

MINUTES

Regular Meeting of the Board of Directors
Cameron Park Community Services District
2502 Country Club Drive, Cameron Park, California

Wednesday, September 16, 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 7:03p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL Present:** Directors: Saltzen Coze, Green, Clarke, Johnson and Gerger.

3. **APPROVAL OF AGENDA**

Prior to approval of the agenda, President Saltzen Coze stated that she wanted to bring a closed session item into open session as well as closed session. Item 2 on the agenda, regarding District policies, should be open for discussion to the public prior to receiving advice from legal counsel in closed session. She requested to add such an item to the agenda as number 16: discussion regarding Policy #5030. Director Johnson asked President Saltzen Coze if the board had approved at the last board meeting to leave the verbiage from Policy #5030 in the Open Forum section of the agenda. President Saltzen Coze stated that she noticed it was not in there and that she did not know why.

Vice President Green requested to address item 1, the board minutes from August 26, with two points of clarification. He also requested to address item 3b.

Director Gerger asked if President Saltzen Coze was positive that discussion regarding potential litigation should be had in open forum. President Saltzen Coze answered that she realized that the board should receive input from the public regarding the policy because comments were made that it may violate First Amendment rights regarding freedom of speech. The memo from District Counsel should remain in closed session, but the board should receive public input and perspective should anyone wish to comment on it. Director Clarke asked if there were any potential litigation items. President Saltzen Coze answered that because the board follows the Policy, if there are any problematic issues with it violating the Constitution, then potential legal issues/challenges may arise and legal advice would be privileged. Director Clarke stated that the board should wait until District Counsel is available. Vice President Green added that after residents expressed concern over the policy, he sent a note to legal counsel and legal counsel responded. He asked for clarification regarding the procedure of presenting legal counsel's response. President Saltzen Coze stated that the memo is privileged but she would not mind waiving the privilege. President Saltzen Coze withdrew her request to add an agenda item with the intent of including it on the October Board Meeting agenda.

Director Johnson pointed out that the agenda still has to be approved before Vice President Green's requests are addressed. President Saltzen Coze agreed. Before the agenda was approved, Director Johnson asked if the language under Open Forum should be changed back to what it was on the August board agenda because it was approved by a 3/2 vote. President Saltzen Coze answered that any addition to or retraction out of Open Forum has been staff responsibility and action and that she didn't believe any directors had been involved absent the last vote at the

August board meeting. She stated that the policy is there (within Open Forum) but is not enumerated. If there is an issue, she recommended it be put on the next agenda for discussion.

Director Johnson made a motion to approve agenda and President Saltzen Coze seconded it. Director Clarke interrupted that he had a few items he would like to address prior to approval of the agenda. President Saltzen Coze allowed the comments.

Director Clarke stated that upon advice from District Counsel, item 13 is not phrased correctly or accurately and should be moved to the closed session agenda for next month with legal counsel present. He went on to state that the board has nothing to hide and that if there is concern, then the legal bills should be handled by the auditor— Vice President Green interrupted and stated that Director Clarke should stick with the issue and that he is putting words into item 13 that aren't there. Director Clarke went on to state that the auditing process is transparent for any resident to review. President Saltzen Coze told Director Clarke that if he wants to remove it from the agenda, then he needs to make a motion.

Director Clarke made a motion to remove item 13, be properly worded, and agendized for next month's closed session with counsel present. President Saltzen Coze asked for discussion before it was seconded.

Vice President Green stated that he believes that he is acting in the best interest of those who elected him, he's responding to numerous inquiries, and it is his fiduciary responsibility to inquire as to what expenditures were for. Any director, with the approval of the president, can agendize an item that he/she feels strongly enough to debate in public forum. There are compelling issues that drive this agenda and the biggest one is public inquiry and the lead one is business processes. There are issues that he wants to specifically address with the agenda item. If it is restricted in any way, then Director Clarke is denying the public the right to know. It is important enough to discuss basic issues that are nonthreatening to the District—with or without resolution—they need to be discussed in open forum. Director Johnson asked why the agenda cannot be approved with the item on it and discuss the issues once the board is on that item. President Saltzen Coze stated that she has yet to hear good cause to remove the item. She asked Director Gerger if he had any issues with the item. Director Gerger responded that he had issues with the way that the agenda item is worded but he wanted to wait until the board got to that item. Director Clarke stated that he will defer his comments to the agenda item.

Director Clarke stated that he had one more item of concern prior to approval of the agenda. He stated that he wanted closed session item 4 moved to the public agenda—to include them in with items 11 and 12. **Director Clarke made a motion to move closed session item 4 to become item 16. He restated his motion to approve the agenda with said change. President Saltzen Coze seconded the motion. Ayes— AC, VC, RG, DJ, DG**

OPEN FORUM: Cameron Park resident Bill Carey stated that he does not know if he can praise anybody but he cannot criticize members of the staff but there are some people he would like to praise—the writers of the Mountain Democrat. They have exposed the arrogance and the incompetence—even possibly the corruption of members of the CSD board. He stated that since Policy #5030 is not an agenda item, he wanted to talk about it. This policy takes away his right to free speech. He stated that if someone has the right to compliment staff, he should have the same right to talk about if they have done something wrong. Nothing will change his mind about that. Inhibiting someone's right to speak is wrong morally and ethically. He stated that he was told by President Saltzen Coze that if he had a complaint, he could file it on the complaint form. He did not do that because he knew he would not get it. A few months back someone else went in to ask for the complaint form and they were told that it was lost. He went in to the CSD office the Friday after that meeting and was told that they did not have any complaint forms. He stated that he does not believe in complaining to the people who he is complaining about because the form will be shredded if there's no procedure. He did not lose anything by not getting the complaint form, but it should have been there.

