

MINUTES

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

Wednesday, September 29, 2010 at 6:30 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 6:41 p.m.

1. **PLEDGE OF ALLEGIANCE**

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

3. **APPROVAL OF AGENDA**

Prior to the approval of the agenda Director Green noted that the item placed in Closed Session should be discussed in Open Session. The item was moved to be discussed under Item 7. Director Green also requested to move item 10 to above item 5.

Action: Approve Agenda with noted changes. Ayes—RG, DG, AC, DJ Absent—VC

CLOSED SESSION: **PURSUANT TO GOVERNMENT CODE §54957:** Discussion of confidential personnel matter. This item was moved to be discussed in Open Session under Item 7.

**A recess was called at 6:50 pm.
The Board Reconvened at 7:03 pm.**

OPEN FORUM: Cameron Park resident Gerald Lilpop thanked the board for passing the weed abatement ordinance and asked who had jurisdiction over the weeds along Cambridge Road and Cameron Park Drive. Fire Marshal Mike Webb answered that the County of El Dorado has jurisdiction and they have notified him that the Cameron Park areas are on the list for maintenance. Cameron Park resident Bill Carey stated that he is excited to have the election this year and asked President Gerger if he was committed to stick with the board for the full term of four years should he win. President Gerger answered that he is committed. Cameron Park resident David Gelber thanked the board for selecting Fred Smith as the General Manager and applauded the accomplishments he's achieved in such a short time. He asked each director if he was pleased with the selection for the General Manager. Directors Gerger and Green answered yes. No comments were provided from Directors Clarke and Johnson. Cameron Park resident Jim Riordan complimented the board on the selection of the General Manager. He also complimented the General Manager, CSD staff, and the Sierra Sharks Swim Team for the successful 2010 swim season. He then submitted to the General Manager a request for consideration of resolutions to be presented to the board at the October board meeting.

MOMENT OF RECOGNITION: Director Green acknowledged those who participated at the Ribstock Event held at Cameron Park Lake on September 18th. He also recognized General Manager Fred Smith for graduating on September 18th with a bachelor's degree in management. Director Clarke echoed the recognition of the accomplishment of Mr. Smith. Director Clarke also recognized Brent Stangeland, Mike Webb, Paul Ryan, Bill Hughes and Cambridge Hardware for assisting the Cameron Park Library in getting their flag positioned. General Manager Fred Smith brought to attention a letter submitted to the District from Governor Schwarzenegger congratulating the CSD on the Ribstock Event. Battalion Chief

Joe Tyler recognized Explorer Post 89 for their volunteerism at the Community Clean Up Day on September 25th. The Explorers volunteered in removing the debris brought by residents in their vehicles as a fundraiser for the Explorer Post.

CONSENT CALENDAR:

Approve staff recommendation on items 1, 2, 3, 4 and 13C . Ayes— DJ, RG, DG, AC Absent— VC

1. BOARD MINUTES:

A. August 18, 2010, 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: Received

3. FINANCIAL REPORTS:

A. Financial Statements for the month of August 2010

Action: Received

4. CC&R ADVISORY COMMITTEE REQUEST FOR REFERRAL TO LEGAL COUNSEL:

Violation: #5843 2533 Westridge Drive APN: 082-353-161

Unit: Cameron Park North #3 Lot #1544

Travel trailer improperly parked beside the house, visible from the roadway

Action: Forwarded to legal counsel for action

END OF CONSENT CALENDAR

GUEST SPEAKERS:

