

**MINUTES OF THE
NORTH TAHOE PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS MEETING
North Tahoe Community Conference Center
8318 North Lake Boulevard, Kings Beach, CA 96143
December 16, 2008**

CALL TO ORDER

President Lewis called the meeting to order at 9:00 AM. Present were Directors Bergmann, Daniels, Ferrell, and President Lewis. A quorum was established. Director Mooney was not present for a portion of the Closed Session due to a possible conflict of interest. A quorum was established.

A. CLOSED SESSION AGENDA

Closed Session was convened at 9:03 AM to consider:

- 1. Conference with Labor Negotiator** – Pursuant to Section 54957.6 of the Government Code.

Agency Negotiator: Curtis Aaron

Employee Organization: Management/Confidential Employees

Draft Confirmation of Understanding

- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: two cases

Pursuant to subdivision (c) of Government Code Section 54956.9, the incident to which said anticipated litigation exists involves the Bay Street Sewer Main Repair.

- 3. DISCUSSION WITH REAL ESTATE NEGOTIATOR**

Property: Easements on Bay Street

Closed Session was recessed at 10:00 AM. No action was reported.

CALL TO ORDER – ROLL CALL - PLEDGE OF ALLEGIANCE

President Lewis called Open Session to order at 10:09 AM. Present were Directors Bergmann, Mooney, Daniels, Ferrell, and President Lewis. A quorum was established.

Staff present was General Manager/CEO Aaron, Public Works Director Schegg, Parks and Facilities Manager Long, Chief Financial Officer Marple, Chief Engineer/Acting Operations Manager Goebel, and Acting Clerk of the Board and Executive Assistant Lefrancois. Also present were Counsel Neil Eskind and Judy Friedman, Recording Secretary.

B. INCOMING DIRECTORS OATH OF OFFICE & BOARD ORGANIZATIONAL MATTERS

- 1. Report on election results and administration of Oath of Office to Incoming Directors.**

- i. North Tahoe PUD Seat 1 – Frank Mooney**

- ii. North Tahoe PUD Seat 2 – Tim Ferrell**

- iii. North Tahoe PUD Seat 5 – John Bergmann**

Acting Clerk of the Board Lefrancois administered the oath of office to Directors Mooney, Ferrell, and Bergmann.

- 2. Comments by Directors.**

There were no comments.

- 3. Annual Board organizational matters. Action taken as appropriate.**

- i. Affirming Regular Board meeting days, time and location.**

It was agreed the Regular Board meetings would be held the second Tuesday of each month at 9:00 AM.

ii. Selection of President, Vice-President and Secretary

It was moved by Director Mooney and seconded by Director Ferrell to appoint Director Lewis as President, Director Bergmann as Vice-President, and Director Mooney as Secretary. Motion carried unanimously.

iii. Seating location of Directors at Board meetings

No changes were made to the seating arrangement.

iv. Committee Assignments and Tahoe Truckee Sanitation Agency Representative

- a. Finance Committee** - Frank Mooney and John Bergmann
- b. Development and Planning Committee** – Lane Lewis and Tim Ferrell
- c. Recreation and Parks Committee (also advisors to Recreation and Parks Commission)** - Sue Daniels and John Bergmann
- d. Ad Hoc Committee – CFD Review** - Sue Daniels and Frank Mooney
- e. Tahoe Truckee Sanitation Agency** - Lane Lewis

ACTION: General Manager Aaron to schedule a Development & Planning Committee meeting for Monday, January 12, 2009 at 4:00 PM.

v. Other Board organizational matters.

There were no other items to consider.

C. ROLL CALL/PLEDGE OF ALLEGIANCE

Director Daniels led the Pledge of Allegiance.

D. PUBLIC PRESENTATIONS

1. 11:00 AM - Stewart McMorrow, North Tahoe Fire Protection District: Presentation on Defensible Space work done at the Firestone Property.

Stewart McMorrow updated the Board on the defensible space work done this summer. He narrated a Power Point presentation that illustrated the outcomes of the treatments done in conjunction with the Community Wildfire Protection Plan and discussed the plans under consideration for next year. The Board was pleased with the report and asked that the site continue to be a location for the community to drop debris for fuels treatment.