David Gilber read a prepared statement. It is summarized here: Several weeks ago at a board meeting, Director Clarke read from a two-page summary of a lengthy investigational report. The report addresses the former general manager's sexual harassment complaints against Directors Johnson and Clarke. The portion Director Clarke read exonerated him and Director Johnson of any wrongdoing. Mr. Gilber feels the report raises many questions: the treatment of the former general manager, the details of how the investigation was handled, if any board member or legal counsel had any

previous relationships with the chosen investigator, why the document was made public, explanation of some of the vague language within the report, and further clarification regarding the delay of the report. He urged the board to release the entire investigation report. Directors cannot just pick and choose which parts of the report they want to reveal; the public cannot be asked to blindly trust that the District acted according to its policies. Until the board acts openly and honestly, a cloud of suspicion will continue to hang over the Cameron Park Community Services District.

President Saltzen Coze thanked Mr. Gilber and stated that she is not the right person to answer some of his questions. She asked any of the directors if they had any response. Director Green answered that he was not qualified--Mr. Gilber interrupted and asked how the investigative law firm was retained. President Saltzen Coze answered that she did not know. He asked if it was a board decision. Director Johnson answered no. He added that he wanted to answer one of the questions. As to any previous relationships had with the investigator—he has had none. Director Johnson also added that the board was under the impression that the investigator was selected by District counsel after a discussion between CPCSD legal counsel and the attorney for Mefford. He acknowledged that there is dispute about that point. Mr. Gilber agreed. President Saltzen Coze added that she did not know the investigator and believed that none of the board members did. Director Johnson recommended that further questions be asked to District counsel when he is present—which should be the next board meeting. Mr. Gilber asked why only two pages of the report were released. Director Clarke answered that the board does not have the full report—only the two page summary. Before the summary section was released, Director Clarke asked legal counsel. He reminded the public that the board did not make the matter public—they only responded to the local newspaper's questions and he understands the anger amongst some of the people. Director Johnson clarified by stating that the two-page summary was brought forth by themselves but they did not go to the newspaper first, they responded to a reporter's phone call. Mr. Gilber reiterated that the two-page summary was made public by the board at a board meeting—Directors Clarke and Johnson agreed. Director Clarke reiterated that he checked with legal counsel prior to making the document public and that it was okay to do so. Both parties had a copy of the summary for about a month before the meeting. Mr. Gilber asked where the rest of the report was. It was answered that it is assumed that legal counsel has the full report. Mr. Gilber expressed frustration that the board could do nothing without legal counsel's opinion or advice in closed session. Director Johnson urged Mr. Gilber to direct his questions to legal counsel at the next board meeting. Mr. Gilber answered that he would gladly do so because it is ridiculous that the board is paralyzed without legal counsel. President Saltzen Coze thanked Mr. Gilber for speaking and stated that she believes it is a necessary topic.

Matt Silva, Cameron Park resident, echoed Mr. Gilber's sentiments. He stated that two general managers ago, after the general manager retired suddenly, Director Johnson felt it an emergency to appoint an acting general manager from existing staff. However, when the former general manager was put on administrative leave after filing a complaint, no acting general manager was appointed. He asked why the District was left without a general manager. President Saltzen Coze answered that she could not answer that because all her motions to hire a general manager were voted down. It is up to Directors Johnson, Clarke, and Gerger to answer that. Director Johnson answered that he could not recall the discussions that were had over appointing an acting general manager immediately—it ended with appointing two co-acting general managers, but the meeting minutes would have to be consulted for exact discussions and reasoning. Mr. Silva responded that it would have been easier if Directors Clarke and Johnson had stayed out of the office instead of leaving the District without a general manager for three months. Director Johnson added that he never appointed Ms. Mefford to the position of general manager because one director does not have that authority. He requested she take the job, but did in no way appoint her without majority board approval. This time, when the general manager's position was left vacant, the board handled it differently than the last time. There is no sinister reasoning behind it; it was just the way the board chose to handle the situation. Mr. Silva responded that his question was not about the way in which it was done, it is about the timing in which it was done. Director Johnson stated that he did not understand what damages were done for the three months without two co-acting general managers. He asked Mr. Silva what services the board was not providing. Mr. Silva answered management. Director Johnson stated that it only takes three board votes to fill the general manager position.

Michelle Flood, Mountain Democrat reporter, asked Director Clarke why the board keeps saying that the investigator was hired in agreement with Ms. Mefford's attorney. Director Johnson answered that he just said that the board was under the impression that the investigator was agreed upon by both parties but that there are disputes to that. Ms. Flood asked if the board thought to ask District counsel once the issue starting coming up that the investigator was not mutual. President Saltzen Coze answered that she never remembers being told it was mutual. She was told that after the

investigation was all said and done. Director Johnson suggested she ask legal counsel directly because he was there—no directors were present when the investigator was chosen.

MOMENT OF RECOGNITION: Director Clarke recognized EDDOG who is building a dog park. The Group volunteered their time to host a fundraiser for the construction of the park this last Saturday. He also recognized the Friends of the Library for hosting their clean up day for the residents. He lastly announced the CSD's Clean Up Day to be held on Saturday, September 26. He thanked El Dorado Disposal for their participation. Director Green announced the Recreation Guide that is posted on the website and available via mail. Director Coze echoed the appreciation of EDDOG and the new Recreation Guide.

