

**MINUTES OF MEETING OF THE
NORTH TAHOE PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
North Tahoe Event Center
8318 North Lake Boulevard, Kings Beach, CA 96143
Tuesday, July 14, 2015**

CALL TO ORDER/ESTABLISH QUORUM

A Meeting of the North Tahoe Public Utility District Board of Directors was held at the North Tahoe Event Center in Kings Beach, California on Tuesday, July 14, 2015. Present at the meeting were President Bergmann, Directors Lewis, Ferrell, Thompson, and Daniels, comprising the full Board and establishing a quorum.

President Bergmann called the meeting to order at 1:30 p.m. and identified items for discussion listed below before adjourning to Closed Session. General Manager Whitelaw, Chief Financial Officer Marple, HR/Risk Manager Lazzareschi, and Executive Assistant/Secretary Potts were in attendance during portions of Closed Session. Labor Counsel Coyle was also in attendance during Closed Session.

CLOSED SESSION AGENDA

Pursuant to Government Code, the Board of Directors discussed the following items:

1. PENDING LITIGATION – Discussion with Legal Counsel pursuant to Section 54956.9 (d)(1) – International Union of Operating Engineers, Stationary Local 39 (Cannizzaro) and North Tahoe Public Utility District.
2. CONFERENCE WITH LABOR NEGOTIATORS – Discussion pursuant to Section 54957.6. District Negotiator: General Manager Whitelaw. Negotiating Parties: Unclassified District Employees. Under Negotiation: Confirmation of Understanding (COU)

OPEN SESSION/PLEDGE OF ALLEGIANCE/REVIEW AGENDA

President Bergmann reconvened to Open Session to order at 3:00 p.m. The full Board was present. President Bergmann reported that the following action was taken in Closed Session.

Item #1: The Board voted to reject the Hearing Officer's advisory decision, and review the case based upon the record at the hearing (the transcript and exhibits presented) in the case of IUOE Stationary Local 39 (Cannizzaro) and North Tahoe Public Utility District.

Item #2: The Board directed staff and Labor Counsel to draft changes to the Confirmation of Understanding with the Unclassified District Employees as discussed in Closed Session.

Staff in attendance included General Manager Whitelaw, Chief Financial Officer Marple, Park and Facilities Manager Towner, Engineering and Operations Manager Stelter, HR/Risk Manager Lazzareschi, Contracts and Planning Coordinator Gibbons, Construction Administrator Butterworth, IT/Public Information Administrator Emmerich, and Executive Assistant/Board Secretary Potts.

Director Daniels led the Pledge of Allegiance. The agenda was reviewed and no changes were made.

TIMED ITEMS:

3:05 p.m. EMPLOYEE SERVICE AWARDS

- **Michael Thornton – 15 Years**
- **Chris Carrillo – 10 Years**
- **Jesse Lochridge – 10 Years**

General Manager Whitelaw congratulated the employees, and President Bergmann and the Board thanked the employees for their service to the District. President Bergmann presented each of them with a service award commemorating their years of service.

3: 15 p.m. PUBLIC FORUM:

District resident, Randy Hill stated that he had devoted time to the region and to community efforts over the last ten years. He requested that the Board consider the feasibility of forming a Community Services District which combined the North Tahoe Public Utility District, Tahoe City Public Utility District and North Tahoe Fire District, and requested that this discussion be placed on next month's agenda with regard to his findings over the last six months in order to initiate a robust public process. Board President Bergmann directed staff to place this item on the agenda for August 11th.

Public Forum was closed.

CONSENT CALENDAR: The following consent calendar items were presented for approval. Director Bergmann noted his specific conflicts with accounts paid and payable.

1. Approve Accounts Paid and Payable for the period from June 9, 2015 through July 13, 2015.
2. Approve Minutes of the June 9, 2015 Regular Board Meeting and Special Meetings held June 16, June 30, and July 16, 2015.

MOTION: Vice President Daniels moved to approve the Consent Calendar noting Director Bergmann's accounts paid and payable conflicts. Upon second by Director Lewis, the motion carried unanimously (5-0) by roll call.

