

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

**Tuesday, August 9, 2011  
8:30 A.M. Closed Session  
9:30 A.M. Open Session**

**CALL TO ORDER/ESTABLISH QUORUM**

The Regular Meeting of the North Tahoe Public Utility District Board of Directors was held on Tuesday, August 9, 2011 at the North Tahoe Event Center in Kings Beach, California. President Lewis called Closed Session to order at 8:30 a.m. Present were Directors Bergmann, Mooney, Daniels, Ferrell, and President Lewis. A quorum was established.

**CLOSED SESSION AGENDA**

Pursuant to Government Code, the Board of Directors held a closed session to discuss the following listed items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Discussion pursuant to subdivision (a) of Section 54956.9. Name of case: North Tahoe Public Utility District vs. The Garwood Building. Director Mooney recused himself from the discussion.
2. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION  
Discussion pursuant to subdivision (b) of Section 54956.9. Number of cases: One (2)

Upon adjourning to Open Session, President Lewis reported that no action was taken during Closed Session.

**PLEDGE OF ALLEGIANCE**

President Lewis called Open Session to order at 9:35 a.m. Director Daniels led the Pledge of Allegiance.

Staff present were General Manager Schultz, Chief Financial Officer Marple, Parks and Facilities Manager Long, Construction Administrator Butterworth, Contracts and Planning Coordinator Gibbons, Sr. Financial Analyst Rosenthal, Acting Utility Operations Manager Begin, Human Resources Technician Keechler, and Board and Records Secretary Potts. Counsel Eskind was also present.

**REVIEW OF AGENDA:** No changes were made to the agenda, however some items may be taken out of order.

**PUBLIC FORUM (TIMED ITEM 9:35 a.m.):** A member of the public was present requesting signatures for a petition to stop bear hunting in California. No other members of the public were present to address the Board, therefore Public Forum was closed at 9:40 a.m.

## **CONSENT CALENDAR:**

1. Approve Accounts Paid in the amount of \$383,767.28 and Payable in the amount of \$174,304.93 for the period from July 12, 2011 to August 8, 2011 with potential conflicts for Directors Bergmann and Mooney in the amount of \$3,367.24.
2. Approve Minutes of the July 12, 2011 Regular Board Meeting.
3. Authorize Budget Adjustment, Award Bid and Authorize General Manager to Enter into Agreement for C1 Wet Well and Dry Well Modifications Project (#1115) with Marques Pipeline, Inc. in the amount of \$33,500 and a 10% contingency. Also authorized was a purchase order to Marques Pipeline, Inc. in an amount not to exceed \$36,850.
4. Authorize General Manager to File Notice of Completion for Carnelian Bay West Water Main Replacement Project (#0938)
5. Adopt an Education Assistance Program including an Education Assistance Policy
6. Adopt Resolution 2011-14 Designating Planning and Engineering Manager Will Stelter, P.E. as the District's Engineer of Record.

Director Bergmann requested that Item 5 be removed from the consent calendar for discussion. A discussion was held regarding the adoption of an Education Assistance Program and Policy. The program and policy was approved and recommended by the Ad-hoc Personnel Committee consisting of Directors Daniels and Ferrell. Although reimbursement for certain educational expenses is already a part of the current Memorandum of Understanding(s) with IUOE Local 39, it was discussed that this policy would make some otherwise taxable reimbursements non-taxable for the employee when enrolled in certain degree programs. Director Ferrell commented that approval of any course is subject to departmental approval, and Director Daniels stated that the committee intends for the policy to be equitable to all employees in each department.

**MOTION: Upon motion by Director Ferrell and second by Director Bergmann, the Board voted to approve the Education Assistance Program including an Education Assistance Policy presented. The motion carried (4-1) with Director Mooney voting no.**

**MOTION: Upon motion by Director Bergmann and second by Director Daniels, the Board voted to approve staff's recommendations for the balance of the Consent Calendar with noted potential conflicts related to Accounts Paid and Payable by Directors Bergmann and Mooney. The motion carried unanimously (5-0) by Roll Call Vote.**

**EMPLOYEE SERVICE AWARDS (TIMED ITEM 9:45 A.M.):** Five year service awards were presented by Acting Operations Manager Begin to employees Ken Fisher, and Chris Avery. Not present to receive a five year service award was Jim Schneider. A five year service award was also presented to David Berry by Engineering Manager. All employees were presented with pins by President Lewis, and thanked by the Board for their service to the District.

