

MINUTES

Regularly Scheduled Meeting of the Board of Directors
Cameron Park Community Services District
3200 Country Club Drive, Cameron Park, California
7:00 p.m., Wednesday, October 15, 2008

DAVE JOHNSON, President
KENNETH CATER, Vice President
Directors, DALE GERGER, ALAN CLARKE, and VALERIE COZE

CALL TO ORDER: The meeting was called to order by President Johnson at 7:02 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL Present:** Directors: Johnson, Cater, and Clarke.
Director Gerger arrived at 7:04 pm and Director Coze arrived at 7:05 pm.

3. **APPROVAL OF AGENDA:**

District Counsel Bob Biegler requested that Closed Session item 3 be removed from the Agenda.
Approved Ayes- AC, KC, DJ

OPEN FORUM: None.

MOMENT OF RECOGNITION: Director Cater announced that former Battalion Chief has been promoted within Cal Fire to Camino. The new Battalion Chief is Joe Tyler. This was his first week with Cameron Park. His experience dates back to 1994 as a volunteer, a Captain, and back with Cameron Park as Battalion Chief. Mr. Tyler thanked the District and Cal Fire for their confidence in him. He has enjoyed working with Cameron Park in the past and is looking forward to continued service for the community.

Director Clarke complimented the Parks Department for their continued service to Chardi Corner and its completion. Secondly, Rasmussen Park opened and dedicated its neighborhood playground last Sunday and Director Clarke complimented the cooperation between entities to complete the project. Lastly, Director Clarke thanked the office staff for their continued service in the General Manager's absence.

CONSENT CALENDAR: All items listed in the Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless members of the Board, staff, or persons in the audience request specific items to be discussed or commented on prior to the time the Board votes on the motion to approve or adopt items on the Consent Calendar. If any item is removed from the Consent Calendar, the item(s) will be considered at the beginning of the Department Matters Calendar.

Approve staff recommendation on items 1, 2B, 2C, 2D, 2E, 3, 13A, & 13E. Ayes— KC, DG, DJ, AC, VC

1. **BOARD MINUTES:**

- A. September 3, 2008, Special Board Meeting
 - B. September 17, 2008, Regular Board Meeting
- Action: Approved***

2. **STAFF REPORTS:**

- A. General Manager's Report
 - B. Fire Department Report
 - C. Recreation Department Report
 - D. Parks Department Report
 - E. El Dorado County Regional Pre hospital Emergency Services Operations Authority – A Joint Powers Authority
- Action: Items B-E were approved on Consent Calendar and item 2A was discussed below.***

3. **FINANCIAL REPORTS:**
Financial Statements through September 30, 2008
Action: Approved

DEPARTMENT MATTERS:

4. **ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION:** 2A General Manager's Report

Director Johnson removed the General Manager's report to discuss the item regarding the Cameron Park Community Center Presentation. The report states that Dan Polen of ProWest Constructors presented the update on the Center with Director Johnson. However, it was Director Clarke that presented with Mr. Polen to Rotary. With that correction, Director Johnson made a motion to approve the report.

Action: Approved. Ayes—**DJ, AC, KC, DG, VC**

5. **CAMERON PARK COMMUNITY CENTER:** ProWest provided an update on the Community Center. The interior is 95% painted. The doors and hardware are 75% complete. The roof and exterior paint are complete. The next step is the ceramic tile within the bathrooms and floors. The ceiling grid is soon to be completed. As you enter the building, the casework has begun for the staffing area. The Kitchen floor and walls are ready for tile. Building B (Pool Support Structure) is ready to be poured and has been plumbed. Regarding the community pool, there was an initial problem with the original pool designer, but the team stepped in and found a way to overcome that obstacle. A set of bridging documents are being crafted now. Once that package is complete, the bidding will move forward and take place on November 6, 2008 at 2:00 pm.

Action: None.

6. **BOND OVERSIGHT COMMITTEE:** The Bond Oversight Committee chairperson, Kathe Hughes, provided an update regarding the last meeting. Four committee members were in the audience. The most recent meeting was on October 1, 2008. There were approximately forty invoices to review. The change orders will be reviewed in the near future as well. There will be a site visit at 4:00 pm on October 27.

