

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

**August 14, 2008**

**MINUTES**

**CLOSED SESSION**

President Bill Vandegrift brought the meeting to order on Thursday, August 14, 2008 at 6:14 p.m. Directors Larry Brilliant, Justin Masters, Tony Rogozinski and Rob Vomund (arrived 6:50 pm) were in attendance. Also present were Assistant General Manager Sandi Kukkola and General Manager Wayne Lowery.

President Vandegrift announced that the board was entering closed session and asked if there were public comments on closed session items. Hearing none, Vandegrift closed the public session and the board entered closed session.

- A. **Closed session under California Government Code §54956.8, conference with real estate negotiator prior to the purchase, sale, exchange or lease of real property in the El Dorado Hills Business Park.**
- B. **CC&R Citizen Advisory Committee recommending filing complaint with El Dorado County Court under California Government Code §54956.9, against David Ross for non-compliance of covenants, conditions and restrictions (CC&Rs).**
- C. **Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance or dismissal of an employee: General Manager.**

**CALL TO ORDER**

President Bill Vandegrift brought the regular meeting to order at 7:08 p.m. announcing that the Board had just completed closed session. Directors Larry Brilliant, Justin Masters, Tony Rogozinski and Rob Vomund were in attendance. Also present were Executive Assistant Charlene Ambrose, Recreation Director Marni Francisco-Cady, Planning Director Dianna Hillyer, Assistant General Manager Sandi Kukkola, and General Manager Wayne Lowery. Also present were 8 staff members and 60 members of the public. Erin Holbrook, Legal Counsel, was present as well.

**ADOPTION OF AGENDA**

**Motion No. 1. Director Masters moved and Director Rogozinski seconded the motion to approve the agenda, and at the request of staff,**

---

**handling pulled consent items before General Business.  
Motion carried 5-0-0.**

## **PRESENTATIONS & ANNOUNCEMENTS**

### **D. President's report on Closed Session Board actions.**

President Vandegrift reported that the board gave direction to staff to refer to real estate negotiator on item A. and staff was directed to take to counsel to initiate litigation on item B. regarding the CC&R non-compliance issue. C. Two meetings were scheduled for August 28, 2008 and September 3, 2008 regarding the General Manager's performance review.

### **E. Recognition of David Cope for exceptional volunteer service.**

### **F. Recognition of Jared Magnusson for exceptional volunteer service.**

Parks Supervisor Dave Luckscheider recognized two scouts for their diligence with recent volunteer projects. He spoke of the community benefit these projects have and how some projects can last years. Both David Cope and Jared Magnusson initiated, orchestrated and completed projects along New York Creek trail. David built benches and Jared constructed trail markers. Each scout was presented with a framed certificate of recognition for their fine efforts.

### **G. Recognition of Kristie Downey, Administrative Assistant, for 20 years service.**

General Manager Wayne Lowery asked Director of Planning Dianna Hillyer to do the honor of recognizing Kristie Downey, Administrative Assistant for the Planning Department, for 20 years service to the District. Previously Kristie served as the District Secretary and as the CC&R Compliance Officer. She was presented with a 20 year service pin.

(Not on the agenda) Assistant General Manager Sandi Kukkola took the opportunity to publicly recognize the promotion of Deborah Kiley to the part time newly created position of Public Information Technician at the District. Debbie will begin next week to serve approximately 15 hours per week as the Public Information Technician while continuing in her present position as Administrative Assistant in the Parks Department.

### **H. Presentation of 2008 Saturday Night in the Park event.**

Lowery introduced Recreation Director Marni Francisco-Cady who showed a compilation of photos from the August 2<sup>nd</sup> Saturday Night in the Park event. Francisco-Cady thanked everyone involved in making the event such a raging success.

In turn, President Bill Vandegrift presented Marni Francisco-Cady with a framed photograph taken by Director Rob Vomund at one of the concert series this summer to

honor her and her team for the success of the concert series and Saturday Night in the Park event in the El Dorado Hills Community Park.

**I. Presentation of FY 2007-08 Annual Report (See Agenda Item No. 6).**

Lowery showed a presentation on the recent Annual Report and gave the highlights of the past fiscal year.

