

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Regular Board of Directors Meeting

## MINUTES

September 19, 2007

3:00 p.m. – Closed Session

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 3:00 p.m. in the District meeting room, 15160 Jackson Road, Rancho Murieta. Directors present were Wayne Kuntz, Dick Taylor, Bobbi Belton, and Bob Kjome. Also present were Ed Crouse, General Manager; Les Tyler, Director of Administration; Greg Remson, Security Chief; Paul Siebensohn, Director of Field Operations, and Suzanne Lindenfeld, Recording Secretary. Director Jerry Pasek was absent.

### **2. EMPLOYEE PROMOTIONS – CERTIFICATIONS**

None.

### **3. BOARD ADJOURNED TO CLOSED SESSION at 3:02 P.M. TO DISCUSS THE FOLLOWING ITEMS:**

*Under Government Code 54956.9 (a)* Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant 54956.9: Two Potential Cases.

*Under Government Code 54956(a)* Conference with Legal Counsel – Existing Litigation – Cease and Desist Order.

*Under Government Code 54956.9 (a)* Conference with Legal Counsel – Administrative Civil Liability Complaint No. R5-2007-0503 from California Regional Water Quality Control Board.

*Under Government Code 54956.8:* Real Property Negotiations - Real Property APN 128-0080-067; APN 128-0080-068; APN 128-0080-069; APN 128-0080-076; and APN 128-0100-029. Real Property Negotiator: Edward R. Crouse, General Manager.

*Under Government Code 54947:* Public Employee Performance Evaluation: General Manager.

### **4/5. BOARD RECONVENED TO OPEN SESSION AT 5:00 P.M. AND REPORTED THE FOLLOWING:**

*Under Government Code 54956.9(a):* Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant 54956.9: Two Potential Cases. Received update from Legal Counsel. No action taken.

*Under Government Code 54956(a)* Conference with Legal Counsel – Existing Litigation – Cease and Desist Order. Received update. No action taken.

*Under Government Code 54956.9(a):* Conference with Legal Counsel – Administrative Civil Liability Complaint No. R5-2007-0503 from California Regional Water Quality Control Board. No action taken. This is Item 14 on the agenda.

*Under Government Code 54956.8:* Real Property Negotiations - Real Property APN 128-0080-067; APN 128-0080-068; APN 128-0080-069; APN 128-0080-076; and APN 128-0100-029. Real Property Negotiator: Edward R. Crouse, General Manager. Received update from Legal Counsel and General Manager. No action taken.

*Under Government Code 54947: Public Employee Performance Evaluation: General Manager. The Board received direction from legal counsel.*

## **6. ADOPT AGENDA**

**Motion/Belton** to adopt the agenda with the added item. **Second/Kjome. Ayes: Kuntz, Taylor, Belton, Kjome. Absent: Pasek.**

## **7. COMMENTS FROM THE PUBLIC**

Jerry Smith, lot 1299, commented on the list he presented to the Security Committee at the last meeting and his presentation of the same list to the Rancho Murieta Association (RMA) Board meeting and that RMA requested he make his presentation to the RMA Compliance Committee. President Kuntz stated that many of the items on the list need to be addressed by RMA, not the District and again suggested Mr. Smith meet with Chief Remson to go over the list. Mr. Smith stated that he had met with Chief Remson and Chief Remson stated that he also spoke to RMA about the list. Mr. Smith introduced Kimberly Zdobnikow, Deputy District Attorney, who came to the meeting to observe the process and to offer legal advice, if needed. Mr. Smith commented on the community not understanding what the Security Officers can or cannot do with regard to arrests. Mr. Smith stated that he is working with a member of the community is willing to donate a closed circuit television equipment. Ed Crouse stated that the list Mr. Smith submitted to the Security Committee last month will be on the September Security Committee agenda for discussion. A discussion followed.

Don Sams, lot 3127, commented on Mr. Smith's presentation at the RMA Board meeting. Mr. Sams also stated that he is on the RMA Compliance Committee and he is not aware of any Compliance meeting scheduled for Monday.

Kimberly Zdobnikow, Deputy District Attorney, introduced herself and Sergeant Michael Haynes, Problem Orientated Policing Bureau (POP) Supervisor, and stated she was here to observe the District's process and learn what powers the Security Department has. Ms. Zdobnikow stated that she did attend the RMA Board meeting last night also.

