

**BOARD OF DIRECTORS
GROVELAND COMMUNITY SERVICES DISTRICT
GROVELAND, CALIFORNIA
February 7, 2013
10:00 a.m.**

The Board of Directors of Groveland Community Services District met in regular session on the above mentioned date with Directors Steve Perreira, President, Virgil McVicker Vice President, Joe Riley, John Armstrong, and Scott Wemmer being present. Also present were General Manager/District Engineer Gary Mello, Admin/Finance Manager Vicki West, and Board Secretary Jennifer Flores.

Director Perreira called the meeting to order at 10:00am.

Public Comment

Member of the public Kay Crow asked everyone attending the meeting to be respectful.

Operating Engineer's Local No. 3 representative Mike Eggener stated he noticed the Union Democrat published a job vacancy for a GCSD System Operator II; he asked if it was possible to hire at a I level to save the District money.

Information Items

Authority of the Board of Directors and the Presiding Officer (excerpts from the Board Manual and applicable laws) –Director Perreira

Director Perreira made a presentation to the Board, staff, and members of the public with regard to how the Board functions and what authority presiding officers have over meetings. General Manager Gary Mello read current Board policy with regard to agenda preparation. Director Perreira and General Manager Gary Mello disagreed about the agenda preparation process.

Motion

Director Riley moved, seconded by Director Wemmer, and the motion passed to suspend the meeting for five minutes.

Ayes: Directors Riley, Wemmer, McVicker, and Perreira

Abstain: Director Armstrong

The Board went into recess at 10:20am.

The Board reconvened at 10:24am.

Motion

Director McVicker moved that the Board listen to the audio recording from the meeting Directors McVicker and Perreira had with staff members Gary Mello and Jennifer Flores with regard to the agenda preparation.

Board Secretary Jennifer Flores informed the Board that the audio file was not a file that could be listened to using a CD player, but one that had to be listened to through a computer. Director McVicker withdrew his motion.

Motion

Director McVicker moved, seconded by Director Perreira, and the motion passed to take the contentious issue of Board agenda preparation and approval into closed session.

Ayes: Directors McVicker, Perreira, and Armstrong

Abstain: Directors Wemmer and Riley

Mr. Mello informed the Board that only very specific items can be discussed in closed session.

Director Perreira called for a five minute recess at 10:35am.

The Board reconvened at 10:41am.

Mr. Mello restated that the Board cannot take the previous item into closed session because it will be a violation of the Brown Act. Director Riley called for a point of order and stated that Director Perreira was leading the Board into a Brown Act violation and he would not be part of it. Mr. Mello asked if Director Perreira would recognize him so he could finish his comments. Director Perreira said no. Director Wemmer requested that the agenda be amended before approved to allow the Board to go into closed session first to discuss the contentious item of agenda approval.

Agenda Approval

Motion

Director Armstrong moved to approve the agenda, Director Perreira seconded the motion.

Mr. Mello stated that he objected to the approval of the agenda because it was not created according to current Board policies. Director Riley requested that Item 15 be moved up on the agenda.

Vote

Ayes: Directors Armstrong, Wemmer, Perreira, and McVicker

Noe: Director Riley

Consent Calendar

A. Approve Minutes from the January 3, 2013 Regular Meeting

Director Perreira stated that member of the public Lois Riggs request that her correspondences to Director Riley dated October 24, 2012 and January 2, 2013, and his response to her, were not included in the January 3, 2013 official record and asked to have those letters added before approving the minutes.

B. Approve Minutes from the January 17, 2013 Special Meeting

C. Approve Minutes from the January 22, 2013 Special Meeting

D. Waive Reading of Ordinances and Resolutions Except by Title

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously to approve Items B,C,and D of the consent calendar, and to postpone the approval of Item A until the requested letters are received from member of the public Lois Riggs.

Require the Board President to Conduct Board Meetings as is set Forth in the Board of Directors Policy Manual (Director Wemmer)

Director Wemmer stated that past Board meetings have been run poorly and have not been run according to current Board Policy. He stated he would like the Board to vote to require the Board President to follow Board Policy when running meetings.

Motion

Director McVicker moved, seconded by Director Armstrong, and the motion passed unanimously to require the Board President to strictly adhere to the rules and procedures as are set forth in the Board of Director's Policy Manual and to conduct meetings accordingly.

Consider recommending Staff Training with Respect to the California Public Records Act (Director McVicker)

Director McVicker stated he was addressing the issue due to a complaint he received from a member of the public that a record they requested was not given to them in its entirety. Staff explained that certain information was redacted because they felt it fell into one of the exemptions within the California Public Records Act (CPRA) with regard to utility customer's personal information, and that a staff member has received extensive training with regard to the CPRA. Director McVicker stated he was not aware that a staff member had received training with regard to the CPRA and therefore the point was moot.

Director Perreira called for a break at 12:05pm.

The Board reconvened at 12:20pm.