**COMMUNITY COMMENT**

President Vandegrift welcomed community comment. Comment was given as follows:

Jim Malinovsky, Franchisee for 1-800-GOT-JUNK, expressed his comments regarding the Waste Connections Franchise agreement with El Dorado Hills Community Services District prohibiting his operating in El Dorado Hills.

**REVIEW OF WRITTEN COMMUNICATION**

None.

**COMMUNITY SERVICES DISTRICT CALENDAR**

**1. August - September 2008 Calendar of District Events and Activities.**

General Manager Lowery was asked to mention that the Rededication of Saint Andrews Park to the William McCabe Park will be held Saturday, September 13, 2008 at 11:00 am.

**CONSENT CALENDAR**

Items 10 and 14 were requested to be pulled for discussion by Director Brilliant.  
Items 7 and 16 were requested to be pulled for discussion by Director Masters.

President Vandegrift stated that although he is not pulling item 8, Approve Cash Disbursements through July 31, 2008, he does have some questions and will address them with Finance Director Allison Hamaker off line.

**Motion No. 2. Director Masters moved and Director Brilliant seconded the motion to approve the consent calendar items with the exception of pulled items 7, 10, 14 and 16 as follows:**

**2) July 2008 Parks Department Report; 3) July 2008 "The Rec-Check" Recreation Department Report; 4) FY 2007-08 Year End Recreation Attendance Report; 5) Second Quarter 2008 Solid Waste Diversion Report; 6) FY 2007-08 Annual Report; 8) Approve Cash Disbursements through July 31, 2008; 9) Adopt**

**Resolution No. 2008-16 Setting Fiscal Year 2008- 2009 Tax Rate for Debt Service on 2004 Refunding Bonds; 11) Approve notice of completion for the asphalt project in Community Park; 12) Approve notice of completion for the second phase of construction in Bertelsen Park (formerly St. Andrews Park); 13) Approve playground equipment for McCabe Park; 15) Administration and Finance Committee (Vandegrift/Brilliant) recommending approval of changes to Cash Handling Policy No. 3200; 17) CC&R Citizen Advisory Committee and the Board's CC&R Committee (Masters/Vomund) recommending board approve third and final notice for non compliance to A. Oddvar and Deborah Soma, 2915 Senator Court, Governors Village Unit 8, Lot 10: APN: 125-341-101 for failure to store commercial vehicles and trailers according to the CC&Rs for Governors Village Unit 8. Failure to maintain property, specifically the fence. Failure to store debris according to the constraints of the CC&Rs for Governors Village Unit 8. B. Jeffery and Kim Short, 376 Arches, Crescent Hills, Lot 26; APN: 120-533-021 for failure to submit a Property Improvement Application to the Design Review Committee for landscaping as required in the Crescent Hills CC&Rs;**

**Motion carried 5-0-0.**

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

**7) Approve the minutes of July 15, 2008 meeting.**

Director Masters pulled this item because he stated not all comments were noted on page 45 regarding item 27. Approve Serrano Village J Park Dedication Agreement and conceptual design update. He stated the items not noted were the entrance concern as well as the CC&R violations in our park. Lowery stated the draft Dedication Agreement did eliminate deed restrictions.

**Motion No. 3. Director Masters moved and Director Rogozinski seconded the motion to approve the minutes with revisions.**

**Motion carried 5-0-0.**

**10) Approve upcoming board member meetings and/or reports of recent board committees including upcoming schedule of meetings and training programs.**

Director Brilliant pulled this item because he stated the CSDA has called a Special Board Meeting for August 15 which requires his attendance and would like it noted. This will also require amending of the stipend report. Director Masters asked where the Franchise Management Committee meetings were for this month. Lowery clarified the reports this month are for July, 2008.

**Motion No. 4. Director Masters moved and Director Brilliant seconded the motion to add the requested meeting and approve the report.**

**Motion carried 5-0-0.**

**14) Approve the release of lien and bad debt write off for 516 Guadalupe Drive, El Dorado Hills.**

Director Brilliant pulled this item because he needed clarification. Planning Director Dianna Hillyer stated the General Manager authorized the bad debt write off and then the Board action was to release the lien per policy 3202. Director Brilliant asked to keep this from happening again.