Joanne Eastman, stated she volunteered to be a liaison with the District Attorney's Office and commented on what a great benefit working with Kimberly Zdobnikow would be.

President Kuntz suggested Kimberly meet with Chief Remson to review what powers the Security Officers do have, what can and cannot be enforced, and provide input.

## **8. CONSENT CALENDAR**

Under Agenda Item 8b5, Director Belton asked if the flyer listing who to call for what has been put together yet. Director Taylor stated that the website information is being worked on through the District's IT consultant. Director Belton suggested magnets or some other type of handout.

**Motion/Taylor** to accept the Consent Calendar. **Second/Kjome. Roll Call Vote: AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

## **9. STAFF REPORTS**

Under Agenda Item 9c, Director Belton asked about the vacant Patrol Officer positions. Chief Remson stated that both positions have been filled.

Director Kjome commented on the necessity for cameras on the pedestrian bridge now. Ed Crouse stated that the Parks Committee would be addressing that issue. Chief Remson and Rancho Murieta Association (RMA) have begun researching cameras.

## **2. EMPLOYEE PROMOTIONS – CERTIFICATIONS (taken out of order)**

Ed Crouse stated that Paul Siebensohn has accepted the Director of Field Operations position. The Board congratulated Paul on his new position.

## **9. STAFF REPORTS (Continued)**

Under Agenda 9d, Director Belton asked about the status of the Van Vleck spray fields. Paul Siebensohn stated that the spray fields are on for over 10 hours a day. The total reservoir volume is at 140-acre feet as of today. Ed Crouse stated that for the last 19 days of September we averaged 3.7 acre feet net deduction per day. That will drop off due to cooler weather and Rancho Murieta Country Club will stop taking water around October 15. One difficulty staff is experiencing is that the lower the lake level is, the staler the water gets which stresses our DAF unit as well as our filtration system.

## **10. CORRESPONDENCE**

Larry Larson thanked Paul Siebensohn for accomplishing in one month what he has been requesting to be done for the last 4 years.

## **11. APPROVE STORM DRAIN PIPE REPLACEMENT**

Paul Siebensohn gave a brief summary of the recommendation to approve the proposal from Doug Veerkamp General Engineering, Inc. to remove and replace storm pipe at Rio Blanco and 9 Park. The original recommendation was to approve the bid from Carrillo Enterprises but due to their workload, there are not able to do the project within the time frame. Doug Veerkamp was the next lowest bid.

**Motion/Belton** to approve proposal from Doug Veerkamp General Engineering, Inc. to remove and replace storm pipe at Rio Blanco and 9 Park, in the amount of \$18,400. Funding to come from Drainage Operating Budget. **Second/Taylor. AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

## **12. APPROVE HDR PROPOSAL FOR RECYCLED WATER FEASIBILITY STUDY**

Ed Crouse gave a brief summary of the recommendation to approve the proposal from HDR for a recycled water feasibility study. The scope of the work will include: kick-off meeting, residential recycled water program description, recycled water program elements and implementation steps, which includes 4 to 5 workshops, and a residential recycled water feasibility study report. HDR has agreed to include non-residential usage to evaluate feasibility.

Director Belton asked why the time length is so long. Ed Crouse stated that it is due to scheduling constraints and to allow sufficient time between workshops for HDR to prepare for the next workshop. President Kuntz stated that he would like to hold some of the workshops in the evening. Ed Crouse stated that they are tentative times. HDR is holding the entire day open so, depending on which ones the Board feels needs to be in the evening, they can be changed.

Ted Hart, lot 825, commented on purple pipe use and that the current developers should be included. Mr. Hart suggested some of the workshops be held in the evening.

John Sullivan, lot 314, suggested that the water balance, the water augmentation and the reconciliation of the lake levels and the various development schemes in the Integrated Water Master Plan and WWRP Expansion and Financing Report be included in this. This should be a recycled water study that includes both residential and non-residential uses. Mr. Sullivan asked if the public could provide questions for HDR to answer at the beginning of the process. Mr. Sullivan stated he is preparing another memo to the Supervisor Nottoli asking for clarification as to the capacity analysis and why they are not using the reports the District has already had completed.

