

SAN MIGUEL COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
May 18, 2017 SPECIAL MEETING MINUTES
MEETING HELD AT DISTRICT OFFICES
1150 MISSION STREET
SAN MIGUEL, CA 93451

- I. Meeting Called to Order by President Kalvans – 5:30 p.m.
- II. Pledge of Allegiance lead by President Kalvans.
- III. Roll Call: Directors Present: Buckman, Green, Kalvans, Reuck, and Parent.

District Staff in attendance: Kelly Dodds, District General Counsel White, Counsel Seikaly, Counsel Schweikert, and Churchwell White Paralegal Pritchard
- IV. Adoption of Special Meeting Agenda:
Motion by Director Green to adopt Special Meeting Agenda as presented.
Seconded by Director Buckman Motion was approved by vote of 5 AYES and 0 NOES.
- V. **Public Comment and Communications (for items not on the agenda):**
No public comment.
- VI. **ADJOURN TO CLOSED SESSION:**
Closed Session convened at 5:38 p.m.
 - A. **CLOSED SESSION AGENDA:**
 - 1. **PUBLIC EMPLOYEE RESIGNATION AND RELEASE**
Title: District General Manager
 - 2. **PUBLIC EMPLOYEE APPOINTMENT**
Title: Acting District General Manager
 - 3. **CONFERENCE WITH LABOR AGREEMENT NEGOTIATORS**
Pursuant to Government Code Sections 54957.6
Agency Representatives: General Manager and District General Counsel
Employee Organization: San Luis Obispo County Employees Association
Title: Memorandum of Understanding Negotiations with the Association
 - B. **RECONVENE TO OPEN SESSION**

President Kalvans reconvened to Open Session at 6:06 p.m.

C. REPORT OUT OF CLOSED SESSION

Report out of Closed Session by District General Counsel.

VII. Public Comment and Communications:

No public comment.

VIII. CONSENT ITEMS

IX. BOARD ACTION ITEMS:

1. Review and Approve Resolution No. 2017-11 Authorizing the Board President to Execute A First Amendment to the Agreement for General Counsel Legal Services.

Item presented by Counsel White.

Staff Recommendation: Approve Resolution No. 2017-11 authorizing the Board President to execute a First Amendment to the Agreement for General Counsel Legal Services appointing District General Counsel as the temporary Action General Manager.

Board Comment: None?

Public Comments: No public comment, staff identified item 11 in the proposed contract revision did not call out “water” separately. The contract will be so revised to identify water separately.

Motion by Director Green to adopt Resolution No. 2017-11 Authorizing the Board President to Execute A First Amendment to the Agreement for General Counsel Legal Services as presented.

Seconded by Director Buckman. Motion was approved by vote of 5 AYES and 0 NOES.

2. Review and Approve Resolution No. 2017-12 Authorize the Acting General Manager to Enter Into An Agreement with Regional Government Services for Interim General Manager Services.

Item presented by Counsel White.

Staff Recommendation: Approve Resolution No. 2017-12 authorizing the Acting General Manager to enter into an agreement with Regional Government Services for Interim General Manager services.

Staff Comment: Kelly Dodds pointed out that water is not mentioned. [I couldn't hear very well at this point and have no idea what he was talking about.]

Board Comment: Director Rueck asked about the process of contracting with Regional Government Services and Counsel White clarified.

Public Comments: No public comment.

Tabled for further discussion in Closed Session.

3. Review and Approve Resolution No. 2017-13 To Dissolve the Organizations & Personnel Committee and the Equipment & Facilities Committee.

Item presented by Counsel White

Staff Recommendation: Approve Resolution no. 2017-13 to dissolve the Organizations & Personnel Committee and the Equipment & Facilities Committee.

Staff Comment: Kelly Dodds believes it takes an enormous effort to put the committees together and a lot of good comes from them, but agrees with suspension.

Board Comment: Director Parent is concerned about tasks being handled by facilities. Director Green stated that he thinks they should only be temporarily dissolved. Counsel White recommended dissolving the committees and agendizing consideration of reconstituting the committees at a later time – after a permanent General Manager is hired.

Director Buckman asked about the Board bylaws and wants to dissolve for only 2-3 months.

Director Rueck agreed with staff's recommendation.

Public Comments: No public comment.

Motion by Director Parent to adopt Resolution No. 2017-13 To Dissolve the Organizations & Personnel Committee and the Equipment & Facilities Committee as presented.

Seconded by Director Buckman. Motion was approved by vote of 5 AYES and 0 NOES.

4. Review and Approve Resolution No. 2017-14 to Form a Labor Negotiations Subcommittee and Appoint Two (2) Board Members and Alternates for the San Luis Obispo County Employees' Association Memorandum of Understanding Negotiations.