Item 10 was discussed here. PARKS AND RECREATION SUB-COMMITTEE: General Manager Fred Smith requested a sub-committee of the Parks and Recreation Committee be appointed for the purpose of addressing issues at the Cameron Park Skateboard Park. Two community representatives were present who will provide expertise to the sub-committee as they have addressed skate park issues before with the Placerville Skate Park. Director Green stressed the necessity of the subject experts for a successful attempt at gaining credibility with those who frequent the skate park in Cameron Park. Directors Johnson and Clarke agreed with the sub-committee appointment. Cameron Park resident Bill Hughes thanked the subject experts and the board for the attention being given to the skate park issues. Cameron Park resident Sue Farris also expressed gratitude for the committee. Cameron Park resident Bill Carey acknowledged that Director Green was also an expert on skating in the 1950s and that he will be an asset to the sub-committee. Mr. Carey added that he too is excited to get involved. Cameron Park resident Tom Picarella requested clarification as to who the General Manager is requesting to be on the subcommittee. General Manager Fred Smith confirmed that he's requesting Director Green, Parks Superintendent Paul Ryan, and residents David Gelber and Bill Carey to be on the sub-committee.

Action: President Gerger appointed the Skatepark Sub-committee of the Parks and Recreation Committee to consist of Director Green, Parks Superintendent Paul Ryan, and Cameron Park residents David Gelber and Bill Carey.

5. MARKETING PLAN OVERVIEW: Representative Bob Davis with Scenario Communications presented the draft Marketing Plan. He explained that the Plan is geared toward highlighting events that are not currently sponsored by the Recreation Department. These events are revenue-neutral and do not take away from current tax dollars that are allocated to the five departments of the District. The major topics presented from the plan included: overall goals, positioning, obstacles, funding strategy, publicity, marketing, and the list of events for 2011. Next year is the fiftieth anniversary of the District and the events planned to celebrate it include: a lecture series, Gala, Community Clean Up, Foothill Cruiser Show, Summer Spectacular, Concert Series, Ribstock, and the Annual Hometown

Celebration during the month of December. The District will also partner with local agencies such as the Chamber of Commerce to provide events for the community. Director Clarke thanked Mr. Davis for the presentation and asked about the portion of the Plan that mentions a non-profit organization (501.c.3). Mr. Davis responded that a 501(c)(3) would be optimal for the success of the Plan in order to receive corporate sponsorships. Director Green thanked Mr. Davis for the outstanding start on a new vision for the community.

Cameron Park resident Jim Riordan expressed his gratitude with the Plan and complimented Mr. Davis on his presentation skills. Cameron Park resident John Picarella noted that one of the media options mentioned in the Plan (eldoradoguide.com) may not be a good option because it highlights the County and not Cameron Park. Cameron Park resident Bill Carey asked Mr. Davis to explain the rate his company charges. Mr. Davis provided that he is on an event-by-event rate and as-needed basis. He is able to support the events through sponsorship, ticket sales at local stores, and gate-entry fees. Comment was made regarding the availability of the Cameron Park Airport for events. Mr. Davis agreed that there are many opportunities for Cameron Park to tap into including the Highway 50 Corridor, Gateway to Wine Country, and the Show 'n Shine & Fly In. Discussions are still underway. General Manager Fred Smith added that the Plan is his number one priority because it addresses multiple goals.

President Gerger brought the discussion back to the board and stated that he would like a motion to approve the Plan. Director Green commented that the portion of the Plan that mentions the Foundation (501.c.3) should be amended to reflect that a Foundation will be established then he would be willing to approve the Plan. Director Johnson added that he would approve the Plan if the paragraph is deleted altogether.

Action: Approve the Marketing Plan for 2011 removing off of page 4, paragraph 2, the Cameron Park CSD Community Foundation. Ayes—DG, RG, AC, DJ Absent—VC

A public member asked when the board would revisit the Community Foundation 501(c)(3). General Manager Fred Smith answered that the item will be addressed on the agenda later in the evening.

6. **WASTE CONNECTIONS PROPOSED CONTRACT EXTENSION:** Representative Sue Farris, District Manager from El Dorado Disposal, presented the proposal to the board for a contract extension. In 2007 the District began negotiating a contract with El Dorado Disposal to provide disposal services. At the time, Director Gerger had requested that the contract be limited to ten years as a trial period. Ms. Farris agreed and the contract was set for ten years. In March of this year, Ms. Farris approached the Solid Waste Negotiation Committee again and requested an extension of the ten years due to their performance thus far. The extension will allow the District to take advantage of several opportunities including RecycleBank, amortization of costs, and green waste initiatives. By spreading the expenses out over time, it allows costs for these services to remain low. If every customer in Cameron Park signs up for RecycleBank, it would generate \$1 million back into the community.