## **MANAGEMENT TEAM INFORMATIONAL UPDATES**

### **Management Services Department Report**

- a. Review and Discuss Monthly Financial Statement through June 2011

## b. Treasurer's Report

Staff was encouraged to maximize marketing for the North Tahoe Event Center, and to place advertising in related trade publications in order to increase use of the building and maximize reimbursement of marketing expenses by the Resort Association.

Director Mooney discussed a revised Treasurer's Report presented to the Finance Committee which he anticipates will be available for the full Board by next month's meeting.

### **Parks and Facilities Department Report**

Park and Facilities Manager Long introduced Parks Intern Shane Trilosky who assisted the District throughout the summer season with routine maintenance throughout District facilities. Shane thanked the District for the opportunity and advised the Board and staff present that he was returning to work on his degree in Outdoor Recreation Management at Utah Valley University.

Park and Facilities Manager Long spoke of frequent visits to the North Tahoe Regional Park to care for the community garden which has given her an opportunity to see the high degree of park usage. Director Mooney stated that he feels the regional park is the District's most valuable asset, and should remain a passive recreation area.

Sand removal from the Kings Beach State Recreation Area (KBSRA), and placement of the sand removed from the KBSRA parking lot into the depression beyond the soccer field in the regional park were discussed. General Manager Schultz stated that he will reconsider doing so next season.

### **Planning and Engineering Department Report**

Contracts and Planning Coordinator Suzi Gibbons updated the Board regarding current projects, including the District's responsibilities for its facilities of Caltrans and Placer County projects.

### **Utility Operations Department Report**

Acting Utility Operations Manager Begin advised the Board of recent problems with water main leaks in the area of Rim Drive. Because of recent work done on Fawn two years ago, the information needed to design a replacement line in house for Rim Drive is already available. He recommends prioritizing the work on Rim.

## **OLD BUSINESS**

### **Dolly Varden Update**

Contracts and Planning Coordinator Gibbons updated the Board on prioritization of projects for 2013. She stated that although the Engineering Department will move forward with designing Dolly Varden, we may not construct until following year unless funds are received in time for the 2013 construction season. Commonwealth and Rim may be reprioritized because of the occurrence of numerous water main leaks.

## **NEW BUSINESS:**

Consider Claims Against District

a. Miles Adler of 1388 Kings Vista Court

- b. Jeff Okamoto regarding Vehicle Accident on Summit Road
- c. Robert and Denise Bitowft of 90 Speedboat

**MOTION:** Denise Bitowft presented her observations regarding damage that resulted from the District's response to an emergency water leak near her property (Item C). Director Daniels motioned that the District approve the Bitowft claim against the District for \$1,707 subject to the appropriate release being signed by claimant. Upon second by Director Ferrell, the motion carried unanimously (5-0).

Human Resources Technician Keechler acting as the District's risk management administrator presented details of the listed claims (Items A & B). She recommended approval of the Adler claim, and denial of the Okamoto claim so that the insurance company is able to proceed with negotiating the claim.

**MOTION:** Upon motion by Director Bergmann and second by Director Ferrell, the Board voted unanimously (5-0) to approve the claim of \$150 for tree replacement at 1388 Kings Vista Court.

**MOTION:** Upon motion by Director Daniels and second by Director Bergmann, the Board voted unanimously (5-0) to deny the vehicle accident claim by Mr. Okamoto and allow the District's insurance carrier to negotiate.

#### **CORRESPONDENCE**

The correspondence from North Tahoe Business Association thanking the District for its support of the North Shore Community Cleanup Day held on June 4<sup>th</sup> was reviewed.

#### **GENERAL MANAGER/CEO COMMENTS**

General Manager Schultz addressed a recent increase in contributions for participation in CalPERS, stating the District's contribution rate had not increased, and that payment of the increased percentage is the responsibility of plan participants.

#### **BOARD OF DIRECTOR'S COMMENTS**

President Lewis requested that a Board Workshop be scheduled for Base Facilities Planning. The Finance Committee requested that they meet prior to the workshop to discuss financing for the project. Tentative dates and times were set based on the availability of the Board members.

#### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 11:25 a.m.

Marianne Potts  
Board and Records Secretary