Item presented by Counsel White.

Staff Recommendation: Approve Resolution No. 2017-14 to form a labor negotiations sub-committee and appoint two (2) Board members and alternates.

Board Comment: Director Buckman asked who would be appointed. Green and Kalvans volunteered and were subsequently nominated to serve on the sub-committee. Rueck will be first-alternate and Buckman will be second alternate.

Public Comments: No public comment.

Motion by Director Green to adopt Resolution No. 2017-14 to Form a Labor Negotiations Sub-Committee and Appoint Two (2) Board Members and Alternates for the San Luis Obispo County Employees' Association Memorandum of Understanding Negotiations as presented.

Seconded by Director Parent. Motion was approved by vote of 5 AYES and 0 NOES.

5. Review and Approve Resolution No. 2017-15 Appointing Real Property Negotiators For Real Property Acquisition of APN 021-121-003, APN 021-231-017, APN 021-231-024, and APN 021-231-041.

Item presented by Counsel Schweikert.

Staff Recommendation: Approve Resolution No. 2017-15 appointing two (2) Board Members and Churchwell White LLP as negotiators for the property acquisition of APNs 021-121-003, 021-231-017, 021-231-024, and 021-231-041.

Board Comment: Director Green asked about the specifications for the parcels to be acquired. Counsel Schweikert will look into the exact addresses of the properties. Director Buckman commented that he believed the locations were on N Street and K Street. Counsel Schweikert stated the addresses are not public record. Director Buckman asked where the District is in the acquisition process. Counsel Schweikert responded that he believes the former General Manager was working directly with the County. Director Rueck indicated negotiations should continue to determine if we want the properties, identifying N Street as favorable. Director Buckman is concerned that the County has taken the property, but the homeowner is still on the property. Counsel White stated that the resolution is only for negotiations, not for the acquisition.

Public Comments: Tamara Parent wants the Board to recognize that there is a property with a home on it and suggested that the District would become a landlord.

Motion by Director Green to adopt Resolution No. 2017-15 Appointing Real Property Negotiators For Real Property Acquisition of APN 021-121-003, APN 021-231-017, APN 021-231-024, and APN 021-231-041 as presented.

Seconded by Director Reuck. Motion was approved by vote of 5 AYES and 0 NOES.

6. Review and Approve Resolution No. 2017-16 Hiring Paola Freeman as a Full-Time Bookkeeper For the District.

Item presented by Counsel Seikaly.

Staff Recommendation: Approve Resolution No. 2017-16 to hire Paola Freeman as a Full-Time Bookkeeper.

Board Comment: Director Green asked why the District can't wait out the current temp agency contract and asked if the District can increase Ms. Freeman's hours through the contract to avoid buying it out.

Counsel White mentioned that there will most likely be a finder's fee regardless.

Counsel Seikaly stated that the hours to complete the contract will increase if the District wants Ms. Freeman to work full time.

President Kalvans asked if General Counsel looked into outsourcing payroll. Counsel Seikaly responded that such research has not be conducted.

President Kalvans recommends strongly that the Board adopt the resolution, but would like to see the budget impact.

Public Comments: Laverne Buckman is in favor.

Motion by President Kalvans to adopt Resolution No. 2017-16 Hiring Paola Freeman as a Full-Time Bookkeeper for the District as presented.

Seconded by Director Rueck. Motion was approved by vote of 5 AYES and 0 NOES.

7. Review and Approve Resolution No. 2017-17 Authorizing David Tracey As A Qualified Utility Operator for Weekend and Holiday Coverage.

Staff Recommendation: Approve Resolution No. 2017-17 authorizing David Tracey to act as a qualified Utility Operator for weekend and holiday coverage.

Presented by Counsel Seikaly.

Staff Comment: Kelly Dodds stated he is the only person on standby and recommends adoption of the resolution. He currently has no back and something needs to be put in place. He stated that certain things are dependent on his license, so if something happened to him it would be a big problem.

Board Comment: Director Buckman wanted this a long time ago.
Director Rueck is in favor.
Director Parent is in favor and noted this solution will be cheaper than a new hire.
Council White recommends this as a temporary solution only.

Public Comments: Laverne Buckman in favor.

Motion by Director Parent to adopt Resolution No. 2017-17 Authorizing David Tracey As A Qualified Utility Operator for Weekend and Holiday Coverage as presented.
Seconded by Director Buckman. Motion was approved by vote of 5 AYES and 0 NOES.

8. Discuss Status of Time Clock and Potential Alternatives.

Staff Recommendation: Discuss and advise staff on the implementation of employee time clock and time keeping rules.

Item presented by Counsel Seikaly.