President Gerger commented that Cameron Park has the lowest rates in El Dorado County with El Dorado Disposal because El Dorado Disposal works with the Solid Waste Negotiation Committee very closely and very well. They met all the Committee's performance matrices. Director Johnson wanted to know who prepared the recommended action to review and approve. General Manager Fred Smith answered that the recommended action came from him. Director Johnson noted that he wanted to make it clear that the recommendation did not come from the Solid Waste Negotiation Committee. He also added that it should be left for the new board to decide. Director Green responded that he too has been pleased with the performance of El Dorado Disposal and that the partnership is working very well. President Gerger added that the board is not rushing into anything because El Dorado Disposal has been requesting the full 15-year contract since the beginning. Director Clarke complimented the performance of El Dorado Disposal as well. He mentioned a letter submitted by El Dorado County Supervisor John Knight regarding an extension and requested Supervisor Knight speak to it.

Supervisor Knight referenced the letter stating that it was sent to the board last year as the Board of Supervisors initiated action to have a study completed on solid waste collection throughout the County. The letter notifies the CSD that if an extension is signed without the recommended language, the CSD would not be able to participate in the study's findings. He stated that El Dorado Disposal is a great company to work with and if an extension is the best option for the community, he just cautions the board about including the recommended language. Director Green asked Supervisor Knight what some of the study's advantages would be. Supervisor Knight gave examples

of a recycling center and new technologies that may come available. President Gerger stated that he originally got involved with waste management to get away from the County's agreement because he felt that Cameron Park was subsidizing rural areas. Director Clarke also recalled the original negotiations and noted that he was pleased with El Dorado Disposal because they could directly address specific issues that Cameron Park was concerned about. Ms. Farris stated that the extension will allow increased green waste pickup opportunities and as the process works itself out, there will not be extra charges. Over time, there may be charges to change poor behavior, but initially there will be no charges because the goal is to get the waste off the street. Another portion of the agreement states that if new opportunities present themselves that will benefit the District, the District is allowed to participate (such as the County Study). Director Johnson asked for clarification in the amendment language. The amendment references an "Exhibit B" but the attached document is blank. Ms. Farris answered that Exhibit B is the rate sheet for services and that it is the same rate sheet that was approved in June of 2010. Director Clarke stated that he needed more time to review the proposal.

Discussion took place regarding the extra pick up days throughout the year. Cameron Park resident and El Dorado County Environmental Management Deputy Director Greg Stanton commended El Dorado Disposal as a great company but noted that there is no urgency for the extension. Cameron Park resident Matt Silva commented that he sees the County wanting to subsidize the rural areas with Cameron Park's residents. He stated that the County looks out for itself. Cameron Park resident Jim Riordan agreed and pointed out that the District is already servicing areas outside of the District through the fire services and is not getting reimbursed. Mr. Stanton noted that he agreed that Cameron Park has the right to provide their own service and that the study is not to try to take that away; the study is to get everyone at the same table to discuss waste management for the entire county. Another member of the audience voiced that if El Dorado Disposal has met the matrices then the District should show good faith and return the favor. Cameron Park resident Shiva Frentzen added that spending money on a countywide waste disposal survey seems exotic. Mr. Stanton answered that the discussion is not about the rates, it is about extending a contract out fifteen years when the District is only two years into the current contract.

