

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Regular Board of Directors Meeting

MINUTES

September 17, 2008

5:00 p.m. - Open Session

1. CALL TO ORDER/ROLL CALL

President Wayne Kuntz called the regular meeting of the Board of Directors of Rancho Murieta Community Services District to order at 5:00 p.m. in the District meeting room, 15160 Jackson Road, Rancho Murieta. Directors present were Wayne Kuntz, Richard Taylor, Roberta Belton, Robert Kjome, and Gerald Pasek. Also present were Edward R. Crouse, General Manager; Darlene Gillum, Director of Administration; Greg Remson, Security Chief; Paul Siebensohn, Director of Field Operations; and Suzanne Lindenfeld, District Secretary.

2. EMPLOYEE PROMOTIONS – CERTIFICATIONS

None.

3. ADOPT AGENDA

Motion/Taylor to adopt the agenda. **Second/Kjome.**

Director Belton requested that Agenda Item 15 be moved to after Agenda Item 6, Consent Calendar.

Director Kjome to adopt the agenda with Agenda Item 15 being moved to after Agenda Item 6. **Second/Pasek. Ayes: Kuntz, Taylor, Kjome, Belton, Pasek.**

4. PROCLAMATION IN HONOR OF MORRISON GRAF

President Kuntz presented Morrison Graf with a Proclamation for Leadership and Service. Mr. Graf thanked the Board and stated he has always worked with the boys in the community to pay back the community for all the support the community has give to the Scouts.

5. COMMENTS FROM THE PUBLIC

Mary Brennan, lot 71, commented on the midge flies problem and requested that the Board re-consider spraying for midge flies next year.

Tom Matthews, 6970 Carreta Lane, commented on not being able to use his backyard this summer due to the midge flies and encouraged the Board to find the money to pay for spraying next year.

Judith Embree, lot 125, commented the midge flies and that she had a bat by her front door which she feels is because bats eat midge flies.

Jane Hall, lot 55, commented on the midge flies and that she is unable to leave her outside light on because of them.

Willa Clore, lot 73, commented the midge flies and her having to go to the doctor to get the midge flies out of her ears

Joan Williams, lot 118, commented on the midge flies being a problem this year and last year.

Catherine Simpson, lot 28, commented on her support for the District to spray for midge flies next year.

Lois White, lot 82, commented on the midge flies being a nuisance but not a big problem. Ms. White also commented on concerns regarding the chemicals in the spray.

Director Kuntz suggested use of bug zappers. Joan Williams stated that bug zappers have no effect on midge flies.

Director Taylor stated the Board did not feel it was financially responsible for the all the residents in Rancho Murieta to pay for midge fly spraying in one small area. Spraying was done last year and they were still a problem.

Director Pasek stated there is no legal justification for spraying to be the responsibility of the District. Director Pasek commented on using Vector Control to help control the midge fly population. A discussion followed.

Mary Brennan, lot 71, commented on continuing the use of fish to help with controlling the midge fly population and all the residents in Rancho Murieta work together as a community. A discussion followed. Director Kjome stated this issue will be looked into in March for the 2009-2010 budget.

Betty Ferraro, lot 197, commented on the District using the CodeRed system to notify residents when Jackson Road is closed due to a vehicle accident. Chief Remson commented on the difficulties in providing that information to the residents as it is hard to provide information of what is going on and to give a timeline for the closure. Lisa Taylor stated that using CodeRed would pull an officer away from the scene. A short discussion followed.

Judith Embree, lot 125, commented on her efforts to reduce the speed limit on Jackson Highway. A short discussion followed.

6. CONSENT CALENDAR

Director Belton requested Agenda Items 6b3 and 15 be pulled for discussion.

Motion/Taylor to accept the Consent Calendar with Agenda Item 6b3 and Agenda Item 15 pulled for discussion. **Second/Pasek. Roll Call Vote, Ayes: Kuntz, Taylor, Belton, Kjome, Pasek.**

15. RECEIVE UPDATE ON DEVELOPER NEGOTIATIONS (taken out of order)

Director Belton requested that the Financing and Services Agreement negotiations with the developers be put on hold until the developers reimburse the District for legal fees already incurred and provide a letter of credit/deposit for \$100,000 for future legal fees. After a discussion, the Board agreed, by consensus, to have Ed Crouse, General Manager, send a letter to the developers requesting reimbursement for legal fees already incurred and a deposit for future legal fees before the District resumes negotiation.

