

MINUTES

Regular Meeting of the Board of Directors
Cameron Park Community Services District
3200 Country Club Drive, Cameron Park, California

Wednesday, June 17, 2009 at 7:00 PM



Board of Directors

VALERIE SALTZEN COZE, President
RICHARD GREEN, Vice President
Directors, DAVID JOHNSON, ALAN CLARKE, and DALE GERGER

CALL TO ORDER: The meeting was called to order by President Saltzen Coze at 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL Present:** Directors: Saltzen Coze, Green, Clarke, Johnson and Gerger.
3. **APPROVAL OF AGENDA** *Approved Ayes- DJ, DG, VC, RG, AC*

OPEN FORUM: None.

MOMENT OF RECOGNITION: President Saltzen Coze recognized Account Clerk /Co-acting General Manager Livia Amidon for providing agenda transmittals for each agenda item. Director Clarke recognized those involved with the Foothill Cruisers Car Show that took place the weekend before at Christa McAuliffe Park. President Saltzen Coze agreed.

CONSENT CALENDAR:

Approve staff recommendation on items 2 and 3. Ayes— AC, RG, VC, DJ, DG

1. **BOARD MINUTES:**
 - A. May 13, 2009, Regular Board Meeting
 - B. June 9, 2009, Special Board Meeting

Action: Items A & B were removed from Consent Calendar.
2. **STAFF REPORTS:**
 - A. Fire Department Report
 - B. Recreation Department Report
 - C. Parks Department Report
 - D. El Dorado County Regional Pre hospital Emergency Services Operations Authority – A Joint Powers Authority

Action: Approved
3. **FINANCIAL REPORTS:**
Financial Statements through May 31, 2009
Action: Approved

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DEPARTMENT MATTERS:

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION: Items 1A and 1B were removed from the Consent Calendar.

Director Johnson requested to remove Item 1A to point out a word correction on page 5 under Item 13B.

Action: Approve item 1A. Ayes—DJ, DG, VC, RG, AC

President Saltzen Coze requested to remove Item 1B. She stated that she didn't feel the minutes accurately captured the meeting of June 9, 2009. She recalled Director Johnson making a motion and Director Clarke seconding it—this was not reflected in the minutes. Director Johnson stated that he was involved in a motion regarding the executive search firm but did not recall any other affirmative motions made. He suggested that the minutes be put over until next time. **President Saltzen Coze made a motion to direct staff to review the Tuesday June 9th board minutes for possible errors or omissions and present it at the next regularly scheduled board meeting. Ayes—VC, DG, RG, AC, DJ.**

5. CAMERON PARK COMMUNITY CENTER: Kirk McKillop of ProWest Constructors noted that there were several events held at the Center within the last few weeks and they were the guinea pig operations to test out the building; there were some issues raised through the usage of the facility and they are addressing each one. The stucco will be finished up for Building B. The masonry board is completed. Painting of the stucco and the trim will be finished by the end of the month. The gymnasium roof was the largest part of construction this past month. The mechanical and plumbing for the gymnasium has been started. The perimeter tile was installed in late May and they will continue with the tile this month. The supply lines have been laid as well. The month of July will be spent finishing the tile for the swimming pool.

Action: None.

6. BUSINESS PLAN UPDATE: John Courtney from RJM met with the Co-Acting General Managers, Recreation Supervisor Tina Helm and Community Member Yvette Ashlock on June 3, 2009 to discuss and continue with the creation of the CSD's Comprehensive Business Plan. John Courtney was present to provide a verbal update to the board. He stated that a lot of progress has been made through three meetings and they have gotten through the first third of information—a presentation will be made on the entire lot of information soon. A demographic analysis has been run on this part of the county. This will be used to predict the attendance at the pool. Annually, it has been estimated that 35,000 people will utilize the facility (this is a conservative number). The next step in the process will be to review the food and beverage consultant's presentation for the concession stand. Any revenues from the concession stand will assist in off-setting costs of the whole complex. As time progresses, the monthly utility costs of the community center are weighing heavily on the predictions because no one really knows what the costs are until the building is built—they are comparing the estimates to the actual at this point and making adjustments.

