

MINUTES

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

Wednesday, December 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 7:08p.m.

1. **PLEDGE OF ALLEGIANCE**

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

3. **APPROVAL OF AGENDA**

Director Johnson made a motion to approve the agenda with the amendment to move item 15 before item 14. Director Clarke seconded the motion. President Saltzen Coze opened it up for discussion. Director Gerger stated that he didn't have a comment on the motion; however, he referenced items mentioning resolutions and stated that he couldn't find any resolutions in his board packet. President Saltzen Coze answered that there are different forms of resolutions. Director Gerger asked that if a resolution is presented to the board, shouldn't it be in the standard resolution format? President Saltzen Coze answered that the resolution is not being utilized in a formal proceeding; perhaps the meaning was "solution" and the words are being used interchangeably. Staff agreed and offered that the goal was for the board to consider the items and no additional documentation was provided. President Saltzen Coze stated that the board does not have to vote on a resolution if one is not presented—the items are simply Review and Discuss items. No other discussion from directors was offered.

Action: Approve agenda with item 15 appearing before item 14. Ayes—DJ, AC, VC, RG, DG

CLOSED SESSION: The Board adjourned to Closed Session at 7:13 pm to discuss the following items:

1. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, Presented by Dennis Timoney from SDRMA and legal counsel, regarding pending litigation—Mefford Tort Claim.
2. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, Presented by Dennis Timoney from SDRMA and legal counsel, regarding potential litigation regarding one matter.
3. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, conference with legal counsel regarding pending litigation—Veerkamp 74 110 01186 08 HLT and County Writ 007CS00059.
4. **PURSUANT TO GOVERNMENT CODE §54956.9:** Closed session under California Government Code §54956.9, Presented by Director Johnson regarding potential litigation in one matter.

BOARD RECONVENED TO OPEN SESSION AT 8:18 PM AND REPORTED OUT OF CLOSED SESSION:

Item 1: Reject a tort claim filed against the District by Ms. Mefford. Ayes—3 Noes—0 Abstain—Clarke and Johnson
Items 2, 3, 4: No action taken

OPEN FORUM:

Cameron Park resident Bill Carey stated a member of the board has a terrible record in attendance. He is either a no-show or is so late he misses the substance of the meeting. He has an obligation to the community including special meetings. In particular, Budget and Finance Committee meetings are scarce. Director Gerger asked Mr. Carey which meetings he had missed. Mr. Carey responded that he didn't have it with him. He referred to the October 28 Special Meeting and, from what he had heard, it was dysfunctional and convoluted. The best he heard was Mr. Biegler answering, "I don't know." Mr. Carey said that every time Mr. Biegler speaks they are hearing a story. Closed session is overused.

Cameron Park resident Bill Randall thanked the board and the Recreation staff for the opening of the gymnasium as his son just had his first basketball practice and enjoyed it very much.

Jerry Copeland, regional director for Local 1 representing the employees of the District addressed the audience and board. He asked that should any public members have any questions, to direct them to him and not to staff. He provided the phone number: (530) 626-2565.

Cameron Park resident David Gelber asked the board why the meeting did not start until almost 8:30 pm. He stated that it is inconsiderate of the public. President Saltzen Coze answered that it was to reduce legal fees. Mr. Gelber asked why closed session didn't start earlier so open session could start at 7 pm. President Saltzen Coze answered that she didn't have an answer because she did not set the time of the meeting. Director Gerger responded that the meetings always start at 7:00, whether closed session is scheduled at the beginning or at the end. Mr. Gelber answered that out of consideration of the public, open session should start no later than 7:00 pm. Legal counsel Bob Biegler added that Dennis Timoney from SDRMA was also present and made a special request to be heard and not have to wait. Mr. Gelber responded that he was glad that it was convenient for him.

Mr. Gelber brought up another issue. At the November board meeting, he noticed that both co-acting general managers were absent. The Mountain Democrat reported that they were advised by not to attend the meeting because legal bills connected to union members could possibly be disclosed. Mr. Gelber asked if their attendance at the meetings was option. He thought it was part of their job. President Saltzen Coze answered that she would like any directors to respond because they have a unique situation and two directors are responsible for the District not having a general manager and have been on the board longer than she; it may be addressed in the policy manual. No response from directors were offered. Mr. Gelber stated that if it is a part of their job, then he doesn't see how the union can excuse them unless the union is now paying their wages. President Saltzen Coze answered that she doesn't know the specifics of the union and that she didn't want to speak for the co-acting general managers. The board was advised in advance of their absences and both were understandable. Parks Superintendent and Co-acting General Manager Paul Ryan addressed Mr. Gelber. He stated that it was the biggest, bogus article yet. The reporter, Mr. Laughlin, only had to call and confirm—his colleges do. Mr. Ryan stated that he gave notice that it was his thirtieth wedding anniversary and he took a day and evening off and had a great day. It had nothing to do with the union and the union did not ask him not to come in. It was a planned day off. Mr. Laughlin only had to call and ask and Mr. Ryan would have told him. Mr. Copeland, union rep, also answered that he did not speak to the reporter. Mr. Ryan continued that it is a spun story and has nothing to do with the District. Mr. Gelber told the board that they should go after them for printing stuff like that and that they should cover their tracks. President Saltzen Coze responded to the question as to if their absence is required, the policy handbook should answer it.

