

**SAN LORENZO VALLEY WATER DISTRICT  
BOARD MEETING MINUTES**

December 5, 2013

7:30 p.m.

**CONVENE MEETING/ROLL CALL:**

Pres. Vierra convened the meeting at 7:30 p.m. Roll call showed Dirs. Brown, Bruce, Rapoza, Vierra were present. Dir. Prather arrived at 7:45 p.m. District Manager Mueller, Director of Operations Rogers, and Legal Counsel Hynes were also present.

**MINUTES:**

MINUTES OF THE REGULAR MEETING OF NOVEMBER 21, 2013

Motion made by Dir. Rapoza to approve minutes the November 21, 2013 Board of Directors Meeting.

ROLL CALL:

Ayes: Brown, Bruce, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: Prather

**ACTIONS TO ESTABLISH NEW BOARD:**

**ELECTION OF NEW OFFICERS:**

Motion made by Dir. Rapoza to nominate Dir. Bruce as President of the Board.

ROLL CALL:

Ayes: Brown, Bruce, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: Prather

Motion made by Dir. Vierra to nominate Dir. Rapoza as Vice President of the Board.

ROLL CALL:

Ayes: Brown, Bruce, Rapoza, Vierra  
Noes: None  
Abstain: None  
Absent: Prather

**ADDITIONS AND DELETIONS TO AGENDA:**

**ADDITION TO THE AGENDA; CLOSED SESSION**

District Counsel Hynes requested an addition to the Closed session Agenda:

**CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 California Government Code  
One (1) potential case.

Motion made by Dir. Vierra to add Closed Session Item 11(b) Conference with Legal Counsel; Anticipated Litigation, Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 California Government Code, that there is need to take immediate action, and that the need to take action came subsequent to the posting of the agenda .

**ROLL CALL:**

Ayes: Brown, Bruce, Rapoza, Vierra  
Noes: None  
Abstain: None  
Absent: Prather

**ORAL COMMUNICATIONS**

Nancy Macy, Boulder Creek, addressed the Board regarding the NOAA Coho Recovery Plan.  
Bruce Holloway, Boulder Creek addressed the Board regarding the proposed California Water Bond Act and District Cash Flow Statements.  
Peter Lang, Boulder Creek, addressed the Board regarding Board of Director compensation.  
Charlene DeBert, Boulder Creek, addressed the Board regarding payment for litigation defense.

**WRITTEN COMMUNICATIONS:** None.

**CONSENT AGENDA:**

Dir. Bruce stated that she had questions regarding Consent Agenda Item 6(b) Respectful Workplace Policy, and asked that this item be moved to New Business. Motion made by Dir. Rapoza to approve Consent Agenda Item 6(a) Sexual Harassment Policy 2014, Consent Agenda Item 6(c) Personnel Rules and Regulations, and to move Consent Agenda Item 6(b) Respectful Workplace Policy to New Business Item 8(f).

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: None

**UNFINISHED BUSINESS:**

**CITIZEN’S ADVISORY COMMITTEE**

Pres. Bruce introduce this item by stating that she is proposing that the District create a citizen’s advisory committee to assist the Board with the identification and evaluation of options for improving community outreach. Dir. Bruce stated that the committee would be composed of ten (10) members of the public, with each Director appointing two (2) members. Dir. Brown stated that the proposed community was a good idea, and that it would tap into the resources of the community. Dir. Vierra stated that he believed that the committee would be a good thing for the District. Dir. Prather asked which staff would be assigned to the Citizen’s Advisory Committee. District Manager Mueller stated that initially, the District Manager would staff the committee. District Manager Mueller stated that the attached resolution provided for establishment of the Community Outreach Citizen’s Advisory Committee. Motion made by Dir. Rapoza to approve Resolution No. 13 (13-14) Community Outreach Citizen’s Advisory Committee.

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: None

**NEW BUSINESS:**

**BOARD OF DIRECTORS MEETING DATES 2014**

District Manager Mueller stated that the regular Board of Directors meeting dates has been the first and third Thursdays of each month. District Manager Mueller stated for calendar year 2014 staff was recommending two proposed exceptions due to the close proximity to holidays. Staff was recommending that no Board of Director meeting be held on January 2, 2014 and July 3, 2014. Dir. Brown stated that he was concerned that there would be only one scheduled meeting in January, and perhaps the Board should consider an alternative schedule of January 9<sup>th</sup> and 23<sup>rd</sup>. Dir. Rapoza stated that should the need arise; the Board could always schedule a Special Meeting. Motion made by Dir. Vierra to approve Resolution No. 14 (13-14) Setting Regular Board of Director Meeting Days for 2014 as the First and Third Thursday of Each Month.

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Rapoza, Vierra  
Noes: None  
Abstain: None  
Absent: None

**BOARD OF DIRECTOS POLICY MANUAL 2014**

District Manager Mueller stated that staff was recommending one change to the existing Board of Director Policy Manual. Staff was recommending that Section 9(c) Quorum be amended to require a majority vote of the Board to pass an ordinance, resolution or motion. Bruce Holloway, Boulder Creek, stated that the present Board of Director Manual Section 13, Minutes states that Board minutes will be tape recorded, and that Section 13, should be amended to read

audio recorded. Further, Mr. Holloway stated the Section 9(m) Recess limits the duration of a declared recess to no more than 10 minutes, and that this limit was exceeded at the October 24, 2013 Board of Directors meeting. District Manager Mueller recommended that the recess time limitation be removed. Motion made by Dir. Vierra to approve Resolution No. 15 (13-14) Board of Director's Policy Manual 2014, as amended to revised Section 9(m) Recess to remove the time limit for a declared recess, and Section 13 Minutes to change tape record to audio record.