Vice President Green asked if the 35,000 guest estimate for the swimming pool at the center was compared to the loss of attendance at the Cameron Park swimming lagoon. Mr. Courtney answered that the separate facility has not been compared to the center, but that type of analysis will be a part of the analysis of the whole District; right now they are just focusing on the community center.

It was opened up for public comment. One member of the audience asked why it is so hard to predict the costs of the building if the square footage is fixed. Mr. Courtney answered that utilities fluctuate with peak times and usage, for example, making predictions difficult. President Saltzen Coze asked if there was a projection for the entire facility's report. Mr. Courtney answered that in July they will be closer to the date. President Saltzen Coze stated that having the report would be nice to have prior to the budget approval. Director Gerger stated that the budget was on hold for the governor's decision, but that has yet to be determined so the District will move forward with the budget and make amendments to it if need be. President Saltzen Coze stated that she would like to see Mr. Courtney verify the submitted budget with the report. She asked if the positions slated for the Center could be conditional within the budget. Director Gerger answered that the new positions for the Center can be put into the budget but they do not have to be filled; if an amendment is necessary then the board has that choice as well.

Cameron Park resident Barbara Rogers asked if the District has a budget ready for June 30th. Director Gerger answered that a budget has been prepared, but it has not been presented to the board yet. Ms. Rogers offered that the board should have a budget ready for June 30th as well as a contingency budget that includes the preparation for an 8% cut. There is absolutely no reason why the board should not have a budget passed by June 30th because all the other agencies are passing two budgets and are not waiting for the governor's decision. Director Gerger answered that the board meeting is tonight and the budget cannot be passed if it is not on the agenda. Co-acting General Manager Paul Ryan added that the governor had presented more than one option as well—fire departments may be exempt, they may not; the percentage taken may be eight, or ten. The District decided to wait until the state had made their decision before presenting more than one budget. Ms. Rogers answered that the District should not wait. Every agency is passing two budgets so the Cameron Park CSD should too. The numbers for the community center should not hold up the budget process. Director Johnson added that another item on this night's agenda is recommending a special board meeting before the July board meeting—the budget may be on that agenda if the board chooses.

Action: None.

7. **BOND OVERSIGHT COMMITTEE:** Committee Chairperson Kathe Hughes introduced the committee members. The last meeting held on Wednesday, June 3, 2009. All the expenses were found to be within the Measure C language. Ms. Hughes listed the following fund balances: GO Bond \$1,724,846.43, Impact Fees \$2,380,298.61, County funding agreement began with \$1,000,000.00. \$73,735.90 were spent in startup costs, \$623,379.50 have been spent to date, and \$213,570.20 billed. That leaves a balance of \$89,314.30. The next Bond Oversight Committee meeting is scheduled for July 1st at 5:30 pm. Director Clarke commented that the county has been billed for expenses and has spoken with former Supervisor Dupray and the current Supervisor Knight to make sure they are reimbursed.
Action: None.

8. **REVENUE ENHANCEMENT ADVISORY GROUP:** Group Chairperson Shiva Frentzen introduced the committee members. The meeting held on Wednesday, June 10, 2009 covered the following topics: fundraising events such as BBQ nights, selling tiles to bring in revenue. The next meeting will be on July 8th at 1:00 pm in the Social Room.
Action: None.

