

MINUTES

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

Wednesday, February 17, 2010 at 7:00 PM

Board of Directors

DALE GERGER, President

VALERIE SALTZEN COZE, Vice President

Directors, ALAN CLARKE, RICHARD GREEN, and DAVID JOHNSON



CALL TO ORDER: The meeting was called to order by President Gerger at 7:03 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL Present:** Directors: Gerger, Saltzen Coze, Clarke, Green, and Johnson
Director Coze left the meeting at 10:00 pm.
3. **APPROVAL OF AGENDA**
Action: Approve Agenda. Ayes—DJ, AC, DG, RG, VC

OPEN FORUM: Bill Carey asked who authorized legal counsel to be present at the previous meeting's closed session. President Gerger answered that SDRMA's representative requested legal counsel's presence. He also asked about the settlement on a case. President Gerger answered that the original amount claim was \$100,000 and the mediator settled on \$44,000. David Gelber stated for the record that he voted for the community center three times and hopes that it is a success; the only concern is the marketing and management of the center. He added that the items for the 2009/2010 FY budget presented at the recent Budget & Administration Committee meeting are on target with the exception of legal fees that have expended 95% of the budgeted amount. Secondly, he asked why a member of the public was allowed to make slanderous remarks about a former District employee. Dan Carolan commented that it is absurd for the editor of a newspaper to dictate to the District how it handles legal counsel though the editorial, and, secondly, that an article isn't written about monies owed to the District from the county due to a friendship between the county auditor and editor. Director Green announced that in the Sacramento Bee coming Sunday (Scene Section) there will be an article "One Special Thing" depicting an artist's work. That piece will be donated to the Crab Feed fundraiser.

MOMENT OF RECOGNITION: Fire Marshal Mike Webb announced that the Fill the Boot campaign raised \$22,400 to go to the Pacific Burn Institute. The Toys for Tots collected 6,000 toys this past Christmas from the Cameron Park and El Dorado Hills area. Director Clarke thanked staff for working through the holiday to get the agenda for the board meeting posted. Director Saltzen Coze thanked staff and the board president for scheduling regularly scheduled committee meetings.

CONSENT CALENDAR:

Approve staff recommendation on items 1A, 2A, 2C, and 2D. Ayes— AC, VC, DG, DJ, RG

1. **BOARD MINUTES:**
 - A. January 17, 2010, Rescheduled Regular Board Meeting
Action: Approved

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 and discussed below.*

3. FINANCIAL REPORTS:

- A. Financial Statements for the month of January 2010
- Action: This item was removed from the Consent Calendar and discussed below*

DEPARTMENT MATTERS:

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION: Items 3 and 2B

Director Green referenced highlighted items within Item 3A, Financial Statements for the month ending January 2010. One of the highlights was the tax collections that were consistent with last year's as well as projected amounts. Secondly, the District has received the first payment from the Prop1A Program on time. Third, the Open Meeting Brown Act Reform Program has been re-instated and the District has begun the process for reimbursements. Finally, all the departments are within budget.

Action: Approve Financial Statements for the month of January 2010. Ayes—VC, RG, DG, DJ, AC

Vice President Saltzen Coze referenced the Recreation Department Report. She encouraged members of the public to attend Parks and Rec Committee meetings to provide input for open swim times.