CONSENT CALENDAR:

Approve staff recommendation on items 2, 15C, 15D, and 15E. Ayes— DJ, DG, VC, RG, AC

1. BOARD MINUTES:

A. August 26, 2009, Re-scheduled Regular Board Meeting

Action: Item 1 was removed from the 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:

A. Financial Statements for Year End 2008/2009

B. Financial Statements for the month of August 2009

Action: Item 3 was removed from the Consent Calendar.

DEPARTMENT MATTERS:

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION: Item 1 and Item 3.

Director Green requested to remove Item 1 from the Consent Calendar. He referred to Agenda Item 13 for two points of clarification. The second paragraph begins with, "Director Johnson asked that if the directors had responded via e-mail would it not have been a Brown Act violation (serial meeting)?" In addition, the third paragraph begins with, "Legal counsel provided for future reference that sending any draft documents via e-mail to the board is okay. The directors cannot respond to that e-mail, though, without violating the Brown Act. Otherwise, it would appear that the board is attempting to find a consensus in private."

Vice President Green continued that his point of clarification is that the referenced discussion was had at a workshop and therefore he feels that it is not in violation of the Brown Act. In his e-mail dated August 14th to the board of directors it says, "As a follow-up to our workshop, please find a draft of the proposed position and duty statement for the Cameron Park CSD General Manager. I am asking that you review this document within the next seven days. I would like any response returned to me no later than 5:00pm on Thursday August 20, 2009. Make your comments in color so I know where you may have any concern. **Consider this document as confidential draft at this time.** My intent is to place the reviewed duty statement as an agenda item to be considered for approval at the August 26, 2009 meeting. Best regards, Rich Green VP Cameron Park CSD Board of Directors." He went on to say that the e-mail was a continuation of the workshop and had they concluded their business the night of the workshop they would have developed a consensus and duty statement and been able to present it at the board meeting. He noted that only Director Coze responded within the seven-day period. Director Clarke's was received after that. Vice President Green provided the e-mail for the record to be attached to the minutes.

Director Clarke added a point to his fellow director that he had to be very careful with serial meetings. He offered to make him a copy of an article from the Attorney General –Vice President Green informed him that he was fully aware and had been through Brown Act training and that he has his own counsel that has counseled him at no cost to the District.

Director Green made a motion to approve the August 26 regular board meeting minutes. Director Coze seconded it. Ayes—RG, VC, AC, DJ, DG

Item 3a was removed from the Consent Calendar by Vice President Green. He stated that he has a recommendation to make it easier to read (item 3a). He stated that they could possibly have their finance person carry down the total revenue into the summary at the bottom where it talks about total expenditures so that it is easier to read. The total revenue is captured on the first page but it is left off the summary page. President Saltzen Coze agreed and suggested it be put on the next Budget & Finance Committee meeting because it may not be followed over if not an agenda item.

Item 3b was removed from the Consent Calendar by Vice President Green. He requested to incorporate them into item 13. President Saltzen Coze asked if items 3a and 3b could be approved and then he could reference them during agenda item 13; he agreed.

Director Johnson made a motion to approve items 3a and 3b. Director Green seconded it. Ayes—DJ, RG, VC, AC, DG

5. **CAMERON PARK COMMUNITY CENTER:** Kirk McKillop with ProWest provided a verbal update on the progress of construction. The maple hard wood floors have been installed in the gym and the court is striped. The finish coats will be put on by the end of the week. Bleachers will follow and it will be complete. The classrooms ceiling tiles have been installed and the flooring will be installed over the next few weeks. The locker room bathrooms are complete. The lockers, tiles, showers, toilets, sinks—all in working order. In anticipation of the next board meeting, the fencing will be complete, landscaping will be touched up, and the pool washed down with grit and mortar. The final gunite will be installed and immediately filled with water. The parking lot striping will be completed in the next month. Once everything is complete, it will take about two weeks—to mid October—to train and complete the project. Vice President Green stated that he attended the Owners Meeting earlier that day. He commended ProWest for the relationships and consistency that has taken place to complete the job on time and under budget.
Action: None.
6. **BOND OVERSIGHT COMMITTEE:** Sue Farris, Committee member, provided an update from the meeting held on Wednesday, September 2, 2009. The current expenses fell within the bond measure. The next meeting will be on October 7. The Committee will transition into the Park Impact Fee Review Committee because not enough volunteers were available for a separate committee. Some members may be added to the Committee as they begin to review the expenditures paid with Park Impact Fee funds.
Action: None.
7. **REVENUE ENHANCEMENT ADVISORY GROUP:** Bill Hughes, Group member, provided that the Group continues to meet monthly and interacts with staff as necessary to be able to add programs to the Community Center.
Action: None.
8. **CAMERON PARK DESIGN REVIEW COMMITTEE:** Mark Harris, Committee member, was present to provide an update. The Committee meets every other Monday at 6:30 pm at the Fire Station on Country Club Drive. At the last meeting, they created a subcommittee to host public forums to create a unified vision of Cameron Park. Director Clarke thanked the Committee for undertaking such an important task. He began an informal committee to come up with a Cameron Park mission statement—including groups in the community. The 1981 Plan is in need of updating. Director Clarke invited any board member to attend his meetings at 7 am once a month.
Action: None.

9. **RESOLUTION 2009-11 JPA BUDGET FY 09/10:** Battalion Chief Joe Tyler requested to table this item to revise some of the final numbers.