9. **RESOLUTION 2009-05 LLADs APPROVAL OF THE PRELIMINARY ENGINEERS REPORT, DIAGRAM, INTENTION TO LEVY ASSESSMENT AND NOTICE OF PUBLIC HEARING FOR:** Airpark #30, Unit 6 #31, Unit 7 #32, Unit 8 #33, Viewpointe #34, Goldorado #35, Unit 11 #36, Unit 12 #37, Cameron Woods 1-5 #38, Bar J 15A Country Club #39, Bar J 15B Merrychase #40, Creekside #41, Eastwood Park #42, David West #43, Cambridge Oaks #44, Northview #20, Cameron Valley #46, Cameron Woods 8 #47, Silver Springs #48. Director Johnson asked if the problem with Bar J 15A and Airpark has been resolved. Co-acting General Manager Paul Ryan answered that the District has hired a consulting firm (SCI) to review and provide a report to the board. They are still in the process of researching the light poles. There was one unit (David West #43) that was incorrectly categorized that staff just learned of and have been replacing and maintaining. Vice President Green asked about the financial issue regarding Unit #30 and Unit #39. Co-acting General Manager Paul Ryan answered that SCI and staff will go out and physically verify each light pole prior to moving forward with correcting the problem. Discussion took place regarding tabling the Resolution or passing it. Director Johnson pointed out that the resolution is only approving a preliminary report so they may move forward. Should the issues not be addressed by the time the final approval is made, the board can discuss the passing of it at that time. The Board of Directors provided a time to hear comments by the affected property owners. No comments were made.
Action: Adopt Resolution 2009-05 approving the preliminary Engineer's Report, Confirming Diagram, and Levying the Annual Landscaping and Lighting District Assessment for Fiscal Year 2009/2010.
Board Polled Ayes—VC, RG, DJ, AC, DG

10. **RESOLUTION 2009-06 APPROPRIATIONS LIMITATION FOR 2009-2010:** Government code Section 7910 requires that "the Government body of each local jurisdiction establish appropriation limits by resolution for the following fiscal year..." This year's appropriation limitation is \$7,806,047. No public comment offered.
Action: Adopt Resolution 2009-06 approving the Fiscal Year 2009/2010 appropriation limitation at \$7,806,047.
Board Polled Ayes—VC, RG, DJ, AC, DG

11. **INTERIM GENERAL MANAGER:** Directors Clarke and Green requested this item for discussion regarding the appointing and selection process for an interim general manager for the District. President Saltzen Coze commended the directors for pursuing action. Vice President Green clarified that the recommended action was to draft a job description for the District General Manager and that the job description for the interim general manager will be separate. Director Clarke began by explaining that he and Director Green met briefly to discuss the process for generating a job description for the general manager. The first step would be to schedule a special board meeting. Prior to the special meeting, each director would review the descriptions provided by staff and be prepared to provide input on one description. The second step, at the special meeting, the directors would hopefully end with a job description and an interim general manager candidate. If a candidate is chosen, the third step will be for the board to proceed with drafting an agreement with that individual. Vice President Green further clarified that the Agenda Transmittal should read “not to exceed one year” regarding the length of time for the interim general manager.

Director Gerger stated in summary that the only thing the board has to decide on tonight is a date of the special meeting. Other directors agreed. Director Johnson recommended June 30th. President Saltzen Coze stated that she will not be present on June 30th. Director Gerger stated that the 30th is the only day that will work for him. President Saltzen Coze asked if any of the other dates in July were possible. Discussion began regarding the budget and a date that the Budget & Finance Committee may be able to meet. Director Johnson stated that he would like to see the special meeting for June 30th so that the budget can be added to the agenda. President Saltzen Coze restated that she will be on vacation; if the board wants to have a meeting regarding the budget, that is okay, but a special meeting for the general manager position should include all directors because it is an important issue. Director Green asked if there is a regulation for the District to have the budget passed by July 1st. Legal counsel answered yes; there’s no penalty, but there is a requirement. Director Clarke stated that he is available June 29th through July 2nd (July 3rd is a national holiday). Director Gerger stated that he could make a July 2nd meeting if it is after 7:00 pm. **Vice President Green made a motion to have a special board meeting to take place on Thursday, July the second at 7:30 pm...he withdrew his motion.**

