



**MEETING MINUTES
REGULAR MEETING – 6:00 PM
TUESDAY, FEBRUARY 4, 2020**

Televised Meetings: Board Meetings are streamed live online: <https://livestream.com/sqcwd>. Board Meetings are televised on Thursday at 8am and Sunday at 6pm (Comcast Channel 25 and Charter Channel 71), following the meeting. Archived meetings can be viewed anytime on the District's [website](#).

President Daniels called the regular meeting to order at 6:00 pm at the Capitola City Council Chambers.

President Daniels announced that the closed session (Item 7.1) has been removed from the agenda. He stated that there will no public comment on Item 7.1, since no closed session will be held.

1. CALL TO ORDER AND ROLL CALL

Board Members Present:

Dr. Bruce Daniels, President
Rachél Lather, Vice-President
Carla Christensen
Dr. Bruce Jaffe
Dr. Thomas LaHue - *ABSENT*

District Counsel

Joshua Nelson, District Counsel

Staff Members Present:

Ron Duncan, General Manager
Taj Dufour, Engineering Manager
Leslie Strohm, Finance Manager
Traci Hart, Human Resources Manager
Christine Mead, Operations & Maintenance Manager
Emma Olin, Executive Assistant/Board Clerk

Staff Members Absent:

Shelley Flock, Conservation and Customer Service Field Manager
Melanie Mow Schumacher, Special Projects-Communications Manager

Others Present:

5 members of the public

2. PUBLIC HEARING

2.1 Public Hearing on Ordinance 20-01 Compensation for Members of the Board of Directors (Superseding Ordinance No. 15-01)

Ms. Hart presented Ordinance 20-01 (superseding Ordinance 15-01) and Resolution 20-03 (updating the Board Reimbursement Policy), which are needed to memorialize the Director compensation adjustments approved at the December 17, 2019 Board Meeting.

Director Christensen thanked staff for preparing the required ordinance and resolution. Ms. Hart noted that the most recent compensation increase was in 2007-08.

President Daniels directed staff to update the committees listed in Schedule A of the Board Reimbursement Policy.

President Daniels opened the public hearing.

Two public comments were heard.

President Daniels closed the public hearing by the following:

MOTION: Director Christensen; Second: Vice-President Lather; To close the Public Hearing. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

Board members responded to public comment.

MOTION: Vice-President Lather; Second: Director Christensen; To approve Ordinance 20-01: Compensation for Members of the Board of Directors. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

MOTION: Vice-President Lather; Second: Director Christensen; To approve Resolution No. 20-03: Update to Portions of the Board Reimbursement Policy. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

3. **CONSENT AGENDA**

Director Christensen stated that she will abstain from voting on Item 3.1, as she did not attend the January 21st Board Meeting.

MOTION: Director Jaffe; Second: Vice-President Lather; To approve Consent Agenda Items 3.1, 3.2 and 3.3. Motion passed by unanimous roll call vote. Director Christensen ABSTAINED from voting on Item 3.1. Director LaHue ABSENT.

3.1 Approval of Minutes
3.1.1 January 21, 2020 – Regular Meeting Minutes
Action: Approved

3.2 Board Planning Calendar
Action: Approved

3.3 Special Board Assignments Status Report
Action: Approved

4. **ORAL AND WRITTEN COMMUNICATIONS** *(items not on the Agenda)*

Written communications addressed to the Board are available [online](#).

One public comment was heard.

In response to public comment, Vice-President Lather suggested that the customer work with staff to discuss her water usage and determine if there is a leak.

5. **REPORTS** – *None*

6. **ADMINISTRATIVE BUSINESS**

6.1 Conditional and Unconditional Will Serve Letters – *None*

6.2 Consideration of Board Procedure Modifications to Enhance the Effectiveness and Efficiency of Board Meetings

Mr. Duncan reviewed the following Board procedure modifications presented for consideration: (1) the process for removing Consent Agenda items for discussion, (2) appropriate time allowances for public comment, (3) the distribution of printed board packets, and (4) the frequency of certain recurring items (e.g. Board Planning Calendar and Special Board Assignments Status Report). He stated that staff worked closely with legal counsel to include best practices and ensure compliance with the Brown Act.

One public comment was heard.