Don Sams, lot 3127, stated that he supports Ted Hart's comments.

Larry Larson suggested that new development should be required to put purple piping in.

**Motion/Kjome** to approve the proposal from HDR for a Recycled Water Feasibility Study in the amount of \$43,898. Funding to come from Sewer Replacement Reserves to be repaid either through rate increases or through surplus net income. **Second/Taylor. AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

### **13. APPROVE AA-1 SERVICES CONTRACT AMENDMENT FOR RIO OSO TANK REHABILITATION PROJECT**

Paul Siebensohn gave a brief summary of the recommendation to approve the increased costs for AA-1 Services to perform the work for the Rio Oso Tank Rehabilitation Project. A discussion followed.

John Sullivan asked if a side-by-side comparison was done between a new tank and rehabilitating the current tank. Ed Crouse stated staff did not prepare a detailed side-by-side analysis but looked at all the bids as to what was included and excluded. Due to the timing of the project, potentially another year delay in putting the project back out to bid, staff felt it is better to move ahead with the rehabilitation. President Kuntz stated that the costs for the new tank, construction of a new concrete collar ring, removal of the old tank would have cost hundreds of thousands of dollars more.

**Motion/Belton** to approve \$147,701 to cover increased costs for AA-1 Services to perform the work for the Rio Oso Tank Rehabilitation Project, funding to come from Water Replacement Reserves. **Second/Kjome. AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

### **14. APPROVE RESOLUTION 2007-14, A RESOLUTION AUTHORIZING THE EXECUTION OF THE WAIVER OF THE RIGHT TO A HEARING**

Steve Rudolph, District Legal Counsel, gave a brief summary of the recommendation to approve Resolution 2007-14, authorizing the execution of the waiver of the right to a hearing for the Administrative Civil Liability (ACL) Complaint No. R5-2007-0503, accept the settlement of paying a fine of \$200,000 which \$100,000 will be paid to a local environmental agency and authorize the General Manager to execute such contract.

Ted Hart asked suggested the District let the community know who is responsible for the spill. President Kuntz stated that at the time, there were heavy rains and water was pumped to Bass Lake prior to approval from the Regional Board. Director Taylor stated that the Board had considered a number of options and the Board chose to discharge water into Bass Lake.

Steve Rudolph stated that the settlement does not require admission from the District. Ted Hart stated he is in favor of the settlement.

**Motion/Taylor** to approve Resolution 2007-14 authorizing the execution of the waiver of the right to a hearing for Administrative Civil Liability (ACL) Complaint No. R5-2007-0503. **Second/Kjome. Roll Call Vote: AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

### **15. APPROVE ORDINANCE 2007-07, AN ORDINANCE AMENDING CHAPTER 14 OF THE DISTRICT CODE, RELATING TO WATER**

Les Tyler gave a brief summary of the recommendation to approve Ordinance 2007-07, an ordinance amending District Code Chapter 14, Section 7.00 Rates and Charges to include estimated usage charge for all accounts that have a zero usage meter read.

**Motion/Belton** to approve Ordinance 2007-07, an Ordinance of the Rancho Murieta Community Services District amending Chapter 14 of the District Code, relating to water. **Second/Kjome. Roll Call Vote: AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

#### **16. APPROVE ORDINANCE 2007-08, AN ORDINANCE AMENDING CHAPTER 21 OF THE DISTRICT CODE RELATING TO CURFEW**

Edward Crouse gave a brief summary of the recommendation to approve Ordinance 2007-08, an ordinance amending Chapter 21 of the District Code relating to curfew. The existing Section 7.12 has some inconsistencies and will be replaced in its entirety with the proposed new Section 7.12.

**Motion/Belton** to approve Ordinance 2007-08, an Ordinance of the Rancho Murieta Community Services District amending Chapter 21 of the District Code relating to curfew. **Second/Kjome. Roll Call Vote: AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

#### **17. DISCUSS GRAFFITI ABATEMENT**

Ed Crouse stated that Director Belton requested the Board discuss graffiti abatement and the District's ability to post rewards to apprehend and convict those responsible for the graffiti on the pedestrian bridge. Steve Rudolph, Legal Counsel, gave a brief summary of the LAFCo approval process for the District to exercise their latent powers for graffiti abatement. The cost to exercise the latent power is estimated at \$50,000 to \$100,000 and could take 6 to 12 months to complete.