MANAGEMENT TEAM INFORMATIONAL UPDATES

General Manager/CEO Report

General Manager Whitelaw discussed highlights from his report and advised the Board of a proposal from Placer County to consider contracting with them for ongoing maintenance of the Kings Beach Commercial Core Improvement Project (KBCCIP). Maintenance would include power washing the sidewalks, dumping trash, landscape maintenance, replacing lights and other broken items as needed. Additionally, they were requesting snow removal on the sidewalks. He requested direction from the Board if they would consider this agreement conceptually before he moved forward. Director Thompson recused himself from the discussion due to a conflict. Director Lewis stated that he would consider it if it did not involve additional staff and that most requirements of the agreement would take place during the summer months when seasonal employees are already on staff. Director Ferrell believes that the District should look into it including the snow removal responsibilities. Director Daniels wants to

make sure that the District looks at all expenses related to the maintenance so that it doesn't end up bearing expenses over and above the agreed upon cost. General Manager suggested that he would consider providing services on a time and materials basis for the first year if the District should decide to proceed in order to ensure no losses and advised that he would be assessing the sidewalks with Placer County representatives in order to develop a proposed cost estimate.

The quality and appearance of the outside trim on the base facility building was discussed. The building committee recommended replacement, and the Board concurred to allow the building committee to make the decision for the replacement material.

TIMED ITEMS:

4:00 P.M. HOUSTON MAGNANI AND ASSOCIATES – Presentation by Doug Houston regarding Grant Funding Opportunities

Mr. Houston introduced himself and noted that he had a longstanding professional relationship with General Manager Whitelaw. He advised the Board that Houston Magnani and Associates, formerly The Houston Group, had represented NTPUD on several occasions in the past from 1999 to 2002, and had been retained to work for the District by previous Boards to take advantage of funding opportunities through proposed park, resource and water bonds. Mr. Houston advised that the Houston Group was the firm on record when the District obtained legislation in the 1990s which protected the District's tax revenues from the tax shift which resulted in a significant savings for the District over subsequent years.

He advised the Board of opportunities available and revenues successfully obtained for the District and other local entities for projects including the Kings Beach State Recreation Area restrooms, funding for the Boys and Girls Club, and Fanny Bridge and Commons Beach in Tahoe City. He noted that he is the principal park lobbyist in the State of California. The Board inquired about specific projects for which they would like to obtain grant funding.

The Board directed General Manager Whitelaw to bring back an agreement for Mr. Houston's services to the August meeting.

4:30 P.M. PUBLIC HEARING FOR ANNUAL AUTHORIZING LEVY OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT 94-1

Adopt Resolution 2015-10 of the Board of Directors of the North Tahoe Public Utility District Authorizing the Levy of a Special Tax within Community Facilities District 94-1 for Fiscal Year 2015-2016

At 4:30 p.m., President Bergmann opened the Public Hearing for the Levy of a Special Tax for Community Facilities District 94-1.

MOTION: Upon motion by Director Lewis and second by Director Daniels, the Board voted unanimously (5-0) to adopt Resolution 2015-10 by roll call.

The Public Hearing was closed.

4:45 P.M. PUBLIC HEARING FOR ANNUAL LIEN ACTION FOR DELINQUENT AND UNPAID SEWER AND WATER CHARGES

Adopt Resolution 2015-11 of the Board of Directors Authorizing the Annual Lien Action for Delinquent and Unpaid Sewer and Water Charges

At 4:45 p.m., President Bergmann opened the Public Hearing for the annual lien action for Delinquent and Unpaid Sewer and Water Charges.

MOTION: Upon motion by Director Lewis and second by Director Ferrell, the Board voted unanimously (5-0) to adopt Resolution 2015-11 by roll call.

The Public Hearing was closed.

MANAGEMENT TEAM INFORMATIONAL UPDATES

Accounting Department Report for May 2015

a. Monthly Financial Statement

b. Treasurer's Report

Chief Financial Officer Marple presented the District's financial statement and Treasurer's report through the month ending May 31, 2015. The financial statement and Treasurer's Report were reviewed and discussed briefly.

TIMED ITEM:

5:00 P.M. - PUBLIC COMMENT REGARDING STREET LIGHTS WITHIN DISTRICT BOUNDARIES

The Board opened Public Comment regarding street lights within the District boundaries. General Manager Whitelaw introduced the topic explaining that street lighting, although paid for by the District for many years, is not within the District's purview and that the District is intending to stop paying the bill and have the lights turned off unless another agency i.e. Placer County or Caltrans is able to take responsibility for the cost of the lights. He advised of the District's outreach by way of advertising in the Sierra Sun, notices on the District's website, Facebook posts, and discussions with Placer County, and presented input from the public who had written letters of interest to the District of which two were in favor of turning off the lights, and five were against it. Several individuals were present to provide comments on the topic.

District resident Richard Lazzareschi spoke in favor of keeping the lights on. He feels that the lights are good for the community, and provide increased safety especially for students walking to school in Kings Beach.

District resident Larry Conway also spoke in favor of keeping the lights on for public safety and stated that he did not feel that the cost for the lighting was prohibitive. He requested that he be allowed to pay for the street light near his home on Dolly Varden so that it could remain on.