Action: Table to the October board meeting. Ayes—VC, AC, RG, DJ, DG

10. **BUDGET & FINANCE COMMITTEE:** Presented by Director Green. Committee appointments to be assessed and possibly changed ie, Budget & Finance. President Saltzen Coze removed herself from the Budget and Finance Committee and appointed Rich Green to the Committee and continue as the alternate and remove Director Clarke from the alternate seat.

Director Gerger stated that Committee changes are usually held at the December board meeting each year. Director Johnson added that they are typically approved with a board vote if changes are made prior to that. President Saltzen Coze read District Policy #4060 and stated that she does not see that a vote is needed but would like to hear if there is any opposition to her appointment. Director Johnson asked if she was going to ask for a vote or not. She stated that a vote is not needed but wanted to hear from the directors as to how they feel about the appointment. Vice President Green interjected and said that he recommended that he be removed in case of a remote conflict of interest which was very far-fetched at the time. Any remote conflict of interest that he may have had, no longer exists. President Saltzen Coze asked Director Johnson why a vote would be taken for a committee appointment. He responded that it is mentioned in the policy. Director Green read the policy out loud, "The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report." President Saltzen Coze stated that the board doesn't really have a policy calling for a board vote. Vice President Green urged Director Johnson to call the question. Director Clarke also presented Director Johnson with the opportunity to make a motion. President Saltzen Coze stated that she wanted to hear opposition. Director Gerger provided that there may not have been a conflict of interest, but there were concerns had by another party (not the board) that may still need to be addressed prior to the reinstating. President Saltzen Coze asked for any input regarding her appointment. Director Johnson stated that he had concerns over a closed session item on the July 2 board meeting. But being that it is a closed session item, it cannot be discussed. There are concerns regarding the appointment of Director Green to the Budget & Finance Committee.

Director Johnson made a motion to put the appointment to a vote. Director Clarke seconded it. President Saltzen Coze asked under which policy he wanted to make the motion. Director Johnson answered that he didn't have the policy in front of him, but that it is probably the one she referenced earlier. The policy was passed down to Director Johnson. President Saltzen Coze stated that a motion could not be made that is not a policy without 4/5th vote. President Saltzen Coze asked Director Gerger if he had any concerns. Director Gerger answered that he just wanted to make sure that the party who first brought the concerns were notified because he had yet to talk to them about it. Vice President Green asked Director Gerger to share those concerns with him because they are about him. Director Gerger refused. Vice President Green told Director Gerger to bring it on. Director Clarke interjected and stated that there is no need to engage in sophomoric actions and to keep it civil. Director Green responded that he doesn't need to be admonished by Director Clarke and that he is tired of it. Director Clarke answered that he is tired of the harassment. Director Green responded that he is not talking to Director Clarke.

President Saltzen Coze interrupted that the motion is nebulous and without good cause. The motion is not legitimate because it...she offered that a motion could be made...She appointed Director Green to the Committee, removed Director Clarke from the alternate to the committee and appointed herself as the alternate. She then reappointed herself to the Solid Waste Negotiation Committee. She offered Director Johnson another opportunity to make a motion. He responded with a pass. Director Gerger also told Director Green that he will contact the concerned party and have them contact him.

Action: None.

11. **ADOPT GENERAL MANAGER POSITION AND DUTY STATEMENT:** Presented by Director Saltzen Coze. Approve attached "Position and Duty Statement" as the foundational basis for the position of General Manager for the Cameron Park CSD. This item was tabled from last month's meeting. It was opened up for discussion. Director Gerger began with the minimum qualifications being a long list and how it would be evaluated on a resume or an

interview. Secondly, page three lists required experience and education preferences and one part is that the individual have at least five years management in a government agency. He stated that he is unsure if that can be listed in the job description due to equal opportunity employment. Vice President Green announced that the public does not have the document the board is reviewing because it is longer than the one in the board packet. Director Johnson and Clarke stated they did not have any changes. Vice President Green stated that he is an expert with job duty statements and stated his credentials. He stated that it meets legal and professional standards. The job analysis is comprehensive to protect the employee so that the board can hold them to the responsibilities. The board can look for those types and traits when hiring to pick out the most qualified individual as well as performance evaluations and training plans to enhance the individuals. The most important part of the whole thing is that it eliminates any chance of appeals for violations brought by any potential applicant in the process because it is a living document. It is a compilation of the co-acting general manager's package of general manager job descriptions submitted, as well as those thoughts submitted by Director Clarke. That is why it is so lengthy and comprehensive.

Director Gerger asked how the board will be able to measure, as a minimum qualification, that the applicant accepts full responsibilities for District affairs. Vice President Green stated that those items listed are expected from the applicant; they are attainable and measurable. President Saltzen Coze offered clarification that Director Gerger is simply stating that "accepting full responsibilities for District affairs" is not a minimum qualification; it is a job expectation. Minimum qualifications are tangible. Director Gerger offered a suggestion to change the description. President Saltzen Coze offered an explanation of Vice President Green's duty statement. Director Gerger referred to Lake Shasta CSD's job description—it lists expectations and then minimum qualifications that are measurable such (as degree requirements and job experience).

Changes were made to pages 2 and 3. Discussion took place regarding the requirement that the applicant have management experience with a government agency. Director Gerger stated that he fears leaving applicants out and Vice President Green stated that it should have some statement with regard to a government agency. Director Clarke agreed that running a government agency is entirely different from a private company. Director Gerger added that marketing and profit-turning skills are also requested—those may be only from a private company standpoint. President Saltzen Coze agreed. Director Johnson made a comment about the requirement to have a bachelor's degree and offered that a semi-colon be inserted to allow for those who have plenty of experience and no degree. Vice President Green agreed. It was opened up for public comment.