Action: None.

7. **CAMERON PARK DOG PARK:** Karen Ellis, member of EDDOG, provided that staff met recently with EDDOG, as well as the Parks and Recreation Committee to work on an MOU. The CSD has earmarked a portion of Hacienda Park, but EDDOG is waiting on executing fundraisers until the Board approves a plan for the park. It is difficult to raise money without a plan. One example of a fundraiser is to sell bricks that will be laid at an area in the Park. A fundraising plan was passed out as well as the EDDOG newsletter.

Director Gerger asked if the funds are donated to the District for the Park, or directly to EDDOG as they are a non-profit organization. Ms. Ellis answered that the funds are donated to EDDOG who will turn the funds over to the CSD for the Dog Park. The MOU is being reviewed on the CSD's end and it should be ready for Board approval soon. Director Clarke corrected that the agreement should not be called an MOU, but a CPA (Community Partnership Agreement). He has spoken with Mr. Timoney from SDRMA personally and it was stated that in order for the construction of the Park to be covered under the District insurance, the CSD is to oversee the construction for the Park. Director Johnson stated that, as a Cameron Park business owner, he would like a \$300 brick reserved in his name, should they get to that point of selling the bricks as a fundraiser.

Action: None.

8. **ENGAGEMENT LETTER FROM AUDITOR:** The Board reviewed this item at the September Board meeting and it was tabled to allow time to research a possible adopted policy limiting the years of auditor service. General Manager Tammy Mefford stated that staff has researched the accepted standards for auditor service limitations. CSDA, Robert Doty, and GASB were contacted and they stated that the generally accepted accounting practice is 5-6 years. The involvement of the auditor is very time-consuming the first couple of years and, in addition, there are very few auditors that will audit a special district. Retention of an auditor with limited service of 3 years would be extremely difficult and costly for the District.

The Board minutes from May of 2003 reflect that a policy limiting the years of auditor service was reviewed.

There is not enough evidence lending to the adoption of the policy. Director Clarke added that if there is not enough evidence showing the approval of the consent calendar (which the policy was listed under) for that month, then legal counsel must be conferred with to make sure that other items on the consent were not overlooked, such as bills being paid illegally. He also stated that he spoke with CSDA and was answered in an e-mail that three years is their recommendation. He would be ok with retaining the current auditor but would like to revisit the policy keeping the standard at three years as recommended by CSDA. Director Gerger provided that at the last Budget & Finance Committee meeting, they reviewed the policy and plan to make amendments to it for Board approval. Director Clarke stated that he would hold off on a motion until he sees the proposed policy. Director Gerger stated that, while on the subject, there may be other policies that have so-called been adopted that the Board is unaware of. Other directors agreed.

Action: General Manager to sign Contract with Michael Doody, CPA to provide audit services to the District for the FY ending June 30, 2008. Ayes—AC, KC, DJ, DG, VC

9. **ORGANIZATIONAL REALIGNMENT—CALFIRE BATTALION CHIEF:** The Fire Committee recommends that the Battalion Chief, as Cameron Park's ex officio fire chief, report directly to the Board via the Fire Committee. Director Cater began with the history of this item. The Fire Committee presented this recommendation to the Board for the following reasons: there are many competing priorities for the General Manager (completion of the entire Community Center, obtaining pool approval, future plan of fiscal viability for the Center, and to oversee all other departments), Cal Fire is capable of running the Fire Department, the General Manager only has a perfunctory role in the Department compared to other departments, and this model used in 2003 for a time.

Director Gerger raised concerns over the Committee obtaining so much power. In addition, without the General Manager, the District would not have influence over correcting matters of concern in a swift manner. Director Coze stated that she did not believe this is a matter of urgency and that more research is needed (i.e. through the consultants). If the General Manager only plays a perfunctory role, then removing the Fire Department from her management would not lessen her priorities. Primarily, this action would bifurcate the District—a department that controls 70% of the budget must be under District management for prudence. She also requested the genesis of the idea—if there is a problem, then it should be presented to the Board. Director Clarke agreed with Director Cater that this idea would give the General Manager more time to focus on the profitability of the Community Center. This model has been followed before—minutes were distributed from July 2003—where the Acting General Manager and Battalion Chief reported to the Board for an interim until the following month (August of 2003). Director Clarke stated that it worked then, so it will work again.

