

**BOARD OF DIRECTORS
GROVELAND COMMUNITY SERVICES DISTRICT
GROVELAND, CALIFORNIA**

**July 13, 2009
9:00 a.m.**

The Board of Directors of Groveland Community Services District met in regular session on the above mentioned date with Directors Wes Johnson, President, John Graham, Vice President, Gus Allegri, Dick Lennen, and Steve Perreira being present. Also present were General Manager Jim Goodrich, District Engineer Randy Klaahsen, Groveland Fire Chief Shane Warner, District Treasurer Vicki West and Board Secretary Lena Spilman.

Director Johnson called the meeting to order at 9:00 a.m.

Agenda Approval

Director Lennen moved, seconded by Director Graham, and the motion passed unanimously to approve the agenda as written.

Public Comment

None

Public Hearing

Continuation of the Fire Assessment for the Groveland Fire and Rescue District for fiscal year 2009-10

Blair Aas, SCI Consulting Group, briefly presented to the Board regarding the public hearing on the continuation of the Fire Assessment for fiscal year 2009-10.

Director Johnson opened the public hearing at 9:05am. No comments were received. Director Johnson closed the public hearing at 9:06am.

Action Items

Consent Calendar

Director Allegri moved, seconded by Director Lennen, and the motion passed unanimously to approve the consent calendar:

- A. Waive Reading of Ordinances and Resolutions except by Title

Recognize Fire Engineer Jon Rock for his Work as Coordinator of the Tuolumne County Joint Basic Fire Academy

Director Wes Johnson read the Agenda submittal for the item, congratulating Mr. Rock on his hard work, dedication, and the enthusiasm with which he approached this difficult task.

Fire Chief Shane Warner praised Engineer Rock for an excellent job as coordinator of this year's Tuolumne County Joint Basic Fire Academy, and presented him with a plaque of appreciation from the Groveland Fire Department.

Director Lennen moved, seconded by Director Allegri, and the motion passed unanimously to recognize Fire Engineer Jon Rock for his work as Coordinator of the Tuolumne County Joint Basic Fire Academy.

Consider Adoption of Resolution 6-09, A Resolution Approving Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessment for Fiscal Year 2009-10 for the Groveland Fire and Rescue Assessment District

General Manager Jim Goodrich presented this item to the Board. Mr. Goodrich explained that all necessary preliminary steps had been taken by staff and that the decision before the Board was whether to approve the Engineer's report and levy the assessment for FY2009-10 for the Groveland Fire and Rescue District.

Director Allegri moved, seconded by Director Lennen, and the motion passed to Adopt of Resolution 6-09, A Resolution Approving Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessment for Fiscal Year 2009-10 for the Groveland Fire and Rescue Assessment District

Ayes: Directors Johnson, Graham, Lennen, and Allegri Noes: Director Perreira

Consider Request from David and Krystal Bigger for a \$1,400 Credit to Utility Account in Addition to a \$1,000 Insurance Settlement

General Manager Jim Goodrich presented this item to the Board. Mr. Goodrich explained that Mr. and Mrs. Bigger had requested an audience with the Board regarding a pending claim of liability for property damage against the District.

(Vicki Hartigan, District Counsel, joined the meeting via conference call)

Mr. Bigger addressed the Board with concern regarding the potential for future claims against the District should they choose to settle with the District's insurance company. Director Allegri emphasized that settlement of this claim would preclude any further request for reimbursement for property damage based on this occurrence, but that the Biggers would retain the right to file additional claims based on future occurrences.

Mr. Bigger informed the Board that they have suffered additional property damage due to this occurrence, and that they will not be satisfied to solely take the \$1,000.00 settlement offered by the District's insurance carrier. Mr. Bigger asked that the District offer an additional \$1,400.00 water credit to their utility account.

Mrs. Bigger informed the Board that should the Board refuse to grant a credit to their account, that they would be prepared to take the matter to small claims court.