Cameron Park resident Dan Carolan also requested to address the board regarding the Mountain Democrat Newspaper. He stated that when he reads the Mountain Democrat, he knows that some things aren't true. He referred to a particular article that stated that a director was interrupted in a private meeting and that a co-acting general manager member felt intimidated. He stated that he knew it wasn't true and he asked himself, "How can the paper not know it's true?" He wonders if the paper ever asked anyone other than Director Green. Secondly, about a month ago, Director Green read a

statement regarding legal bills and Director Green stated that it wasn't personal. Mr. Carolan stated that he can't imagine why it isn't personal. How does Mr. Green handle things professionally? The item was in fact personal—Mr. Green had his best friend write a Letter to the Editor. Third, the District has utilized the current attorney for about 18 years under many different leaders and now, all of a sudden that Director Green is on the board, everyone wants the attorney out of here. Now, local attorneys are offering advice—some of which that goes against the grain of employee rights. He stated that the board should not advocate any suggested policies that restrict employee rights or their ability to defend themselves. No one can make a policy so that the employees can be trashed by the public. Finally, as he looks at the group at the meetings, he sees definite points being made. He can identify with some of the concerns but it is not a perfect system. He mentioned the demographics are not always reflected at the meetings. He stated that if this is just a political movement, it will not be very successful. Attorney's in the group may be advocating for a client, but a judge may or may not agree just because they have been around a while. The Mountain Democrat Newspaper prints articles that are clearly false and he believes they are not being very responsible in their reporting. They only print the letters they want.

Cameron Park resident Jim Riordan stated that the contentiousness with District counsel Bob Biegler did not start with Director Green. He stated that he has a problem with it and with the fees too. He presented a list of sixty-three signatures that don't want Mr. Biegler representing the District. He also addressed Mr. Ryan and commended him for thirty years of marriage. President Saltzen Coze commented that she will take the blame for any situation that took place because she didn't think to explain their absence at the time.

Director Johnson responded to Mr. Carolan's statement about the two articles in the Mountain Democrat. One was right after the November board meeting and it stated that co-acting general manager reported to Mr. Green that she felt intimidated by Directors Clarke and Johnson. Director Johnson stated that he has looked into the matter and it was not true. The reporter did not contact the CSD. The second article by the same reporter Eric Laughlin, stated that speculation continues to swirl as to why the co-general managers were not at the November board meeting. The article continued that Director Green reported that co-acting general manager Livia Amidon told him that she felt intimidated by Directors Clarke and Johnson. Again, the reporter did not call Ms. Amidon to find out the truth. Being that it is the Mountain Democrat, no one should be surprised at that. Mr. Carolan added that the District is undergoing litigation with the County and its Auditor's best friend is the newspaper's Editor; he wonders if, by any stretch of the imagination, that he would do something—it's a small community. Director Johnson continued that perhaps the board should invite Mike Raffety, Editor of the Mountain Democrat, to the next board meeting to express his views of problems he has with the CSD for an open discussion. President Saltzen Coze agreed that that was good idea.

Cameron Park resident Matt Silva requested to correct some things that Mr. Carolan said. Mr. Silva answered that Director Green did not have him write a Letter to the Editor. Mr. Green should have probably dismissed him from the campaign, but he decided not to. Mr. Silva stated that his purpose was separated from Mr. Green's at the time. He wrote the Letter to the Editor because of Director Clarke. Director Clarke took Mr. Silva out to lunch at Denny's Restaurant in June and told him that he and Director Johnson were going to get rid of the general manager because of a political embarrassment. He stated that he will not support Directors Clarke or Johnson and it has nothing to do with Rich Green. Director Green has tried to be a decent politician and Directors Johnson and Clarke have ganged up on him because of what Director Green's supports have done. They support him because they don't like what is going on with their government and that the board needs to start working together. Secondly, the Community Center Bond Measure did not pass with a two-thirds majority, it passed with a simple majority. In 2001, it was a two-thirds when it had a mello roos. The mello roos was taken out at Director Clarke's insistence—Cameron Park resident Kathleen Hughes interrupted to correct Mr. Silva. She stated that they had to have a two-thirds vote for it to pass and they had either a 66% or a 68% but it was a two-thirds. Mr. Silva answered that he would look into it.

Cameron Park resident Jim Riordan interjected that had the voters known what the real budget and costs of the Community Center were, there would have been a much different result. He was approached early on for the bond measure and he told them that it was not doable for that amount of money. It was not presented honestly. Mr. Carolan responded that people of reasonable intelligence understood that it was going to be difficult under any circumstance. And now it is here. Some day everyone is going to get over all of this and we may struggle right now, but someday it will be great for all those demographics he spoke of in the long run. It boils down to some people wanted it and some people didn't. He referenced an e-mail he received from Mrs. Silva calling them immoral for attempting to pass the bond measure. He stated that he was just trying to do something for the community. In the long run, everything will work out.

Mr. Silva responded that he and his wife support the community center and they do want to see it succeed. They were both involved in 2001 and his wife was the assistant to the co-chairs. The next attempt she was not involved. She went to one meeting and did not like the way Director Clarke was dealing with some money issues and she got out. She sent an e-mail out to the community members that said something different and he had to make a code three run to one of the meetings to smooth things over. He did sign the ballot measure in support of it in 2004. They are still in favor of it and they do want to see it succeed. President Saltzen Coze agreed that the entire community would like to see it succeed.

MOMENT OF RECOGNITION: President Saltzen Coze began by stating that she thought item 6 on the current agenda was the first item of the meeting, but noticed that it falls sequentially after item 5 so she requested to move 6 in front of 5. The board did not present any opposition.

Director Johnson commented that last week Director Clarke went to the Board of Supervisor's meeting to deal with the final approximate \$300,000 being released from the County for the Community Center. They released a portion of the funds and the remaining \$55,000 will be discussed. Director Clarke thanked staff and County Supervisor John Knight for their attention to the matter. The \$55,000 will be discussed and decided on later. He complimented Supervisor Knight for his involvement in getting the CSD back the money.

Director Clarke thanked the CSD staff for the opening of the gym and classrooms and complimented the community for showing up to the grand opening. He remembers the discussions regarding which amenity to build first, and now the community has it all. He also recognized various members of the community for their involvement: Steve and Nadine Petty, Mark Harris and Katherine Gilfillan, Eric Driever, Bill and Kathe Hughes, Irene Arnold, Tod Pickett, and Church of the Foothills (funds from the Christmas program will go toward the Senior Meals at the Center). Cameron Park resident Jim Riordan asked if there were any signed agreements with any community groups for use of the Center. President Saltzen Coze directed the question to outside of Moment of Recognition. She pulled the Recreation Report for comment.