Ms. Farris answered the sense of urgency issue by stating that a contract extension was discussed six months ago. The reasons for the discussion are as follows: to be able to roll out RecycleBank at the lowest possible rate, to be able to address the green waste issues by providing more carts, and to be able to replace trucks to meet the carbon emission controls set by the state. The costs have to be amortized over the fifteen years, not six. Fifteen is a standard agreement length. She added that she wanted the opportunity to address the board that she has been working with since the beginning because the priorities of the new board in a few months may not include a contract extension. President Gerger added that the fifteen year contract has been discussed since the beginning and that it is not anything new. Director Johnson asked for clarification on a rumored donation of \$50,000 from El Dorado Disposal. Ms. Farris answered that when the General Manager asked if El Dorado Disposal would match community donations of \$50,000 for ancillary community pool items, CEO Ron Mittelstaedt agreed to match the funds. It is independent of the current discussion. Director Clarke restated that he is not comfortable with approving the extension because of the recent increases that were approved as well as the letter from Supervisor Knight.

Failed Motion: Review and approve proposed extension. Ayes—RG, DG Noes—AC, DJ Absent—VC

Director Clarke commented that as a director that will continue to be on the board, he will make sure that the item does not fall by the wayside.

DEPARTMENT MATTERS:

7. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION: None

The Closed Session Item was moved to this portion of the meeting and discussed in Open Session

Director Green began by stating that he is proposing an amendment to the General Manager contract by attaching a side letter. He stated that while he negotiated the contract of the General Manager, the contract included a termination clause. Discussion of the board included a clause requiring a 4/5th vote of the board to terminate without cause and a 3/5th vote of the board to terminate with cause. This information was forwarded in a list of items to the attorney that drew the draft contract up. The 4/5th vote and 3/5th vote item was not included in the final contract and the mistake was overlooked. The General Manager brought it to the attention of Director Green and

the side letter has been drafted to rectify the situation. Director Green noted that the final contract was approved by the board with a 4-0 and 1 abstention vote and that the letter should be approved now. Director Johnson added that he was the one who abstained from voting on the contract on advice of counsel.

A public member asked if a list of "causes for termination" was requested. Director Green answered that he is not proposing a list—just the 4/5ths and 3/5ths requirement. Another question was asked as to whom it was that drafted the contract. Director Green answered that Chief Counsel David McMurchie wrote up the agreement. Director Green stated that it's possible that the "4/5ths and 3/5ths vote" discussion item was inadvertently left out when the decision was made to not include a list of causes. A public member asked why the board had to vote on the letter. Director Green answered that adding the letter is considered an amendment which requires a vote.

Director Clarke stated that he was confused about the amendment. He was interrupted by Cameron Park resident Jim Riordan and a discussion ensued. President Gerger regained the floor and handed the discussion back to Director Clarke. Director Clarke repeated that his confusion is due to the six-month review that is coming up as noted in the contract of the General Manager. Director Green answered that the review is off topic from the proposed amendment. President Gerger agreed that the topic is about an amendment to the original contract not about the current performance. Director Green told Director Clarke that he voted yes on the original contract that included all the negotiation notes. Director Clarke answered that he voted for the contract that was in front of him that day.

Failed Motion: Approve amendment with the proposed side letter. Ayes—RG, DG Noes—AC Abstain—DJ
Absent—VC

8. **RESOLUTION 2010-12 ADOPTING FINDINGS SUPPORTING AMENDMENTS TO THE FIRE CODE:** Fire Marshal Mike Webb presented that this resolution is presented every three years per the Code Adoption Cycle. The Facts and Findings included in Resolution 2010-12 are the same Facts and Findings that were approved in 2007 and haven't been changed because the climate, terrain, etc of Cameron Park have not changed. All fire districts within El Dorado County are working together to bring forward a new 2010 Code Adoption Ordinance. This resolution is the first step toward an ordinance. Each community is different and all the different needs will be addressed.

Action: Adopt Resolution 2010-12. Board polled ayes—DG, RG, AC, DJ Absent—VC

9. **CAMERON PARK COMMUNITY FOUNDATION 501(C)(3):** This item was presented to the Parks and Recreation Committee on September 9, 2010 and was forwarded to the full board for discussion. Director Johnson made a motion to forward the item to the October board meeting. Director Green commented that it should not be delayed. Director Johnson withdrew his motion. He went on to add that his issue with the 501(c)(3) is that the bylaws for the Community Foundation state that the board of said foundation were "elected". No such election ever took place.