E. REVIEW AGENDA: The Board reserves the right to take items out of order.

F. TIMED ITEMS

1. 10:15 PUBLIC COMMENTS

There were no comments.

2. 10:30 AM – Yen Lai Appeal – 7 Pines Motel

3. 11:30 AM Update on North Tahoe Community Conference Center Brand Identity Development

G. CONSENT CALENDAR

Director Ferrell asked that Item G4 be removed for discussion. Director Mooney asked that Items G5, G8, and G10 be removed for discussion.

Discussion on Item G4 – Director Ferrell asked that this item be considered by the Planning & Development Committee in order to make a recommendation prior to the Board vote. This item was pulled pending review by Planning & Development.

Discussion on Item G5 – Director Mooney asked for clarification of the proposed resolution. Counsel Eskind explained the Public Records Act and the responsibility of the District to provide records to the public when requested by a court of law. Discussion followed. It was the consensus of the Board that the resolution be amended to state that the District will notify a ratepayer if their property records are being requested

Discussion on Item G8 – Director Mooney asked for clarification. Chief Financial Officer Marple explained the resolution, noting that The Hartford recommends having a third-party trustee.

Discussion on Item G10 – Director Mooney voiced concern about a perceived conflict of interest if the North Tahoe Business Association (NTBA) is renting office space from the District. Director Daniels explained her concerns about the District and NTBA sharing office equipment. Discussion followed. Counsel Eskind suggested changes to the lease agreement dealing with parking, attorney fees, and the term of the lease. **It was moved by Director Bergmann and seconded by Director Ferrell to approve a lease agreement with the North Tahoe Business Association for space rental at the North Tahoe Community Conference Center, subject to staff revisions and Counsel’s approval. Issues to be addressed include parking, building security, attorney fees, and the term of the lease. ROLL CALL VOTE: Ayes: Directors Bergmann, Ferrell, and President Lewis. Noes: Directors Mooney and Daniels. Motion carried.**

It was moved by Director Bergmann and seconded by Director Daniels to approve the Consent Calendar, except items G4 and G10. ROLL CALL VOTE: Ayes: Directors Mooney, Bergmann, Daniels, and President Lewis. Noes: None. Directors Bergmann and Mooney abstained from voting on any conflicts of interest noted on the Accounts Paid and Payable. Motion carried.

The following was approved in the Consent Calendar, except as noted:

1. Accounts Paid in the amount of \$1,060,806.75 and Payable in the amount of \$391,583.00 for the period from November 18, 2008 to December 16, 2008.
2. Minutes of November 18, 2008 Board of Director’s Meeting
3. Notice of Completion for the Kingswood Stairs Project
4. **REMOVED** - Amend Professional Service Agreement with Auerbach Engineering for Utility Conflict Relocation Plan related to the Environmental Improvement Project on Highway 28.
5. Resolution 2008-21 Adopting a Policy for Public Records Requests, amended to state that the District will notify a ratepayer if their property records are being requested
6. Authorize Payment of contracted Water System Improvements.
7. Consideration of Claims:
 - i. LaRue Injury Accident
 - ii. Medina Vehicle Accident Claim
 - iii. AT&T/SBC Property Damage Claim
8. Resolution 2008-22 Authorizing the Replacement of State Street Bank and Trust with Reliance Trust Company as the Passive Nondiscretionary Trustee for the Money Purchase Pension Plan and Authorizing General Manager/CEO to execute documents.
9. Appoint Youth Commissioner to Recreation and Parks Commission.
10. **REMOVED FOR SEPARATE VOTE** - Approve Lease Agreement with the North Tahoe Business Association for Space Rental at the North Tahoe Community Conference Center.

H. MANAGEMENT TEAM INFORMATIONAL UPDATES

1. Chief Financial Officer

a. Review and Discuss Monthly Financial Statement through October 2008

CFO Marple explained the recreation reserves on the financial statement. The final audited financial statements will be presented to the Board in January, but the reserve is within the goals established. President Lewis asked that the Recreation Committee consider budgeting to replace the playground equipment in the next budget cycle. Parks and Facilities Manager Long stated that the Park and Recreation Commission is applying for grants for playground equipment and that being able to show District support will be a positive factor in the

applications. She added that the Snowfest Pancake Breakfast has been designated as a fundraiser for playground equipment. The Board continued to review specific line items.

b. Treasurer Report

There were no questions or comments.