President Saltzen Coze opened up discussion to the public. Cameron Park resident Bill Carey stated that in the real world when a position became available, they would fill it with a permanent position—usually within thirty days. Here, it seems a difficult task to fill the general manager position. Back in February it was asked and Director Johnson stated that it was all covered. Now it is June and it is still being discussed. It is total procrastination and is not acceptable. Cameron Park resident Barbara Rogers stated that she is going to have to back him up. She stated that when she asked for the general manager job description she was told that it was buried. She should not have to validate herself and remind everyone that she worked for the Fire Department for twenty-seven years to get the point across that they are public records. Several times she has asked for documents and has never received them. Why haven’t any of the directors seen a job description? Director Gerger answered that the position of the general manager is an individual contract between the board and the individual. The goals and objectives can be added to the contract. Ms. Rogers responded that it is the board’s job to draw up the job description and the public doesn’t need to be involved. President Saltzen Coze responded that since the District does not have a Human Resources department or a job description, then the responsibility falls back to the board. Her point is that the board use job descriptions that are already in place and supplement them. Her issue is that the District is bound to the Brown Act and there isn’t anything in the Brown Act that legitimizes a closed session to discuss a job description or salary scale. Workshops are different; this is not appropriate for the closed session. Ms. Rogers agreed that salaries are open—even with names attached to them. The District should have a department to handle this.

Directors asked President Saltzen Coze to move the discussion along. She stated that the discussion should continue because she is not comfortable with approving a meeting when she is unsure of how it will be agendized. Director Gerger agreed that closed session is for making a general manager an offer, but everything else is open. Director Clarke called for the question as there was a motion and a second on the floor. President Saltzen Coze stated that she was not finished yet. She had prepared a statement that she wanted to read parts of just in case something happens. She began: “The time for an interim general manager has passed. At this point an interim general manager would be nothing more than an employee serving day-to-day at the pleasure of a voting majority of the board with little incentive to tackle difficult problems or provide any vision. It is time for the board to quit

trying to run day-to-day operations even by proxy; it is time for the board to accept its duties to the citizens to provide oversight and set policy with the assistance of a full time qualified professional general manager found after a responsible open competitive application process. At this point, an interim general manager is a half-step backwards that does little to provide leadership to our District or guidance to our board because this District and this board needs a system of permanent professional general manager I would not have approved it; I would instead encourage the board, as difficult as it may be to complete the process, to find and hire the best person possible for the permanent position of general manager. Those are my feelings on this subject.” President Saltzen Coze stated that her perspective may change, but because she had some discrepancies regarding the goal of the agenda item, she wanted to make her feelings known.

Cameron Park resident Bill Carey spoke again that it sounds like, from what Director Gerger said, that the board can just pick a friend of theirs and put him in the general manager’s position and train him over the years. Director Gerger stated that he previously stated an oversimplified process to stress the point that the only time you would go into closed session would be to physically negotiate the contract of an individual. He stated that a “job announcement” would probably be more appropriate than a “job description” because the District is so fluid—things are always changing. A job announcement would state the skills that the board is looking for and the contract would spell out the goals and objectives. President Saltzen Coze agreed. **Vice President Green made a motion to hold a closed session special meeting on July 2nd at 7:30.** Director Johnson asked for clarification regarding the closed session. Director Gerger added that there may be other items on the agenda and he wouldn’t want to restrict them to closed session. Vice President Green stated that his thoughts are that the discussion should be in closed session because eventually the position will be a competitive position. A public job will be offered and the board needs to be able to hammer out a job description so they have a written responsibility and the board can hold them to do their job. It has to be comprehensive so the general manager can understand what their job is. There is a lot to discuss—some may be in open and some may be in closed. If the board hashes out and reports back the items that should be heard by the public, he doesn’t see any reasons why it can’t be done in closed session. It needs to be done right, spending time, as discussed in the Agenda Transmittal. Director Gerger responded that there are not any reasons to hold the discussion in closed session because no one in the room will be able to get any secrets that will allow them to be hired any sooner and the salary discussion will be about a range and not a specific dollar amount. An individual will not be discussed out loud so it doesn’t qualify for closed session. Legal counsel responded that certain items are appropriate for open session—the salary range, pertinent skills, and education. Closed session items include—any mention of another employee’s name, dollar amounts, etc. The board should plan for both open and closed sessions.