General Manager Fred Smith noted that the language in the bylaws is standard and acceptable for the appropriate parties. The initial board members of the Foundation are stewards of the process. He understood that his duty statement included his authority to carry out his responsibilities. A Community Foundation is essential to address fiscal concerns/fundraising for the District (Summer Spectacular and other events) and allow businesses to participate in District events. The Foundation bylaws would already have been filed if Director Johnson had not advised that the board needed to review the item. General Manager Fred Smith stated that he saw the item as part of his responsibilities. He apologized for the misunderstanding and thanked the board for explaining the process. He stated that the goal of the Foundation was to put responsible individuals in charge as stewards of the process until it was established and then hand it over to the District board for input. President Gerger responded that at first he thought that all department heads and a resident should be on the Foundation's board but after reflection, the proposal is better and that it should move forward. Director Johnson restated that his issue is with improper process and incorrect language. The community should have been brought into the discussions earlier on. Director Green answered that Director Johnson should have mentored the General Manager through the process instead of diverting the issue at hand. The General Manager already stated the process that the item will now follow (establish the Foundation then bring it back to the community for discussion) and that it should be moved along. Director Clarke stated that he is in favor of the Community Foundation. He also stated that he has seen three different versions of the bylaws. He wanted this item discussed in private, but the motion to table was not approved.

Cameron Park resident Jim Riordan thanked the general manager for attempting to get the foundation established. The general manager has been charged with responsibilities that the foundation falls under; very little is required of the board to get the foundation established and he encouraged the board to push forward. Cameron Park resident David Gelber also encouraged the board to move forward. Cameron Park resident Greg Stanton encouraged the board to provide better documentation to the public regarding items so that they can follow along. Cameron Park resident Bill Carey stated that the only negatives to the Foundation being established are the dictators on the board who won't do what's right for the people of the community. Cameron Park resident Shiva Frentzen asked if other communities sought approval from their boards. Director Green answered that the board does not have to be involved to establish a foundation because any number of community residents can get together and establish a 501(c)(3) and call it the Cameron Park Community Foundation. Director Clarke disagreed because the foundation will be subject to audit and would be accepting funding for items under the Cameron Park board's purview. Cameron Park resident Greg Stanton asked if there was a way to have the backup items on the website for public review. Cameron Park resident Matt Silva stated that the foundation is a great idea and that it sounds like the board wants it so the board just needs to move forward. Cameron Park resident Barbara Rogers stated that she had just returned from a 70 mile drive and that it saddens her that the board is still on the same item. She added that it is embarrassing—the board hired the general manager and that they should let him do his job and stop controlling day-to-day operations.

Director Johnson made a motion.

Action: Approve whatever procedure is required to get a 501(c)(3) started, have it handled by the General Manager to get it going, and keep the board updated as to where it is in the process by possibly, at every other board meeting, giving a public update. Ayes—DJ, DG, RG, AC Absent—VC

10. PARKS AND RECREATION SUB-COMMITTEE: This item was discussed prior to item 5.

11. ADVANCED LIFE SUPPORT AGREEMENT RENEWAL WITH EL DORADO COUNTY: Battalion Chief Joe Tyler presented that the Cameron Park Fire Department is a part of a joint-powers-authority renamed to the El Dorado County Emergency Services Authority (JPA). There are two agreements with the JPA—one to staff the fire engines and one to maintain an ambulance in Cameron Park completely funded through El Dorado County. The two agreements presented to the board are no different from the originally adopted agreements other than they have the new logo printed on them. The reason for this approval is due to several agencies that cannot find their copies of the agreements. Should the board not agree to approve these agreements, Cameron Park would lose the funding and the ambulance services provided. A public member asked if there was language in the agreement that allowed Cameron Park to be reimbursed for expenses for traveling outside of the area. Battalion Chief Joe Tyler stated that there is a full reimbursement mechanism in place.