Action: Approve Recreation Department Report. Ayes— RG, VC, DG, DJ, AC

5. HR CONSULTANT REPORT REGARDING THE GM RECRUITMENT: President Gerger provided an update on the hiring and interview process in the recruitment of the General Manager position. HR Consultant Tracey Lynn Lowry provided President Gerger with the status report requesting directors' availability on March 5 and 6 for interviews. Ms. Lowry is also requesting the board decide on the number of interviewees. Vice President Saltzen Coze expressed dissatisfaction over the hiring process thus far. She recalled specific and clear direction that had been given to Ms. Lowry and that had not been followed through. She requested a special board meeting. President Gerger responded that the board has the option to schedule and special board meeting with Ms. Lowry and postpone the interviews. Public comment asked for clarification regarding the March 5 and 6 meetings. It was answered that each director had submitted questions to be asked of the candidates during the interviews. Public comment also reflected that more than four candidates should be interviewed. Director Green stated that the board needs a briefing before moving forward with interviews. President Gerger asked if a director wanted to make a motion for a special board meeting. Vice President Saltzen Coze requested a report and recommendation as well spelling out the interviewing process with all the layers the board requested. Director Green answered that the board approved to have Ms. Lowry review the applications comparing them to the job description. Then, the remaining applicants would be weeded down based on qualities she drafted and those submitted by the board. The board didn't specify a particular number to weed the applicants down to, but it was in the ballpark of twenty. It is assumed that she has completed those steps, but it is not clear.

Bill Carey commented that he hopes the dysfunction of the board doesn't delay the hiring process to the point where the applicants are either retired or dead. A Cameron Park Airport District board member spoke stating that they narrowed their applicants down to three, not more than five, for the board to interview.

Director Johnson commented that there seems to be missing step between screening the applicants for qualifications and presenting interviewees to the board. President Gerger answered that Ms. Lowry does mention an interview process that took place in January—it could have been professionals—the board doesn't have details regarding that step. A special meeting would rectify the situation. Vice President Saltzen Coze stated that she wanted a motion that Ms. Lowry provides each director with the top twenty most qualified candidates based on

Ms. Lowry's opinion to review prior to the special board meeting. Director Clarke offered that Ms. Lowry can provide that information at the special meeting as a part of her presentation. Discussion took place regarding the availability of the board for the special board meeting.

Action: A special meeting on the 23rd at 7:30 pm to review the general manager process. Ayes—AC, VC, DG, RG, DJ

Another motion was made and seconded regarding information Ms. Lowry is to provide to the board prior to the special meeting. As multiple variations were repeated, a conglomerate of the attempted motions is provided here:

Action: Ms. Lowry provide to the board, by Tuesday, if not Monday morning, prior to the special board meeting at least: activities to date, process by which the candidate were chosen as well as how the process was arrived at, the basis for qualifications, the number of applicants, the number of qualified applicants including a summary, and other details an expert in the field would provide. Ayes—VC, RG, DG, AC, DJ

6. CC&R VIOLATION APPEAL

Violation # 5764: 3242 Salida Way. APN: 082-571-141

Unit: Cameron Park North Unit #8 Lot 230

House trailer parked on the lot in violation of Clause 11.

Cameron Park resident Dave Robinson has requested to appeal his violation to the board of directors. This item was tabled from the January 27, 2010 board meeting.

Director Clarke provided a brief background on the violation. A report was given to the CC&R Compliance Officer and, upon investigation, Mr. Robinson's violation was discovered and he was notified. Per the Committee's Policies and Procedures Handbook, if the resident is not satisfied with the CC&R Committee's decision regarding the violation, the resident has the option to appeal to the Board of Directors. Legally, the board has the jurisdiction to enforce the CC&Rs and a \$12 tax is assessed per household. The Robinson family presented their appeal to the CC&R Committee and the Committee gave them until June 1, 2010 to amend their CC&Rs. Then it was found that the CC&Rs could not be changed until 2018 (per the amendment clause of the CC&Rs). The Committee requested a second opinion regarding the amendment date. The second legal opinion said that they could amend their CC&Rs with 60% of the unit's residents. The Committee extended the opportunity to the Robinsons. The Robinsons chose instead to appeal their violation to the board and did so at January's board meeting. He stated that other CC&R units have gone through the process of amending their CC&Rs and the board has to be careful of setting a precedent.

