



**MINUTES  
SPECIAL BOARD OF DIRECTORS  
SAN LORENZO VALLEY WATER DISTRICT  
AGENDA**

**January 18, 2018, 5:00 pm**

Bear Creek Estates Country Club  
15685 Forest Hill Dr., Boulder Creek, CA 95006.

1. 5:00 Convene Meeting/Roll Call  
Pres. Baughman, V.P. Hammer, Dir. Ratcliffe and Dir. Bruce were present  
Dir. Smallman was absent
2. Additions and Deletions to Closed Session Agenda: None
3. Oral Communications Regarding Items in Closed Session:  
  
B. Holloway, Boulder Creek addressed the Board.
4. 5:05 Adjournment to Closed Session
5. Convene to Open Session at 6:31 p.m.  
Director Smallman is now present.
6. Report of Actions Taken in Closed Session

President Baughman read the following statement:

*The Board has been and continues to be extremely concerned about unauthorized dissemination of the District's confidential and legally protected information through news outlets and social media. The Brown Act requires the legislative bodies of local agencies such as the District to hold their meetings open to the public except as provided in the Act. Section 54956.9 of the Brown Act establishes one of these important exceptions to the public meeting requirement. It authorizes local agencies to conference with their attorneys in private regarding pending or anticipated litigation after notice to the public when discussion in open session would prejudice the position of the local agency in the litigation. Section 54963 of the Brown Act strictly prohibits local agency Board members from publicly disclosing any information that has been received and discussed in closed session concerning litigation, unless the information is expressly authorized by law to be disclosed. The Board has directed counsel to prepare a draft complaint against Director Smallman to seek an injunction or other court order to prevent future unauthorized disclosures. The Board has been deliberating in closed session under the Anticipated Litigation agenda item regarding whether or not to pursue the litigation against Director Smallman. The Board has not yet made the decision whether to file, and believes it is appropriate to obtain public comment on this matter before deciding how to proceed. To that end, this item will be placed on the open session meeting agenda for a special*

*meeting of the Board to be conducted at 6:00 p.m., on January 30, in Boulder Creek at the District's Operations Building.*

7. Additions and Deletions to Open Session Agenda: None

8. Oral Communications:

B. Holloway addressed the Board.

9. New Business:

Item 9a was moved to 7:00 pm as per notice.

b. FISH MONITORING PROGRAM

Dist. Manager Lee introduced this item.

Environmental Programs Manager Michelsen added additional info and introduced Kristen Kittleson, Santa Cruz County Fishery Resource Planner. Technical difficulties required moving to the next item.

A motion was made to take item 9c out of order. All members agreed.

c. SPECIAL DISTRICT LEADERSHIP ACADEMY CONFERENCE

DM Lee introduced this item.

An unidentified woman addressed the Board.

Discussion by the Board regarding attendance by the Board regarding the Special District Leadership Academy Conference.

A motion was made and seconded to authorize attendance by the Board of the Special District Leadership Academy Conference in Monterey in 2018.

L. Farris, addressed the Board.

Continued Board discussion.

M. Lee, Ben Lomond addressed the Board.

Unidentified woman addressed the Board.

Continued Board discussion.

Unidentified man addressed the Board.

J. Hayes, Felton addressed the Board.

Unidentified woman addressed the Board.

Continued Board discussion.

The Board voted unanimously to authorize attendance by the Board to the SDLA Conference in Monterey 2018.

- a. PUBLIC HEARING - PROP 218 BEAR CREEK ESTATES  
WASTEWATER  
DM Lee introduced this item.

*7:05 President Baughman opened the Public Hearing.*

B. Silver, BCE Wastewater Customer addressed the Board.  
R. Herman, BCE Wastewater Customer addressed the Board.  
Unidentified woman, BCE Wastewater Customer addressed the Board.  
B. Holloway, addressed the Board.  
J. Fasolas, Felton addressed the Board.  
S. Wilbur, BCE Wastewater Customer addressed the Board.  
M. Lee, addressed the Board.  
Unidentified man, BCE Wastewater Customer addressed the Board.

*7:21 President Baughman closed the hearing.*

District Secretary Hossack announced that the District received 44 unvalidated protests.

DM Lee stated that the more than enough protests were received to end the Prop 218 rate increase. Staff will plan another meeting with the BCE Wastewater customers in February 2018.

Pres. Baughman said that it is clear that the rate increase cannot proceed.

Staff attempted to answer questions.

Discussion by the Board and staff regarding the Bear Creek Estates Wastewater Enterprise rate increase.

S. Wilbur addressed the Board.

A motion was made and seconded to hold a 5 minute recess. All present voted in favor.

8:01 Pres. Baughman reconvened the meeting.

- b. FISH MONITORING PROGRAM cont.

DM Lee reintroduced this item.

J. Michelsen reintroduced Kristen Kittleson.

Ms. Kittleson presented the monitoring history and current plan.

Discussion by the Board regarding the fish monitoring program.

An unidentified Soquel Creek Board member addressed the Board.

J. Fasolas, J. Collins, T. Hager from Capitola, unidentified man and woman, B. Ashley, L. Farris, B. Holloway, D. Alley and Chad addressed the Board.

Discussion by the Board.

10. Unfinished Business:

***Members of the public will be given the opportunity to address each scheduled item prior to Board deliberations. The Chairperson of the Board may establish a time limit for members of the public to address the Board on agendum.***

a. LOMPICO ASSESSMENT DISTRICT LOANS

Dir. Smallman addressed the Board and staff.

K. Hill, unidentified woman, S. Yergovich and B. Holloway addressed the Board.

Staff explained the process.

Discussion by the Board regarding Lompico Assessment District Loans.

10:27 Dir. Smallman asked to be excused and left.

11. Consent Agenda:

a. MINUTES FROM BOARD OF DIRECTORS MEETING  
DECEMBER 21, 2017.

Consideration and possible action by the Board to approve minutes from the December 21, 2017 BoD meeting.

A motion was made to approve the 12.21.17 minutes. The motion passed with 3 in favor, 1 abstained and 1 absent.

12. District Reports:

DM Lee shared highlights from the District Reports.

B. Holloway addressed the Board.

Board Discussion

B. Holloway and L. Farris addressed the Board.

Future BoD items:

- Strategic Plan
- Board Policy Manual
- Public Committee Member applications

13. Adjournment 10:44