Cameron Park resident Bill Carey commented that he was a district manager to a large corporation—not a government agency. It always worked when hiring to have a comprehensive duty statement rather than hiring a friend.

Cameron Park resident Jim Mayfield added that he thought the government agency phrase was inclusive.

Cameron Park resident Michele Flood added that the government agency phrase was like having a phrase that said, "Spanish-speaking preferred." It would be nice, but it is not exclusive.

President Saltzen Coze stated that she did not know if she preferred a government agency individual but she would like to see the description passed tonight. She summarized the proposed changes.

Action: Approve the Cameron Park Community Services District general manager position and duty statement with the changes: from the word "qualification"(page 1) to "requirements", page 3 paragraph "Required Education Experience" the semicolon to a comma, and the parenthesis "preferably a government agency" changed to "government agency is desirable but not required." Ayes—VC, RG, DJ, AC, DG

12. **HIRING A GENERAL MANAGER:** Approve the job announcement for the position of General Manager for the Cameron Park CSD up to the line item Wage and Benefit Carry to Closed Session. Once complete begin 30 day advertisement in such publications as the California Job Journal, Wall Street Journal, LA Times, New York Times, CSDA and other high profile publications.

President Saltzen Coze noted that the closed session portion of the agenda item is mute. Discussion began with Vice President Green. He stated that there is a wonderful opportunity before them. A portion of the job announcement was made available to the public. The salary and benefits portion was left off due to sensitivity and confidentiality of the selection process. He read Policy #2225 that addresses Equal Opportunity hiring of the District and Policy #2230—Nepotism. He stated that names should not be brought to the table. Violations of EEO may affect the District's ability to receive grants, monies for Parks, Recreation programs, and Fire, etc.

One member of the audience asked what kind of marketing plan the board has for the job announcement. Director Gerger commented that advertising in all the "high profile publications" seems like a small fortune. The member of the audience referenced electronic media as an option. If the board is seriously considering advertising in the Wall Street Journal for thirty days, even if just a small blurb, they will pay a lot of money. Director Gerger echoed that CSDA online and California County websites showed up a lot when he searched for general manager job descriptions. He also added that the description of the District should be summarized more so that applicants will research the District on their own.

President Saltzen Coze asked for comment on the job announcement first. Director Gerger asked what the board is officially calling the document—job announcement, job description, or duty statement. He stated that he preferred keeping it the same as other District announcements. Vice President Green brought forth the previous one and it said Job Description. President Coze stated that she will delay that. Director Johnson asked if anyone had any concern over the financial state of the District—is this the right time? Adding on another position may take some of the monies that they have earmarked for the state. He asked if the District was not providing all the services required? Director Clarke stated that under normal circumstances, he would want to move forward with hiring the general manager. However, the District was forced to give 8% of property taxes to the State of California and they are in a tough economy. As it continues, California has always been the tail end of the dog. He wonders if the state will come back and ask for more money next year. The list continues with real estate and statewide tax rate falls. He stated that he is not in favor of going out for a general manager at this time. The District was fortunate—it was able to meet the 8% and still add firefighters and recreation staff. Vice President Green responded that he understands what the other Directors have talked about. His only response is that the board has put a horrendous work load on two people and they are doing their best but in conversations with both co-general managers, they have indicated that the District is missing things (meetings with the County). Every organization has a leader to hold accountable and is responsible for all aspects of the District. He stated that he thinks that the board needs to move forward and if they do, they will actually save money in the long run—legal fees, being at the right place at the right time, examination and restricting of existing personnel to best run the District. President Saltzen Coze concurred 100%. The legal fees incurred over the last 11 months—she referred to the Operating Statements and stated that it appears they are \$180,000 over budget in legal fees. Her question was how much of that is due to the lack of the general manager and it needs to be evaluated. She will make a recommendation that it be itemized on a Budget & Finance Committee meeting agenda. The board needs to consider it. The board needs guidance in crafting a Master Plan from an experienced individual. She appreciates the two co-acting general managers daily. The multi-million dollar facility needs management. All these mentioned point to the need for an exceptional individual.

Cameron Park resident Irene Arnold stated that the District needs a general manager but they need a qualified one. The Community Center will be up and running soon and she wants the board to make it very clear to the general manager that if the facility doesn't make it, their salary will go with it. Their success will be dependent on the success of the Center. She stated that the facility needs to be done and that it is a bit premature right now.

Cameron Park resident Michele Flood stated that the District absolutely needs a general manager. The District cannot be run without it. If the District ever needed a general manager—it is needed now—and a strong one. President Saltzen Coze added that the dissention on the board is systemic of the lack of the general manager.

A member of the audience stated that if it were not for the Mefford affair, the District would still be paying a general manager. Another thing, the job description that the board just reviewed—can the existing general managers meet the qualifications now? He stated that he doesn't believe that they can so they need a general manager. A

suggestion: stop paying the legal fees and you'll have plenty of money. It is ridiculous! We need someone that can fill the requirements. It is a ridiculous notion to say that they can't afford a general manager, ludicrous!

Another member of the audience stated that the facility is intended, if he understood it right, to generate money. President Saltzen Coze was excited that the job description/duty statement will now hold them accountable to the success of the facility.

Cameron Park resident Matt Silva answered that the fire services and parks and rec is rolling but the administrative stuff behind the scenes is causing the District to lose money—it was brought up four years ago. The organization cannot be built without one person in charge. The District is not moving too fast—they are six months behind.

