

**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, November 9, 2010  
8:30 A.M. Closed Session  
9:00 A.M. Open Session**

**CALL TO ORDER**

The Regular Meeting of the North Tahoe Public Utility District Board of Directors was held on Tuesday, November 9, 2010 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 Mooney, Bergmann, Daniels, Ferrell and President Lewis. A quorum was established.

**CLOSED SESSION AGENDA**

Pursuant to the cited authority (all references are to the Government Code, 54956.8, 54956.9, 54956.9 (b) (1), and 54957.6), 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 – EXISTING LITIGATION  
Discussion pursuant to subdivision (a) of Section 54956.9. Name of case: 8679 Trout, LLC vs. North Tahoe Public Utility District, et al.
3. CONFERENCE WITH LABOR NEGOTIATORS – Labor Negotiator: Kelly Tuffo of Liebert Cassidy Whitmore. Discussion pursuant to Section 54957.6. Employee Organization: International Union of Operating Engineers Local 39.

No action was taken in Closed Session. The Board will adjourn to Closed Session at the conclusion of the Open Session for Closed Session Agenda Item #3.

**ESTABLISH QUORUM/PLEDGE OF ALLEGIANCE**

President Lewis called the meeting to order at 9:00 a.m. Director Daniels led the Pledge of Allegiance. Present were Directors Mooney, Bergmann, Daniels, Ferrell and Lewis. A quorum was established.

Staff present were General Manager/CEO/Clerk of the Board Aaron, Chief Financial Officer Marple, Parks and Facilities Manager Long, Planning and Engineering Manager Paul Schultz, Contracts and Planning Coordinator Gibbons, Sr. Financial Analyst Rosenthal, Utility Operations Manager Hopkins, Human Resources Specialist Keechler, Executive Assistant Lefrancois, and Board and Records Secretary Potts. Also present was Legal Counsel Eskind.

**REVIEW AGENDA:** No items were added to or deleted from the agenda at this time.

## **PUBLIC PRESENTATION:**

**Employee Service Award:** General Manager/CEO Aaron presented a service award to Sebastian Ramirez for 20 years of service. The Board thanked Mr. Ramirez for his service to the District.

## **TIMED ITEMS: 9:05 A.M. – PUBLIC COMMENT**

Board Candidate Phil Thompson addressed the Board regarding the recent election and editorials and rebuttals between himself and Director Daniels in the local Sierra Sun. He also informed the Board of problems he experienced during his campaign with signs and newspapers being removed from public view. He announced his candidacy for the next District election in 2012. Director Lewis congratulated both candidates on the campaign and stated that certified results would be announced by the Placer County Election Department after the absentee ballots are counted.

## **CONSENT CALENDAR: Consent Calendar Items #3, 5, and 6 were removed for discussion.**

1. Approve Accounts Paid in the amount of \$997,460.94 and Payable in the amount of \$1,110,293.54 for the period from November 9, 2010 to December 6, 2010.
2. Approve Minutes of the October 12, 2010 Regular Board Meeting
3. Authorize General Manager to Execute Lease Agreement with the North Tahoe Business Association for Office Space at the North Tahoe Event Center
4. Authorize General Manager to Execute Line Extension Agreement for Electric Service to Zone 1 Water Storage Tank with Sierra Pacific Power Co. (#0833)
5. Authorize General Manager to Execute Task Order 005 with Tieslau Civil Engineering for Additional Construction Phase Services for the Carnelian Bay West Water Main Improvement Project (#0938)
6. Adopt Resolution 2010-30 Establishing an Investment Policy for 2011  
Frank removed #6, and 5,3 1 for conflict. Bergmann conflict on 1. Sue pulls #3 and 5 for discussion.

After discussion, the Board directed staff to include intra-District enterprise funding as an available option within the Investment Policy for 2011 (Item #6).

**MOTION:** Upon motion by Director Ferrell and second by Director Daniels, the Board voted unanimously to approve staff's recommendations for the Consent Calendar with the change to the Investment Policy noted, and abstentions noted by Director Mooney for Items 3 and 5, and usual abstentions for Accounts Paid and Payable by Directors Mooney and Bergmann.