Board Consideration of Posting the "Projected Payroll, FY 2013-13" in Compliance with the 2011-12 Tuolumne County Grand Jury Recommendation R2, as Approved by the GCSD Board of Directors in its Response R2 (Director Perreira)

Director Perreira stated that the Grand Jury made the recommendation that the District report the dual salary the General Manager receives for performing the duties of General Manager and District Engineer on one line item in the District's Projected Payroll for FY 2012-13. He further stated that the Board approved response to the Grand Jury stated that the District would implement this, but that it has not yet been done. He stated that he would like the document posted on the website once the revision has been completed.

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously to revise the Projected Payroll for FY 2012-13 per the Grand Jury's R2 recommendation and to post the revised Projected Payroll for FY 2012-13 on the GCSD website and report it in the minutes as a written document.

Posting of the Board Approved Response to the 2011-12 Tuolumne County Civil Grand Jury Regarding Recommendations R1 and R2 (Director Perreira)

Director Perreira stated he would like the Board to vote to permanently post the Board approved response to the 2011-12 Grand Jury recommendations on the GCSD website.

Motion

*Director Perreira moved, seconded by Director Armstrong, and the motion passed to permanently post the Board response to the 2011-12 Grand Jury on the GCSD website.
Ayes: Directors Armstrong, Perreira, Wemmer, and McVicker
Noe: Director Riley*

Clarification of Board Approval Authority for all Employment Contracts and Any Changes Thereto. Employment contracts for at-will Employees Require Board Approval (Director Perreira)

Director Perreira stated that the Board is responsible for approving most of the contracts that the District enters into, including employment contracts. He stated that managers are “exempt” employees and in the past their contracts have not been submitted to the Board for approval. He stated, “...what I am trying to do, is just to get the Board to require approval of all employment contracts.” He presented a proposed revision to Section 4.1 of the District’s Board Policy Manual along with a revision to the General Manager’s Job Description, and asked for the Board to approve his proposed revisions.

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously to modify Section 4.1 of the District’s Board Policy Manual, adding to the end of the paragraph “including all contracts under which employees and consultants of the District are compensated. Reference Operational Policies and Procedures Manual Section 103.1 Item E.”

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously to modify the General Manager’s Job Description, with regard to personnel matters, to include “however, the General Manager must seek authorization of the Board of Directors for all employment contracts and changes thereto, including promotions, pay, and perquisites, per the budget authority of the Board of Directors. Reference Operational Policies and Procedures Manual Section 103.1.”

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously for the General Manager to submit the most recently signed contract for the Admin/Finance Manager and Operations and Maintenance Manager to the Board of Directors for approval consideration in accordance with Operations Manual 103.1 Item E.

Board to Consider Immediately Developing a Strategic Plan with Measurable Goals for Year 2013 with Advisory Input from the Public at Large, Management Staff, and Employees (Director Perreira)

Director Perreira stated that he would like the Board to do some strategic planning and put together a strategic plan for the District. A discussion pursued that involved input from the Board, staff, and members of the public.

Motion

Director Wemmer moved, seconded by Director Armstrong, and the motion passed unanimously to continue the item at the next regular meeting of the Board of Directors.

Motion

Director Perreira moved, seconded by Director Armstrong, and the motion passed unanimously to continue items 10, 11, and 12 of the agenda when the current meeting is continued at a future date and that the Board convene into closed session immediately.

The Board convened into closed session at 1:43pm.

Closed Session

- A. Conference with Legal Counsel – Significant Exposure to Litigation
Pursuant to subdivision (b) of Section 54956.9
Number of matters to be discussed: 5
- B. Public Employee Performance Goals and Objectives for FY 2012-13
Pursuant to Govt. Code Sec. 54957
Title: General Manager/District Engineer
- C. Public Employee Discipline/Dismissal/Release

The Board reconvened into open session at 2:08pm.

Report out of Closed Session

Director Perreira announced that no action was taken by the Board. He further announced that the Board would continue the meeting to Monday, February 11th at 11:00am. He stated that the special meeting that took place before the regular meeting will be continued at 10:00am the same day.

Motion

Director McVicker moved, seconded by Director Wemmer, and the motion passed to continue the meeting to Monday, February 11th at 11:00am.

Ayes: Directors McVicker, Wemmer, and Perreira

Absent: Directors Armstrong and Riley

Meeting continued February 11, 2013

Director Perreira called the meeting to order at 11:15am.

Board to Consider Immediately Developing a Strategic Plan with Measurable Goals for Year 2013 with Advisory Input from the Public at Large, Management Staff, and Employees (Director Perreira; Continued from February 7, 2013)

Director Perreira moved to expand the Strategic Planning Committee with two Board members to develop a five year plan and derive from that a one year plan for the year 2014 and that the strategic plan consider several alternative plans and continuous updating of the plans on an interval basis not less than yearly. Director Wemmer asked Director Perreira to amend his motion to include members of the public as voting members and have one voting staff member.

Motion

Director Perreira moved, seconded by Director Wemmer, and the motion passed unanimously to form a standing strategic planning committee to develop a five year plan and to derive from that a one year plan to be implemented in the year 2014. The strategic planning committee shall include several alternative plans to be presented to the Board. These plans shall be kept up to date by the standing committee. The committee will consist of one voting staff member, two voting Board members, and four voting members of the public; two chosen by each Board member.

