

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
SIERRA LAKES COUNTY WATER DISTRICT**

**Date:** Friday December 11, 2020 / **Time:** 6:00 p.m. / **Place:** 7305 Short Road, Serene Lakes, CA

The meeting was teleconferenced as provided by Governor Newsom’s Executive Order N-25-20 (“Executive Order”), declared on March 12, 2020. The Executive Order temporarily granted state and local agencies certain powers to aid in the implementation of social distancing measures recommended by state and local public health officials that suspended certain Brown Act requirements.

**I. Open Meeting:**

Prior to the roll call, Mr. Harvey asked if there would be a closed session, he wanted to be pulled in on the potential litigation component. Director Lindquist said there would not be a closed session because it was not on the agenda. Mr. Schultz said he would provide Mr. Harvey with information regarding the conclusion of the matter after the meeting.

Roll Call: No Directors were in attendance at the Sierra Lakes Boardroom

Directors in attendance by teleconference:

Director Michael Lindquist  
Director Karen Heald  
Director Dan Stockton  
Director Bob McCormick

Outgoing Director: Director Dick Simpson  
Incoming Director: Director Jon Harvey

Staff members present: Anna Nickerson, Financial Consultant

Staff present by phone: Paul Schultz P.E. Inc., General Manager  
Jeffrey Mitchell, District Counsel

Guests present by phone: Roger Drosd  
Jonathan Sorger

Minute Recorder: Anna Nickerson, Financial Consultant

**II. Public Forum:** An opportunity for members of the public to address the Board on items that were not on the agenda. Mr. Drosd, a member of the community, asked where he could find information describing the Conflict of Interest resolution, specifically referring to when a board member would be prohibited from voting on lake front property issues. Mr. Mitchell said he was not aware of a blanket determination and referred him to the Fair Political Practices Commission

website ([www.fppc.ca.gov](http://www.fppc.ca.gov)). Mr. Mitchell also told Mr. Drosd that he would find more information on the FPPC website since the District's Conflict of Interest Code referenced detailed information contained in the FPPC Code. Mr. Drosd said he wasn't interested in the generic information, he said it was his understanding that Director Stockton had been conflicted out of previous issues relating to the lake front and assumed there was an opinion or ruling issued describing how and why he was conflicted out. Mr. Drosd was asked to contact Director Stockton directly for more information regarding Director Stockton's conflict.

**III. Approve Agenda:** The agenda was presented to the Board for approval.

**A motion was made by Director McCormick and seconded by Director Stockton to approve the agenda.** The motion passed by a unanimous rollcall vote: Directors Lindquist, Heald, Stockton, McCormick and Simpson.

**IV. Public Comments:** An opportunity for the Board to consider comments received from the public after the agenda was posted, regarding items on the agenda. Mrs. Nickerson reported that no comments were received after the agenda was posted.

**V. Oaths of Office, Election of Officers and Ad Hoc Committee Assignments:**

**A. Oaths of Office:** the Oath of Office was administered to both the Jon Harvey and Karen Heald.

**B. Election of Officers:** An election was held for the offices of Board President and Vice President. Before nominations were made, Director Heald reminded the Board of a previously passed, informal policy, suggesting a new President be elected every year or two. The policy was passed because there had been issues in the past resulting from having the same leadership year after year. She said the policy also suggested that a new President be elected based on seniority. Director Heald then said she had not seen any issues with Director Lindquist's leadership but thought Director Stockton, who had been on the Board longer than anyone except herself, was now interested in being President.

1. Director Heald nominated Director Stockton for the office of President. Director Lindquist seconded the nomination. Director Stockton accepted the nomination. No other nominations were made.

**Director Stockton was unanimously elected President by a roll call vote: Directors Lindquist, Heald, Stockton, Harvey and McCormick.**

2. Director Heald nominated Director McCormick for the office of Vice President. Director Stockton seconded the nomination. Director McCormick accepted the nomination. No Other nominations were made.

**Director McCormick was unanimously elected Vice President by a roll call vote: Directors Lindquist, Heald, Stockton, Harvey and McCormick.**

**C. Ad Hoc Committee Assignments:** The Board reviewed the current list of Ad Hoc Committees Assignments. Director Harvey asked if any of the ad hoc committees on the list were

required. Mr. Mitchell said he would not consider any of the committees on the list ad hoc committees, he would consider them standing committees because they all had continuing jurisdiction. Director Heald said most of the committees on the list had been in existence for some time and that, over the years, committees had been discontinued and some added, based on need. She then said the Legal Committee was added primarily due to the past litigation over the strip but felt the committee was no longer necessary since the case was closed. She also said the President was now the primary interface with District Counsel. Mr. Simpson said he agreed with Director Heald's summation and that he had not seen much information regarding committees in his review of the District's policies and procedures. Mr. Mitchell said the difference between an ad hoc committee and a standing committee was that standing committee meetings needed to be noticed and agenda'd in accordance with the Brown Act. Mr. Mitchell then suggested that, unless there was a real need to have a standing committee, the current list of committees should be discontinued; the Board could create a committee when needed.