1. Review of Consent Agenda Items

Mr. Duncan reviewed the proposed procedure modifications for removing Consent Agenda items for discussion. He responded to several Board questions and highlighted the following:

- The proposed changes align with the City's and County's procedures for removing Consent Agenda items for discussion;
- Staff recommends that pulled Consent Agenda items be considered at the end of the Administrative Business items;
- If the Board elects to move forward with the proposed procedure modifications for the Consent Agenda, then staff requests that the Board direct staff to update the agenda order accordingly;
- Public members may provide written communications on any item of interest within the jurisdiction District (including Consent Agenda items), at any time.

Board discussion ensued, and there was consensus to allow public members to request that a Board Member pull an item from the Consent Agenda prior to the start of the meeting; however, only permit Board Members to request that the Board President pull items from the Consent Agenda.

A discussion ensued regarding the opportunity for public members to speak on Consent Agenda items not pulled for discussion. Mr. Nelson confirmed that the Board has the authority to determine how public comment is provided on Consent Agenda items that are not pulled. For example, some agencies provide a general public comment period on the remaining Consent Agenda items as a whole, while other agencies allow public comment for Consent Agenda items during general Oral Communications (provided that general public comment is provided before consideration of the Consent Agenda).

There was consensus among the Board to provide the opportunity for general public comment at the beginning of the Consent Agenda (for Consent Agenda items not removed for discussion).

President Daniels suggested that the Board perform a 3-month evaluation of the procedure modifications.

MOTION: Director Jaffe; Second: Vice-President Lather; To authorize only Board Members to pull Consent Agenda items for discussion at the discretion of the Board President (public members may request that a Board Member pull Consent Agenda items for discussion prior to the start of the meeting); direct staff to update the agenda order accordingly; and perform a 3-month evaluation. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

2. Review of Oral Communications

Mr. Duncan reviewed the three public comment options presented in the memo:

1. Provide public members the opportunity to speak for up to two (2) minutes per item;
2. Provide public members the opportunity to speak for up to 3 minutes for their first public comment, and 2 minutes for any subsequent item;
3. Allow public members to provide public comment on up to four (4) agenda items per meeting.

A discussion ensued regarding the proposed time allowances for public comment.

President Daniels questioned if Option 2 and Option 3 are feasible, since staff will be performing the record keeping and logistics during Board Meetings. Mr. Duncan stated that staff has expressed similar concerns of the record keeping/logistics, thus staff recommends moving forward with Option 1.

Mr. Duncan stated that if the Board elects to move forward with Option 2, and there is an agenda item of particular interest and lots of public commenters, then the Board President may establish an alternate public comment time allowance (e.g. 1 minute per item) to give as many people as possible the opportunity to speak. Mr. Duncan emphasized that all proposed procedure modifications will be evaluated during a "trial period."

Mr. Nelson confirmed that the Board President may establish an alternate public comment time allowance as needed. He explained that this will help maintain flexibility of Board Meetings.

Director Christensen suggested that the Board consider an alternate option – provide public members the opportunity to speak for up to three (3) minutes during Oral Communications (items not on the agenda), and up to two (2) minutes for agenda items. She stated that she believes this is fair, since public members will have time to craft thoughtful oral comments on listed agenda items. She stated that she is not comfortable with Option 3.

The Board expressed support for Director Christensen's proposal.

Mr. Duncan shared and expressed support for Vice-President Lather's suggestion of including information on the "Board Meeting Process" on agendas. Director Jaffe agreed.

MOTION: Director Christensen; Second: Vice-President Lather; To provide public members the opportunity to speak for up to 3 minutes during Oral Communications (items not on the agenda), and up to 2 minutes for agenda items; permit the Board President to establish alternate public comment time allowances as needed; direct staff to update the agenda accordingly; and perform a 3-month evaluation. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

4. Review of Board Packet Distribution

Mr. Duncan reviewed the three board packet distribution options presented in the memo:

1. Continue with the District's current procedure and charge copy fees for printed copies of board packets;

2. At the request of a public member, provide a printed copy of board packet at no cost and set a maximum of two printed copies per person per year;
3. Implement a “library approach,” allowing public members to check out the District’s printed copy of the board packet.

Director Christensen discussed the possibility of providing printed copies of board packets at local libraries (e.g. the Capitola Library and the Aptos Library). She questioned if this is feasible and economically sensible. Mr. Duncan expressed concern about including printed copies at only some public libraries, emphasizing that board packet distribution must be fair to all.

Mr. Duncan stated that if the Board adopts the “library approach,” then staff will have a better understanding of the demand for printed copies of board packets. He reiterated that electronic copies of the agendas and board packets are provided on the District’s website.