District resident Carol Conway stated that she is appalled that this action is being considered.

Director Thompson commented that the District is not in the business of public safety and that as well as the speed bumps, flashing lights at cross walks, and signage, the District regards street lighting in Kings Beach as a responsibility of the County.

In response to the public input, the Board directed staff to place this item in the newspaper again, and to place it on next month's agenda for further discussion and possible action.

OLD BUSINESS

Authorize Board President to Execute Memorandum of Understanding with IUOE Local 39 for Classified Employees after review by District Labor Counsel

General Manager Whitelaw advised the Board that Labor Counsel had reviewed and approved the document.

MOTION: Upon motion by Director Lewis and second by Director Ferrell, the motion to authorize President Bergmann to execute the Memorandum of Understanding with IUOE Local 39 was approved unanimously (5-0).

MANAGEMENT TEAM INFORMATIONAL UPDATES

Park and Facilities Department Report

Park and Facilities Manager Towner advised that Parks staff had located a significant water leak in the irrigation system in the Regional Park dropping seasonal water overages from 881,000 gallons to 129,000 gallons for the month of June. She addressed specific aspects of the dog park construction. Pam Berger of Dog Day in the Park advised that she had spoken to fencing contractors, and all were available to install the fencing for the park in September. Director Lewis asked about dumping soil in the park as a source of income, and President Bergmann asked that Park and Facilities Manager Towner move forward with the way finding sign project by resolving issues related to the project with Lolly Kupec.

Planning and Engineering Department Report

Contracts and Planning Coordinator Gibbons presented her report advising that long time District resident and contractor Dale Burt, who had performed many construction projects for the District, had passed away. She updated the Board on the Dollar Force Main Rehabilitation project, and advised that the Parks Maintenance Building was out to bid and that staff would be bringing a recommendation to the Board at its August meeting after the August 6th bid opening.

Utility Operations Department Report

Engineering and Operations Manager Stelter presented the Utility Operations Department Report advising the Board that water production was down over previous years, and the Operations crews were working at the Kings Beach Booster site to introduce low doses of chlorine as required to maintain a residual level of chlorine throughout the system as required. Due to successful conservation efforts by the District and its residents, additional chlorine was required in the system to maintain the residual. He updated the Board on Operations crews activities including work with Patch Paving, locating property line cleanouts in association with the CCTV contractor.

NEW BUSINESS

Presentation of General Liability Insurance Renewal by Greg Locher of John Sutak Risk Services

Greg Locher of John Sutak Risk Services presented specifics of the District's General Liability Insurance Renewal for 2015-2016. He noted that although exposures were up by 11.5% during the previous year, the overall premium for the District's coverage was down by 4.5%. Mr. Locher stated that he would continue to work with the District to transfer liability and risk for expanding activities, such as the proposed Adventure Course.

Adopt Resolution 2015-12 Adopting a Paid Sick Leave Policy pursuant to AB 1522 for Part-Time, Temporary, and Seasonal Employees

General Manager Whitelaw advised the Board of a change in the law which requires the sick leave policy be created for seasonal employees.

MOTION: Upon motion by Director Lewis and second by Director Daniels, the Board voted unanimously to adopt Resolution 2015-12 (5-0) by roll call.

Authorize Board President to Execute Agreement for Placer County Water Agency's 2015 Financial Assistance Program

Contracts and Planning Coordinator advised the Board of the grant received from Placer County Water Agency in the amount of \$25,000 which will be utilized for updating the District's Water Master Plan. Although the amount will not fully cover the update, part of the update can be a rate analysis, and we will focus on the sections of the plan that most greatly require updating.

MOTION: Upon motion by Director Daniels and second by Director Lewis, the Board voted to authorize the Board President to execute an agreement with PCWA for the 2015 Financial Assistance Program. The motion carried unanimously (5-0).

Approve Sewer Variance for 180, 184, and 200 Rim Drive (APNs 117-010-010, 117-010-013, 117-010-015, and 117-010-016)

Engineering and Operations Manager Stelter advised the Board that the District would not be assuming any liability on the private property and that counsel had reviewed the variance.

MOTION: Director Lewis moved to approve the sewer variance for 180, 184, and 200 Rim Drive in Tahoe Vista as presented. Upon second by Director Ferrell, the motion carried unanimously (5-0).

BOARD OF DIRECTOR COMMENTS

No comments.

ADJOURNMENT

There being no further business to come before the Board of the North Tahoe Public Utility District, President Bergmann adjourned the meeting at 6:35 p.m.

Marianne J. Potts
Board Secretary