Director Green stated that he wasn't sure if legal counsel was asked the question, "Can the board redefine language and under what authority can they do that under?" He stated that his understanding is that the CC&Rs are a contract with the homeowners. With regard to this situation, the board has to interpret the language as it is written. He is unsure if the board has the authority to change the definition of the CC&Rs because it is a contract between the owners of that particular unit. Director Clarke agreed—the homeowners have to change the definitions. Director Green also stated that if the board has the authority, then many more homeowners would be asking the board to redefine their CC&Rs.

Vice President Saltzen Coze stated her questions: 1) If the board can hear an appeal from the CC&R Committee and, if so, what gives the board the authority to hear the appeal; 2) Every appeal should have a documented process so the board knows how to appeal it. Director Clarke answered that if the board wasn't supposed to hear appeals, then the only other option for the resident is to go from the CC&R Committee to the court. Vice President Saltzen Coze answered that she would possibly concede to a very limited procedural review but not a substantive appeal.

Public comment reflected that the board does not have the authority to change the definition of the CC&Rs. Another comment was made regarding two clauses of the particular CC&Rs in question. One comment was made that the definition the Compliance Officer provided at the last CC&R Committee meeting as the way to find violations is wrong and that they are appealing to the board to have the Compliance Officer use a new definition.

Vice President Saltzen Coze answered that the CC&R Committee was confident enough to uphold the Compliance Officer's enforcement. There could be two issues: the procedure of the CC&R Committee or the definition being used.

Discussion took place regarding the board's authority to change the way the Compliance Officer interprets the CC&Rs. President Gerger made a motion to send the violation back to the CC&R Committee in order for the Committee to provide the residents a definition

Action: Send the violation back to the CC&R Committee in order for the Committee to give the residents the basis for their decision. Ayes—DG, VC, RG, DJ Noes—AC

7. **MEETING TIMES FOR THE BOARD OF DIRECTORS:** Director Green has requested a continuation of discussion regarding the rearrangement of meeting times for regular open and closed session board meetings. He read District Policy 5030 outlining the day, time, and place of board meetings. He mentioned that the policy needs to be changed to reflect the new address of the District offices. Secondly, for the benefit of the public, closed sessions should be held earlier than the open session. He suggested holding the closed sessions at 6:00 pm, when necessary, and the open session beginning at 7:00 pm. President Gerger answered that he has no intentions of holding closed sessions at the beginning of any further meetings. A specified time can be relayed to legal counsel and the open session can be delayed until after closed session. Director Green answered that that is not convenient for the public. Vice President Saltzen Coze added that if more information was provided ahead of time, the closed sessions would not take more than an hour.

Public comment reflected that closed sessions should be held at 6:00 pm but future board members who have jobs should be taken into consideration too.

Director Green made a motion that if the board continues to have closed sessions, they have closed session at the beginning of the meetings and begin at 6:00 pm with the intent to have regular open session begin at 7:00 pm. President Gerger stated that he works 9:00 am to 6:00 pm and trying to get to the closed session at 6:00 pm may be difficult. Director Johnson commented that if President Gerger doesn't leave work until 6:00 pm, a closed session starting at 6:00 pm would not be possible. Vice President Saltzen Coze and Director Green withdrew from the previous motion.

Director Green made a motion that stated if the board is to continue to have closed sessions, they be had prior to the open session and, depending upon the content of the closed session, try to keep the regular open sessions to begin at 7:00 pm so the closed session can be adjusted according to the content of that closed session. President Gerger seconded the motion.

Action: If the board is to continue to have closed sessions, they be had prior to the open session and, depending upon the content of the closed session, try to keep the regular open sessions to begin at 7:00 pm so the closed session can be adjusted according to the content of that closed session. Ayes—RG, DG, VC, AC, DJ

8. **RESOLUTION 2010-01 CAL FIRE COOPERATIVE AGREEMENT AMENDMENT:** CAL FIRE has submitted an amendment to the cooperative five-year agreement. No discussion.