ROLL CALL:

Ayes: Brown, Bruce, Prather, Rapoza, Vierra  
Noes: None  
Abstain: None  
Absent: None

COMMITTEE APPOINTMENTS OF 2014

Pres. Bruce stated that she would like to thank each Director for their past committee service, but that she would like to see some changes to the membership of the existing committees. The Board discussed various committee memberships. After considerable discussion, Pres. Bruce appointed the following committee memberships:

Environmental Committee	Prather (C), Bruce
Facilities and Planning Committee	Bruce (C), Vierra
Finance Committee	Vierra (C), Brown
Legislation Committee	Brown (C), Rapoza
Lompico Committee	Vierra (C), Rapoza
Personnel Committee	Rapoza (C), Bruce
Public Relations Committee	Brown (C), Rapoza
Santa Margarita Committee	Prather, Brown (Alt)

Motion made by Dir. Rapoza to approve Resolution No. 16 (13-14) San Lorenzo Valley Water District Board of Directors Standing Committees 2014, and to approve the appointments of Pres. Bruce.

ROLL CALL:

Ayes: Brown, Bruce, Prather, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: None

DISTRICT INVESTMENT POLICY 2014

Dir. Brown stated that he would like the Board to consider changes to the District's existing investment policy. Dir. Brown distributed a listing of allowable investment alternative. Dir. Vierra stated that this matter should be referred to the Finance Committee for further consideration. Peter Lang, Boulder Creek, stated that the District should utilize an outside consultant. Bruce Holloway, Boulder Creek, stated that he was concerned with the District's long term investment, and would like to see the Investment Policy amended to reduce the maximum term of an investment. Motion made by Dir. Rapoza that the present Investment

Policy shall remain in effect, and refer this matter to the Finance Committee for further consideration, with a report back to the full Board at their March 6, 2013 Board of Directors meeting

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: None

**MORATORIUM ON SPENDING FOR FACILITIES CONSOLIDATION PROJECT**

Dir. Brown stated that he requested this agenda item to provide clarity regarding the District's actions from the October 24, 2014 Board of Directors meeting. Dir. Rapoza stated that he made a motion at the October 24, 2014 Board of Directors meeting to remove the Facilities Consolidation Project from the rate increase and refer the project to the Facilities and Planning for further consideration. Dir. Vierra stated that a motion had passed relative to the Facilities Consolidation Project, and that the proposed resolution for a spending moratorium was not required. Dir. Brown stated he just wanted to be sure that the procedures were correct, and withdrew the proposed resolution.

**RESPECTFUL WORKPLACE POLICY 2014**

Pres. Bruce stated she had some concerns regarding the language in Abusive Customer Behavior relative to an employee not leaving the area when violence is imminent when their duties require them to remain. Director of Operations Rogers stated that employees are instructed to leave the area immediately whenever violence maybe imminent, unless in doing so, they would create a larger liability, for example such as an open roadway trench across Highway 9. Motion made by Dir. Prather that the present Respectful Workplace Policy shall remain in effect, and refer this matter to Legal Council and staff for further considers consideration.

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Vierra, Rapoza  
Noes: None  
Abstain: None  
Absent: None

**GENERAL MANAGERS REPORTS:**

Bill List Period Ending December 5, 2013.

Motion made by Dir. Vierra to approve the Bill List for the period ending December 5, 2013.

**ROLL CALL:**

Ayes: Brown, Bruce, Prather, Rapoza, Vierra,  
Noes: None  
Abstain: None  
Absent: None

Department Status Reports.

The Board received the Department Status Reports.

**COMMITTEE/DIRECTOR REPORTS (ORAL):** None.

**INFORMATIONAL MATERIALS:**

The Board received informational newspaper articles.

**ADJOURNMENT TO CLOSED SESSION:**

Pres. Bruce adjourned the regular meeting to Closed Session at 9:52 p.m. for the purpose of:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Conference with Real Property Negotiator pursuant to California Government Code Sections 54956.8 and 54954.2(b)(2).

Property: APN 090-194-14 generally located at 1130 Rebecca Drive, Boulder Creek, California

Agency Negotiator: James Mueller, District Manager

Negotiating Party: Coldwell Banker, Los Gatos

Under Negotiation: Price and Payment Terms

**CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 California Government Code

One (1) potential case.

**RECONVENE TO OPEN SESSION:**

Pres. Bruce reconvened the regular meeting at 10:22 p.m.

**REPORT ACTIONS TAKEN IN CLOSED SESSION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Conference with Real Property Negotiator pursuant to California Government Code Sections 54956.8 and 54954.2(b)(2).

Property: APN 090-194-14 generally located at 1130 Rebecca Drive, Boulder Creek, California

Agency Negotiator: James Mueller, District Manager

Negotiating Party: Coldwell Banker, Los Gatos

Under Negotiation: Price and Payment Terms

No reportable actions.

**CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 California Government Code

One (1) potential case.

No reportable actions.

**ADJOURNMENT:**

Pres. Bruce adjourned the meeting at 10:22 p.m.

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James A. Mueller  
Acting District Secretary