Battalion Chief Joe Tyler thanked the community for support of the Explorer's Pancake Breakfast. They were able to profit \$2300 for their program. Secondly, he acknowledged the Cameron Park Volunteer Firefighters Association for twenty-five fire shelters for a wildland environment. The donation was valued at \$9444.

On January 11, there will be a fundraiser at the Chili's Restaurant in El Dorado Hills to raise money for the Cameron Park preschool program.

CONSENT CALENDAR:

President Saltzen Coze pulled the Recreation Department report to answer Mr. Riordan's question.

Approve staff recommendation on items 1A, 1B, 1D, 2A, 2C, 2D, 3, 16B-F. Ayes— AC, RG, VC, DJ, DG

1. BOARD MINUTES:

- A. September 16, 2009, Regular Board Meeting
- B. October 21, 2009, Regular Board Meeting
- C. October 28, 2009, Special Board Meeting
- D. November 18, 2009, Regular Board Meeting

Action: Items A, B, and D were approved. Item C was removed for discussion.

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: Items A, C, and D were approved. Item B was removed for discussion.

3. FINANCIAL REPORTS:

- A. Financial Statements for the month of November 2009

Action: Approved

DEPARTMENT MATTERS:

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION: Items 1C and 2C

Prior to addressing Items 1C and 2C, President Saltzen Coze moved to item 6.

Director Johnson requested to address item 1C. He asked why the meeting was put on in the first place. Vice President Green answered that it was called to help resolve a personnel issue brought forth in closed session. Director Johnson asked if it was true that policies are supposed to be presented at regular meetings and not special meetings. Vice President Green stated that the policy issue was secondary to the meeting. The primary reason for the meeting was a closed session to discuss a personnel issue with legal counsel. The policy was added to daylight that there was a policy being developed to take public complaints. It was pointed out by Director Johnson that the three-day board notice needed to be taken care of at a regular board meeting. That is why it was presented in November at the regular board meeting. Director Johnson thanked Director Green for the explanation.

Action: Approve October 28, 2009 minutes. Ayes—DJ, VC, RG, AC, DG

Item 2C, Recreation Report, was pulled by President Saltzen Coze to answer Cameron Park resident Jim Riordan's question. She asked him to repeat his question. He asked if there have been any MOUs signed by the community groups that packed the meetings in support of building the pool. Staff answered that a mock swim schedule was presented at the grand opening of the pool and it included a Cameron Park swim team. There are time slots for rental of the pool for other team practices. President Saltzen Coze added that a Budget and Finance Committee meeting in January might address many issues. Cameron Park resident David Gelber asked why the pool is not in operation today when Mr. Clarke told them that it would be operational year-round.

5. CAMERON PARK GENERAL MANAGER HIRING UPDATE: Director Clarke summarized that the board took action for Directors Clarke and Green to research an HR Specialist and they chose Tracey Lynn Lowry. They have contracted with her to assist in the search process for a general manager. Ms. Lowry met with the Directors and staff to setup the initial tasks for the process. The job announcement was posted for thirty days and resulted in approximately fifty applicant inquiries. The top candidates will be selected and they will move forward with the selection process. President Saltzen Coze asked if the announcement should be extended. Vice President Green asked Ms. Lowry how the initial review was. Ms. Lowry answered that she had not had a chance to look at all the applications because the closing date was just yesterday. There were some strong candidates; options would be to extend the deadline or to do a first wave and a possible second wave. Director Clarke asked if a meeting would be beneficial after the first of the year so Ms. Lowry would have a better idea after a paper screening. Mr. Lowry answered that she wouldn't expect more than 25% to pass the initial paper screening. President Saltzen Coze responded that 25% is only seventeen applicants and she would think that the announcement would automatically be extended. Vice President Green asked if that was the recommendation of the board. Director Gerger stated that if there are some strong potential candidates, they shouldn't be ignored since they stepped up and applied within the deadline. Vice President Green added that he feels that is a small number. Director Clarke agreed. Ms. Lowry commented that quantity does not always mean quality. Director Gerger asked if the board wanted a general manager that missed the first deadline.

Cameron Park resident Bill Randall added that those strong candidates that have applied won't be around in thirty to sixty days and the board would have passed off on those who were qualified and already applied. Cameron Park resident Bill Hughes asked if all the applicants had been screened. Ms. Lowry answered that since the deadline was yesterday, she had not had a chance to look at all of them, as it was a big stack. Mr. Hughes responded that they should all be screened before the deadline is extended. Kelly McPherson, who identified herself as a federal government employee, stated that thirty days is an ample amount of time and that those who were truly interested in the position have already applied.

Vice President Green suggested that he and Director Clarke get together with Ms. Lowry after the first of the year to do an in-depth review of the applicant pool and see what the qualifications are. The candidate pool should be top-notch. President Saltzen Coze answered that that seems to be outside of the scope of the committee's initial assignment. She wanted the directors removed from the hiring process until the final selection. Her intention for

the committee was to select the HR Specialist. She did not want to have two directors reviewing applicants and scaling down the pool due to all the previous problems the District has had in the past with friendships, etc. Vice President Green agreed, but stated that Ms. Lowry has to be given some direction as to how the board would like the applicants to be screened. President Saltzen Coze answered that the direction should be given to her from the board and not from two directors. She was hired to advise the board on how to proceed. Vice President Green provided that he had made some suggestions as to the selection process, an assessment center. Ms. Lowry has extensive knowledge of assessment centers.

Ms. Lowry provided multiple recommendations: she can scale down the applicants, and then do a panel interview with board members, staff members, and an outside expert, and then assessments. The assessments would include software testing, presentation skills, and written skills. The applicants can be brought in all at once or one at a time. President Saltzen Coze expressed the importance of professionalism in the process. She had presented this item many times but the board wasn't ready. Now they are and she would like Ms. Lowry to provide recommendations to the board. She had hoped for twenty candidates to be narrowed down to around five for the board to interview. Ms. Lowry's recommendations are essential and the board needs to approve the process quickly. She asked the committee what was discussed. Vice President Green answered that the committee discussed testing procedures. There are four things for the board to address: the evaluation of the resumes, the interview process (with recommendations), a benefit package, and a starting salary. Director Clarke asked if the board would be comfortable with the committee bringing back to the board a policy for the interview process and a salary/benefit package to be reviewed by the board and public. Ms. Lowry will scale down the applicants by then as to who fits the job description and who doesn't.

