

**BOARD OF DIRECTORS
GROVELAND COMMUNITY SERVICES DISTRICT
GROVELAND, CALIFORNIA
May 10, 2013
10:00 a.m.**

The Board of Directors of Groveland Community Services District met in special session on the above mentioned date with Directors Steve Perreira, President, Virgil McVicker Vice President, Joe Riley, John Armstrong, and Scott Wemmer being present.

Director Perreira called the meeting to order at 10:03am.

Agenda Approval

Motion

Director McVicker moved that the Board not approve the agenda as a whole, but approve each agenda item individually as they were reached. Director Armstrong seconded the motion. The motion did not pass.

Ayes: Directors McVicker and Wemmer

Noes: Directors Perreira and Armstrong

Motion

Director Armstrong moved that the Board approve the agenda. Director Perreira seconded the motion. The motion did not pass.

Ayes: Directors Armstrong and Perreira

Noes: Directors McVicker and Wemmer

Director McVicker stated he did not want to continue with any Board business until the Board received a legal opinion with regard to the validity of Director Riley's rescinding of his resignation and if he was allowed to be a voting member at the meeting. A discussion ensued between the Board and members of the public with regard to approval of the agenda. Director McVicker clarified that he wanted to only approve each item as they came to it during the meeting. President Perreira said he did not think they could do that; that it might violate the Brown Act, "That puts the public in peril not knowing what's going on in the meeting." Member of the public Carol Simpson supported Director Perreira, "That is very disrespectful to the public, with all due respect Director McVicker, to have us sit and wonder what your agenda is going to be." Director McVicker addressed Carol Simpson as "Mrs." and she corrected him "Dr." He continued, "or whatever, I'll call you what I think is appropriate." Dr. Simpson informed Director McVicker that he was being disrespectful to her. Director McVicker stated he considered that Mr. Riley is an elected official and that he needed to be part of this proceeding. Dr. Simpson suggested that Director McVicker was speaking for legal counsel and recommended that the Board contact counsel by phone.

District Counsel Dave McMurchie joined the meeting by phone at 10:30am. Mr. McMurchie advised the Board to table item #1 of the agenda and move forward with approving the rest of the agenda.

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed that the Board approve the agenda item by item before proceeding to any of the items on the agenda.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Armstrong moved, seconded by Director Perreira, to table agenda item #1 until a legal opinion is received from District Counsel with regard to Director Riley's status as an active director and that Director Riley will not participate in the current meeting. The motion did not pass.

Ayes: Directors Armstrong and Perreira

Abstained: Directors Wemmer and McVicker

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed to approve agenda item #2 for consideration by the Board with the understanding that Director Riley will not participate.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Armstrong moved, seconded by Director Wemmer, and the motion passed to approve agenda item #3 for consideration by the Board with the understanding that Director Riley will not participate.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed to approve agenda item #4 for consideration by the Board with the understanding that Director Riley will not participate.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed to approve agenda item #5 for consideration by the Board with the understanding that Director Riley will not participate.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed to approve agenda item #6 for consideration by the Board before item #5 with the understanding that Director Riley will not participate.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Director Perreira called for a recess at 11:13am

The Board reconvened at 11:22am.

Consider Initiating the Process to Search for and Select a New General Manager

Director Perreira presented the agenda item.

District Counsel left the meeting during this item.

The Board tabled the item to the next Board meeting.

Consider Board Actions Necessary to Allow Two Board Members to meet with employees for their Comments, Questions, and Answers on Friday, May 10th at 12:30pm on the District Lawn

Directors McVicker and Perreira presented the item to the Board. The Board, staff, and members of the public weighed in on how the process should be conducted.

Motion

Director Wemmer moved, seconded by Director Perreira, and the motion passed to authorize a committee of Directors Perreira and McVicker to carry out the employee questions and answers session with the caveat that they ascertain from the employees who they would like to conduct a more formal survey.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Perreira moved, seconded by Director Wemmer, and the motion passed that the committee shall report concisely and frankly in writing a summary of its findings to the rest of the Board at the next scheduled meeting after meeting with employees.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Motion

Director Perreira moved, seconded by Director Wemmer, and the motion passed that the committee shall be authorized to inquire with and conduct discussions with the O&M Manager Jon Sterling regarding the matter of possibly serving as interim general manager and to report back in writing to the Board at the next regularly scheduled meeting.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

Consider Forming an ad hoc Committee to Conduct a Confidential Survey of Employees to Serve as an Advisory to the Board Regarding the GCSD Work Environment

Director Armstrong presented the item to the Board. The item was continued to the next scheduled Board meeting.

Director Comments

The directors made their individual comments.

The Board took a recess at 12:28pm.

The Board reconvened at 1:37.

The Board convened into closed session at 1:38pm.

A. Closed Session

- A. Public Employee Discipline/Dismissal/Release Pursuant to Section 54957

The Board reconvened into open session at 2:59pm.

Report Out of Closed Session

Director Perreira announced that the Board voted in closed session to place General Manager Gary Mello on a paid permanent leave of absence congruent with the time frame of Mr. Mello's announced retirement schedule. The paid leave of absence will commence Monday, May 13, 2013 and shall terminate Friday, May 31, 2013 and henceforth, Mr. Mello shall be on terminal vacation leave until June 28, 2013 whence his retirement begins. Director Armstrong made the motion, it was seconded by Director Wemmer, and the vote was 4-0 in favor.

Adjournment

Director Armstrong moved, seconded by Director Wemmer, and the motion passed to adjourn the meeting at 3:01pm.

Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker

APPROVED:

ATTEST:

Steve Perreira, President

Jennifer L. Flores, Board Secretary