**Motion No. 5. Director Rogozinski moved and Director Vomund seconded the motion to approve the release of lien and bad debt write off for 516 Guadalupe Drive, El Dorado Hills.**

**Motion carried 5-0-0.**

**16) Administration and Finance Committee (Vandegrift/Brilliant) recommending approval of employment of a full time human resource position and salary as approved in the 2008-09 fiscal year budget.**

Director Masters pulled this item because he questioned why the title had been changed from Manager to Analyst since the position was approved in the budget. Kukkola stated this was recommended by the Board Committee as well as the review conducted by HR Options human resources consulting firm. The job description is unchanged.

Director Rogozinski shared the analyst versus manager viewpoint and stated he was very comfortable with the title fitting the job responsibilities.

Director Masters further elaborated his concern with 4-5 year full time responsibility requirement and mentioned discrepancies in the job duties versus budget, title and salary.

Kukkola commented the Human Resource Manager was in the approved budget, that the pay range was set on the job description without a title. A salary study was done with CPS.

**Motion No. 6. Director Masters moved and Director Vomund seconded the motion to approve the in-house hiring of a full time human resource analyst at the salary range approved in the 2008-09 fiscal year budget.**

**Motion carried 5-0-0.**

---

**18. The Administration and Finance Committee (Vandegrift/Brilliant) recommending directing staff to begin broadcasting district activities on the District's CATV Channel and organize training for Board members and staff to prepare for broadcasting board meetings on the Cable TV channel as well as web streaming meetings.**

Lowery turned to Kukkola for review of this item. She stated discussion has been ongoing with the Board of Directors and that Dianna Hillyer is the in house expert on this. Staff asked for direction on what programs were of interest to go on the District's CATV Channel. She stated the Administration and Finance Committee would initially like to see District sponsored programming.

Director Vomund said he was surprised to see a recommendation to the Board from the Committee because during the budget process the board agreed to try and evaluate the effectiveness of web streaming board meetings rather than use of cable TV.

President Vandegrift said he has no desire to pursue a movie career and would like the TV channel to support what is going on at the CSD with elements of community shared with the public but not board meetings. He suggests posting the menu of the Senior Center. Vandegrift asked Kukkola what amount was budgeted. A \$60K grant has been set aside from Comcast to purchase equipment. The only expense from the General Fund would be the cable TV operator at \$15K a year. Director Brilliant asked the number of members subscribed to cable TV. Neither Hillyer nor Kukkola had that data. He also stated training would be required for meeting conduct before taping. Director Vomund stated he is a big advocate of getting information out to the residents and encouraged staff to take the right steps along the way. Director Brilliant asked that staff put fiscal impact numbers in staff reports before the final go ahead is given. Director Masters stated a big concern the Administration and Finance Committee had and as a policy matter, referencing Access Channel in Sacramento. He suggested televising the Teen Center, Vision Coalition. He asked about a policy in place. President Vandegrift turned to the public for input.

Public Comment:

Fred St. Jean/St. Andrews Village – focus on events and activities, kids and parks. Meetings would be too boring; people are not interested in watching meetings in their living room.

Dave Luckscheider/Lake Forest Village – does watch government based programming.

Lowery stated that he watches board of supervisors meetings at home.

Director Rogozinski suggested a survey be taken polling the public and re-visit broadcasting as he does not feel there is much enthusiasm at this time. He suggests Phase 1 be to televise CSD activities and Phase 2 televise board meetings before deciding whether or not to move forward. President Vandegrift agreed with conducting a survey of the residents as did Director Vomund. Hillyer suggested televising meetings

on the Master Plan, Town Hall, and other workshops as these have been televised in the past.

No motion was made. Staff direction was given to survey the residents. Kukkola asked that anyone interested please email her suggestions so that she can expedite this.

President Vandegrift announced an amendment to the meeting schedule needs to be made because a speaker's card from Oddvar (O.J.) Soma regarding his CC&R violation, agenda item No. 17A was inadvertently overlooked. He invited Mr. and Mrs. Soma to the podium to give their public comment.