President Saltzen Coze mentioned that more applicants may have applied if the board had listed a salary scale. If the board chooses to extend the deadline, those questions can be answered within that timeframe. Ms. Lowry answered that a salary range is important for her to answer questions. President Saltzen Coze asked the board if they would like to extend the deadline and add the benefit and salary package. Vice President Green answered yes. Director Gerger answered that a sharp individual would be able to find comparable salary ranges and figure out what Cameron Park's range would possibly be. If they can't figure out the average pay, they would be a no vote from him. Secondly, those who applied by the deadline should be given a chance. They may be the top of the candidates. Director Johnson agreed that it should not be extended. Fifty applicants can be weeded down and if they are all reviewed and a good amount is not there, it can be dealt with at that time. Director Clarke stated that he would like the committee to be able to come back to the board with a recommendation for a process and salary/benefit package. President Saltzen Coze stated that there is merit to both arguments regarding extending the deadline or not extending the deadline. As far as the committee goes, President Saltzen Coze stated that she would like to see Ms. Lowry forward a recommendation to the board to vote together. Vice President Green stated that he is in agreement with that as long as the board can give her clear direction on interview process, salary/benefit package. Ms. Lowry answered that she can prepare a recommendation and present it to the board after an initial screening of all the applicants. Director Clarke asked if the salary range is detrimental to the initial screening. Ms. Lowry answered yes. President Saltzen Coze summarized that the board will most likely make a motion to have Ms. Lowry provide a recommendation to the board to include the process and salary scale and benefit package citing sources, etc. Cameron Park resident Jim Riordan provided that the board needs a cohesive description of what they want in a general manager. President Saltzen Coze suggested Mr. Riordan read Director Green's duty statement because it is brilliant.

Director Gerger made a motion to have Ms. Lowry go through the applicants and identify the qualified candidates according to the job description and bring back a recommendation as to salary range and benefit package to the next board meeting. President Saltzen Coze added that a process for interviewing and hiring is needed as well. Director Green stated that he had a hang up with the salary—the board has set the salary in the past, so the board should set the salary now. Director Gerger restated his motion: Ms. Lowry go through the applicants and identify the qualified candidates, according to the job description, and bring back a recommended benefit package and hiring and interview process. President Saltzen Coze asked Ms. Lowry if that motion was a part of her contract. Ms. Lowry answered that her contract would need to be extended. Director Gerger retracted his motion and made another motion: **weed out the candidates to the qualified candidates and bring back a recommended interview process. President Saltzen Coze seconded the motion. Ayes—DG, VC, RG, AC, DJ**

Vice President Green made a motion that the board put the salary range somewhere in the \$75,000 to \$90,000 range, depending on qualifications, plus benefits. President Saltzen Coze stated that she was thinking \$70,000 to \$90,000. Directors Clarke and Johnson agreed with \$70,000 to \$90,000. Vice President Green restated his motion.

Action: The new General Manager salary range is between \$70,000 to \$90,000, depending on qualifications, plus benefits. Ayes—RG, DG, VC, AC, DJ

6. **CAMERON PARK COMMUNITY MEMBER RECOGNITIONS:** President Saltzen Coze presented a dedication to CC&R Committee members Laurie Israel and Bill Randall thanking them for their years of service. The task of serving on the CC&R Committee is vital to the integrity of the community even though it can be difficult. They were presented with a plaque including a clock and pen. This item was expanded to enumerate her appreciation for numerous individuals: Cameron Park CC&R Committee, Cameron Park COTS Committee, Cameron Park REAG Committee, Cameron Park Bond Oversight Committee, Steve and Nadine Petty, Darrol Rasmussen, Pam Johnson, and Gary and Karen Ellis. She stated her appreciation to unnamed individuals as well as staff.

Action: None.

7. **SUGGESTED POLICY:** Cameron Park resident David Becker submitted a request to have the following placed on the agenda: "Whether to adopt a policy discouraging the CPCSD Board, its directors, consultants, vendors and staff from retaliating or threatening retaliation against any member of the public who has expressed criticism of the CPCSD Board, its directors, consultants, vendors or staff members." Mr. Becker was present to discuss the item. He began by stating that the action seeks board policy to discourage retaliation, it does not prevent them from protecting themselves. The policy will ask such people to take a second look before they take such action. Discouraging retaliation is a good idea when it rises from criticism of the board, consultants, or staff. It does not prevent them from seeking redress; it simply promotes civility in the community. This comes from Mr. Biegler's threat to sue Cameron Park residents (the Silvas). That position should never be taken lightly by a staff member, consultant, vendor or board member. This policy promotes good neighbor relations.

Director Johnson stated that it sounded like a policy without any meat to it. Mr. Becker answered that it is a goal, not a rule or regulation—it's a code of conduct. Director Gerger mentioned Policy #5030. This recommended policy seems to say that the public can criticize and the CSD can't take any action—it seems like a double standard. Mr. Becker stated that he agreed with Mr. Gerger because the public has the right to criticize the board and the board has the right to criticize the public. The policy states "retaliation" and retaliation is a dramatically different thing than standing up for oneself and saying, 'I think you are wrong.' Retaliation is the denial of a benefit, the taking away of something, treating one differently, making sure an application for some benefit of the CSD gets lost, any nature of actions taken that results in the loss of a benefit. Director Gerger stated that before it is brought to resolution, the definition needs to be defined. He went on to say that he wishes the board and public would be courteous and treat each other all the same all the time. Disagreeing is everyone's right. Overall, the community and the board need a giant "group hug" to get focused. There are other things to worry about and not badger back and forth. Mr. Becker stated that the policy would be a good step toward that. Director Johnson added that it is one thing for the board to adopt a policy to adhere to, but he doesn't know how the board can put limits on vendors, suppliers, or staff and violate their rights to say whatever they want to say. The board doesn't have the right to infringe on their rights. Mr. Becker reiterated that it is a public statement and does not prevent anyone from doing anything. Director Gerger offered a general code of conduct be adopted for conducting business in Cameron Park instead of listing people individually.

