

REGULAR MEETING MINUTES
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS
6425 MAIN STREET, GEORGETOWN, CALIFORNIA 95634

TUESDAY, JANUARY 14, 2020
2:00 P.M.

MISSION STATEMENT

It is the purpose of the Georgetown Divide Public Utility District to:

- Provide reliable water supplies
 - Ensure high quality drinking water
 - Promote stewardship to protect community resources, public health, and quality of life
 - Provide excellent and responsive customer services through dedicated and valued staff
 - Ensure fiscal responsibility and accountability are observed by balancing immediate and long-term needs.
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Out of respect for the meeting and others in attendance, please turn off all cell phones or put in the silent mode.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item, provided they are first recognized by the presiding officer. The Board President will call for public comment on each agenda item. Those wishing to address the Board on a matter that is not on the agenda and within the jurisdictional authority of the District may do so during the Public Forum portion of the agenda. Please be aware of the following procedures for speaking during Public Forum or public comment sessions:

1. When called on to speak by the Board President, please approach and speak from the podium.
2. Comments are to be directed only to the Board.
3. The Board will not entertain outbursts from the audience.
4. There is a three-minute time limit per speaker.
5. The Board is not permitted to take action on items addressed under Public Forum.
6. Disruptive conduct shall not be permitted.
7. Persistence in disruptive conduct shall be grounds for removal of that person's privilege of address.

The Board President is responsible for maintaining an orderly meeting.

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:00 P.M.

Directors present: Cynthia Garcia, Dave Halpin, Dane Wadle, Michael Saunders, David Souza

Staff present: General Manger Steven Palmer, Operations Manager Darrell Creeks, and Water Resource Manager Adam Brown.

Legal Counsel: Barbara Brenner, Churchwell White, LLP.

Roll Call vote was taken:

Garcia: Present
Halpin: Present
Saunders: Present
Souza: Present
Wadle: Present

The Pledge of Allegiance was led by Director Saunders.

2. ADOPTION OF AGENDA

Director Wadle said 8C, 8E, 8H, and 8L are no longer on the agenda.

Director Garcia motioned to adopt the revised agenda with items 8C, 8E, 8H, and 8L removed from the agenda. Director Halpin seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Aye

The motion passed unanimously.

3. BOARD REORGANIZATION

A. Selection of Officers for Calendar Year 2020 (President, Vice-President, and Treasurer)

Director Wadle said he would not be running for the President position this year.

Director Wadle motioned for Director Souza for the position of President for the 2020 calendar year. Director Halpin seconded the motion.

Roll Call vote was taken.:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Aye

The motion passed unanimously.

Director Garcia motioned to recommend Director Saunders for the Vice-President position. Director Halpin seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Nay

The motion passed four to one.

Director Saunders motioned to recommend Director Garcia for the Treasurer position. Director Garcia seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Nay

The motion passed four to one.

Director Souza stated he would like to curtail interruptions when the Board is in discussion, as well as try to have the Board meetings last for a moderate amount of time.

4. PUBLIC FORUM (ONLY ITEMS THAT ARE NOT ON THE AGENDA)

Carolyn O'Conner submitted a letter sent from Adam Brown, and an email transmission between herself, and Adam. Both the letter and email referenced the backflow prevention assembly.

Cherie Carlyon submitted a timeline regarding her requests for budget information from the District.

Mae Harms said she wanted to thank the water district for their service.

5. PROCLAMATIONS AND PRESENTATIONS

6. CONSENT CALENDAR – Any member of the public may contact a Board member prior to the meeting to request that an item be pulled from the Consent Calendar.

A. Approval of Minutes

1. Special Meeting of September 19, 2019
2. Regular Meeting of December 10, 2019

B. Financial Reports

1. Statement of Cash Balances – October 2019

2. Statement of Cash Balances – November 2019
3. Month-End Cash Disbursements Report

Director Saunders requested to remove 6A2-Regular Meeting Minutes of December 10, 2019, 6B3-Month End Cash Disbursements Report, 6C-PSA with George Sanders from consent.

Director Wadle requested to remove 6A1-Special Meeting of September 19, 2019 from consent.

Public Comment

Carolyn Loomis commented regarding the September 19, 2019 minutes.

Director Wadle motioned to approve items 6B1 and 6B2 of the consent calendar. Director Garcia seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Aye

The motion passed unanimously.