Action: Approve ALS Engine Company and ALS Ambulance Agreements as written authorizing the board president to sign said agreements. Ayes—AC, DJ, DG, DJ Absent—VC

12. CAMERON PARK FIRE DEPARTMENT FLEET REPAIR/REPLACEMENT: The Fire Committee was presented with the attached information at the previous meeting held on September 21, 2010. Battalion Chief Tyler explained that the pump on the 1989 Beck fire engine designated as Engine 389 failed and is in need of repair/replacement. The cost for the pump repair is \$36,955. The cost of repair is more than the engine will be worth. It is scheduled to be replaced with a new engine next year through development fees. Development fees cannot be used to repair the engine, only purchase a new one. He provided a slideshow with photos of the entire Cameron Park Fire Department fleet. He presented five alternatives to the board: do nothing, repair the pump for \$36,955, replace the engine with a 2010 Smeal engine for \$425,000 (from the general fund), replace the engine with a 2008 Smeal engine for \$375,000 (from the general fund), or purchase Type III engine similar to that of a current CAL FIRE model 34 for \$291,615 (with impact fees as it was approved to be purchased in 2007/2008 as part of the Capital Improvement Plan). Battalion Chief Tyler stated that it is his recommendation to purchase the Type III engine as an addition to the fleet with the caveat that serious consideration be given to replace the current Type I when the economy begins to turn around. Director Clarke agreed that alternative #5 is the best option for the community. A member of the audience asked why impact fees can be used to purchase the engine recommended in alternative #5, but can't be used to repair or replace the engine. Chief Tyler answered that the differences are due to where the funding comes from. The impact

fees will be used to add a new engine to the fleet until a replacement engine can be purchased in the future; impact fees cannot be used to repair existing engines.

Action: Move forward with alternative #5. Ayes – AC, RG, DG, DJ Absent – VC

13. COMMITTEE REPORTS:

A. CC&R – Standing Committee:

Dale Gerger and Valerie Saltzen Coze, representatives; Alan Clarke, alternate
President Gerger stated that the September 8, 2010 CC&R meeting was routine.

B. PARKS AND RECREATION – Standing Committee:

Valerie Saltzen Coze and Rich Green, representatives; David Johnson, alternate
Director Green provided that the September 9, 2010 meeting of the Parks & Recreation Committee included the following topics: adding community members to the committee, the skateboard park, upcoming events, a wish list of items to be purchased with future donations, a 501(c)(3), and the departments budgets.

C. BUDGET AND ADMINISTRATION – Standing Committee:

Dale Gerger and Valerie Saltzen Coze, representatives; Rich Green, alternate
No meeting held.

D. FIRE AND EMERGENCY SERVICES – Standing Committee:

David Johnson and Alan Clarke, representatives; Valerie Saltzen Coze, alternate
Director Clarke presented the issues that were discussed at the September 21st meeting: Aid to Fire, West Slope Fire Board meeting, 1989 Beck Fire Engine 389, Weed Abatement Enforcement, CA Fire Code Adoption, Fire Prevention Plan Review Fees, Fire Hydrant in Cameron Park, and the Cameron Park Area School Program.

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: Director Clarke reminded the board president that the six-month review of the General Manager will be due on November 1, 2010. Director Green stated that he had requested the General Manager research the topic of a non-committee member attending committee meetings. General Manager Fred Smith answered by reading the Brown Act verbiage. In summary, it allows directors to attend committee meetings that they are not assigned to if they act as community members and do not participate.

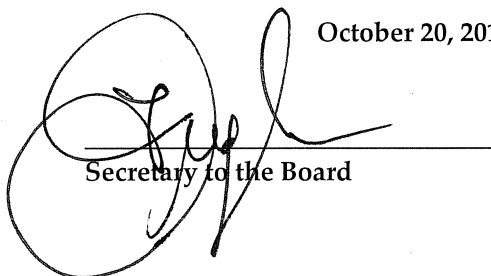
ADJOURNMENT: Meeting adjourned at 10:50 pm – **Approved.** Ayes – AC, DJ, DG, RG Absent – VC

Attest:

October 20, 2010



President, Board of Directors



Secretary to the Board