Director Jaffe shared a message from Director LaHue, which expressed support for the “library approach.” Director Jaffe stated that he is supportive of this approach as well.

President Daniels expressed support for the “library approach,” noting that if a public member requests a printed copy of the board packet, then they will be charged accordingly.

MOTION: Director Jaffe; Second: Director Christensen; To continue charging for printed copies of board packets and implement a “library approach,” allowing public members to check out the District’s printed copy of the board packet for up to three (3) hours; direct staff to develop board packet check out procedures; and perform a 3-month evaluation. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

4. Review of Recurring Agenda Items

The Board expressed support for continued publication of the “Board Planning Calendar” and the “Special Board Assignments Status Report.” There was consensus to present these items only once a month, generally at the first Board Meeting.

Per Vice-President Lather’s suggestion, the Board directed staff to include the Management Update as part of the Consent Agenda.

MOTION: Vice-President Lather; Second: Director Christensen; To direct staff to present the “Board Planning Calendar” and the “Special Board Assignments Status Report” only once a month, generally at the first Board Meeting; and include the Management Update as part of the Consent Agenda. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

6.3 Consider Approval of Seawater Intrusion Prevention (SWIP) Wells and Monitoring Wells Design Proposal

Mr. Dufour reviewed Item 6.3, requesting that the Board consider amending the existing professional consultant services agreement with Montgomery and Associates (M&A) for the design of the Sea Water Intrusion and Prevention (SWIP) Wells and monitoring wells. He stated that this work requires an allocation of \$2,261,431 from the District’s Operating Contingency Reserves (OCR).

Mr. Dufour responded to Board questions and highlighted the following:

- M&A is currently working with the District, and staff is confident in M&A’s ability to complete the work;
- Water Systems Consulting, Incorporated (WSC) will work as a subconsultant to M&A;
- WSC costs reflect a 10-percent mark-up for subconsultant labor; there is no mark-up for subconsultant expenses or their subcontractors;

- Staff will follow up with M&A on the schedule for Task 5.2 – Well Site Equipping and Bid Phase.

Mr. Dufour noted that Brown & Caldwell performed an independent cost analysis to validate the M&A's proposal, and the analysis concluded the costs are in line with expected costs and provide a fair estimate to complete the scope of work.

Three public comments were heard.

The Board and staff responded to public comment.

Mr. Dufour noted that if the Board authorizes M&A's contract addendum and scope of work, then language must be added to the motion to approve the transfer of funds from the OCR.

MOTION: Vice-President Lather; Second: President Daniels; To approve a transfer from the Operating Contingency Reserves (OCR), authorize the Board President to amend the existing professional consultant services agreement with Montgomery and Associates, approve the Scope of Work as presented by Montgomery and Associates, authorize the General Manager to sign a purchase order in the amount not to exceed \$645,320 and transfer the applicable funds from the OCR. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

6.4 Appointment of District Representatives to the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA) Board

Mr. Duncan reviewed Item 6.4, explaining that this item is presented for the Board to select and appoint District representatives to the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA) Board of Directors. He stated that Director Christensen currently serves as the primary representative.

Mr. Duncan requested that the Board consider a modification to the proposed motion to include the General Manager, Human Resources Manager and the Finance and Business Services Manager as the alternate representatives to the ACWA JPIA Board.

Director Christensen confirmed that ACWA JPIA meetings are typically held a couple days prior to the ACWA spring and fall conferences.

A discussion ensued among the Board, and there was consensus to reappoint Director Christensen as the primary representative.

MOTION: Director Jaffe; Second: Vice-President Lather; To reappoint Director Christensen to serve as the primary representative for the District on the JPIA Board of Directors and appoint the General Manager, Human Resource Manager and the Finance and Business Services Manager to serve as the alternate representatives. Motion passed by unanimous roll call vote. Director LaHue ABSENT.

7. **CLOSED SESSION – Item removed**

7.1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code section §54956.9(d)(1)
Santa Cruz County Superior Court Case No. 19 CV00181; CA Sixth District Court of Appeals Case No. 19AP00031
(Steinbruner vs. Soquel Creek Water District et al.)

President Daniels adjourned the meeting at 7:42 pm.

At 7:43 pm, President Daniels returned the meeting to open session to provide the opportunity for public comment on Item 7.1.

One public comment was heard.

No closed session was held.

8. ADJOURNMENT

President Daniels adjourned the meeting at 7:46 pm.

SUBMITTED:



Emma Olin, Board Clerk

APPROVED:



Dr. Bruce Daniels, President