Motion/Belton to adopt Agenda Item 6b3 as is and Agenda Item 15 with the inclusion of a letter being sent to the developers requesting reimbursement for legal fees already incurred and a deposit for future legal fees before the District resumes negotiations. **Second/Pasek. Roll Call Vote, Ayes: Kuntz, Taylor, Belton, Kjome, Pasek.**

7. STAFF REPORTS

Under Agenda Item 7a, Director Belton asked about the appliance rebates. Ed Crouse stated the rebates are through the Regional Water Authority (RWA) with participating Water Districts matching the amount of rebate RWA provides. The rebates are on a first come first paid basis. Ed stated this item will be brought to the Finance Committee for discussion.

Director Pasek asked for a recap of the MS4 Permit. Ed Crouse stated MS4, Municipal Separate Storm Sewer System, is a general permit issued through the State Board, administered by the Regional Board, which requires the District to implement the Best Management Practices (BMP) to control storm

water quality. The first 5 year permit is a baseline Best Management Practice, developed by the District, to follow. A short discussion followed.

Under Agenda Item 7b, Director Pasek asked about the reserves. Darlene Gillum stated the reserves are a monthly allocation from the revenue; they do not appear on the income statement as they are not used to cover operating expenses.

Under Agenda Item 7c, Frank Simmons asked what the response time is for SSD to respond to a call in Rancho Murieta. Chief Remson stated residents can expect at least a 30 minute response time, much longer on Friday and Saturday nights, depending on how busy they are.

Chief Remson stated that starting in January 2009, Rancho Murieta will fall under the Delta Division of the Sheriff's Department. SSD feels this should improve the response time and increase SSD patrols as the Delta Division is not as busy as the East Division, which we are under now. A discussion followed.

Mr. Simmons asked about the District's use off-duty Sacramento County Sheriff Deputies (SSD). Chief Remson stated the District has been using off-duty SSD for 10 years. They are used to cover shifts when needed or when there are special events that require extra coverage. The District has a magnetic SSD decal and a red bubble light that are put on the District vehicle SSD drives.

8. CORRESPONDENCE

Lisa Taylor stated her letter provides ample information regarding catch and detain force in the community. Ms. Taylor asked for a response from the Board regarding her two questions. Ms. Taylor commented on her concerns regarding 836.5 authority and her preference for District Peace Officers. Director Pasek asked Steve Rudolph, District Legal Counsel, if there were any legal errors in the information submitted by Ms. Taylor. Mr. Rudolph stated he did not review the letter for that purpose.

Director Kjome stated that the information is redundant as the Board is addressing the issue. As stated at the August Board meeting, according to the security survey, the community does not want to pay for police powers. Director Kjome stated it is his opinion that the Security Department should stay as is and increase the use of off-duty SSD. A discussion followed.

9. APPROVE NPDES PERMIT APPLICATION CONTRACT AMENDMENT

Ed Crouse gave a brief summary of the recommendation to approve the proposed contract amendment from HydroScience Engineers, Inc. which is for additional testing and sampling to provide more thorough data to the Regional Board in hopes of getting more representative constituent limits. Jack Grossman, HydroScience Engineers (HSe), answered questions of the Board.

Director Kjome commented on doing the mixing study to decide if the water will be diluted enough to not be a factor. Jack Grossman stated that testing needs to be done at the same time of year that the discharge of effluent will be done for accurate data.

Mr. Grossman stated that the report is ready for submittal to the Regional Board. The testing will be done during the period of review to allow for the schedule keep going forward. Director Pasek commented on the permit reducing or eliminating the need for additional storage and/or additional spray fields.

Ed Crouse stated the purpose of the NPDES Permit is to broaden the District's portfolio of disposal alternatives. Director Pasek commented on having the developers cover the costs for this project. A discussion followed.

Motion/Kjome to approve HydroScience Engineers, Inc., contract amendment for the NPDES Permit Application Amendment, in an amount not to exceed \$38,415, of which \$9,250 is budgeted for support of potential mix zone analysis and outfall design. Funding to come from Sewer Replacement Reserves, with reimbursement to the Reserve account from future rate increases. **Second/Belton. Ayes: Kuntz, Taylor, Belton, Kjome, Pasek.**

10. APPROVE RESOLUTION 2008-08, A RESOLUTION GRANTING INDEMNITY TO PATROL OFFICERS

Steve Rudolph, District Legal Counsel, gave a brief overview of the resolution granting indemnity to District Patrol Officers. The resolution provides indemnity to Patrol Officers who voluntarily make citizens arrests as long as the Officers act reasonably and within the District policies and guidelines in making a citizen's arrest. A discussion followed.