**17) CC&R Citizen Advisory Committee and the Board's CC&R Committee (Masters/Vomund) recommending board approve third and final notice for non compliance to A. Oddvar and Deborah Soma, 2915 Senator Court, Governors Village Unit 8, Lot 10: APN: 125-341-101 for failure to store commercial vehicles and trailers according to the CC&Rs for Governors Village Unit 8. Failure to maintain property, specifically the fence. Failure to store debris according to the constraints of the CC&Rs for Governors Village Unit 8.**

Mr. Soma indicated that CC&R Compliance Officer Cindy Diez sent complaints but other items have cropped up since. He has no clue as to the violation for the trailer. He said he asked for specifics from the CC&R Citizen's Advisory Committee when he attended the last meeting. Director Masters is on the Board CC&R Committee and he went over the log as presented. Director Vomund who is also on the Board CC&R Committee said the long list of items originally cited were narrowed down at the meeting once it was realized some had been taken care of. He mentioned 1. Commercial vehicle(s) parked and 2. Gravel area where trailer sits is not a designated driveway. Director Brilliant asked when issues are resolved does that not re-start the process. Kukkola advised that these issues have been occurring for 6 – 7 years with a variety of vehicles coming and going and will return once again. Director Vomund also stated the gravel area has not been approved by the Design Review Committee.

Public Comment:

Rick Sanne/Governors Village – encouraged the Board to clearly define actions being taken and what CC&R s are in violation.

The Somas also indicated that Ellison Rumsey said in a meeting that because their lot is on the corner of Governor and Senator the upper hills residents drive by and see it.

The Board members agreed to rescind the motion to approve the sending of the third and final notice for non compliance to the Somas. This item will be sent back to the Board's CC&R Committee for further review at the upcoming August 27, 2008 meeting.

---

Director Brilliant made a comment that the process should be to take corrections off the running record and re-start the process rather than keep a running record as it looks bad.

**Motion No. 7. Director Masters moved and Director Rogozinski seconded the motion to rescind the previous motion to approve the consent calendar items with the exception of pulled items 7, 10, 14 and 16.**

**Motion carried 5-0-0.**

Director Rogozinski thanked The Somas for coming in to the meeting.

**Motion No. 8. Director Masters moved and Director Brilliant seconded the motion to approve the consent calendar items with the exception of pulled items 7, 10, 14 and 16. and add item 17 A. as an additional exception.**

**Motion carried 5-0-0.**

### **GENERAL BUSINESS**

#### **19. Public Hearing to consider solid waste/recycle materials collection rates:**

- A. Public Hearing to receive comments on proposed solid waste and recycle material collection rate increase and fuel surcharge by Waste Connections, dba El Dorado Service.**
- B. Adopt Resolution No. 2008-17 Increasing Rate for Waste Collection Services.**

Planning Director Dianna Hillyer showed a PowerPoint presentation which overviewed the recommended board action, the public notice and public hearing procedures as well as the Solid Waste Franchise Agreement between EDHCSD and Waste Connections.

The public hearing was formally opened to the public. 40 members of the public were present.

Public comment was as follows:

Jim Malinovsky/Franchisee for 1-800-GOT-JUNK - expressed his comments regarding conversations with Ron Mittelstaedt, CEO Waste Connections, and the lawsuit threat. He stated that he cannot even do business as an on call janitorial service with neighbors or church members. He asked to go on public record that EDH residents are being denied this nationally known service and the hidden cost opportunity. He wants an opportunity to call on Ron Mittelstaedt and be allowed to do business in El Dorado Hills.

Toni Beers/RIPP, Inc. – advised the public of a Board of Supervisors Workshop at 2:00 pm on 8/18/08 and asked that the board postpone decision on increase until after this presentation. The agenda is on their website.

Joe Lampich/Four Seasons – not happy with Waste Connections demand for contract price increase.

Darin White/Promontory – asked that garbage collections services be bid out and a new contract be sought.