Action: Adopted. Board polled vote—DG, VC, RG, AC, DJ

9. **FIRE DEPARTMENT CAPITAL EQUIPMENT EXPENSE ADJUSTMENT:** The Cameron Park Fire Department is requesting consideration by the Board of Directors to increase the fire department Capital Equipment Expense line item by \$40,000 for the purchase of communications equipment and the acquisition of three fire department light vehicles. Funds to be supplied from the Fire Equipment Replacement Fund. These items were presented to the Fire Committee on January 12, 2010, and Budget and Administration Committee on February 8, 2010. President Gerger stated that the Budget and Administration Committee was not opposed to the adjustment.

Action: Capital Equipment Expense line item increased \$40,000 from the Fire Equipment Replacement Fund. Ayes—AC, RG, DG, VC, DJ

10. **RESOLUTION 2010-02 PUBLIC HEARING FOR WEED ABATEMENT ORDINANCE:** Fire Marshal Mike Webb provided a brief presentation regarding the Weed Abatement Ordinance. The resolution was for the purpose of a public hearing regarding the adoption of Cameron Park Ordinance 2010.03.17 Weed Abatement at the next meeting of the board. Fire Marshal Mike Webb provided that by law the District must approve to put the draft ordinance out for public review for thirty days prior to consideration of adoption by the board. He presented findings from research that support the need for such an ordinance. The area of Cameron Park consists of a fire-dangerous climate and environment. Of the vacant lots (that make up 5% of the total land), they account for 50% of the fire hazard for Cameron Park. Insurance companies establish rates through the high-risk fire areas of Cameron Park. He cited government codes supporting weed abatement. Definitions were also provided: improved and unimproved parcels. Those with and without structures (improvements) on them.

This ordinance will require the undeveloped lots to participate in canopy spacing and minimum fuel break requirements. The improved parcels within the District will be required to comply with the guidelines (same as State requirements). The ordinance will allow noncompliant residents to be cited with an infraction or misdemeanor (from California Government Code). Ultimately, the goal would be to work with the resident to get the lot cleared—either through the resident’s or the District’s action to clear the lot (District to be reimbursed via resident or property lien). The intention of the ordinance is to establish a hazardous vegetation abatement program. It will protect the lives and property of people of Cameron Park, reduce property insurance rates, reduce wildfire hazard, increase fire fighter ability to respond, and increase the residents’ ability to evacuate the community.

Director Johnson asked what the steps are to gain access to the property if the District attempts to clear the lot. Chief Webb answered that it would have to be declared a public nuisance through legal process (notices). Vice President Saltzen Coze commented that the goal is necessary, but the process to achieve the goal is questionable when the authority of government is so extended upon residents. Chief Webb clarified that the current resolution is only to allow him to present the draft ordinance to the public for comment. President Gerger referenced the requirement that lots of two acres or less would be required to be cleared entirely. He stated that he’d rather see some weeds on a hill than to be cleared entirely. Chief Webb answered that the guidelines to be adopted will particularly outline how a resident can clear their lot. Vice President Saltzen Coze asked for the language to be more specific and a precise definition of “weeds “. Director Green pointed out that the purpose of the resolution is to approve the concept of weed abatement in order to be carried over to a public hearing.

Irene Arnold asked how this is different than the proposed ordinance. Chief Webb answered that the current ordinance allows enforcement for lots one acre or less and the proposed ordinance will allow enforcement for larger lots. Rick Krek, Fire Prevention Officer, provided that the codes that are cited in the proposed Ordinance are verbatim from the California State codes. Vice President Saltzen Coze requested changes to the resolution to provide more clarification on the process.