Motion/Belton to approve Resolution 2008-08, a resolution providing indemnification for District Patrol Officers that make citizen's arrests. Staff to submit written guidelines for Board approval within 60 days. **Second/Pasek. Roll Call Vote, Ayes: Kuntz, Taylor, Belton, Kjome, Pasek.**

On behalf of the Security Department and Patrol Officers, Chief Remson thanked the Board.

11. DISCUSS SECURITY AUTHORITY ALTERNATIVES

Steve Rudolph, District Legal Counsel, gave a brief overview of the security authority chart each Director submitted. Director Belton stated she had difficulty in completing the form and did not feel it was helpful.

Director Pasek stated one of his main concerns is making enforcement consistent throughout the community.

Mr. Rudolph gave a brief summary of the three options.

Option 1-Staff Assessment is to have staff complete the chart then have the Directors decide on how significant each item is, then either evaluate options for enhancing Security's ability to respond or maintain the status quo.

Option 2 – Board Assessment is to have the Board rate the significance of the categories and then decide if the current level of response for each category is adequate. If inadequate, the Board can review alternatives.

Option 3 – Data Collection/Deferred Assessment is to maintain the current security service authority for the balance of the fiscal year and collect data on the types and frequency of calls for service. The Board will then decide if the response was adequate. If not, the Board can review alternatives.

A discussion followed.

Motion/Belton that:

1. The Rancho Murieta Community Services District Board of Directors indefinitely cease any further discussion or consideration of the creation or formation of a District police department.
2. That the current security authority and operation, including use of off-duty Sacramento County Sheriff's Department Deputies as warranted, remain in effect until such time as the Board determines otherwise, based on an in-depth analysis of historical data on the Department's calls for service.

3. That staff remain in regular contact with Sacramento County Sheriff's Department regarding the pending realignment of service areas in that department and the impact of additional/regular Sacramento County Sheriff's Department service to the community.
4. Staff was instructed at the last Security Committee meeting to maintain detailed records of calls for service, the manner in which each call was handled, and the resolution of each call. The results should be part of a regular presentation to both the Security Committee and the Board of Directors. In addition, the General Manager is requested to maintain ongoing contact with the various entities (Sacramento County Sheriff's Department, District Attorney, etc.) regarding common issues of interest and report back in a timely fashion.
5. In March 2009, prior to budget preparation for the following fiscal year, an official report shall be presented to the Board of Directors. Quarterly updates shall follow.
6. That the District's Legal Counsel prepare a revision(s) to the Security Code that (a) deletes police power ordinances and (b) makes any other changes staff wishes to recommend to the Board for consideration and present such revision(s) to the Board at the November Board meeting, following review by the Security Committee earlier that month. **Second/Taylor. Ayes: Kuntz, Taylor, Belton, Kjome, and Pasek.**

Lisa Taylor commented on the Board not wanting to have catch and detain authority in Rancho Murieta. Director Belton stated not at this time, but the Board will be reviewing security authority.

Director Pasek asked about the status of Murieta Plaza developing their own HOA. President Kuntz stated Chief Remson will contact the property owner. Chief Remson stated he is working with the District Attorney's Office to address the skateboarding issue at Murieta Plaza.

12. APPROVE ORDINANCE 2008-03, DISTRICT CODE CHAPTER 2

Ed Crouse gave a brief overview of Ordinance 2008-03, updating Chapter 2 of the District Code.

In section 6.08, second line, Director Belton requested the word "shall" be changed to "may" and section 6.11 include electronic correspondence. By consensus, the Board agreed. The changes will be made.

Motion/Kjome to introduce Ordinance 2008-03, waive the first reading of and continue to the October 15, 2008 Board meeting, with the two changes. **Second/Pasek. Roll Call Vote: Ayes: Kuntz, Taylor, Belton, Kjome and Pasek.**

13. APPROVE SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR THE GENERAL MANAGER

Motion/Pasek to approve and authorize the President of the Board of Directors to sign the Second Amendment to Employment Agreement for the General Manager. **Second/Kjome. Ayes: Kuntz, Taylor, Kjome and Pasek. Noes: Belton.**

14. RECEIVE STATUS UPDATE FROM AD HOC GOVERNANCE COMMITTEE

Director Pasek stated that the Ad Hoc Governance Committee will be meeting with RMA to review their budget. Each of the Committee's subcommittees will make a PowerPoint presentation to the Board at the December Board meeting. Director Taylor stated that at the last meeting, Paul Gumbinger commented that the direction the Ad Hoc Committee is going is not in the best interest of RMA.