The Board discussed item 6A1-Special Meeting of September 19, 2019 minutes.

Director Garcia motioned to accept 6A1 with the changes provided. Director Saunders seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Nay

The motion passed four to one.

Director Saunders handed out a page with corrections he wanted for 6A2, the December 10, 2019 minutes.

Director Wadle requested staff to review audio from the December minutes to verify if a written apology was requested.

Staff was directed to verify changes to the December 10, 2019 minutes per the handout from Director Saunders, verify comments made in relation to a written apology, and return the minutes during the February 2020 meeting.

Director Saunders asked questions of staff regarding checks 30633, 30638, 30642, and 30644 included in Item 6B3.

Director Wadle motioned to accept 6B3. Director Garcia seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Aye

The motion passed unanimously.

C. Amendment 5 to the Professional Services Agreement with George Sanders, Extending the Term Only Without Any Increase in Compensation

Possible Board Action: Adopt resolution approving the amendment

The Board discussed the term and compensation of this amendment.

Mr. Palmer said he and Mr. Sanders spoke at length about this item.

Director Saunders had pulled this item from the consent calendar. He stated he wanted to clarify the term of completion and if the compensation was remaining the same. Mr. Palmer stated the compensation was remaining the same, there would be no increase to Mr. Sander's compensation. Director Saunders said if it gets to the point where Mr. Sander's contract is out of funds, would he not get compensated? Mr. Palmer said theoretically, yes.

Director Garcia said she would like a project list, and completion date. She said once a project list, and completion date was rendered, the Board could ensure Mr. Sanders was compensated fairly. She requested those changes to the project schedule be brought back to the February Board meeting.

Director Wadle asked Mr. Palmer if Mr. Sanders was in support of a contract from the Board. Mr. Palmer said yes.

Mr. Palmer said he understood the Board would like to see a project schedule, and a budget for Mr. Sanders time before a contract extension is approved; however, his term in his current contract has expired as of December 31, 2019. Further, Mr. Palmer said the extension was trying to ensure there was no issue with Mr. Sanders continuing to work for the District although his contract is expired.

Mr. Palmer acknowledged that the Board that they would like to see a schedule for work, and a budget for Mr. Sanders' time before an approval is considered. Mr. Palmer said the item would be brought back in February.

Director Garcia asked if Mr. Sanders should come in and speak to the Board. Director Halpin said Director Garcia's points were valid.

Director Halpin motioned to adopt the resolution as staff has presented. Director Wadle seconded the motion.

Roll Call vote was taken:

Garcia: Nay
Halpin: Aye
Saunders: Nay
Souza: Nay
Wadle: Aye

The motion did not pass.

Director Garcia motioned to have Mr. Sanders to return to the Board at the February meeting with a project list, and a date of completion. Director Souza agreed.

The motion was not seconded.

Public Comment

Karen Bartholomew commented on the date of completion.

Steven Dowd commented on the completion date of the project.

Director Garcia asked for a second on her motion, and none was provided.

Cherie Carlyon commented on the amount remaining on Mr. Sanders contract.

7. INFORMATIONAL ITEMS

A. Board Reports

Director Garcia said she wanted to thank Ms. Beck for ensuring the Board received the Form 700. She appreciated Ms. Beck's efforts to keep the Board on schedule. She said the Cool Hall Christmas party was a success. She said she was contacted by three different customers regarding the backflow prevention device. The customers requested the District to consider hosting a community workshop. She said she would like to entertain the idea of attending the AWWA conference in Orlando FL. She said she would pay for her travel but would like the District to consider paying for her registration. She said she would like to bring back information which would compliment the information from those attending the ACWA conference.

Lastly, based on the directive the Board gave Director Wadle and the General Manager at the December 2019 meeting, she said there was a missing item from the agenda. The missing item being the written apology. She said the Board cannot function as a governing entity without directives being followed.

Mr. Palmer said he had spoken to Director Saunders about an apology on multiple occasions. Mr. Palmer said he wanted to be very respectful of Director Saunders desires and wishes about what gets reflected in the minutes as it relates to his race. Mr. Palmer said he and Director Saunders felt that was the appropriate approach for Mr. Palmer to come to the meeting, and express his apologies for any harm, or disrespect that he caused Director Saunders, and Director Saunders agreed. Mr. Palmer said, this was his apology, and it can be reflected in the minutes.