2. Parks and Facilities Manager

i. Draft Minutes of December 3, 2008 Recreation and Parks Commission

There were no questions or comments.

ii. Draft Aquatic Invasive Species Boat Inspection Plan

PFM Long explained the requirements of the plan, the need to train staff to do inspections, and potential costs and funding. Discussion followed regarding the options for keeping the launch areas open and possibly charging fees to cover the inspection costs.

3. Chief Engineer/Utility Operations Manager

i. Kingswood Stairs Project

Coral Taylor narrated a Power Point presentation showing the need for this project because of safety concerns and the completed improvements. The project came in on time and under budget. Director Bergmann asked about the Stanwood project. Ms. Taylor stated the completion date has been pushed to March because additional information is required.

4. General Manager/CEO

i. Godfern Easements

GM Aaron stated that lawsuits have been submitted to acquire the easements.

ii. B&G Space Rental

GM Aaron reported that the District might have an opportunity to lease storage space for heavy equipment in the new space being built by B&G. He asked for direction from the Board and discussion followed. GM Aaron was asked to provide more specific information regarding the size, cost, and need of the space.

iii. North Tahoe Regional Park Track

GM Aaron has met with the school district regarding the track. President Lewis will follow up on this issue.

iv. Special Board of Director's Meeting in January for 2009 Goal Setting, Priorities, and Work Plan.

GM Aaron suggested setting this special Board meeting in January. Discussion followed on whether or not the Committees should meet first to set their goals and priorities. It was agreed that this discussion would continue after the January 20, 2009 Board meeting.

5. Board of Director's Comments

There were no additional comments.

I. NEW BUSINESS

1. 11:30 AM - New Brand Identity for the North Tahoe Community Conference Center

i. New Name – North Tahoe Event Center

PFM Long and Renee Deinken of Small Pond Design presented the recommendations for a new logo, and collateral and website design for the Conference Center. Included in the recommendation is a name change to the North Tahoe Event Center.

It was moved by Director Daniels and seconded by Director Bergmann to change the name of the North Tahoe Community Conference Center to the North Tahoe Event Center. Motion carried unanimously.

2. Request from Hebrew Congregation for Donation of Space at North Tahoe Event Center. It was moved by Director Bergmann and seconded by Director Daniels to approve the donation of space to the North Tahoe Hebrew Congregation. Motion carried with Director Mooney abstaining.

J. OLD BUSINESS:

1. Consideration of Appeal - 10:30 AM - Yen Lai – 7 Pines Motel

Yen Lai appeared before the Board to request that her two month water bill of \$1200 be reduced. The background for this appeal was included in the Board packet. The Board considered the request and options for relief to the property owner.

It was moved by Director Ferrell and seconded by Director Mooney to deny the appeal. Motion carried unanimously.

2. Discussion and Possible Action Regarding Skateboard Park at the North Tahoe Regional Park.

Director Mooney voiced concern regarding the lack of long-term funding to maintain the Skateboard Park and housing the Park at the Regional Park. He believes this is an incompatible use of the park. Eric Wallis and Andrew Eisenman of the League to Skate Lake Tahoe were present. Discussion followed. There was consensus that although this use of the Regional Park is appropriate, long-term funding for maintenance needs to be addressed. The Board asked for a detailed presentation from the League addressing sustainable funding for maintenance and testimonies from other areas that house like-parks on their impact and law enforcement points of view.

3. SCADA Report and Update Presentation

Public Works Director Schegg provided a project status report on the SCADA system, including what the system does, recommended enhancements, and the goals he hopes to obtain for the District through the use of this system.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:35 P.M.

The next scheduled meeting of the NTPUD Board of Directors is Tuesday, January 20, 2009 at 9:00 AM.

Respectfully submitted,

Judy Friedman, Recording Secretary

THE PAPER TRAIL SECRETARIAL & BUSINESS SOLUTIONS