



**SPECIAL MEETING OF THE BOARD OF DIRECTORS
DEL PASO MANOR WATER DISTRICT**

**December 20, 2021 11:00 AM
1817 Maryal Drive, Suite 300, Sacramento 95864**

MINUTES

1. CALL TO ORDER:

The meeting was called to order at 11:00 a.m. by Chair Saunders.

2. ROLL CALL:

Roll call was taken by Chair Saunders and the following Directors were present: Dolk, Macais, Matteoli, Pratt, and Chair Saunders. Also in attendance was General Manager Gardner and Legal Counsel Ebrahimi.

3. ADOPTION OF AGENDA: Members may pull an item from the agenda.

There was a motion by Director Pratt to adopt the agenda. The motion was seconded by Director Macias. The agenda was adopted on a 5-0 roll call vote.

4. PUBLIC COMMENTS: The Board of Directors welcomes participation at these meetings. Matters under the jurisdiction of the Board that are not posted on the agenda may be addressed by the public, California law prohibits the Board from acting on any matter which is not on the posted agenda, unless the members determines that it is an emergency or other situation specified in Government Code Section 54954.2. Public comments are limited to five (5) minutes per individual. Please make your comments directly to the DPMWD Chair. Comments will be accepted via teleconference.

Upon call for public comment, no member from the public wished to speak.

5. CONSENT CALENDAR: All items under Consent Calendar will be considered together by one action of the Board, any Member or members of the public may request that an item be removed and considered separately.

No consent items

6. PUBLIC HEARING: None

7. NEW BUSINESS:

7A. Discussion and Review for the Board and Counsel of the staff's progress in Responding to the Grand Jury Report. Staff will discuss organization and presentation, and request comments and/or suggestions.

General Manager Gardner presented this item to the Board. He provided the background, history and said they have an excellent story to tell. The General Manager from 2006 through May 2019 has been very helpful. They have all of the minutes, month by month during that time and the financials. They put together a summary of the District's actions and where it was blocked for that entire time period. The two page summary that shows the actions and the finance costs is something he intends to go very high with the story behind it. Director Matteoli is doing a very detailed rebuttal and there will be exquisite detail of wrongdoing and where things went off track.

The State Board did a review of this District in 2015, 2017 and this year and they passed without any deficiencies at all. Because it is so detailed and complex, it makes it even more important to start with the English language summary that anyone can understand and then to an Executive Summary. The Executive Summary would combine Director Matteoli and the previous General Manager's work into a detail summary with references, then as to each finding the material will be combined behind it with the summary on top. With the recommendations he has worked on some of them and shared them with some of the Directors and with Legal Counsel and they may need to be tweaked. We are in decent shaped timewise as of now. Director Matteoli stated he is going through and gathering a lot of documents and making notes on them. General Manager Gardner and Legal Counsel Ebrahimi will take his notes and write the response. The documents tell the story and there are a lot of documents to back up what we say. Legal Counsel Ebrahimi provided a strategy for providing the information to the Grand Jury. It makes sense to include all the backup. She stated, from her experience, we really need to focus on each of the findings and each of the recommendations and have a short answer and a moderate response after. She recommends that we respond on what we believe to be true and how it will be corrected. We should respond with what we believe is the current assessment and how we want to fix it moving forward. If we feel any of the findings or recommendations are inaccurate, that is when we need to provide more detailed explanation as to why. Some of the records are not available. Legal Counsel Ebrahimi suggested the following guidelines, 1) respond to the Grand Jury Report, 2) provide a path forward for the rate payers to see that the District has a plan and they will be well taken care of, and 3) use this document in the future to set priorities on what the District wants to focus on. She see her role is to ensure we are being responsive to the questions. There will be two responses – President Saunders and the Board as a whole. Both reports must be submitted on or before February 4, 2022. General Manager Gardner also stated that there will be an Executive Summary, Findings and Recommendations.

General Manager Gardner talked about information reported on Next Door that they cannot rebut. He wants to post the findings on the web. Legal Counsel Ebrahimi offered assistance in getting the documents scanned and put on the website. She also suggested to have both paper and electronic versions available. Also if the office closes due to the COVID variant, they can make a paper copy available at the Board of Supervisors or some other public place. General Manager Gardner recommended the things that support the findings be attached and other supporting documents footnoted and put in binders.

Director's Comments:

Director Dolk stated they are on the right track. Details will be important to the regulators. He supports the direction proposed by the General Manager and Legal Counsel.

Director Macias feels we are going in the right direction. He has concerns that the story has a subjective tone and we should leave the emotion and finger pointing out of the response. Just give the facts.

Director Pratt stated that she understands the risk of filing too little or too much. She asked Legal Counsel if they have the right to appear or ask questions, and if there is any exposure to litigation. Legal Counsel stated that there is no opportunity to appear unless invited. The board has the opportunity to refute statements in the response. What about the media (Fox and The Bee) that ran negative stories putting information out what can we do to have them report on the response to the Grand Jury. General Manager Gardner suggested putting out a press release. Director Pratt doesn't know how we can tell the story without indicating progress was stopped and now we're moving forward. It is not finger pointing it would be to clarify information.

Director Macias said we shouldn't say "Bad Actors" because the way it is written now sounds like they came in to do harm. Just state the facts and anything else is not professional. That would be fair to the rate payers who have been dealing with this back and forth. General Manager Gardner responded. There is no way around saying that they deliberately misrepresented to the District what was going on and it was quit intentional. People believed what they were told and now the rate payers need to know what wasn't true. More discussion ensued. General Manager Gardner agreed to change the tone a bit.

Director Matteoli stated he understands Director Macias' concerns, but the board did everything right. There was misinformation put out. The board did their due diligence and did things right. Legal Counsel Ebrahimi said that everyone wants all information disclosed, that is clear and accurate depiction and to make sure it is professional and precise. Director Dolk said they should respond to the Grand Jury Report and not Next Door. We should take the high road.

President Saunders stated that this item is for discussion only, no action will be taken.

Public Comment: Diane Graves spoke.

President Saunders asked Legal Counsel what the Board can expect from this point forward. She responded that she would like to see the draft in early January which can be presented at the next meeting or a special meeting. She would want to review the information and give it back to the board for review. Legal Counsel Ebrahimi left the meeting at 11:59 a.m.

8. DIRECTORS COMMENTS: Verbal information, non-action comments.

Director Matteoli stated that the Grand Jury needs facts and specific information. He doesn't believe they need to be on Next Door or go to the media. Director Pratt acknowledged that she has strong feelings about this. It will speak for itself. President Saunders thanked everyone for gathering and reviewing all of the documents, and providing their input on this item.

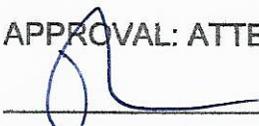
9. GENERAL MANAGERS COMMENTS: Verbal report

General Manager Gardner made the following comments: 1) Follow suburban's lead and close the office; 2) He is going to monthly billing in March; 3) He is thinking of starting a newsletter; 4) Friday there was an incident in the office where someone came behind the desk. He wants to put up a door, and plexiglass shield etc. to prevent future issues; 5) Budget – the budget will need augmentation he will bring it in January or a special meeting. There are safety issues with trucks and tools and he is thinking of purchasing new boxes.

10. ADJOURNMENT: Next Regular Board of Directors meeting is scheduled for January 4th, 2022

Director Dolk made a motion to adjourn. Director Pratt seconded the motion. The meeting was adjourned at 12:07 p.m. on consensus.

APPROVAL: ATTEST:



Ryan Saunders, President of the Board



Yvonne Spence, Clerk of the Board