Director Garcia asked the Board for their thoughts, as this was not the directive put forth.

Director Halpin said he did not agree with the directive and abstained from the vote in December. He said a member of the public brought up the comments about race and gender. He said asking the General Manager, and Director Wadle to apologize for statements made by a member of the public as something inappropriate to do.

Director Garcia said the written apology was not to correct a statement made by a community member, it was for subsequently what happened after that in the following meetings where certain members asked for ethnicity, race, and gender to be added to the minutes which Director Saunders and she asked to not have that happen.

Director Halpin said there is a recording of the meeting for public information, and perpetuity. The District cannot and delete or modify what was said at a public meeting. It would be his suggestion that the minutes should reflect the votes, and all the detail stands as public record on the recording. The idea that the Board is going to try to hold someone responsible for something that the public said in the meeting seems inappropriate. Director Halpin said Director Wadle and the General Manager did not create an issue. The issue was created when a member of the audience made a comment. Director Halpin said the reality is, the recording exists on the website. The comments were made in this room, and everyone is aware of it. Director Halpin said it would be his suggestion for Director Wadle, and the General Manager, to tell Director Garcia, no.

Director Garcia said Director Halpin is setting a precedence for future directives.

Director Halpin said no one should modify the reality of the meeting.

Director Garcia said the Board still has an insubordination issue.

Director Wadle said he made verbal comments on this issue at the December meeting.

Legal Counsel stated she was unsure if what is being discussed was voted on and was given as a directive to staff. She said she did not recall that directive and would suggest listening to the audio again. However, she stated directives from the Board are to be followed.

Director Garcia said it was her original motion and requested staff review audio and bring back their findings to the February meeting.

Director Wadle said as part of the legislative liaison role there is discussion about a potential bond being discussed in the California legislature for wildfire prevention. He said it could be on the March or November ballot. He also commented on the lawsuit regarding the water rates. He said the evidence is clear, and his hope was that the District could move forward collaboratively as a District and a community.

Director Saunders said in his Treasurer's report the last meeting discussed the investment policy, and the recommendation was to bring it to the Board for review. The water resiliency report is out in draft, and the stakeholders have until February 7, to make public comment.

B. General Manager's Report

Mr. Palmer presented the written General Manager report.

C. Operation Manager's Report

Mr. Creeks reported on the written Operation's Manager report.

Mr. Brown reported on the written wastewater report.

D. Finance Committee Report

Steve Miller said he did not bring a report from the December 18, 2019 meeting. Director Saunders said the meeting was in relation to the investment policy. Director Garcia asked about a conceptual budget timeline. Mr. Palmer said that the finance committee approved the budget timeline for Board review and that agenda item was removed from today's agenda by the Board.

8. NEW BUSINESS

A. Fiscal Year 2018/2019 Audited Financial Statements

Possible Board Action: Receive and file

Jocelyn Esparza from LSL CPA's presented the findings of their annual audit of District finances.

The Board discussed the audit findings.

Director Garcia motioned to receive and file the audit. Director Saunders seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye

Souza: Aye
Wadle: Aye

The motion passed unanimously.

B. Review and Approve Increase of Fiscal Year 2019/2020 Operating Budget by \$7,575 from Fund 43 Capital Reserves to Fund Installation of a Backup Generator at the District Office

Possible Board Action: Adopt resolution

Mr. Brown presented a staff report regarding the purchase of a propane generator and fielded questions from the Board.

Public Comment

Karen Bartholomew commented about the brand of generator being purchased.

Carolyn O'Conner commented regarding required permits.

Cherie Carlyon commented about the brand of generator.

Director Saunders motioned to adopt the resolution. Director Garcia seconded the motion.

Roll Call vote was taken:

Garcia: Aye
Halpin: Aye
Saunders: Aye
Souza: Aye
Wadle: Aye

The motion passed unanimously.

D. Discuss and Provide Direction on Freezing the Adopted 2020 Treated Water and Irrigation Water Rates at the 2018 Rates for a Second Year

Possible Board Action: Adopt resolution

Mr. Palmer said the lawsuit filed by Georgetown Divide Taxpayers Association against the District was resolved. The court found in GDPUD's favor, and the decision is no longer pending. The statement of decision is posted on the District's website.