Cameron Park resident Jim Riordan reminded that it came about from a threat of a lawsuit for defamation, of which he could find none. Cameron Park residents do not want to be a part of lawsuits against taxpayers with their own District counsel. Jerry Copeland, Local 1 Union representative, stated that, speaking for the staff members, employees have the right not to be abused and this type of language seems to make it possible for the public to say anything they want as long as it is a complaint. Staff has the right to remedy situations. The policy seems to mean that people have the right not to feel threatened—that is a two-way street. The rights of the employees to respond cannot be taken away. If this were to become policy, it becomes a disciplinary event. It can't have two meanings—one for this and one for that. One cannot say that it won't affect employees--policies always affect employees. Secondly, everyone has the right to sue. One cannot take that right away. This policy would attempt to take that

away. President Saltzen Coze answered that she agreed. Retaliation is a vague term. She is not opposed to a code of conduct, but it can't be nebulous. Vice President Green offered that the board could take a look at the dignity clause in the employee contract with the Union to include it in their handbook. People cannot continued to be bashed and expected to work at the level that their wanted to work at, it creates bad morale. On the other hand, when community members speak under the Brown Act about employees and board members giving their opinion on anything they want, it is within their right—the Brown Act, Attorney General's office, Supreme Court all state that. Vice President Green stated that he doesn't always agree with the advice of legal counsel because Mr. Biegler speaks of evaluation of personnel. When the board hears testimony in open forum, he believes that is not evaluation of personnel as long there is some dignity involved with it. A dignity clause for the employees should be looked into plus what Mr. Becker suggests, some type of resolution. We should no longer bash, our legal counsel should not threaten to sue his client. The people are his clients. The board is an extension of the people. Mr. Copeland responded that people can say what they want, but the board cannot stop an employee from reacting to that. The policy looks like the point is to prohibit employees from expressing themselves. If the employee violates the policy, the board can discipline them. Vice President Green stated that that sounds like retaliation and that it is against the law. An audience member added that that sounds like what happened to Ms. Mefford. Cameron Park resident Pamela Johnson responded that they don't want to talk about Ms. Mefford in front of her. She has sat through many meetings listening to just about everything everyone else has said. She referenced another resident and stated that they have put up with just about all they are going to put up with in regards to Ms. Mefford. She suggested they get off their high horse and start thinking about the positive things in the community and spend their time and energy in that direction. And be thankful for the good things that they have right now. Let Ms. Mefford go on and live her life—she did a good job in what she did. We should go on with a new person and make the best of what we can. No one has considered how she and Ms. Clarke feel. Jokes have been made at their expense. No one has considered that Ms. Mefford filed a lawsuit right after Director Clarke lost his son. She said the lawsuit should just stay where it is. Cameron Park resident David Gelber responded that the lawsuit had been filed only weeks before. Director Clarke answered that a harassment claim was filed a week before elections. Mr. Gelber asked if there was still active litigation in that case. Director Clarke answered that they cannot say anymore about that case because it was still ongoing.

President Saltzen Coze asked Mr. Riordan if he wanted to speak anymore on the item. She stated that the current situation is not unique to Cameron Park and dates back several thousand years—balancing privacy rights, employee rights, and freedom of speech—and perhaps it can be advanced with a dignity clause. Mr. Riordan responded that it should be two-sided. His main concern is that, when the board has counsel writing threatening letters for false causes, he doesn't think that that's right. A resolution should be had that, at the very least, the board would review any such letters that went out to taxpayers. Director Johnson answered that if someone makes a claim and it is not proven true in court, there are remedies that take effect against that person. He doesn't see, as far as staff and vendors go, how the board has the right to take away the right of one to file a complaint or lawsuit—the courts can deal with those matters. The board doesn't have the right to tell people what their rights are. He doesn't agree with it at all.

President Saltzen Coze stated that the issue should be reviewed. The remedy may not be found tonight, but input is worth the effort and all is legitimate. Mr. Riordan offered that the board could come up with their version. President Saltzen Coze agreed that that may be possible. She stated that her goal is to move these items for further discussion. Cameron Park resident Bill Carey stated that he wanted to make one thing clear: the attacks did not start with members of the community. Director Clarke was the first one when he attacked Mr. Riordan when he wasn't in the room. Then he took over a meeting and attacked Ms. Mefford. Director Johnson had to say bad things about him when he expresses his opinion. And Mr. Bungler had to write a threatening letter to a member of the community that he was going to take her to the District Attorney and exclude her from meetings; then he wrote a third-party e-mail threatening him and his wife. No member of the community attacks the board or staff. It started with the elected officials attacking the community. Director Johnson responded to Mr. Carey and said that Mr. Carey ripped into him a few months ago stating that he said something at a meeting about legal bills. When he listened to the recording of the meeting, he did not find what Mr. Carey claimed he had said. Director Johnson suggested that before he goes after a director, he should get his facts straight first and make sure that that director really said what he thought one said and then maybe there won't be so much back and forth fighting between the board and the public.

President Saltzen Coze stated that she is ending the discussion. She made a motion to table items 7 and 9 until the January 2010 meeting. Director Clarke requested to speak. President Saltzen Coze answered that she had ended the discussion on the item. Director Johnson answered that she did not have the right to close down a director. Director Clarke added that he listened to what the public had to say and that now he would like to speak. Vice President Green offered that the board take a recess. President Saltzen Coze called a recess. She stated that she is not shutting anyone down, she is simply tabling the items because nothing will be accomplished by bickering back and forth. Director Johnson asked how long a recess was called. President Saltzen Coze answered a thirty second recess as she talks to the board. Director Clarke offered to delay some of his comments and only speak on one. President Saltzen Coze called a one-minute recess.