Bob Murray/Fairchild Village and Boy Scouts Troop 645 – thanked the CSD and Waste Connections for the Community Cleanup and Tree Chipping programs administered to the CSD by Waste Connections which has raised money for the scouts and is teaching these young men to help in the community.

With no further public input, the public hearing was closed.

Director Comments were as follows:

Director Vomund asked several questions regarding the agreement and asked for justification on the fuel surcharge clause and could it be extraordinary circumstances. Ron Mittelstaedt answered each question. He said the fuel surcharge was not in the agreement. Mr. Mittelstaedt also gave a rebuttal to the 1-800-Got Junk statements made earlier by Mr. Malinovsky.

Director Rogozinski stated the board has to base decisions on objective not subjective data and agreed with Director Vomund regarding the request for data on profit margins and revenue cost projections. He also said the challenge here is the board relies on the sub-committee and asked them if the proposed CPI (Consumer Price Index) and fuel surcharge increases are justified. He also asked what would be learned in the Board of Supervisors Meeting next week.

El Dorado County Environmental Management Director Gerri Silva advised that the data revealed in the study at the County Board of Supervisors meeting Monday on Solid Waste Planning is not applicable to this Franchise or the rates being addressed for El Dorado Hills. The El Dorado Hills CSD elected not to participate in the study.

President Vandegrift asked how this could be a win-win situation and everyone still remain friends. He is not opposed to the rate increase but does not understand the fuel surcharge.

Director Rogozinski asked the Committee Members and Dianna Hillyer if the District received proper notification to go forward with this increase. Hillyer reported that in addition to all legally required notices, several articles on this issue were published in local newspapers. Erin Holbrook, General Counsel, advised that both parties can agree

to amend contract provisions. If agreed, no more rate increases can take place for 24 months. Waste Connections have agreed to accept a 3.3% rate increase regardless of the profit margin reported.

Hillyer reviewed the Committee recommendation and the two resolutions contained in her update staff report.

Brilliant stated that \$70K has been collected on open can overages and this needs to be changed. Approximately \$1,000 forgiveness of the \$70K was honored. He asked for re-wording on use of franchise fees by the CSD and asked there be stronger wording on reserves going back to the community and not for salaries and benefits in the general fund. He also asked whether commercial customers are paying their full share and stated his concern on the sunset clause.

**Motion No. 9. Director Rogozinski moved and Director Masters seconded the motion to adopt the Resolution 2008-17 increasing the rate for Waste Collection Services as amended to approve a rate increase of 3.3% and a fuel surcharge of 1.51% and act in good faith to come to an agreement on a modified agreement with Waste Connections maintaining the same level of current services.**

**Motion carried 5-0-0.**

**20. Cast District vote for California Special Districts Association (CSDA) Board of Directors Region Two vacancy.**

Lowery reviewed the request by CSDA (California Special District Association) for a ballot submission for a Region Two board director. He asked Larry Brilliant for input who said he knew and could recommend Peter J. Kampa.

**Motion No. 10. Director Brilliant moved and Director Vomund seconded the motion to elect Peter J. Kampa to Region Two Seat C of the CSDA Board of Directors.**

**Motion carried 5-0-0.**

### **GENERAL MANAGER REPORT**

None.

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

1. Director Masters – Pump should be adjusted at Governors Pond.
2. Director Masters – Platt Circle East Side house for sale: lot has dead section of lawn which should be looked at.

3. Director Brilliant – Fiscal items on staff reports need to show dollar amounts, not “in budget”.
4. Director Brilliant – Franchisee fees reserves in General Fund need to be earmarked as reserves for special events for the community rather than for salaries and benefits.
5. President Vandegrift – would like to review several disbursements in July with Finance Director.
6. Director Rogozinski – suggests a joint board and employee meeting to review previous employee concerns and status.
7. Director Vomund – Annual report is fantastic.
8. Director Vomund – Year End recreation attendance numbers are way up.
9. Director. Vomund – would like to see more movement towards resident satisfaction surveys as a routine.

**ADJOURNMENT**

President Vandegrift adjourned the meeting at 10:55 pm.

**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Wm. F. Vandegrift, President  
EDHCSD Board of Directors

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