Information Items

Staff Reports

E. General Manager's Comments

General Manager Gary Mello stated that the District received a letter from the Tuolumne Public Power Agency stating that they will allow two GCSD facilities to use their power, saving the District a substantial amount of money by not having to use PG&E. He further commented on and took issue with a recent letter to the editor regarding a statement within the letter that read, "...when an organization like GCSD has a spill, that's a failure to succeed." He stated that he did not believe that was an accurate or fair statement because even with all the mitigation efforts the District does to prevent spills, does not guarantee that a spill will never occur and further stated, "...it's bothersome to me because the letter implies that if the District does their job that spills will be eliminated completely and that's impossible."

F. Operations and Maintenance

Operations and Maintenance Manager Jon Sterling presented the O&M report to the Board. He stated that during the deep freeze, the District's AWS had a pipe broken due to the water freezing within it and that repairs were being performed. He further stated that the city of San Francisco cancelled the scheduled tunnel shutdown.

G. Fire Department

Captain Jacob Ruhl presented the monthly Fire Department report to the Board noting that the department has hired four new reserves.

H. Admin/Finance Report

Admin/Finance Manager Vicki West presented to the Board District's Quarterly Report along with District's Disbursement Report for the month of December.

Ad Hoc Committee Reports

I. Legal Counsel Options (Directors Armstrong & McVicker)

Director McVicker stated that he has made progress contacting different attorneys and that there should be an item on next month's agenda regarding to interview potential candidates.

J. Water Conservation (Directors Perreira & Riley)

Director's Riley and Perreira updated the Board with regard to the committee's progress and ideas regarding feasible water conservation methods such as low flow shower heads.

K. Finance (Director McVicker)

Director McVicker stated that Director Riley is now part of the committee and that for the past month he has been reviewing regulatory documents regarding bidding requirements.

L. Labor Negotiations (Directors McVicker & Wemmer)

Director Wemmer stated that he has been in contact with David Aranda who is the General Manager of the North of the River Municipal Water District as well as the Board President of SDRMA, and has been involved with CSDA for the last twenty years. Director Wemmer explained that Mr. Aranda had just concluded successful labor negotiations for his District and was faced with many of the current issues that face GCSD and believes he will be a very good source of information.

M. Budget Committee (Proposed Standing Committee)

Director Perreira stated that the approval of a new FY budget was approaching and that a Budget Committee needed to be formed. Directors Riley and McVicker were appointed to the committee with Director Riley being the Chair.

N. Strategic Planning Committee (Proposed Standing Committee)

Director Perreira stated that he would like to be on the committee and Director Wemmer offered to be on the committee as well. Director's Perreira and Wemmer were appointed to the committee with Director Perreira as the Chair.

Director Comments

Director McVicker asked when the Board would receive the management employment contracts for review. Director Perreira stated that was agendized for closed session.

Director Perreira called for a break at 1:00pm.

Director Armstrong left the meeting at 1:00pm.

The Board reconvened at 1:36pm.

The Board convened into closed session at 1:36pm.

Closed Session

- A. Conference with Legal Counsel – Significant Exposure to Litigation
Pursuant to subdivision (b) of Section 54956.9
Number of matters to be discussed: 5

- B. Public Employee Performance Goals and Objectives for FY 2012-13
Pursuant to Govt. Code Sec. 54957
Title: General Manager/District Engineer

- C. Public Employee Discipline/Dismissal/Release

The Board reconvened into open session at 4:27pm.

Report out of Closed Session

Director Perreira announced that the Board was coming out of closed session temporarily and voted to reject the offer received by Long Gulch Ranch Property owner Mr. Fitzgerald. He stated that motion was made by Director McVicker, seconded by Director Riley and the motion passed with a 4-0 vote with Director Armstrong being absent. Director Perreira stated that Vice President McVicker was going to chair the remainder of the meeting.

Adopt Resolution 2-13, a Resolution of the Board of Directors of the Groveland Community Services District Publicly Censuring Director Armstrong for Violations of Board Policy and the Board Member Code of Ethics (Director Riley)

Motion

Director Riley moved, seconded by Director Wemmer, and the motion passed to adopt Resolution 2-13 a Resolution of the Board of Directors of the Groveland Community Services

District Publicly Censuring Director Armstrong for Violations of Board Policy and the Board Member Code of Ethics

Ayes: Director Riley, McVicker, and Wemmer

Abstain: Director Perreira

Absent: Director Armstrong

Director McVicker announced the Board was reconvening back into closed session at 4:30pm.

Closed Session

B. Public Employee Performance Goals and Objectives for FY 2012-13
Pursuant to Govt. Code Sec. 54957

Title: General Manager/District Engineer

C. Public Employee Discipline/Dismissal/Release

The Board convened into open session at 5:16pm.

Report Out of Closed Session

No Report

Adjournment

Director Riley moved, seconded by Director Wemmer, and the motion passed to adjourn the meeting at 5:17pm.

Ayes: Directors Wemmer, Riley, and McVicker

Absent: Directors Perreira and Armstrong

APPROVED:

ATTEST:

Steve Perreira, President

Jennifer L. Flores, Board Secretary