

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

**October 11, 2007**

**MINUTES**

**CLOSED SESSION**

The Board went into closed session at approximately 6:03 pm. President Brilliant asked if there were public comments on closed session items. There were no comments.

Brilliant closed the public session and entered closed session.

- A. Closed session under California Government Code §54957.6(a), conference with labor negotiator regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of its employees represented by the El Dorado Hills Community Services District Employees Association Local No. 1 and/or all unrepresented employees.**
- B. Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance, or dismissal of an employee. Position: General Manager.**
- C. Closed session under California Government Code §54956.9(b), Conference with legal counsel regarding anticipated litigation. One potential case, significant exposure to litigation.**

**CALL TO ORDER**

President Larry Brilliant brought the regular meeting to order on Thursday, October 11, 2007 at 7:09 p.m. Directors Justin Masters, David Trapani, Tony Rogozinski and Bill Vandegrift and were in attendance. Also present were Executive Assistant Charlene Ambrose, Assistant General Manager Sandi Kukkola, General Manager Wayne Lowery, Parks Director Kent Oakley and Finance Director Gerry Tryhane. Also present were approximately 25 staff members. Approximately 10 members of the public were in attendance.

**ADOPTION OF AGENDA**

**Motion No. 1. Director Masters moved and Director Rogozinski seconded the motion to approve the agenda. Motion carried 5-0-0.**

**PRESENTATIONS & ANNOUNCEMENTS**

- A. President report on Closed Session Board actions.**

President Brilliant reported that direction was given to the District's negotiating team on collective bargaining issues. Closed session will be continued after General Session.

### **COMMUNITY COMMENT**

None.

### **REVIEW OF WRITTEN COMMUNICATION**

None.

### **COMMUNITY SERVICES DISTRICT CALENDAR**

#### **2. October – November 2007 Calendar of District Events and Activities.**

General Manager Lowery reviewed highlights on the two months represented on the calendar. A second Town Hall Meeting will be held October 24, 2007 at 7:00 pm in the Pavilion on the topic of Public Safety. A senior dinner will be held at 5:00 pm at the Senior Center on the same evening. Late night programs at the Teen Center have become popular.

### **CONSENT CALENDAR**

President Brilliant requested that items 15 and 16 be pulled and discussed in General Business. Director Vandegrift requested that item 14 be pulled. Director Trapani recused himself on item 19 due to a perceived conflict of interest.

**Motion No. 2. Director Masters moved and Director Vandegrift seconded the motion to approve the remaining consent calendar items as follows:**

**3) September 2007 Parks Department Operations Report; 4) September 2007 Recreation Department Participation Report; 5) Summer 2007 Aquatics Center Year End Report; 6) 2007 Marketing Program Update; 7) Draft balanced scorecard for managing District's 2007-2008 strategic plan; 8) Minutes of September 5, 11, 13, 17 and 25, 2007 meetings; 9) Cash Disbursements through September 30, 2007; 10) Draft August 31, 2007 Finance Report; 11) June 30, 2007 Treasury Report; 12) Upcoming board member meetings and/or reports of recent board committees; 13) \$39, 993.28 for the purchase of EPD pool filter system from Knorr Systems, Inc. for replacement filter for Community Park Aquatics Center; 17) Wood Rodgers as a pre-qualified Professional Design Services Consultant and add to the District's Bidders List; 18) Wallace Group as a pre-qualified Professional Design Services Consultant and add to the District's Bidders List.**

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**Motion carried 5-0-0 to approve the Consent Calendar items remaining.**

**GENERAL BUSINESS**

**20. Consider request from Greenbriar Homes and Shea Homes to waive mandatory solid waste collection by District's franchisee, Waste Connections, Inc.**

Director of Planning Dianna Hillyer prepared the report. President Brilliant asked if there was community comment on the item.

Community Comment was given by Lance Smith, Corporate Counsel for Greenbriar Homes Communities, Inc.

Community Comment was given by Ray Ferrarini, Vice President of Operations for Shea Homes.

Director Trapani asked for Waste Connections' position.

Ron Mittelstaedt, CEO for Waste Connections, Inc. responded to the community comments and stated their position. The rate structure was in place six years yet it was not enforced before Waste Connections who have expended significant money to enforce this with the builders.

Director Vandegrift expressed sadness for the self hauling loss of franchise fee and stated this is a lose lose situation.

Director Masters had comments that the elements to the contract were not previously enforced and now are being enforced. All the citizens of the community have to abide by these new changes now in place by Waste Connections and the appropriate noticing took place.

Director Trapani gave a few remarks. Three parties are involved: CSD legislature, a publicly traded entity, Waste Connections, Inc., and private home builders. CSD has a contract with Waste Connections who is asserting their rights. Regarding the home builders' rights to self haul, it is not the place of the CSD to get involved in making exceptions or to grant a waiver. It is not appropriate for the Board to get involved.

Director Rogozinski stated it is relatively clear what has transpired and it is unfortunate. A couple points mentioned 1) notification – if there are other opportunities to improve, the board's objective is to listen to the public and 2) risk management – personal injury is a concern with third party involvement. There is not much room for discussion.

President Brilliant asked for CSD General Counsel input which was given by Jackie McHaney who stated there is nothing to waive. All of the noticed requirements were followed and she recommends denying the request.

**Motion No. 3.** Director Masters moved and Director Rogozinski seconded the motion to deny appeal from Greenbriar Homes and Shea Homes (and Toll Brothers) for waiver of mandatory construction and demolition collection and recycling services from District's franchise solid waste service provider, Waste Connections, Inc. Roll call vote was taken as follows: Trapani: Aye, Vandegrift: No, Brilliant: Aye, Masters: Aye, Rogozinski: Aye. Motion was carried 4-1-0.

