

**EL DORADO HILLS COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING**

**December 8, 2005**

**MINUTES**

**CALL TO ORDER**

President Joe Chinn brought the regular meeting to order on Thursday, December 8, 2005, at 6:58 p.m. Directors Justin Masters, Larry Brilliant, David Trapani were present. Constance Wyatt was absent. Also present were General Manager Wayne Lowery, Assistant General Manager Sandi Kukkola, Planning Director Dianna Hillyer, Director of Parks Kent Oakley, Executive Assistant Charlene Ambrose, Park Supervisor, Ed Lenger, Parks Project Manager, Charles Yates and Legal Counsel Bob Thurbon. Approximately 11 members of the public were present.

**CLOSED SESSION**

General Manager, Lowery, recommended that prior to adoption of the agenda, the Board commence the meeting by going into closed session with legal counsel regarding potential litigation in one case.

President Chinn asked if there were public comments on closed session items. No public comment. Chinn closed the public session and entered closed session.

**Closed session is authorized by the California Government Code**

**Closed session §54956.9, conference with legal counsel regarding potential litigation in one case.**

**Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance, or dismissal of an employee. Position: General Manager.**

President Chinn re-opened the Regular Meeting at 7:39 pm and reported that no action was taken by the Board.

**ADOPTION OF AGENDA**

**Motion No. 1. Director Brilliant moved and Director Trapani seconded the motion to approve the agenda. Motion carried 4-0-1 (Wyatt absent).**

**PRESENTATIONS & ANNOUNCEMENTS**

Eulogy for Bill Kriz, EDHCSO Director 1978 to 1983. Lowery highlighted Mr. Kriz's contributions to the District during his Board tenure and beyond. President Chinn requested a moment of silence in his memory.

## **COMMUNITY COMMENT**

None

## **REVIEW OF WRITTEN COMMUNICATIONS**

1. None received.

## **COMMUNITY SERVICES DISTRICT CALENDAR**

2. December 2005 – January 2006 Calendar of District Events and Activities.

## **CONSENT CALENDAR**

- Motion No. 2.** Director Masters moved and Director Brilliant seconded the motion to approve Consent Calendar Items:  
3) Minutes of November 10 and November 29, 2005; 4) Ratify cash disbursements through November 30, 2005; 5) Approve Finance Reports for September 30, 2005; 7) Status Report of FY 2005-06 District Goals & Objectives; 8) Authorize General Manager to enter into the Grant of Easement in favor of El Dorado Irrigation District (EID), contingent upon EID's entering into the Indemnification Agreement at Promontory Community Park. 11) CC&R Citizen Advisory Committee recommending board authorize General Manager to direct legal counsel to send Third/Final Notice of non-compliance to:  
Jim Kay-Ping Chu and Richard Kudo

**Items 6, 9, and 10 were pulled from the consent calendar.  
Motion carried 4-0-1 (Wyatt absent).**

## **GENERAL BUSINESS**

12. Review items pulled from Consent Calendar for action.

**6) Adoption of policies in compliance with SB 135 Board Policy Update updating the Community Services laws under California Government Code Section 60000.**

Director Masters was not clear on current policy versus the new changes. Lowery clarified the SB 135 changes.

- Motion No. 3.** Director Masters moved and Director Brilliant seconded the motion to approve Adoption of policies in compliance with SB 135 updating the Community Services laws under California Government Code Section 60000. Motion carried 4-0-1 (Wyatt absent).

**9) Decline El Dorado Hills County Water District (Fire Department) sales offer of surplus property in the El Dorado Hills Business Park.**

Lowery recommended the Board decline the offer, giving an opportunity for others to also bid on the property.

**Motion No. 4. Director Brilliant moved and Director Masters seconded the motion to decline El Dorado Hills County Water District (Fire Department) sales offer of surplus property in the El Dorado Hills Business Park. Motion carried 4-0-1 (Wyatt absent).**

**10) Consider and approve offer from El Dorado County to sell easement rights on Green Valley Road to County, OR to consider sale of fee title of subject property with an easement granted back to the CSD for landscape maintenance. Further, Director of Planning recommends Board authorize General Manager to execute necessary paperwork to facilitate the sale of either the easement or the fee title.**

President Chinn advised this item had to be pulled due to the option of approval and stated he is in favor of the second option to consider sale of fee title of subject property with an easement granted back to the CSD for landscape maintenance.

**Motion No. 5. President Chinn moved and Director Brilliant seconded the motion to approve option two to consider sale of fee title of Green Valley Road to County with an easement granted back to the CSD for landscape maintenance. Motion carried 4-0-1 (Wyatt absent).**

**13. Approve bid from JMS & Associates in the amount of \$939,020.00 for construction of the Stephen Harris Tennis Courts Park Project Phase 1 Improvements according to plans prepared by Callander & Associates, dated October 21, 2005 and, further, authorize a construction contingency of \$93,900 (10%).**

Lowery introduced the item and Parks Director Kent Oakley gave an overview. Director Trapani recommended approval by the Board. President Chinn concurred.