Mr. Schultz said the only committee currently needed was the Division XXX Review Committee to review docks & piers. Director Heald suggested the committee be a Lake Management Plan Review Committee to include the review of docks & piers and a few other lake front issues requiring clarification. Mr. Schultz said a committee would also be needed to review the updated Policies and Procedures once Mr. Mitchell's office was done with their review.

**A motion was made by Director Heald and seconded by Director Lindquist to eliminate all of the prior ad hoc committees and create a new ad hoc committee to review the Lake Management Plan.**

Mr. Simpson said he wasn't sure Director Stockton needed to be the ACWA/JPIA liaison since most of the contact was now being made through Mr. Schultz. He also said he felt it was important to have a couple members of the Board go over the budget as it was being drafted and to have a member of the Board monitor the annual audit.

Director McCormick said he would like separate discussions for discontinuing the prior committees and creating the Lake Management Plan committee. He said he would like to split the motion into two motions; one to remove the current committees and one to create a new committee after a discussion about the scope and structure of the new committee.

**A motion was made by Director McCormick and seconded by Director Stockton to amend Director Heald's motion into two separate motions.** The motion passed by a 4-1 roll call vote: Ayes: Directors Lindquist, Stockton, Harvey and McCormick. Noes: Director Heald.

**The Board voted on the first motion to discontinue the existing committees.** The motion passed by a unanimous roll call vote: Directors Lindquist, Heald, Stockton, Harvey and McCormick.

The Board discussed the second motion to establish a new Lake Management Plan Review Committee. Director McCormick said he wanted to discuss what the committee would be tasked with because he didn't want to open a can of worms that could create turmoil in the community. Director Heald said she wasn't suggesting that the Lake Management Plan needed a major revision but didn't want to limit the scope of the ad hoc committee to docks and piers since

there were a couple clauses, regarding use of the strip, which needed clarification. She agreed that the development of the original plan was difficult and caused a split in the community but the result was a wonderful template. Director Harvey agreed that there should be a discussion regarding the purpose of the committee and that the Board could direct the committee to develop the scope as their first task. Mr. Schultz said there were three items the committee needed to address;

1. Configuration and size of the docks/piers,
2. The District's Insurance and indemnification requirements and
3. Debris being stored on the strip.

Director McCormick asked to amend Director Heald's motion to task the committee with addressing the three issues identified. Director Harvey said he wanted to discuss how many people would be on the committee before any amendments were made. He also wanted to know how members would be appointed to the committee. Director Heald said committee members would be appointed by the Board. She also said the Board decided at the November meeting that two Directors would be appointed to the review committee and that the committee would decide how to solicit input from the community. Mr. Mitchell said the rules of the committee would change if members of the community was added to the committee.

**The Board voted on the second motion to establish the new Lake Management Plan Review Committee.** The motion passed by a 4-1 roll call vote. Directors Heald, Stockton, Harvey and McCormick. Noes: Director Lindquist.

Director Heald said the Board could appoint committee members and task them with developing a plan to address the three issues and to obtain community input. The plan could then be presented at the January 2021 meeting. Mr. Mitchell said the Board would need a motion to appoint the committee members. He also said the Board could broadly task the committee with addressing the three identified issues and presenting a plan at the January 2021 meeting.

**A motion was made by Director Lindquist and seconded by Director Heald to appoint Directors Harvey and McCormick to the Lake Management Plan Review Committee.** The motion passed by a unanimous roll call vote: Ayes: Directors Lindquist, Heald, Stockton, Harvey and McCormick.

Mr. Schultz said he would contact the committee members on Monday to schedule a meeting to take place before Christmas.

**VI. Operations:** Mr. Schultz's operations report was presented to the Board for consideration and possible action. Mr. Schultz reported the following:

- Donner Summit PUD was discharging treated effluent into a tank for snow making.
- The limnology study scope of work was sent to Dr. Chandra with comments and a meeting would be scheduled later in the month.
- Dr. Chandra would also be providing information regarding a financial assistance program from the Placer County Water Agency that offers \$30,000 grants for maintaining and enhancing water supply. Grant applications are due by the end of February 20, 2021.

- A meeting with Mr. Mitchell regarding the Water Rights memorandum was held. The item would be discussed further during the Action Items list discussions.
- The fabrication of the arsenic filters for Well 1 were complete but due to winter weather conditions, the filters would remain in Arizona until spring.
- There were no sanitary sewer overflows in November.
- The District's Policies and Procedures Manual review notes would be turned over to Mr. Mitchell's office for review and to be turned into a final document. Mr. Mitchell's office was also asked to find references to support the policies and procedures.
- One employee contracted COVID 19. No other employees were infected. The COVID 19 Response Plan that Mr. Schultz prepared in October/November was used to navigate the situation. However, Cal OSHA subsequently published a COVID 19 Emergency Response Plan on November 30, 2020. The mandatory plan provided no grace period for violations and a base civil penalty was set at \$18,000/day. Mr. Schultz then contacted Pam Murcell, the District's Certified Industrial Hygienist, to create a new COVID 19 Response plan that included training for the staff, using Cal OSHA's template. Her proposal that was received earlier in the day proposed, was less than \$5,000.
- The District's COVID 19 schedule was re-implemented. The schedule provided for two employees to report to the facility and work separately while one employee worked from home on remote call. The one seasonal employee was scheduled to work onsite until the end of December.
- With one employee out after contracting COVID 19 and the November holidays, the Hill Tank valve project was pushed to the spring.
- Water and sewer flows were close to normal and was expected to remain at current levels.