Discussion was brought back to the board. Director Gerger clarified that he did not want to be categorized with Directors Clarke and Johnson because he is a proponent of one captain of the ship for quite a while.

President Saltzen Coze stated that the first issue to decide is if it will be called a duty statement or a job description and that she will leave that to Directors Green and Gerger. Vice President Green stated that they will call it a job description to stay consistent with the District's previous job descriptions.

The next issue is to summarize the CSD review and the last issue is the funding of the advertising. Director Gerger stated that he personally would like to lean toward the electronic postings and asked if there was a requirement to post in a document and if there is to select it carefully.

President Saltzen Coze asked for a motion to approve the job announcement for the job description. And have a special meeting to finalize funding. Vice President Green suggested to charge the co-acting general manager with the duty of going out and soliciting places they can electronically post and find out fees for advertising. Find out what other districts do. She can come back and present a financial summary and a list of places to advertise in at a special meeting or whatever it takes. President Saltzen Coze asked for a motion to approve the announcement and give direction to Livia. Discussion took place regarding the removal of the last nine sentences of the first paragraph titled, "Community Overview".

Director Gerger made a motion to approve the job announcement with the corrections that have been discussed. President Saltzen Coze asked if they were limited to one motion for an agenda item. Director Gerger answered that only one motion may be made at a time.

Action: President Saltzen Coze restated Director Gerger's motion to be: to approve the job announcement for the position of general manager for the Cameron Park Community Services District job description as modified as discussed and modified. Director Green seconded it. Ayes—DG, RG, VC Noes—AC, DJ

Action: President Saltzen Coze asked for a motion to set a special meeting. Vice President Green made a motion to charge the co-general manager, Livia, to investigate the costs and potential sites where we can advertise and report back at a special meeting to be calendared with Livia. Director Gerger made a note that he will be unavailable for the first week of October (5-9). Director Johnson added that he will be unavailable September 22 – 27 and the first week of October as well (1-6). Director Clarke stated that he will send an e-mail to Livia with his schedule (not available Tuesdays or Thursdays). Ayes—RG, DG, VC, AC, DJ

13. **PUBLIC DISCLOSURE OF LEGAL FEES:** Presented by Director Green. President Saltzen Coze read a narrative presented by Director Green: As a follow up to the August 31 article in the Mountain Democrat Newspaper, residents concerns and written requests received by staff and the board regarding legal fees, I feel it is the fiduciary responsibility of the board to investigate these expenditures. It is in the best interest of the district to share with the public all legal invoices that do not compromise pending litigation. As such I am asking that each board member waive his or right to attorney client privilege for the purpose of the reviewing of invoices only. Once reviewed, should any individual board member have a direct substantial individual interest in district expenditures for legal services, the board will go into closed session to discuss and further review these expenditures on a case by case

basis. Any member who chooses not to waive his or her right to attorney client privilege for the purpose of this fiduciary fact finding exercise should express their concerns in writing to the full board for public disclosure.

Vice President Green stated that the agenda item is in response to three specific inquiries to legal fees: one by Gracie Silva, one from Jim Riordan, and one from a newspaper article. He read from a prepared narrative made available after the meeting. The intent of the agenda item is about business and to assure the best use of legal counsel and business processes. The 2008/2009 fiscal year-end report shows that the amount spent on legal fees is in the amount of \$187,066 for an 11th month period not to include July 2008. He offered three issues driving the agenda item: the public inquiries, the unregulated solicitation for legal advice by staff, board members, and others, and the non-itemized billings. He recommended the District stop payment until the invoices reflect an itemized detail of work performed and services rendered. As for older invoices, he was only able to look at June 2007 and was not able to continue with the audit. He cannot condone the excuse of not providing copies once redacted of truly privileged information (pending litigation). He stated that his concern is where the District is headed—who has access to the attorney and for what purposes? This is most likely the reasoning behind the questions for the invoices. He asked the other directors if they had had contact with the attorney today or yesterday or this week. He stated that it is okay if they choose not to answer because it will show up someday in a bill. He added that he doesn't care what they talk about, but he does care that someone is racking up bills. Any board member or staff member should go through the general manger and log it. There should also be a policy. He stated that he feels it is important to the tax-paying citizens who are represented and especially the 3600 voters that elected him to make this issue public.

President Saltzen Coze and the audience thanked Mr. Green for his narrative. Director Gerger stated that he agreed that there needed to be a policy on contacting legal counsel. His concern about waiving his rights is that he was told the bills were itemized and worried that the open cases would be compromised. His recommendation would be to do a summary of the active cases instead of itemizing them—referring to them as “active case #1” and “active case #2”. Director Johnson echoed that there is not a policy addressing legal counsel contact. Over the past year, the District has had many issues—more in one year than ever before—and some are still open. All these issues cost money. The redacting issue is critical and the community has a right to know where their funds are expended and why the District over expends its budget. Those are fair questions. There will have to be a balancing act in creating a procedure. He stated that he does not believe there are excessive fees, but there are numerous fees due to numerous activities. He stated that he does not know if each director can waive their individual attorney-client privilege—that's a question for counsel. The audience responded in laughter. Director Johnson stated that he is willing to work something out. Vice President Green responded that he too would like legal counsel's opinion regarding waiving privileges. He stated that he would like to see accountability and where all the money went. The focal point is checks and balances. If it is necessary to run so much money in business, then the public needs to know that.