Directors Gerger and Coze continued to ask what the genesis of this model was. No answer was offered. Director Clarke asked Director Cater if the Battalion Chief would have unlimited authority or if the Fire Committee would provide checks-and-balances. Director Cater answered the latter. Director Johnson also added that the bills would still have to be paid through the CSD. Directors Gerger and Coze asked again about the genesis. Director Cater stated that he read his list and that there are only positive aspects of the realignment.

Comment was opened up to the public. Cameron Park resident Barbara Rogers stated that the realignment is not necessary. Cameron Park is unique in that it has a general manager to manage. A consultant does not need to be hired to do the job that the directors are elected to do. The Fire Department is completely capable of managing that side of the District and does not need the Directors as another level of bureaucracy. She feels there is something underlying this decision and it needs to be stated. Otherwise, let Tammy Mefford General Manager do her job. General Manager Tammy Mefford handed out the organizational chart from Elk Grove—Consumnes CSD—and it portrays the General Manager reporting to the Board with all departments beneath that position.

Comment returned to the Board. Director Coze asked about the procedure—action follows policy amendment? District legal counsel answered that the policies may need to be changed after board action; it would depend on the reading of the policies. **Director Cater made a motion that the Cal Fire Battalion Chief report to the Board via the Fire Committee and that impacted CSD policies and job descriptions be amended where necessary. Director Clarke seconded it.** Director Gerger stated that the policies cannot be amended without four-fifths vote. How can this motion pass with only a three-fifths vote? Director Cater answered that an example of an exception is Policy # 2000, Executive Officer. Director Coze asked again if the procedure to reorganize can proceed the amending of policies. District legal counsel's response was that the motion is subject to the amending

of the policies. Because the realignment is not a policy, it does not need to be passed with a four-fifths vote; however, it would be subject to the passing of the necessary policies which do require a four-fifths vote.

Directors Cater and Clarke recanted their motion and second. Director Cater restated his motion to be: Cal Fire Battalion Chief report to the Board via the Fire Committee. Director Clarke seconded that motion. Directors Gerger and Coze stated that they would like the Fire Committee to spell out the parameters of the reorganization and what the General Manager's role is. Director Cater answered that it has been stated before. Director Gerger asked that if the Fire Committee is responsible, doesn't that make the Board involved in day-to-day operations? Director Cater answered no.

Action: Cal Fire Battalion Chief to report to the Board via the Fire Committee. Ayes—**KC, AC, DJ** Noes—**DG, VC**

10. **CAL FIRE CONTRACT EXTENSION:** The Fire Committee will present three options for review, consideration, and adoption. Director Cater handed out the options. Director Cater began by stating that Cal Fire members are in the audience for questions and/or explanations. These are discussions for an extension only and not negotiations. Director Cater asked the General Manager why the Phase II report is a part of her recommendation. She stated that the consultants were hired to assist the District in negotiating with Cal Fire and that the Phase II report is a part of the Board's decision. She was not present at the last Fire Committee meeting, neither were the consultants. Director Cater stated that he would offer the answer to his question that the General Manager cannot: Robert Olson answered that the Phase II report is not related to a contract extension. Therefore, Director Cater is discounting the significance of Phase II since the consultant stated there is not a nexus and the General Manager has stated that she does not know the nexus either. General Manager Tammy Mefford interrupted and read an e-mail response from one consultant with his concerns regarding the contract presented, "Cal Fire to provide a report specifying the importance and effectiveness of Option C...since preliminarily, he would recommend Option C, and that the Board be made aware the budget increase of Option C."