Mr. Simpson asked if the District's Water Intake Report was available for public review. He was curious about the conclusions and was concerned that, in the absence of rain, the lake level might only reach two feet below the dam. In that event, he thought it could be helpful to extent the lake intake 10'. Mr. Schultz said he was directed at the November meeting to finalize the report. He also said he would provide Mr. Simpson a copy of the report once it was finalized.

Mr. Simpson said his impression after the meeting regarding the District's policies and procedures was that Mr. Mitchell would flag areas that were supported by State laws and regulations and that he would also identify places that were outside of his firm's expertise, providing additional sources if possible. He also said it was his expectation that the policies and procedures would bounce back and forth a few times between Mr. Schultz, Mr. Mitchell and the Policies and Procedures Committee before the document was finalized; not that Mr. Mitchell would provide a finalized document. Mr. Schultz said there would be adequate back and forth discussion and that his report might not have made that clear. He also said the Board would not be forced to adopt anything before they had a chance to review and make comments.

Director Harvey said the Operations Report was very well written and that it helped him understand what was going on from month to month.

**VII. Consent Items Calendar:** The Consent Items Calendar was presented to the Board for action. The Consent Items Calendar included the minutes from the November 13, 2020, Regular Meeting; November 2020 Check Register; financial reports for the month ending November 30,

2020; and Disbursements for Board Approval. Director Lindquist asked if any members of the public or Board wanted to pull any item off the Consent Items Calendar for significant discussion.

**A motion was made by Director Stockton and seconded by Director McCormick to approve the Consent Items Calendar.** The motion passed by a unanimous rollcall vote: Directors Lindquist, Heald, Stockton, Harvey and McCormick.

**VIII. New Business:**

There were no New Business items on the agenda.

**IX. Old Business:**

There were no Old Business items on the agenda.

**X. Administration:**

A. A list of Follow-up Items from the November 2020 Board meeting was presented to the Board for consideration and possible action.

- Item 1: Mr. Schultz said he and Director McCormick agreed that the District should make an offer to the Land Trust for the dam. Mr. Schultz and Director McCormick would draft a memorandum to be placed on the February 2021 Agenda.
- Item : Mrs. Nickerson said she was still waiting to hear back from SLPOA as to how the District could help notify customers

B. The Status of Action Items remaining as of the December 11, 2020 meeting was presented to the Board for consideration and possible action:

- Item 1: Development of New Limnology Report: Ongoing. Progress was updated to reflect 15% complete.
- Item 2: AMR Data Collection and Analysis – Ongoing, no changes were made.
- Item 3: Policies & Procedures Review – The item was still 90% complete and Mr. Schultz was waiting for Mr. Mitchell’s review.
- Item 4: Ownership of the Dam – Progress was updated to reflect 85% complete. The item would be on the February 2021 agenda for further discussion.
- Item 5: Upcoming Meter Rates – Ongoing. Meters were still being installed. Mr. Simpson said the item was to prepare a schedule for coming to new rates. Mr. Schultz said he needed to gather enough information before developing a realistic schedule. Director Lindquist said the schedule was to provide a timeline of when data was expected and when it would be used.
- Item 6: Clarifying language regarding Dock/Piers – Progress was updated to 100%. An Ad Hoc committee was formed. The item would be removed from the list.
- Item 7: Ownership of the water –Mr. Mitchell said additional information was received from Mr. Schultz earlier in the week. He hoped he now had all the information needed to complete the work and to present to the Board in January 2021.
- Item 8: District Privacy Policy – Remained at 0%. Mr. Mitchell thought the item could be combined with the Policies and Procedures review.

- Item 9: Customer Access to Water Data – Director Lindquist said he had not worked on the item yet but would be working on it over the break.

Director Heald said she was grateful to Director Lindquist for his service and that he had done a wonderful job. Director Stockton agreed. Director Lindquist thanked the Board.

Director Lindquist said, in the interest of disclosure, his wanted to let the Board know his cabin would be on a ski lease this winter. Although he would still be a property owner, someone else would be living in his cabin through the winter.

## **XI. Adjournment**

**A motion was made by Director Stockton and seconded by Director Lindquist to adjourn the meeting.** The motion passed by a unanimous rollcall vote: Directors Lindquist, Heald, Stockton, Harvey and McCormick.

The minutes were approved at the Regular Meeting held on January 8, 2021, as part of the Consent Items Calendar. A motion was made by Director Heald and seconded by Director Lindquist to approve the Consent Items Calendar. The motion passed by a unanimous rollcall vote: Directors Stockton, McCormick, Heald, Lindquist and Harvey.