Vice President Green restated his motion to propose a special meeting on July 2nd at 7:30 beginning with a closed session to discuss possible personnel issues that may discuss people’s names and all the legal issues that counsel brought up, and, at the end of the closed session, open it up to an open end discussion. Director Clarke seconded it. President Saltzen Coze reminded Vice President Green that there has to be a specific government code listed on the agenda for closed session. Director Gerger stated that he would be more inclined to vote for the motion if it simply stated to have a meeting on July 2nd at 7:30. He will not vote on something with specifics for closed session. Vice President Green answered that the motion is on the floor and Director Gerger doesn’t have to vote on it. President Saltzen Coze stated that it is fair to discuss it first. Cameron Park resident Barbara Rogers stated that she understood public comment to be closed, but that there wasn’t a single person in the room that cared if the meeting was in open or closed session. President Saltzen Coze stated that she will not put the board in violation as a government agency. Ms. Rogers went on to say that if the board had a job description in the first place, they wouldn’t be in the mess they are in. The board is no different from any other public entity in the county; it is not rocket science and she agrees with Rich Green—it doesn’t have to be aired. The point is to hire someone that knows what they are doing. They don’t have to hire consultants to do everything. Whomever is hired is going to know how to do it and direct staff to do it. And if staff can’t do it, then get rid of the staff. And then legal counsel wouldn’t have to be sitting at every meeting if you had a general manager to do it. President Saltzen Coze stated that there is a motion on the table and a second. She called for the vote. Ayes—RG, AC, DJ, DG Noes—VC.

12. COMMITTEE REPORTS: Items A – E

A. CC&R – Standing Committee:

Alan Clarke and Rich Green, representatives; Dale Gerger, alternate
Director Clarke provided that the meeting scheduled for June 10, 2009 had several appeals on the agenda. One appeal was denied and one is pending. President Saltzen Coze thanked the committee for enforcing the CC&Rs because she has heard many positive comments.

- B. PARKS AND RECREATION** – Standing Committee:
David Johnson and Valerie Saltzen Coze, representatives; Rich Green, alternate
No meeting held.
- C. BUDGET AND FINANCE** – Standing Committee:
Dale Gerger and Valerie Saltzen Coze, representatives; Alan Clarke, alternate
No meeting held.
- D. FIRE AND EMERGENCY SERVICES** – Standing Committee:
David Johnson and Alan Clarke, representatives; Valerie Saltzen Coze, alternate
No meeting held.
- E. SOLID WASTE NEGOTIATION COMMITTEE** – Non-CSD Committee:
Dale Gerger and Rich Green, representatives; David Johnson, alternate
No meeting held.

MATTERS TO AND FROM DIRECTORS: Director Gerger stated that the Solid Waste Negotiation Committee insisted that the senior rates not be increased. Those with a larger waste can who decide not to switch to a larger recycle cart will experience a rate increase. The committee is also moving forward with a recycle center for Cameron Park. President Saltzen Coze asked if there was a policy regarding the presence of legal counsel at meetings. No director knew of any policy. President Saltzen Coze stated that she was going to make a motion to record closed session but she did not have the means to do so, so they can go into closed session.

CLOSED SESSION: The Board adjourned to Closed Session at 8:40 pm to discuss the following item:

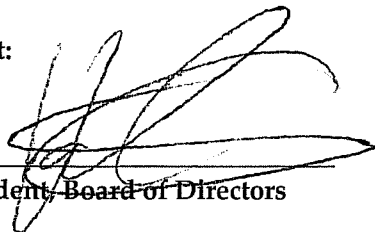
- 1. PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, regarding potential litigation in one case.

BOARD RECONVENED TO OPEN SESSION AT 9:05 PM AND REPORTED OUT OF CLOSED SESSION:

No action was taken.

ADJOURNMENT: Meeting adjourned at 9:05 pm – **Approved.** Ayes – DG, AC, VC, RG, DJ

Attest:



President, Board of Directors

July 15, 2009



Secretary to the Board

i. An AGENDA in FINAL FORM is located in the Reception area in the District Office as well as each of the Cameron Park Fire Stations. Additionally, a copy of the FINAL AGENDA is available on the District's website at www.cameronpark.org. Support material is available for public inspection at the receptionist counter in the District Office. Sessions of the Board of Directors may be recorded and members of the audience are asked to give their name and address before addressing the Board.

ii Closed Sessions may be called as necessary for personnel, litigation, and labor relations or to meet the negotiator prior to the purchase, sale, exchange or lease of real property. Members of the public may address the board prior to closing the meeting.