**21. Review Items pulled from Consent Calendar for action.**

**14) \$152,181.00 to Doug Veerkamp General Engineering and a 10% contingency of \$15,218.00 totaling \$167,399.00 for the Community Park Asphalt Replacement Project.**

Director Vandegrift pulled this item and asked about the bidding process. Parks Director Kent Oakley responded to inquires by the directors. Vandegrift thanked the parks team for working to obtain multiple bids and selecting an El Dorado Hills contractor for the project.

**Motion No. 4.** Director Rogozinski moved and Director Trapani seconded the motion to approve \$152,181.00 to Doug Veerkamp General Engineering and a 10% contingency of \$15,218.00 totaling \$167,399.00 for the Community Park Asphalt Replacement Project.

**15) \$33,119.65 to purchase a John Deere Tractor from Valley Truck and Tractor.**

President Brilliant had a couple questions to direct to Parks Director Kent Oakley regarding the purchase. He asked the frequency of use. Oakley advised that there is a need to rent or lease a tractor on a weekly basis and that it makes more sense to own versus paying for multiple rentals. This larger tractor can take care of larger irrigation projects and repairs with the large backhoe. Masters questioned Browning Reserve/General Fund as the funding source. Brilliant echoed Masters concern. Tryhane clarified the funding sources. Brilliant asked for review of appropriate funding for this purchase.

**Motion No. 5.** Director Trapani moved and Director Vandegrift seconded the motion to approve \$33,119.65 to purchase a John Deere Tractor from Valley Truck and Tractor.

**16) Addendum to the lease agreement for Administration Modular Office for two years at \$1,113.88 per month.**

President Brilliant pulled this item to suggest the staff explore getting a bigger trailer. Lowery advised that the trailer lease is expired after two years. He stated the permit to modify the second floor of the Parks Building will ease the situation.

Director Trapani suggested stairs versus the ramp to exit the building from the public area. Kukkola stated the cost of the ramp is inordinate. Director Rogozinski suggested doing what makes sense going forward. Kukkola stated that staff desires all the employees be kept together

and having looked at renting space, the expense is too great. Tryhane suggested exploring shared use of classrooms like we do fields.

**Motion No. 6. Director Masters moved and Director Rogozinski seconded the motion to authorize the general manager to sign addendum to the lease agreement for Administration Modular Office for two years at \$1,113.88 per month. Motion carried 5-0-0.**

**19) CC&R Citizen Advisory Committee recommending board approve third and final notice for non compliance to John and Pamela Carmody, 2650 Mormon Island Drive, Crown Valley, Lot 8: APN: 112-660-081, for failure to maintain front yard landscaping.**

Director Trapani recused himself on item 19 due to a perceived conflict of interest. Director Rogozinski asked for clarification on the position of the photos to the lot. S. Kukkola stated that a couple additional months have been given to the homeowner since last review and recommends the notice go out.

**Motion No. 7. Director Masters moved and Director Vandegrift seconded the motion to approve third and final notice for non compliance to John and Pamela Carmody, 2650 Mormon Island Drive, Crown Valley, Lot 8: APN: 112-660-081, for failure to maintain front yard landscaping. Motion carried 4-0-1 (Trapani abstained).**

### **GENERAL MANAGER REPORTS**

1. Pay for Performance will be presented at the Tuesday, October 16, 2007 Special Board Meeting. Notice of Completion for the CAB storage building and sale of surplus property will also be on the agenda for approval.
2. October 24, 2007 is the date of the next Town Hall Meeting - Public Safety Forum with the El Dorado County Supervisors in the CSD Pavilion.

### **BOARD OF DIRECTORS COMMENTS AND FUTURE AGENDA ITEMS**

1. Director Rogozinski enjoys the Parks Department Operations Reports. Congratulations to "Dan O" Dan Gothier, Maintenance Lead Worker on the Athletics Field Crew who was recognized this month. He is doing a great job preparing the sports fields early Saturday morning. The board recognized the hard work of many park staff and expressed appreciation to Janice McGrath for producing the monthly Parks Department Operations Report.
2. Director Masters asked that the CC&R Committee be rescheduled due to Town Hall Meeting on October 24. Sandi Kukkola will follow up.
3. President Brilliant asked that the Admin Finance Committee also be rescheduled from October 18 due to a meeting conflict with Mather Airport Meeting. Kukkola will follow up.
4. President Brilliant requested a report back to his request to extend the grass area of the Community Pool and fencing to allow larger crowds during the TAZ swim meets.

5. Director Masters asked the status of Windsor Point Park and Director Rogozinski commented that the community feedback has been good on Windsor Point and Promontory Phase II.


President Brilliant adjourned the open meeting at approximately 8:30 p.m. to return to closed session.

The Board went into closed session at approximately 8:31 pm. President Brilliant asked if there were public comments on closed session items. There were no comments.

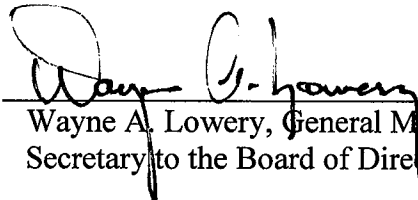
**ADJOURNMENT**

Brilliant re-opened the meeting to the public. He reported that only general direction to staff and the legal counsel was given. No action was taken.

President Brilliant adjourned the meeting at approximately 9:00 p.m.

APPROVED:   
Laurence S. Brilliant, President  
EDHCSD Board of Directors

DATE: 11/8/07

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

DATE: 11.15.07