Staff Comment: Kelly Dodds feels that the District should look at more options. Dodds also believes that internet needs to be installed at the WWTF regardless of the Time Clock issue. Mr. Dodds gave an example of a current problem - one employee at the WWTF is required to drive to District office to clock in and out, including for lunch. Dodds believes it would be most beneficial to put a time clock at the WWTF.

Board Comment: Director Parent asked about the smart phone features of Paylocity and questioned what might happen if the smart phone dies out in the field. Counsel White suggested employees can subsequently let the employer know and the system can be adjusted manually.

Director Green asked about how time clock issues have been historically dealt with.

Director Buckman suggested a punch clock system.

Director Rueck was ok with looking into other systems. Suggested something more user-friendly than what the District currently has.

Director Parent stated his confusion over what the problem his because he uses a spreadsheet to track his time.

Public Comments: No public comment.

9. Review and Approve Resolution No. 2017-18 Authorizing Acting General Manager to Enter into An Agreement With Allen Mapalo for Up To Five (5) Hours Of Work To Determine The Operational Status of the Security Camera.

Item presented by Counsel Seikaly.

Time Clock is now functional.

Staff Recommendation: Approve Resolution No. 2017-18 authorizing the Acting General Manager to enter into an agreement with Allen Mapalo for up to 5 hours of work to determine the operational status of the security camera.

Staff Comment: Kelly Dodds believes it's a DVR issue.

Board Comment: Director Parent asked if Allen Mapalo knew it wasn't working. Counsel White stated the former General Manager let Counsel know in January 2016, but no direction was given.

Director Green doesn't believe the cameras came with audio.

Director Rueck agrees it should be looked into.

Director Buckman is in favor.

Public Comments: Tamara Parent states there is a camera in a box in the GM's office. She believes the camera faces the desk, but does not show the door and should be adjusted to see who is coming in and out of the office.

Laverne Buckman thinks the Board should check on anything that has been installed.

Green responds that whenever the Board has attempted to do that they are accused of micromanaging.

Motion by Director Parent to adopt Resolution No. 2017-18 Authorizing Acting General Manager to Enter into An Agreement With Allen Mapalo for Up To Five (5) Hours Of Work To Determine The Operational Status of the Security Camera as presented.

Seconded by Director Buckman Motion was approved by vote of 5 AYES and 0 NOES.

10. Review and Approve Resolution No. 2017-19 Authorizing Acting General Manager To Hire A Consultant To Complete The 2017-2018 Budget.

Staff Recommendation: Discuss status of the 2017-2018 budget and approve Resolution No. 2017-19 authorizing the Acting General Manager to hire a consultant to complete the fiscal year 2017-2018 budget.

Presented by Counsel White.

Counsel White would like to approach Travis Dawes.

Public Comments: Laverne Buckman believes there should be an audit of the budget. GC states any correction and audit would be after the implementation of the 2017-2018 budget. Ms. Buckman is concerned that the F&B committee hasn't met in a long time and no one seems to know what's going on.

Motion by Director Green to adopt Resolution No. 2017-19 Authorizing Acting General Manager To Hire A Consultant To Complete The 2017-2018 Budget as presented.
Seconded by Director Buckman. Motion was approved by vote of 5 AYES and 0 NOES.

X. BOARD COMMENT

Director Parent would like to see an update on the Proposition 218 rate study.
President Kalvans would like an update and timeline on various items. Counsel White asked that the Board contact him to specify exactly what they want updates on.
President Kalvans is concerned with the amount of crime in the community and would like to discuss more street lights.
President Kalvans would like an update on the AB 2 Redevelopment Project.
Director Green would like the meeting agendas prior to the meetings. Also, items should be agendaized in an order to allow staff or guest input to be at the beginning of the agenda to avoid keeping staff or guest speakers over for too long.
Director Green would like the July meeting to be moved up a week, will be gone the last week of July.
Counsel White will circulate an email with options for availability for the July meeting.
Counsel White expects to make changes to the agenda, including adding the enumeration of claims, changing how things are presented, having the committees be responsible for their own staff reports, and adding more items to make the agenda more comprehensive.
Meeting with SLOCEA on June 1, 2017.
Counsel White suggests the Board consider hiring a Board Clerk, as well as a manager of the utility department.

XI. ADJOURNMENT TO CLOSED SESSION

President Kalvans adjourned the open session meeting at 7:35 p.m.

XII. ADJOURN TO CLOSED SESSION:

Closed Session convened at 7:42 p.m.

XIII. RECONVENE TO OPEN SESSION

President Kalvans reconvened to Open Session at 7:55 p.m.

XIV. REPORT OUT OF CLOSED SESSION

Report out of Closed Session by District General Counsel.