Once back from the recess, President Saltzen Coze made a motion to table items 7 and 9 until January. Director Gerger seconded it.

Action: Tabled until January 2010. Ayes—VC, DG, RG, AC, DJ

8. **BOARD MEMBER REVIEW OF REDACTED LEGAL INVOICES:** Cameron Park resident David Becker requested to have each board member review and compare the original invoices for legal services with the redacted copies provided to the public and report whether the reviews reveal that the redacted billings were indeed actual copies of the original invoices received and paid by the CPCSD, save and except for only the actual redactions.

Mr. Becker requested to postpone the item because the legal invoices had only been made available the day before.

Action: None.

9. **SUGGESTED RESOLUTION REGARDING ACTIONS AGAINST TAXPAYING MEMBERS OF THE DISTRICT:** Cameron Park resident Jim Riordan requested the board vote on the adoption of the following as a resolution: "That the Cameron Park Community Services District, its staff members and professional advisors shall take no actions against taxpaying members of this District who express verbal or written concerns or statements that are different from those expressed or desired by this board."

Action: Tabled until January 2010. Ayes—VC, DG, RG, AC, DJ

10. **SUGGESTED RESOLUTION REGARDING CURRENT LEGAL COUNSEL:** Cameron Park resident Jim Riordan requested the Board vote on adoption of the following resolution: "That the CSD will remove and replace counsel Robert Biegler based on information provided to the board that he has recently been found in federal court and federal appellate court to be 'reckless' and practicing in 'bad faith' and therefore is likely to cause monetary damage to the CSD." Mr. Riordan requested that the letter received by the board from the Howard Jarvis Taxpayers Associate dated November 13, 2009 be referenced stating it contains a threat of a lawsuit against the CSD due to Mr. Biegler's actions.

Director Johnson asked if this item was tied into item 8 and if it should be tabled as well. President Saltzen Coze asked Mr. Riordan if he wanted to table the item. He answered that he wanted to see a motion on it. He stated that it is his opinion that the board is putting their faith into someone who was found to be reckless, not only by a federal court but, by an appellate court as well. It continued with the threat of a lawsuit to a community member. He stated that he wonders what the next step will be that will waste taxpayers' money to pay for the carnage that follows a reckless and bad faith, meritless lawsuit. There are a number of local counsels that are well versed. He went through the redacted documents provided by District counsel and the descriptions of the legal services were very vague.

President Saltzen Coze asked if Director Gerger wanted to comment. He answered that he did not have any follow up comments—Mr. Riordan has the right to present an item. He added that he would need more information regarding the finding of Mr. Biegler's actions as reckless. Some of the courts nowadays make decisions that he doesn't agree with and he considers reckless. He would need more information. Director Johnson commented that because this addresses an issue with counsel that the District has had for about eighteen years, this seems to be a public execution session brought on by a very limited amount of people who don't like something right now. He

stated that he sees item 8 tying into this item. Without comparison of the redacted invoices, this is abrupt. To base a decision to get rid of counsel on what two courts considered to be reckless in a particular case is abrupt. He is not willing to cast someone off that rapidly because of what one court says. A lot of decisions come from courts that people don't agree with—there are not enough details from this case. He stated that he is not going to participate in this measure on trying to get rid of someone the District had had for roughly eighteen years because there is not enough evidence to warrant it. Director Clarke added that in those eighteen years Mr. Biegler represented the District, they were referred to as having an incestuous relationship. He assumes that to include the following people: former County Supervisor Sam Bradley, former County Supervisor Rusty Dupray, County Auditor Joe Harn, former Director Shirley Damato as they all were directors at the time. With so many people, that is one better than Tiger Woods. This current item stems from the board's request to send a community member a letter who, in a public meeting, used the F-word—something that is not tolerated at the Los Rios College District, and stated that they had taped employees—a civil code violation in California that could lead to a misdemeanor. Mr. Biegler also exercised his right as a private citizen due to a very libelous e-mail that was forwarded to other people. That is Mr. Biegler's right and it is up to the courts to decide if it was libelous or not. The going rate for counsel has increased over the years. The first one was \$5000 - \$10,000 in the budget. Since that time several things have happened: a lawsuit with the County, Community Center bond and construction matters, a fire at the fire station, and EID issues with the Center. He stated that he is not favorable, at this time, to jeopardize the taxpayers with the County Writ. Director Johnson added that it didn't matter if counsel had been serving for eighteen years or eighteen months—there is not enough evidence to show cause against legal counsel. The rather large litigation matter has been jeopardized due to what has taken place in the last few months. Director Clarke agreed. He also pointed out that he has not had time to look at the redacted legal bills either. Vice President Green stated that he thinks it goes beyond the redacted bills and into integrity of District counsel. He stated that he has no confidence in District counsel based on when the legal counsel takes on members of the community with threats of lawsuits. The legal counsel is an extension of the District and the community are the clients represented by the board (elected or appointed). If any public member has an issue, they can bring it to any individual board member and it's the director's responsibility to bring the issue up. If it is not brought up, then the director is not doing his/her job and there is a process to remove a director. The public is in the driver's seat. He stated that he is very upset with the fact that he believes District counsel used poor judgment and threatened his clients. When challenged on his billings, he could not separate his personal interests from his client's interests. He stated that he doesn't know if his doubts can be resolved. Over eighteen years, laws have become more complicated. One person cannot do everything and do it one hundred percent.

Vice President Green stated that he'd like to see a list of attorneys qualified in particular disciplines—this does not preclude Mr. Biegler from current litigation right now. President Saltzen Coze stated that ultimately, she sees having diversified attorneys as prudent. The District has used this practice in the past. She submitted a motion to the board prepared ahead of time. It may not be needed as a motion, but more direction to staff. She asked Directors Clarke and Johnson about the history of District counsel. Director Johnson answered that it began with Gale Guthrie, then another attorney came on, and there were several attorneys at one time. President Saltzen Coze agreed that the District is branching out to other specializations. She opened up discussion to the public.