Director Pasek stated if the District took over the parks, Security would be able to enforce District Ordinances. Betty Ferraro asked if the new park planned for the South is included in the discussion. Director Pasek said yes.

16. APPROVE GRANLEES PUMP STATION IMPROVEMENTS

Paul Siebensohn gave a brief summary of the recommendation to approve the proposal from Kirby Pump and Mechanical, Inc. for repairs to Granlees Pump Station. A short discussion followed. Director Pasek stated the scope of work needs to be clearly defined in writing. Paul stated he would send a letter with the scope of work clearly defined.

Motion/Kjome to approve \$15,500 to Kirby's Pump and Mechanical, Inc., for repairs to Granlees Pump Station, pumps 4 and 5. Funding to come from Water Replacement Reserves, Capital Improvements Project #06-03-1. **Second/Belton. Ayes: Kuntz, Taylor, Belton, Kjome, and Pasek.**

17. APPROVE PROPOSAL FOR PIEZOMETER INSTALLATION

Paul Siebensohn gave a brief summary of the request to approve the proposal from PC Exploration for 4 piezometers to be installed.

Motion/Kjome to approve proposal from PC Exploration, in an amount not to exceed \$17,500.00. Capital Improvements Project #05-10-1, funding to come from Water Replacement Reserves. **Second/Taylor. Ayes: Kuntz, Taylor, Belton, Kjome and Pasek.**

18. REVIEW DRAFT ENVIRONMENTAL IMPACT REPORT FOR MURIETA GARDENS I AND MURIETA GARDENS II

Ed Crouse gave a brief update on staff's activities regarding the review of the Murieta Gardens I and II Draft Environmental Impact Report. Ed requested any comments the Board wished included in the District's response be submitted to him so he can bring them to the attention of DERA. A discussion followed.

19. REVIEW AND SELECT CONFERENCE/EDUCATION OPPORTUNITIES

No discussion.

20. MEETING DATES/TIMES FOR THE FOLLOWING COMMITTEES:

Improvements	(Kuntz/Kjome)	October 2, 2008	(8:30 a.m.)
Personnel	(Kjome/Pasek)	October 2, 2008	(9:30 a.m.)
Com. & Tech.	(Taylor/Pasek)	October 2, 2008	(10:30 a.m.)
Joint Security	(Kuntz/Belton)	October 6, 2008	(10:00 a.m.)
Security	(Kuntz/Belton)	October 7, 2008	(8:30 a.m.)
Finance	(Taylor/Belton)	October 7, 2008	(9:30 a.m.)
Ad Hoc Governance	(Pasek)	October 8, 2008	(6:30 p.m.)
Parks	(Kjome)	October 30, 2008	(4:00 p.m.)

Regular Board Meeting – Wednesday, October 15, 2008 at 5:00 p.m.

21. COMMENTS/SUGGESTIONS – BOARD MEMBERS AND STAFF

Darlene Gillum stated field work for the 2007-2008 audit is scheduled to begin next week.

Chief Remson thanked the Board for approving the Resolution granting indemnity to Patrol Officers that voluntarily make citizen's arrests.

Paul Siebensohn stated the new Chief Plant Operator will be starting on September 29, 2008. There is still a vacant Plant Operator position.

Director Taylor commented on how well the blog on Ranchomurieta.com is working.

Director Belton stated the Rotary Club is sponsoring a Neighborhood Watch meeting at the RMA Administration Building on September 30.

Director Kjome reported back on the last Parks Committee meeting. The Committee discussed RMA's ability to transfer reserve funds to the park funds to pay for projects in the future. Also discussed additional lighting to Stonehouse Park for the soccer/lacrosse field, which community groups will help pay for.

Director Pasek asked if the aerators have been installed and how they were working. Paul Siebensohn stated they are in and working fine. There is a reduction on the amount of power needed, which will help reduce the electric bill.

Director Pasek asked about the status of the headworks metering. Ed Crouse stated that is on hold until enough data has been gathered to see if there is the need for the large bar screens.

Ed Crouse gave a brief report back on the September Presidents meeting.

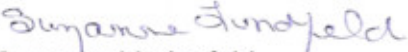
Ed Crouse stated he will be on vacation September 22 to September 26.

Director Pasek asked if the District is paving the dam road. Ed Crouse stated that RMCC is having OE-3 add base rock on the access road to Clementia.

22. ADJOURNMENT

Motion/Belton to adjourn at 8:08 p.m. **Second/Taylor. AYES: Kuntz, Taylor, Belton, Kjome, Pasek.**

Respectfully submitted,


Suzanne Lindenfeld
District Secretary