**Motion No. 6. Director Brilliant moved and Director Trapani seconded to have management award the bid to JMS & Associates in the amount of \$939,020.00 for construction of the Stephen Harris Tennis Courts Park Project Phase 1 Improvements according to plans prepared by Callander & Associates, dated October 21, 2005, and further, authorize a construction contingency of \$93,000. (10%). Motion carried 4-0-1 (Wyatt absent).**

**14. Kyle Shelton, United Soccer Alliance, appeal of District staff denial of request for use of sports fields.**

Lowery gave an overview of this agenda item that was written by Matt Lishman. Public comment was heard. Recommendation was given to Management to act upon. The Board directed staff to work on this issue further.

**15. Appoint members to vacancies on the CC&R (covenants, conditions and restrictions) Design Review Committee.**

Lowery recommended the Board authorize the vacancy on the Design Review Committee be filed by candidate Robert Spalik.

Director Trapani stated he is a licensed attorney who has represented homeowner cases on CC& R enforcement against the District. He wants it to be clear that it will not affect his decision-making here as a Board member. Director Trapani considered Mr. Spalik to be qualified to fill the vacancy. Directors Masters and Brilliant would like the action to be deferred to The Board of Directors Committee, relying on their judgment, after further interviewing and exploring any conflict of interest.

President Chinn asked the Board's CC&R Committee (Masters/Trapani) to meet with the applicant. Questions should include a) why he is interested in being on the DRC, b) what he would bring to the Committee, and c) if he has any conflicts of interest.

**16. Review and consider reappointment of current members to for a second term on the CC&R (covenants, conditions and restrictions) Design Review Committee effective January 2006 through December 2008.**

President Chinn asked Lowery to provide an overview. Director Masters wants to continue discussion on this item and any and all roofing issues as an item on the January 12, 2006 meeting agenda. Director Trapani agrees, as he does not want appointed members to resign once in place. Director Brilliant recommended the recruitment process be extended in order that there be adequate Design Review Committee members and alternates to have quorum in their weekly meetings. Public comment was heard. A consideration should be made to hold alternating day and evening meetings to accommodate the citizens. It was requested this be an agenda item for the next DRC Committee and to seek recommendations from the Board's Committee (Masters/Trapani).

**17. Review and update District CC&R (covenants, conditions and restrictions) Policy 7000.**

It was suggested the Board's CC&R Committee (Masters/Trapani) identify key issues to have ready for Board discussion, as this is not a time-sensitive issue. This will be placed on the February 9, 2006 Board agenda.

**18. Review status of CC&R (covenants, conditions and restrictions) Design Review Task Force Project to update the Design Review Guidelines and provide further direction.**

President Chinn asked Lowery to review the item with the Board. After discussion and public comment it was decided in favor of assigning the guideline update to legal counsel for presentation to the DRC and to the Board. This will also be placed on the February 9, 2006 Board agenda.

**19. Election of board officers: President and Vice President.**

Lowery advised that in June, 2005 President Chinn's term was extended through the incorporation voting process. President Chinn advised that he would be honored to continue serving but that the decision was up to the Board. It was decided that this item be placed on the January 12, 2006 Board agenda in order that all five Board members make this decision.

**20. Presidential appointment of board committees for Calendar Year 2006**

It was decided that this item be placed on the January 12, 2006 Board agenda in order that all five members be present to make this decision.

**GENERAL MANAGER REPORTS**

No nominations have been received to date for the Citizen Service Awards. Kukkola stated that this has been widely publicized and that she will send additional requests for nomination.

Mark your calendars for Saturday, January 21, 2006 at 6:00 pm for a Post Holiday Staff and Board dinner at Z's Wine Bar and Bistro.

The proposal for televising EDHCSD Board Meetings has been raised and input is sought. This was requested to be placed on the next Board meeting agenda and the staff memo be re-sent.

A Strategic Planning meeting is suggested prior to the January 19, 2006 Master Plan Special Board Meeting. The meeting is scheduled for 4:00 pm on January 19, 2006.

The Admin and Finance Committee Meeting also scheduled for January 19, 2006 will be moved in order to provide adequate meeting time for each of these important items.

**BOARD OF DIRECTORS COMMENTS & FUTURE AGENDA ITEMS**

CC&R issue regarding Oak Tree Mitigation in LaCresta Village from approximately six months ago was asked to be followed up by Lowery.

It was suggested to explore outside help on the Goals and Objectives for FY 2006-2007.

It was suggested to further extend DRC member vacancy recruitment efforts.

**CLOSED SESSION**

The Board went into closed session at approximately 9:55 pm.

President Chinn asked if there were public comments on closed session items. No public comment. Chinn closed the public session and entered closed session.

21. Closed session under California Government Code §54956.9, conference with legal counsel regarding potential litigation in one case.

Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance, or dismissal of an employee. Position: General Manager.

President Chinn re-opened the Regular Meeting and gave direction to the General Manager to replace the dirt in the infields in three Community Park baseball fields at a cost not to exceed \$250,000.

**ADJOURNMENT**

President Chinn adjourned the meeting at approximately 11:00 pm.

**APPROVED:** \_\_\_\_\_  
Joseph J. Chinn, President  
EDHCSD Board of Directors

**DATE:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
Wayne A. Lowery, General Manager  
Secretary to the Board of Directors

**DATE:** \_\_\_\_\_