote.
- G. (9:17 p.m.) Discussion/Action re Resolution 11-12, Authorizing an Amendment to the (PERS) Contract.** The GM provided an overview of this item. Director Wikle moved to approve Resolution 11-12, Authorizing an Amendment to the (PERS) Contract. Director Robb-Wilder seconded. Motion carried 5-0.
- H. (9:20 p.m.) Discussion/Action re Resolution 11-13, Approving a Office/Warehouse Lease with Ferrellgas.** The GM provided an overview of this item. Board discussion ensued. Director Wikle moved to approve Resolution 11-13, Authorizing the General Manager to Execute Lease Addendum No. 2 with Ferrellgas for Rental of District Office and Warehouse Space. Director Robb-Wilder seconded. Motion carried 5-0.

VI. GENERAL MANAGER'S REPORT (9:28 p.m.)

Due to the late hour, no oral report was given to supplement the Board packet materials, which discussed the following matters:

1. Laboratory testing
2. Water production and sales
3. Leaks
4. Rainfall
5. CIP IV-B, Project 1
6. CIP IV-B, Project 2
7. 2012 CIP
8. Toilet Rebate Program
9. In-House Construction Projects
10. Urban Water Management Plan (UWMP)
11. Gantt Chart
12. Vacation

VII. BOARD MEMBERS' ANNOUNCEMENTS/COMMENTS

(9:28 p.m.)

1. Director Robb-Wilder announced that she would be out of the country from May 22 to June 8, 2011.
2. Director Smith announced that she would be moving out of the District and resigning from the Board. She then made a closing statement.

VIII. CLOSED SESSION (9:37 p.m.)

At 9:37 p.m. President Quigley announced the items for discussion in Closed Session. Brief discussion ensued. At 9:45 p.m. the Board went into Closed Session. At 9:57 p.m. the meeting reconvened and the following actions on Closed Session items were announced:

- A. **Pursuant to Gov. Code Section 54957 – Public Employee Performance Evaluation**
Title: Legal counsel
No action was taken
- B. **Conference with Legal Counsel – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. Number of cases: 1**
Title: General Manager
Direction was given to staff.

IX. ITEMS FOR THE NEXT AGENDA (9:58 p.m.)

1. 3rd Quarter Actual vs. Budgeted report
2. District Policies and Procedures, Section 2000
3. (3) Notices of Completion for District CIP projects
4. Replacement Board member

ADJOURN

The meeting adjourned at 10 p.m.

Respectfully submitted,

Julie A. Kenny
Clerk to the Board of Directors

APPROVED:

Wanda Smith: _____
Victoria Wikle: _____
Gaylord Schaap: _____
Sukey Robb-Wilder: _____
Jim Quigley: _____