Mr. Palmer submitted a presentation, and staff report regarding freezing water rates for the upcoming calendar year.

The Board discussed this item.

Director Saunders recommended that the finance committee review the rate freeze for the February meeting.

Director Halpin said regardless of the finance committee recommendation, the numbers already provided are absolute, and a decision could be made today.

Public Comment

Karen Bartholomew commented about the irrigation price increases.

Phyllis Polito commented about the increase in rates.

Director Garcia motioned to temporarily freeze the water rates until the February 2020 meeting pending a recommendation from the Finance Committee.

Director Wadle said a motion was not needed. The Board can agree to not act until next month.

An unidentified person from the audience, later identified by Director Garcia as Kristy McKay, asked when will the notices to get irrigation water be mailed, and how would that impact the temporary freeze.

F. Appoint a Director to El Dorado County Water Agency Board

Possible Board Action: Adopt resolution

Director Saunders said he would like to be considered to sit on the EDCWA Board.

Director Wadle said he would also like to be considered for the appointment.

After some discussion by the Board, Director Saunders deferred to Director Wadle for the appointment.

Director Garcia motion to adopt the resolution and elect Director Wadle to the EDCWA Board and support Grizzly Flats as the alternate Director. Director Halpin seconded the motion.

Roll Call vote was taken:

Garcia:	Aye
Halpin:	Aye
Saunders:	Aye
Souza:	Aye
Wadle:	Aye

The motion passed unanimously.

G. Approval of Policy Regarding Discontinuation of Residential Water Service

Possible Board Action: Adopt resolution approving the policy

General Manager Palmer presented the staff report.

Public Comment

Steve Miller commented regarding the tenant / landlord relationship regarding water fees.

Cherie Carlyon commented regarding same.

Director Halpin motioned to adopt the resolution as presented. Director Wadle seconded the motion.

Roll Call vote was taken:

Garcia:	Aye
Halpin:	Aye
Saunders:	Aye
Souza:	Aye
Wadle:	Aye

The motion passed unanimously.

J. Review and Consider Adoption of Revised Board Policy 5020 – Board Meeting Agenda

Possible Board Action: Adopt Resolution approving revised policy

Mr. Palmer presented the staff report.

Director Halpin motioned to adopt the resolution as presented. Director Wadle seconded the motion.

There was discussion among the Board. Director Saunders requested that the policy be revised to require the names of the Board of Directors be listed on the agenda.

Director Halpin motioned to adopt the resolution as presented with the addition of including the Directors names on the agenda. Director Garcia seconded the motion.

Roll Call vote was taken:

Garcia:	Aye
Halpin:	Aye
Saunders:	Aye
Souza:	Aye
Wadle:	Aye

The motion passed unanimously.

K. Review Board Policy 4040 – Duties of Board President

Possible Board Action: Review and Provide Direction

Director Garcia said policy provided in the Board packet is a draft copy to begin a discussion to alleviate issues of trying to get an item on the agenda.

There was discussion among the Board. The Board provided direction to leave the current policy in place, without making any changes.

- 9. BOARD MEMBER REQUESTS FOR ADDITIONS TO FUTURE MEETING AGENDAS AND REQUESTS FOR INFORMATION OR RESEARCH TO BE COMPLETED BY STAFF** – Opportunity for Board members to discuss matters of interest to them and provide input for future meetings as well as report on their District-related meeting attendance.

Director Saunders discussed speaking with other Boards dealing with the Butte fire regarding emergency preparedness from the Board level. He also spoke with Forrest Hill, Grizzly Flats, and EID about a grant writer.

Director Garcia mentioned the hand-out she passed out, and would like to get consensus to add some of the items on to an agenda.

- 10. NEXT MEETING DATE AND ADJOURNMENT** – The next Regular Meeting will be on February 11, 2020, at 2:00 P.M. at the Georgetown Divide Public Utility District, 6425 Main Street, Georgetown, California 95634.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact Steve Palmer by telephone at 530-333-4356 or by fax at 530-333-9442. Requests must be made as early as possible and at least one-full business day before the start of the meeting. In accordance with Government Code Section 54954.2(a), this agenda was posted on the District's bulletin board at the Georgetown Divide Public Utility District office, at 6425 Main Street, Georgetown, California, on January 10, 2020.



Steven Palmer, PE, General Manager

2/20/2020

Date