Action: Adopt Resolution 2010-02 in concept. Board Polled Votes Ayes—AC, RG, DG, DJ Abstain due to vague terms and ambiguous language--VC

11. **COUNTY OF EL DORADO CORRESPONDENCE--GOVERNMENT CODES AND COMMUNITY SERVICE DISTRICTS:** Letter from El Dorado County Auditor-Controller Joe Harn, CPA was presented providing information about the Government Codes pertinent to special districts. All directors signed document to be returned to Mr. Harn.
Action: None

12. **PUBLIC INFORMATION :** Resident David Gelber requested a discussion of the board and staff’s responsiveness to resident’s requests for public information. Mr. Gelber has also requested the discussion of board members’ obligation to answer questions about their statements and actions as related to board activity. He stated that there seems to be a pervasive attitude toward residents that request information. He cited recent examples of documents that were attempted to be withheld. Questions asked of board members have also be ignored. He mentioned specific questions he had asked of Director Clarke multiple times and stated that he has yet to receive an answer. Director Johnson has also ignored residents at meetings. These are examples of an elected officials’ pathetic attitude toward their constituents. A member of the audience expressed frustration over Director Clarke’s self-promotion and refusal to answer questions. Vice President Saltzen Coze answered that there is no obligation of elected officials to answer resident’s questions and that is why the election process exists. Additional public comment

reflected that the election process does not always work because there are times when the public is not given the opportunity to vote for the board—so those who are on the board by default should be thankful that they are on the board and answer questions posed to them. President Gerger answered that he signed up to run for the board and that it was not his choice that no one else ran. He encouraged any resident to do the same and participate in the election process by running for the board. Director Green commended President Gerger for scheduling regular committee meetings because many of the community's questions will be answered at that level and positive communications will be shared.

Action: None

13. **AUDIOTAPE POLICY:** Vice President Saltzen Coze stated that there was conflicting information given and that staff clarified that audiotapes are available. She added that the board should adopt a future policy in the future regarding audiotapes. She also read into the record an e-mail provided by Chief Risk Officer Dennis Timoney from SDRMA (Special District Risk Management Authority).

A member of the audience responded that he called the CSD office to obtain a copy of the audio file from the board meeting and was told that the audio will no longer be given out. The staff person responded that the general manager had given that direction per a director. The following week he went into the office and asked for a copy of the audio tape. Two staff members repeated that the audio would no longer be given out per the general manager. However, the general manager responded via e-mail and stated that no public records requests had been denied. The audience member asked if staff had taken it upon themselves to give the answer or if the general manager had actually given that direction.

Account Clerk Livia Amidon responded that staff was never told not to make the audio file available. In the e-mail sent to him, an explanation was given as to why the audio file was not available to be copied until the following week. She continued that, for the record, copies of the current meeting will not be available tomorrow due to staff being out of the office. Ms. Amidon repeated that the direction given to her from the board was not clear and before any copies of the audio were made, she wanted to get clarification; that's why staff was told to answer that it wasn't available (for the time-being). Discussion continued regarding the answer staff provided and President Gerger stated that if there is a complaint against staff, then the complaint process should be followed. Comment continued that staff members provided false information and that management should deal with it. President Gerger reiterated that management cannot approach staff without knowing who it is and that the complaint process should be followed.

Action: None

14. **POLICY 1030 UPDATE:** President Gerger provided that SDRMA suggested a review of the policy that Director Green proposed. After the review, SDRMA provided that a labor attorney should review it to make sure it doesn't conflict with the current MOU. President Gerger stated that prior to moving the policy forward, he felt that the board should be aware of the additional legal expenses that will be incurred to implement the policy. Director Green responded that the approval process sounds like it is outside of policy. Two new policies will be introduced at the current meeting as well. He asked why the board policy is not being followed with regard to amending/proposing policy. President Gerger answered that he was just providing the information received from SDRMA. Director Green continued that the board needs to vote on the policy before the board can continue to meet with counsel, or labor union, etc. He suggested that the policy must be adopted prior to going through the process. President Gerger suggested he put it on the agenda for the next board meeting. Director Coze left the meeting.

Jere Copeland, employee union representative, Local 1, provided that there is mandatory bargaining required of the District. If the board passes a policy without mandatory bargaining, depending on the policy, then it is an unfair labor practice. Director Green answered that the board needs to have a labor attorney write out the process for amending or adding a new policy so that the board doesn't violate labor law and is still allowed to move forward with business. Mr. Copeland clarified further that the board always has the authority to write and implement policy; the board just has to make sure that the policy in question does not violate the contract the District has with the labor union in the MOU.