Director Gerger stated that the first step is that a policy needs to be developed. President Saltzen Coze answered that they cannot do that tonight. Director Gerger added that there are closed cases that are not allowed to be discussed either and a group to look at each one individually would be beneficial. President Saltzen Coze summarized that the board either assigns it to Budget & Finance to do it, or she appoints an ad hoc committee. The second issue is that a motion can be made to take effect immediately that legal invoices are detailed with dates, time, etc. Attorney contact should be logged—that can be put into effect tonight. And the policy is more complex and is the fourth issue. Director Clarke suggested using the auditor as another option. Director Johnson answered that the auditor will compare the check amount to an invoice; the board is interested in the classification of the monies spent.

A member of the audience asked if anyone found it outrageous that the law firm was directed to provide bills without detail. Members of the audience provided that the person who did it should be fired. President Saltzen Coze answered that she thought it happened out of inexperience. It was not a board decision—the board only found out about it two days ago and only the August bill was done in this matter. The board acted immediately. Last fiscal year's bills were not viewed yet. Vice President Green reiterated that his intent is for transparency. The last general manager was very prudent.

Cameron Park resident Bill Carey stated that Mr. Biegler, whom he calls “Bungler”, looks like nepotism to him. There is an attorney coming up from Sacramento, billing us for every minute on the road, costing us thousands of

dollars. Director Johnson knew that there was not any procedure so he must have been happy to call up the attorney anytime he wanted without checks and balances. Director Johnson interrupted Mr. Carey and stated that Mr. Carey is attacking legal counsel and whether or not it is for his fifteen minutes of fame or not, he should have the respect to address legal counsel when he is present. Mr. Carey responded that Director Clarke attacks people all the time without them being in the audience. The audience erupted with comments and yelling. Director Clarke requested the board president maintain control and she answered that the gavel is unneeded and that they are mature adults. An audience member asked why counsel thought he could get away with providing the bills and President Saltzen Coze answered she had no idea and was shocked. The issue is being addressed now and that they are off topic.

More suggestions were made as to which attorney the District should hire. President Saltzen Coze agreed. Discussion continued about the outlandish money spent on legal fees. President Saltzen Coze responded that she is starting to address the issue now.

Action: President Saltzen Coze made a motion that all legal fee expense invoices are detailed with the date, time, heading, and the individuals in contact. Director Gerger requested to add that the subject matter is referenced. Director Clarke seconded it. Ayes—VC, AC, RG, DJ, DG

The president allowed further public comment. The member of the audience asked if the District could begin to solicit other attorneys for the current fiscal year. President Saltzen Coze answered that she was going to bring that up. She asked for a copy of the contract between legal counsel and the District and was told that there wasn't one. The audience member responded to Director Johnson that that issue is comical—paying an attorney without a contract! Director Johnson answered that there is a verbal contract made between a previous general manager and counsel for an hourly basis. He stated again that counsel should be present to answer these questions. Director Clarke echoed that anytime someone is having a family tragedy there should be understanding and they should not be attacked when they are not present. The audience continued with outbursts and the board president attempted to move the issue along. A final comment was allowed. Cameron Park resident Matt Silva offered that his wife requested a copy of his contract and was told that there was not one. President Saltzen Coze thanked him for that information.

President Saltzen Coze asked if all attorney calls should be logged. **Vice President Green made a motion that commencing right at this minute, that any contacts with our legal counsel be logged and forwarded to our finance person for a monthly audit against the invoices and that information should be sent from the director or staff member to the finance person electronically.** Further comments from the audience were made and possible changes to the motion. Irene Arnold, Cameron Park resident, said that all contact should go through the president. Discussion continued with hiring a local legal counsel. President Saltzen Coze disagreed because of personal relationships—for decades. Director Gerger asked if the District would have to pay for a resident calling up and talking to legal counsel. Vice President Green responded that the legal counsel should refer the individual back to the District. Public comment offered that the board should know the answers to the public's questions and not send them to ask legal counsel. Director Johnson answered that he wasn't suggesting that the individuals contact counsel, he was suggesting that he should be present as they attack him.

Action: President Saltzen Coze decided to bring discussion back to the board and stated that there was a motion that she liked but couldn't remember it. **Vice President Green offered that any contacts between the attorney and us and the attorney and others will be logged and forwarded to the finance clerk. Director Gerger seconded it.** Ayes—RG, DG, VC, AC, DJ

President Saltzen Coze referred to Director Gerger's suggestion to forward to Budget & Finance Committee the previous legal expense review. If a special ad hoc committee is necessary, the Committee can advise the board that one is needed at another date. Right now it will be left to Budget & Finance Committee.

14. **DEDICATION PLAQUE:** President Saltzen Coze requested this issue be discussed. President Saltzen Coze asked if any directors had seen the proposed plaque for the Community Center. A copy was passed down for board review. Director Clarke suggested listing Rusty Dupray's years on the Board of Supervisor instead of titling him as the

"prior Supervisor." Director Green suggested that everyone's name should be taken off and list something to the effect of Cameron Park Community Services District and El Dorado County Board of Supervisors for the people of Cameron Park. He stated that anyway that it is done will leave someone off. He said to list everyone or no one. Director Gerger added that he remembers the project going all the way back to the beginning and that he would rather list the citizens and volunteers that made it possible. Director Johnson stated that if names are listed someone will be left out and he didn't want to hurt anyone's feelings. He suggested listing the board of directors and each group that was involved so no one's left out. President Saltzen Coze suggested a quote be included too. Director Clarke said that the board of supervisors should be on there because of the instrumental role he played. Director Johnson answered that the group idea will encompass Rusty Dupray.