Director Allegri commented on the upgraded water heater included in the original claim. He stated that if something is broken, it should be replaced in kind. Mr. Bigger responded that the water heater upgrade was necessary so as to avoid all future problems of the same sort. Director Allegri stated that the District has taken initiative to try to prevent this problem from happening again through the installation of a sand separator at the meter, and that he felt that the amount requested from the Board was too high.

District Counsel Mrs. Hartigan suggested that the Board take all of the necessary information from the Biggers, and hold a closed session to discuss the claim.

General Manager Jim Goodrich informed Mrs. Hartigan that the item was not agendized in closed session for this meeting. Mrs. Hartigan replied that in order to meet in closed session, the Board would have to postpone discussion until the next meeting where it could properly agendized.

Mr. Goodrich stated that the decision before the Board was to accept or reject the claim, or to postpone the item until the next regularly scheduled meeting where they could discuss the item in closed session and report a decision in open session.

District Counsel Mrs. Hartigan recommended that the Board wait to discuss the item in closed session, due to the fact that she would not be willing to offer legal counsel on the matter in open session.

Director Allegri stated that in order to settle the issue more rapidly, he would be willing to approve a credit of \$700.00, contingent upon the Biggers acceptance of the \$1000.00 settlement offered by the District insurance carrier.

Mr. Goodrich informed the Board that such a motion would be contrary to District Counsel's recommendation.

Director Graham stated that he had several concerns that he did not wish to discuss in open session either.

*Director Allegri moved, seconded by Director Perreira and the motion passed to grant a \$700.00 credit to utility account, contingent upon the Biggers acceptance of the \$1000.00 settlement offered by the District's insurance provider (SDRMA)
Ayes: Directors Allegri, Lennen, and Perreira Noes: Director Graham, and Johnson*

Information Items

Staff Reports

A. General Manager's Comments

General Manager Jim Goodrich reported that he was looking forward to a meeting with District Supervisor John Gray and Economic Development Director Larry Cope

regarding development opportunities in Big Oak Flat. He reported that the District's Operational Policies and Procedures Manual is nearing completion, and that he hopes to receive input from several Directors before formally bringing it before the Board.

B. Engineer's Report

District Engineer Randy Klaahsen presented to the Board. He explained that there had been several water main breaks in the last few months, and that staff had discovered some sewer line root intrusions that were rapidly addressed while avoiding spills.

Mr. Klaahsen explained that on the engineering side, staff is moving along with the completion of the Lift Station 14 upgrade. The Bio-solids Containment Structure footings and slabs have been poured, and aside from a few minor aspects to be completed in the next few weeks the project is mostly complete. In addition, it appears that the project may come in under budget.

Mr. Klaahsen reported that the lining of Reservoir 1 was begun in early June. A local contractor completed most of the grading work by the end of June, and after some final measurements were taken the liner was ordered. The liner is set to be delivered tomorrow, and should be installed within the next two weeks.

(Mrs. Hartigan, District Counsel, departed from the meeting)

C. Fire Department Report

Groveland Fire Chief Shane Warner reported that the Fire Department made it through the busy July 4th holiday weekend with an average number of calls. The fireworks were a success, and increased public outreach lead to a reduction in the number of citations for illegal fireworks.

Chief Warner congratulated the District's Collections and Distribution Supervisor Raymond Albanez for his life saving assistance to a choking man at a local restaurant. Mr. Albanez is a volunteer with the Groveland Fire Department, and while dining at a nearby table was able to draw on his training to perform the Heimlich maneuver and assist the man.

Chief Warner also reported that the Fire Department has begun safety inspections of local businesses, and is trying to raise awareness within the community of hazardous practices and fire prevention techniques.

The Fire Department has also welcomed several new reserves, for a total of 15 reserves.

District Counsel's Comments

None

Adjournment

Director Graham moved, seconded by Director Perreira, and the motion passed unanimously to adjourn the meeting at 10:16 a.m.

APPROVED:

Wes Johnson, President

ATTEST:

Lena Spilman, Board Secretary