Director Belton stated that an alternative to exercising latent power for graffiti abatement would be for the District to post a reward for apprehension and conviction of the person(s) responsible for the pedestrian bridge graffiti.

Steve Rudolph, Legal Counsel, stated that public funds could be commingled with private funds donated by the residents, depending on the terms of the donation. If the funds are donated with no restrictions, they may be placed in any account and used in any manner you wish. If funds are donated with restrictions, the funds have to be placed in an account established for the specified purpose.

President Kuntz stated that there is no reason to go through a full-blown LAFCo approval. After a discussion, by consensus, the Board agreed to not go through LAFCo but to pursue the reward. Director Kjome suggested the Security Committee develop the reward process and requirements to bring back to the Board.

#### **18. RECEIVE CEASE AND DESIST ORDER UPDATE**

Ed Crouse stated that the WWRP Expansion and Financing Report was submitted to the Regional Board. Staff has not heard back yet. The 10-month groundwater well monitoring has been completed. Carlton Engineering has met with the Regional Board's staff and reviewed similar reports so there it is clear what should be included in the report. The report will be submitted to the Improvements Committee for review before submitting to the Regional Board.

John Sullivan asked about an update as to the status of RMCC's diversion plan. Ed Crouse stated that he is hesitant to speak with certainty as far as where RMCC is on Bass Lake, Lake 10 and 11 projects. Staff spoke with RMCC on Tuesday and they are a little behind schedule, they have not formally issued a contract to the contractor to begin work, and there are issues related to rock around the trench area between the lake and hole number 5 that are causing delays. RMCC has also experienced a delay in processing a revised drainage plan. No definite date as to when construction will begin.

#### **19. REVIEW AND SELECT CONFERENCE/EDUCATION OPPORTUNITIES**

President Kuntz asked Directors to notify Suzanne of any conference they wish to attend.

**20. SET MEETING DATES/TIMES FOR THE FOLLOWING COMMITTEES:**

Security	(Kuntz/Belton)	September 27, 2007	(8:30 a.m.)
Finance	(Taylor/Belton)	September 27, 2007	(9:30 a.m.)
Personnel	(Kjome/Pasek)	October 9, 2007	(8:30 a.m.)
Improvements	(Kuntz/Kjome)	October 9, 2007	(9:30 a.m.)
Com. & Tech.	(Taylor/Pasek)	October 9, 2007	(10:30 a.m.)

**21. COMMENTS/SUGGESTIONS – BOARD MEMBERS AND STAFF**

Director Belton gave an update on the customer satisfaction survey. Edward Crouse stated that the survey needs to be presented to the Communication & Technology Committee meeting.

Director Taylor stated he was invited to attend the new Rotary Club meeting regarding water and wastewater. There was a total of 13 people that attended the meeting.

President Kuntz suggested Kimberly Zdobnikow work with Chief Remson.

Ed Crouse stated that on September 11 he attended an Urban Drought Workshop. On September 18, he attended an NPDES Workshop.

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

1. Update on bridge graffiti.
2. Update on the second amendment to Easement Agreement.
3. Update on asphalt repairs on Alameda Drive and Bridge House Road.
4. Access to RMCC website.
5. Discussed wastewater availability for RMCC and RMA irrigation.
6. Discussed meeting is for consulting only; items need to be brought to the Boards for approval. All entities agreed.
7. Discussed the policy for Sunday contractor access. The resident was cited and referred to the compliance committee.

Paul Siebensohn thanked everyone for the appointment as the new Director of Field Operations.

Les Tyler and Chief Remson congratulated Paul on his promotion.

**22. ADJOURNMENT**

**Motion/Kjome to adjourn at 7:23 p.m. Second/Belton. AYES: Kuntz, Taylor, Belton, Kjome. ABSENT: Pasek.**

Respectfully submitted,

  
Suzanne Lindenfeld  
Recording Secretary

  
Edward R. Crouse  
District Secretary