Action: Director Gerger made a motion to redesign the plaque to reflect: the citizens of Cameron Park and the groups that participated with no individual names. Director Johnson seconded it. Ayes—DG, DJ, VC, RG, AC

15. COMMITTEE REPORTS: Items A – E

A. CC&R – Standing Committee:

Alan Clarke and Rich Green, representatives; Dale Gerger, alternate

Director Clarke provided that the September 9, 2009 meeting agenda was very full. Several committees are preparing to amend their CC&Rs. Several yards are being written up for neglected landscaping due to the downturn of the economy.

B. PARKS AND RECREATION – Standing Committee:

David Johnson and Valerie Saltzen Coze, representatives; Rich Green, alternate

Director Johnson provided that the topics from the September 15, 2009 meeting included: Capital Improvement List, Skate Park issue discussions with the Buckeye Union School District, and regular updates for the department. Director Saltzen Coze provided some of the items on the list to include a redesign of Christa McAuliffe Park.

C. BUDGET AND FINANCE – Standing Committee:

Dale Gerger and Rich Green, 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

16. This Item Was Added at the Adoption of the Agenda. To Include Discussions of General Manager Wages and Benefits. President Saltzen Coze made a motion to table the item to another meeting. Director Clarke seconded it. Ayes—VC, AC, RG, DJ, DG.

MATTERS TO AND FROM DIRECTORS: Director Coze announced that she had asked Livia to minimize the attorney's presence at the board meetings. Legal counsel then sent an e-mail to the effect that he was "disinvited" to the meeting as if it was intentional. She stated that that was a divisive comment that did not help the board in anyway. She wanted to clarify that she only told him that if he needed to be present at the meeting, that he show up at the end. She just wanted to clarify that because Director Johnson had requested he be at the meeting. Director Johnson answered that three directors wanted him at the meeting. President Saltzen Coze responded that her point was that his e-mail was inappropriate and seemed divisive.

Director Gerger asked if the board needed to go into Closed Session without counsel present. **President Saltzen Coze made a motion to table closed session.** Ayes— VC, DG, AC, DJ, DG

President Saltzen Coze read three items for the directors: County of El Dorado Board of Supervisors sent the board a invite to a consultation regarding Rev and Tax Code Section 69.5. President Saltzen Coze misread the consultation meeting as already to have happened. The notice requested comments from the board by October 15, 2009 to be read to the County Board of Supervisors prior to their discussion of the proposed ordinance; the consultation meeting has yet to be scheduled.

CSDA Members Memorandum requested participation in the 2010 Committees. Director Clarke stated that he may have some interest and will submit the necessary paperwork by the October 9, 2009 deadline.

The final item was a CSDA Memorandum announcing the Board vacancy for region 2, seat B. They will be accepting letters of interest until October 15, 2009.

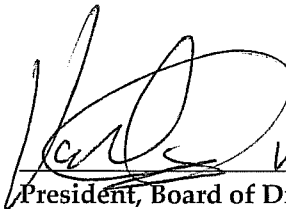
CLOSED SESSION: The Board tabled closed session.


1. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, conference with legal counsel regarding pending litigation in one case: County Writ.
2. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, conference with legal counsel regarding potential litigation. Report from Legal Counsel regarding District Policies.
3. **PURSUANT TO GOVERNMENT CODE §54957:** Discussion of confidential personnel matter.
4. **PURSUANT TO GOVERNMENT CODE §54957:** Discuss GM wage and benefit package.

ADJOURNMENT: Meeting adjourned at 10:29 pm – **Approved.** Ayes – DJ, VC, RG, AC, DG

Attest:

December 16, 2009


VP 3.10.10
President, Board of Directors


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.

UNKNOWN WHO IT'S FROM
Rich Green
Sept 16, 2009

Legal Fees Narrative—

The intent of this agenda item is not personal it is about business. It is about reviewing our business practices to assure the best use of our legal council in the most efficient and economical manner possible. In addition, it is intended to cause critical review to our business processes.

The compelling issues that are driving this agenda item are based on three matters.

First, a series of public inquires asking to review the legal costs and invoices for these costs, for the district and eventually a newspaper article in the Mt Democrat that essentially asks for the same thing.

Second, (and the most critical element of this agenda item) the unregulated solicitation for legal advice by staff, board members and others.

The intent of the agenda item is to determine under what circumstances the legal council is being used and by whom. If a particular board or staff member has had a direct substantial individual interest in district expenditures then we need review this activity. (If you ask any one of us who authorizes the contact with the legal council the answer is “no one”. The district does not have a method of keeping track of these contacts until the legal council invoices them.)

Third, the reviewing of district invoices that may contain sensitive attorney client privileged information. I have recently reviewed some of these invoices and have found that the most recent billings are not itemized what so ever, simply a date and an amount. I believe that this is not an acceptable practice as there is no accountability as to the charges on the invoice. I would further recommend that the district stop payment until these invoices reflect an itemized detail of work performed and services rendered. It is obvious to me that the board will have to provide direction to the legal council as to what is an acceptable invoice.

As for older invoices I was only able to look at the June 2007 invoice.

I cannot condone the excuse of not providing copies of invoices to the citizens requesting these once redacted of truly privileged information. If it is not possible because of the contents of the invoices are such that truly privileged information cannot be redacted, then an itemized accounting of the invoices showing specific time and cost for council with staff and individual directors is warranted.

Again, the intent of this agenda item is to determine if best business practices are being accomplished and if there is a reasonable level of accountability to ensure some sort of checks and balances. I feel it is important to our tax paying citizens who we represent and especially the 3,600 voters that elected me to represent them, to make this a public issue.