Director Cater offered that Cal Fire provide a summary of the options prior to further discussion. Director Gerger interrupted because he wanted to clarify why the consultants were not even invited to the September 25, 2008 Fire Committee meeting when the Options were discussed in Closed Session with Cal Fire. Director Cater restated that they were not renegotiating, only extending the contract. Director Coze mentioned the Board Meeting of May 2008 when the Board voted to enter into negotiations. If they were not negotiating, then what was the Board's intent in May? Furthermore, why was it held in Closed Session if not negotiations? District counsel answered that labor contracts are always in Closed Session and anyone can be invited to Closed Sessions. Director Gerger restated his concern that the Board action was ignored when the consultants and the General Manager were not invited to the meeting. Director Johnson stated that the meeting was properly noticed and he does not know why the stated parties were not there. General Manager Tammy Mefford stated that the Board and staff was made aware that she was out sick—the meeting was called when she was out. Someone would not be able to sit in for her regardless because the Board motion stated that the "General Manager" was to be the one involved. Director Coze reiterated that the concern tonight is not the merit of Cal Fire, but the procedural aspect of the contract.

Director Johnson stated that the Fire Department has been on hold for a long time. Their jobs are on the line and the matter should be resolved quickly. Director Coze added that it should be done properly. Director Johnson stated that it is not fair that the Fire Department staff has to wait. However, having a Special Board Meeting next Wednesday, October 22, 2008, with the consultants might ward off any challenges in the future. A Fire Committee Meeting can be held at 6:00 pm prior to the Board meeting and the contract can be discussed then. Director Coze challenged the urgency if the contract has already automatically been extended for another year. Director Gerger added that he too is worried that something else is going on to push this through. Director Coze stated that it is most likely because it is an election year. Director Gerger continued that Cal Fire does not need Cameron Park because they are state employees. Regardless, the Board already voted to continue with Cal Fire and there is no reason to rush or for them to worry about their jobs. They are secure. A new contract or an extension of the current one must be something that is prudently handled with the consultants' recommendations. Director Clarke and Johnson both stated that they felt a Special Board Meeting would accomplish the prudent aspect of the contract. **Director Johnson made a motion that we will have a fire committee meeting at 6:00 pm on October 22nd followed up by a Special Board Meeting at 7:00 pm on October 22nd and at the Fire Committee meeting, the four named participants in the May minutes, namely himself, Director Cater, Tammy Mefford, and Robert Olson are all invited to attend, and directing staff to contact Robert Olson**

and Associates as to the time of this meeting to get somebody here. Director Clarke seconded it. Director Gerger stated that he is baffled how fast the Board can spend so much money on a pool in 8-9 months yet even more is spent in a matter of weeks.

Public comment was opened up. Cameron Park resident Barbara Rogers asked the Board what they were doing. Everyone knows fire service is expensive. She stated that Directors Johnson, Clarke, and Cater were ok, but the animosity is so prevalent. The last time she was at the meeting she was shut out. Even through e-mail she was ignored. She does not understand what is going on between the Board. She stated that she is very angry. The consultant gave a recommendation so the Board should go for it. Director Coze stated that the recommendation is not complete—the procedures have not been followed. That is the only problem. Cal Fire is the District's choice. Protocol needs to be followed. Director Johnson stated that he would like to vote on this item. However, certain directors are stating that the Fire Committee did not follow protocol even though the consultants were given the Options and were given time to review it. He does not want a vote to be taken with accusations that the Fire Committee acted out of protocol. The foundation of this vote should not be based on misunderstandings.

Cameron Park resident Bill Randall stated that he is encouraged that the Board is looking at these options. He suggested that the Board avoid the costs of a special meeting and wait for this vote during the regular board meeting. A second public comment was taken by Cameron Park resident Rich Green. He stated that there seems to be two issues: the continuance of the Cal Fire agreement and the options of the staffing levels within the agreement. As far as the first item, Cal Fire's contract has been extended. They're ok. The second item is related to the consultant's phase II report and that can be reviewed next week. The continuation has already been established and now we just move onto the next step—the options of the extension for staffing.

Action: Fire committee meeting to be scheduled at 6:00 pm on October 22nd followed up by a Special Board Meeting at 7:00 pm on October 22nd and at the Fire Committee meeting, the four named participants in the May minutes, namely himself, Director Cater, Tammy Mefford, and Robert Olson are all invited to attend, and directing staff to contact Robert Olson and Associates as to the time of this meeting to get somebody here. Ayes—DJ, AC, KC, DG, VC

11. **RESOLUTION 2008-10 CAMERON PARK FIRE DEPARTMENT CONTRACT:** The California Department of Forestry and Fire Protection have submitted three options for board review. The board's acceptance of any option must be enacted with a resolution. This item will be placed on the Board Agenda for the Special Meeting on October 22, 2008.