Mr. Riordan responded to Director Johnson that he suggests contacting those threatened by Mr. Biegler and read the correspondence transpired between them. The redacted invoices he has reviewed just now reveal services that the board cannot explain because the invoices are not specific. The board is taking the responsibility and the heat if counsel oversteps his bounds, acts recklessly or in bad faith, and it costs the public money. He suggested Director Johnson review the invoices and speak to those members. Director Johnson answered that he is aware of two letters that went out. He spoke to the letter sent to Mr. Silva and stated that if someone feels that they are wronged, they have the right to seek remedy to that situation. The judge can decide. He has not seen the letter sent to Ms. Rogers. Mr. Riordan suggested sending the letter to three different attorneys and have them say if there is one libelous thing in there. Mr. Becker added that what Director Johnson said was that he hadn't been presented with enough evidence against Mr. Bieger. Mr. Biegler should have informed the board when the judgment first came out because he is in the best place to present the most evidence. It would have been the most upright thing for him to do. One cannot say that the judge may be wrong, and then in another example refer to the courts to solve it. The community is better served not by a policy that says that if you have been wronged, go to a judge to decide.

Cameron Park resident Barbara Rogers spoke and stated that she was the one who received the letter. She stated that she hadn't been to a meeting in five months because she was scared to come back. She apologized to Account Clerk Livia Amidon. That day she had just found out that she had lost her job at Marshal Hospital and was late to pickup her grandkids and didn't want to stay but people talked her into it. She wished that she hadn't left and she should have never said what she said to Ms. Amidon. She didn't mean it and she didn't do it.—she was angry about the budget and said it to get a rise out of her. She stated that she was a public employee for seventy-seven years and came to the meetings and tried to figure out why the board was arguing without decision. Mr. Biegler sent her a letter and threatened her with the D.A. and with Ms. Amidon suing her. He said that if she had any questions to give him a call. She called four times and never received a returned phone call. She stated that she has come tonight at the urging of those who have held her together for the past five months. She apologized to everyone in the room for her echoed profanity. She stated that she will not apologize to Director Clarke. She explained why due to an incident that took place on October 17, 2008. She had just returned from San Jose and was told that Director Clarke had been calling. She called him back and took notes and has the phone bill to show that he had been calling all weekend while she was out of town. He wanted to explain to her why they removed former General Manager Tammy Mefford from the chain of command of the Fire Department. He explained that she should go talk to former Battalion Chief Mike Kaslin, who has since been promoted, and ask him why. She felt that Director Clarke was asking her to get involved in a personnel matter and she was not going to do it. She just cordially listened. He went on to explain about Cameron Park and the fire that had happened. She had already known that because she worked for El Dorado County Fire. He went on to divulge things about two board members that were very cruel. She felt that that was uncalled for. He also told her that they want everyone in Cameron Park to get along. She stated that that is a really special world, but that in politics it does not happen. She concluded by saying that she was present to support her friends and the community and the community center. However, for three days (a total of five hours) she spent getting signatures and has a total of sixty-seven signatures. She said that she could probably get one hundred twenty signatures a day and eight hundred and forty a week. People care about what is going on and she will continue to go out and get signatures. She said that she thought that she could get half of seventeen hundred signatures. She is only an enemy to one person on the board and respects the employees and can understand the high legal bills because legal counsel is doing work staff should probably be doing. She asked Mr. Biegler why he never called her back. He responded that he didn't want to create any sort of confrontation. She offered to deliver the letter to Director Johnson. She asked why he hadn't seen it if Mr. Biegler had copied the whole board on it. She asked why the D.A. was included in the letter when she has known him for years. She spoke to the D.A. and he said that they weren't going to worry about it. She has been in hiding and lied to her friends that she had moved out of the County. She was afraid to go to her mailbox and she called to talk to Mr. Biegler. This should have been talked about. When she is wrong she will say that she is wrong. That's what people should do. She has lived here since 1977 and knows a lot of people and she is meeting them every day because no one wants to see legal bills skyrocket. She apologized to Ms. Amidon again.

Cameron Park resident Matt Silva stated that he believes that the District has been given bad legal advice. He sent a letter that Mr. Biegler took as defamatory and Director Clarke has turned libelous; that was not his intent. He was simply stating what he thought to be true. Two examples were provided. When Director Clarke was given advice that he could release pages from a confidential investigative report, he felt that that was not in his best interest but that it was for Director Clarke. He stated that he sees counsel as his counsel first and not the board's because they are indemnified when together. It did not serve the taxpayers' best interest to release those papers. Secondly, it was bad advice to put the general manager under paid leave for eight months. The District cannot afford to be without a general manager—the manager's position is a full time job. Now it appears that anyone can go to counsel. There's no control over who can go to counsel and the District is spending \$3000 a week on legal fees with one counsel without a contract. The invoices only say, "Talk to client," or "Reviewed documents." What clients? What documents? He feels that that is bad advice.

President Saltzen Coze read a prepared motion and stated that the co-acting general managers told her that they are in support of it.

"Whereas, the District is a public entity and, therefore, must in all ways possible engender the public trust,
Whereas, the District has been publically criticized for the way it retains, pays, and interacts with legal counsel,
Whereas, the District is currently involved in significant litigation and potential litigation such that changing

current legal counsel could be detrimental to the District, Whereas a revision of the way the District retains, pays, and interacts with legal counsel would promote the public trust, Be it moved, 1) the general/acting general managers advertise in the California Law Journal, special district magazines, and by other means deemed appropriate, that the Cameron Park Community Services District is soliciting interest from attorneys and law firms willing to provide legal services either by piece work or on retainer, including the hourly rate, the existence of errors and omissions insurance, and the areas of law in which they are qualified to practice; 2) the general manager/acting general managers utilize the replies so solicited to create a list of attorneys and law firms from which the general manager/acting general managers shall select counsel to represent the District as may from time to time be necessary, due consideration to the expertise and ability of counsel for proposed representation. Such selection shall be effective and operable until it can be placed on the next regularly scheduled board meeting, at which time the board may ratify the selection or take other appropriate action, in its sole discretion. The general manager/acting general managers have full power to negotiate and enter into a contract of representation subject only to the board's ratification above; the list of attorneys and law firms shall be a living document, subject to additions or subtractions at the sound discretion of the general manager/acting general managers. As prudence dictates, the general manager/ acting general managers may solicit further interest should the list become short or need refreshing." Vice President Green seconded the motion.