Public comment reflected that, should the board move forward with the policy and incur more legal costs, the District would be over-budget in legal fees. It was asked where the money would come from. President Gerger answered that the board is not approving to spend money; the board is simply discussing how to move forward with the policy. Director Green commented that the board needs to look at the risk versus the gain. His constituents have told him that there are inconsistencies with how the complaint process has been applied. He suggested that the board incur the legal fees so the board can review and take action on it.

Action: Bring the policy to the board for general discussion in March. Ayes—RG, DG, DJ Noes—AC Absent: Coze

15. **PROP 1A UPDATE:** Director Green requested an update on any information on the reimbursement of funds taken from the State through the sale of bonds. This information was provided under Item 3A.
Action: None
16. **PROPERTY TAX REVENUE UPDATE:** Director Green requested that staff report on the collection of the December property tax revenue. How did it compare to past years and are we on target to stay in budget? This information was provided under Item 3A.
Action: None
17. **OPEN MEETINGS ACT/BROWN ACT REFORM PROGRAM:** Director Green requested that staff update the board on any efforts to submit reimbursements of costs incurred for this state mandated cost program. This information was provided under Item 3A.
Action: None
18. **POLICY INTRODUCTION NEW POLICY:** Director Green handed out a draft copy of a new policy--2228 Conduct. Director Green requested to have the policy on the March agenda.
Action: None
19. **POLICY INTRODUCTION NEW POLICY:** Director Green handed out a copy of a new policy-- CPCSD Incompatible Activities. Director Green requested to have the policy on the March agenda.
Action: None
20. **COMMITTEE REPORTS:**
 - A. **CC&R** – Standing Committee:
Dale Gerger and Valerie Saltzen Coze, representatives; Alan Clarke, alternate
Director Gerger reiterated that he cannot make it to the meetings until 7:00pm and the meetings start at 6:30pm so he encouraged any director to replace him. He stated that at the February 10th meeting the majority of the discussion took place regarding travel trailer vs. house trailer definitions.
 - B. **PARKS AND RECREATION** – Standing Committee:
Valerie Saltzen Coze and Rich Green, representatives; David Johnson, alternate
Director Green provided that the majority of the items on the February 11th agenda had been covered under the current meeting agenda.
 - C. **BUDGET AND FINANCE** – Standing Committee:
Dale Gerger and Valerie Saltzen Coze, representatives; Rich Green, alternate
The meeting held February 8, 2010 was very informative. The budget is tracked very well. Other items discussed were listed under Item 3A.
 - D. **FIRE AND EMERGENCY SERVICES** – Standing Committee:
David Johnson and Alan Clarke, representatives; Valerie Saltzen Coze, alternate
Fire Marshal Mike Webb reported that in light of the release of CityGate report, many departments have had meetings to discuss functional cooperation in order to save money (El Dorado Hills, Rescue, Diamond Springs, and Cameron Park). The subcommittee met to discuss potential power expansions of the current

JPA. The discussion turned into a vision statement for the subcommittee. Director Clarke will provide that update at the next meeting. The next subcommittee meeting will be on the 24th at Rescue Fire Station.

- E. SOLID WASTE NEGOTIATION COMMITTEE – Non-CSD Committee:**
Rich Green and David Johnson, representatives; Dale Gerger, alternate
No meeting held.

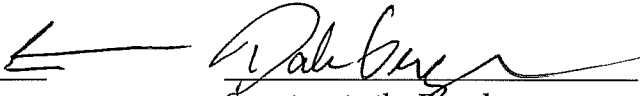
MATTERS TO AND FROM DIRECTORS: None.

ADJOURNMENT: Meeting adjourned at 10:22 pm – **Approved.** Ayes – RG, DJ, DG, AC Absent: VC

Attest:

March 17, 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.*