## **MANAGEMENT TEAM INFORMATIONAL UPDATES**

1. Management Services Department Report
  - a. Review and Discuss Monthly Financial Statement through September 2010
  - b. Treasurer's Report

Chief Financial Officer Marple presented his reports stating that the schedules indicate that the District is on track with the current fiscal year budget. A discussion was held regarding holding acreage within the Water Department versus transferring it to

Administration. President Lewis asked that the Finance Committee investigate a possible transfer of the site where the Zone 2 Water Storage Tank is being built and to bring a recommendation back to the Board upon completion of the project.

## 2. Parks and Facilities Department Report

Park and Facilities Manager Long addressed the Board reporting that the North Tahoe Regional Park playground installation is going well, but curbing is a concern because of early freezing weather.

## 3. Planning and Engineering Department Report

Contracts and Planning Coordinator Gibbons presented the departmental report including a video showing the Kingswood 120 tank demolition. Revegetation of the site was discussed.

Systems and Mapping Coordinator Berry presented a PowerPoint which presented the District's needs and progress in Global Information Systems (GIS), Systems Control and Data Acquisition (SCADA), and upcoming Capital Improvement projects. He stressed simplification of controls and recommended against using proprietary systems, and stated that one system controlling everything will streamline procedures.

## 4. Utility Operations Department Report

Utility Operations Manager Hopkins presented his report. He stated that he anticipates personnel costs to drop before pumping costs, as he expects the number of callouts for waterline repairs will drop precipitously due to the length of water mains replaced during the 2010 construction season.

## **NEW BUSINESS**

### a. North Tahoe Event Center Rental Policy Review

Park and Facilities Manager Long reviewed the policy and recommended that no music be allowed over a specific decibel. Adding this level of specificity to the policy will allow for more consistent and easier management of the building.

### b. Authorize Budget Adjustment, Award Bid, and Authorize General Manager to Execute Contract for C-1 Wet Well and Dry Well Modifications Project to the Lowest Responsive and Responsible Bidder (#1115)

This item was discussed and recommended by the Development and Planning Committee. Late changes to the Caltrans Erosion Control Project on Highway 28 necessitated the District to provide a traffic-rated hatch for public safety.

**MOTION:** Upon motion by Director Bergmann and second by Director Ferrell, the Board voted unanimously to authorize the budget adjustment, award bid, and authorize General Manager to execute a contract with the lowest responsive and responsible bidder.

## **OLD BUSINESS: BASE FACILITIES WORKSHOP**

1. Financial Plan Recommendation
2. Authorize General Manager to Enter into Professional Services Agreement with Acumen Engineering (#1008)

A discussion was held regarding the current bidding climate, financing versus using available reserves for a replacement base facility, and other funding options which might be available.

**MOTION:** Upon motion by Director Bergmann and second by Director Ferrell, the Board voted unanimously to authorize the General Manager to enter into a Professional Services Agreement with Acumen Engineering and execute Task Order #1 for \$20,000 for base facility planning.

### **CORRESPONDENCE**

- a. Correspondence from Yorba Linda Water District Requesting Amicus Curiae Letter Assistance
- b. District Correspondence on Behalf of Yorba Linda Water District in Support of Petition for Review

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

**MOTION:** Upon motion by Director Mooney and second by Director Daniels, the Board voted unanimously to add **Consideration of Board Meeting Date Change for December 2010** to the agenda.

After discussion regarding establishing a quorum for the regularly scheduled Board meeting in December, it was decided to move the date of the meeting from the second to the first Tuesday in December. Therefore, the next regularly scheduled meeting shall be held on December 7, 2010.

### **BOARD OF DIRECTORS COMMENTS**

Director Ferrell commended the Planning and Engineering Department and General Manager Aaron for accomplishing so much during the 2010 construction season. No other comments.

### **CLOSED SESSION**

The Board adjourned to Closed Session at 11:00 a.m. for Closed Session Agenda Item #3, CONFERENCE WITH LABOR NEGOTIATOR: Kelly Tuffo of Liebert Cassidy Whitmore. Discussion pursuant to Section 54957.6. Employee Organization: International Union of Operating Engineers Local 39.

Upon reconvening to Open Session at 11:35 a.m., President Lewis reported no action taken in Closed Session.

### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 11:35 p.m.

Marianne Potts  
Board and Records Secretary