Director Gerger referred to a phrase within the motion "piece work or on retainer". He stated that he didn't feel comfortable with paying retainers for multiple attorneys. President Saltzen Coze stated that the general manager will limit the amount of the retainer and the District has utilized retainers in the past. Director Gerger answered that he is not comfortable with having multiple lawyers with multiple retainers. President Saltzen Coze responded that that is not in the motion. It is per situation and the general managers can bring it back to the board for ratification. It is only for the general managers to seek a list of attorneys with specializations and it is redundant of the practice that the District has operated under. Cameron Park resident Jim Riordan commented that he liked the motion. Cameron Park resident David Becker offered a solution to Director Gerger's problem with the phrase "retainer" and presented it be changed to "piece worker or other compensation." President Saltzen Coze stated that she didn't mind removing the word "retainer" and substituting "contract basis."

President Saltzen Coze amended her motion to change "retainer" to "contract basis". Vice President Green seconded it. Director Johnson referred to Mr. Riordan's comment about the limited initial review of the redacted legal invoices. Director Johnson stated that he is wrestling with the question if the board reviews all the billings versus the redacted invoices before the next board meeting and try to present an opinion as to what the board's findings are. The bills were presented to most just today. He stated that he would like to get a clearer picture of the whole matter, to include an in-depth review of the billings. Mr. Riordan answered that the billings are water under the bridge and that no one will be able to go back and confirm what the invoices state as to the services that were provided.

The recording device was compromised at this point in the meeting.

Action: President Saltzen Coze's submitted motion was adopted with one amendment. Ayes—VC, RG, DG
Noes—DJ Abstain—AC

11. **SUGGESTED RESOLUTION REGARDING SAMPLE BILLINGS:** This item was tabled to the January meeting.

Action: None.

12. **SUGGESTED RESOLUTION REGARDING LEGAL REPRESENTATION:** This item was tabled to the January meeting.

Action: None.

13. **DEDICATION PLAQUE:** This item was tabled to the January meeting.

Action: None.

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14. **BOARD REORGANIZATION:**

- A. **Board structure.** President Saltzen Coze wished to take separate nominations for the board President and board Vice President. She requested to hear each director's nominations for both positions. There was some dispute regarding a motion made and seconded and a short recess was taken to confer with legal counsel.

The board reconvened at 11:44 pm. The recording device was recovered. A nomination for president of Rich Green by Valerie Coze was made as well as a nomination for vice president of Valerie Coze was made by Rich Green. Director Clarke made a motion for Dale Gerger as president and David Johnson as vice president. He pointed out that there was second to that motion. President Saltzen Coze responded that that was not a motion to nominate. She stated that the board is taking nominations and a motion is not necessary. Once the nominations have been made, she will take a vote on them. Director Clarke responded that his motion was for nominations. President Saltzen Coze reiterated that motions are not necessary. Director Clarke restated that he nominated Dale Gerger for president and David Johnson for vice president.

President Saltzen Coze stated that she will poll the board and a vote will be taken for each position. Two nominations for president were presented: Dale Gerger and Rich Green. President Saltzen Coze asked Director Gerger for his vote. He voted for himself. Director Johnson voted for Dale Gerger. Director Clarke voted for Dale Gerger. Vice President Green voted for himself and President Saltzen Coze voted for Rich Green. President Saltzen Coze congratulated Director Gerger on his presidency for the Cameron Park board of directors for the 2010 year.

Two nominations for vice president were made: Valerie Coze and David Johnson. Director Gerger voted for Valerie Coze. Director Johnson abstained. Director Clarke voted for David Johnson. Vice President Green voted for Valerie Coze. Director Johnson changed his vote to Valerie Coze. President Saltzen Coze abstained.

Dale Gerger, President. Valerie Saltzen Coze, Vice President.

- B. **Committee Assignments.**

Action: President Gerger tabled item 14B to January 2010.

15. **JULY 2, 2009 BOARD MEETING ITEM:** This item was tabled to the January meeting.

Action: None.

16. **COMMITTEE REPORTS:**

- A. **CC&R** – Standing Committee:

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

Director Clarke provided that the December 9, 2009 meeting showed improper vehicles being parked and the Committee heard an R.V. problem regarding a citizen on Salida Way.

- 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 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.

F. ADHOC COMMITTEE
Rich Green and Alan Clarke, representatives
Update on recent meeting with HR Specialist and the General Manager hiring process provided under item 5.

MATTERS TO AND FROM DIRECTORS: Director Johnson requested the January 2010 board meeting be held on the twenty-seventh instead of the twentieth. Account Clerk Livia Amidon requested that when the committees are chosen in January, the directors bring their calendars so the committee meetings can be scheduled for the year. President Gerger responded that he was going to mention that committee meetings should be scheduled on a regular basis for a set date and time and to utilize the alternates instead of scheduling the meetings around the two directors who reside on the committee. He also responded that he didn't have any conflicts with moving the January 2010 meeting. Directors Clarke, Green, and Saltzen Coze agreed. Staff concurred. Director Clarke mentioned that he will hold his two items off until January 2010 due to the lateness of the current meeting. Director Green also tabled the Cameron Park CSD Policy #1030 amendment to January 2010.


ADJOURNMENT: Meeting adjourned at 11:56 pm – **Approved.** Ayes – DJ, AC, DG, VC, RG

Attest:

January 27, 2010



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.