Action: None.

12. **PLANNING MATTERS:**

A. **DR 08-0004—CAMBRIDGE PLAZA (Merry chase A CA LLC, Nello Olivo/Patterson Development):**

A design review request for Cambridge Plaza Shopping Center. The project would construct three buildings totaling approximately 40,000 square feet of office, retail and restaurant uses. The property, identified by Assessor's Parcel Numbers 082-381-03, -04 and 082-412-09, -10, consists of 3.55 acres, and is located on the north side of Merrychase Drive approximately 500 feet west of the intersection with Cambridge Road, in the Cameron Park area.

Director Johnson asked if an extension was granted for both items A & B. General Manager answered that the extension was granted until October 17, 2008. Director Clarke asked if the applicants should be invited to the Board meeting when their project is being reviewed. General Manager stated that they could be invited, but the County has always let them know before. Director Johnson asked staff to put on the next regularly scheduled board agenda, an action item to adopt the practice of inviting the applicants to the board meetings when their project will be reviewed.

Action: General Manager along with the CC&R Compliance Officer to respond to the county by the requested deadline. Ayes—DJ, DG, KC, AC, VC

B. **DR 03-0001-R—NEW WEST HAVEN II (Victor & Cheryl Matkovich/Joel Matkovich/Home Design Group, Jeff Haderman):**

A request for a revision to an existing design review to expand the existing community care facility by approximately 20,000 square feet. The property, identified by Assessor's Parcel

Number 082-381-01, consists of 1.00 acre, and is located on the northwest side of Cameo Drive at the intersection with Knollwood Drive, in the Cameron Park area.

Action: General Manager along with the CC&R Compliance Officer to respond to the county by the requested deadline. Ayes—DJ, DG, KC, AC, VC

13. COMMITTEE REPORTS: Items A – E

A. CC&R – Standing Committee:

Kenneth Cater and Alan Clarke, representatives; Dale Gerger, alternate
CC&R Meeting of October 8, 2008 cancelled due to lack of quorum.

B. PARKS AND RECREATION – Standing Committee:

David Johnson and Alan Clarke, representatives; Valerie Coze, alternate
No meeting held.

C. BUDGET AND FINANCE – Standing Committee:

Dale Gerger and Valerie Coze, representatives
Director Gerger provided that on October 7, 2008 the Committee met to review the policy referenced at the September 17 Board meeting. The policy will be reviewed and amended at the next meeting.

D. FIRE AND EMERGENCY SERVICES – Standing Committee:

Kenneth Cater and David Johnson, representatives
The items discussed at the September 25, 2008 meeting were covered in the above items.

E. SOLID WASTE NEGOTIATION COMMITTEE – Non-CSD Committee:

Dale Gerger and Valerie Coze, representatives
No meeting held.

MATTERS TO AND FROM DIRECTORS: Director Clarke reported that the Bar J 15A sidewalk has been repaired. The safety of the community has been upheld. Director Cater mentioned that each policy needs to state when it was adopted and if any amendments are made, they need to be noted there as well.

CLOSED SESSION: The Board adjourned to Closed Session at 9:30 pm to discuss the following items:

- 1. PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, conference with legal counsel regarding on going litigation in one case.
- 2. PURSUANT TO GOVERNMENT CODE §54957:** Discussion of confidential personnel matter.
- 3. PURSUANT TO GOVERNMENT CODE §54957.5 GENERAL MANAGER'S EVALUATION:** Discussion of confidential personnel matter.
- 4. PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, conference with legal counsel regarding potential litigation in one case.

BOARD RECONVENED TO OPEN SESSION AT 10:55 PM AND REPORTED OUT OF CLOSED SESSION:
Items 2 and 4 were discussed with legal counsel and board input was provided to counsel who will report back in one week. These two items will be addressed in closed session on the October 22, 2008 special board meeting.

ADJOURNMENT: Meeting adjourned at 10:53 pm – **Approved.** Ayes – DJ, KC, DG, AC, VC

Attest:


President, Board of Directors

November 19, 2008


Secretary to the Board