



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

**December 7, 2021 6:30 PM
1817 Maryal Drive, Suite 300, Sacramento 95864**

MINUTES

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by President Saunders.

2. ROLL CALL:

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

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

There was a motion by Director Dolk to adopt the agenda. The motion was seconded by Director Pratt.

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

When considering the consent calendar, Director Pratt requested to pull item 5A from the consent calendar to be discussed separately. Director(s) Dolk and

Matteoli requested item 5B be pulled from the consent calendar to be discussed separately. Since two of the three consent items were pulled, items 5A-5C will be taken up separately.

- 5A. Approval of Minutes of the November 18, 2021 meeting.
Director Pratt made the following clerical corrections to the minutes of November 18, 2021: Item 1 – *“to retain Kronick Firm with Mona Ibrahimi”*. The spelling of her last name is “Ebrahimi”. Item 1 – *“authorize the General **Manger** Gardner”*. Please correct the word “Manager”. Item 4 – *“consider retaining the Kronick firm, with Mona Ibrahimi”*. Please correct her last name to *“Ibrahimi”*.

Director Pratt made a motion to approve the minutes of the November 18, 2021 meeting as amended. Director Macias seconded the motion.

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

The motion was approved as amended on a 5-0 roll call vote.

- 5B. Approval of Warrants and Payroll
Director Dolk asked about what transpired with the Flowline contractors at 3700-02 Atwater Road in the amount of \$9,932. General Manager Gardner responded that there were a number of significant main breaks. This is where we had to dig up the side of the house. Director Dolk also noted that we had cc for credit cards, and there are some vendors with a dollar amount but down below for the Umpqua Bank, the District credit card for \$8,850.33, it was his understanding that it would be approved based upon our previous special meeting that we would still identify the dollar amount that would be included in that total by vendor. General Manager Gardner stated going forward, he will attach a copy of the card with the card number blacked out. Director Dolk said it would be great if we could have a total for the checks and electronic fund transaction to get an ideal of how much is going out the door every month. Director Macias asked about Hydro Science and whether we are finished with them. General Manager Gardner stated that Hydro Science will be in attendance at the meeting on Friday and the Board will have the opportunity to ask questions. General Manager Gardner is no longer reluctant to pay them, but he rather that the Board hear from them prior to making the decision to pay them or not. President Saunders suggested that the Hydro Science warrant be pulled from this item and included in a future item. General Manager Gardner suggested the District Engineer does a peer review before the bill is paid. Director Pratt asked for clarification about a previous vote the Board made to set aside funds to pay bills that haven't come in yet. On the spaces that are blank, like the one at the top “ACWA JPIA” there will be bills but they haven't been received yet and once received, they will be paid out of the \$15,000 set aside, is that correct because she wasn't sure what the empty boxes meant. General

Manager Gardner stated that the Board will be given a copy of what was done in the following month.

Director Matteoli made a motion to approve the warrants and payroll with the exception of the Hydro Science warrant in the amount of \$7,923.75 which will be bought to the Board for payment at a later date. Director Pratt seconded the motion.

Chair Saunders called for public comment. No member of the public requested to speak. The motion passed on a 5-0 roll call vote.

- 5C. A Resolution of the Board of Directors of the Del Paso Manor Water District and on behalf of Commissions and Committees created by the Board of Directors pursuant to Government Code section 54952(b) authorizing teleconference meetings in compliance with Assembly Bill 361 to continue to allow members of the public to safely participate in local government meetings.”

After Chair Saunders presented this item to the Board, there was no discussion. Director Dolk made the motion to Adopt Resolution pursuant to GC Section 54952(b) and Assembly Bill 361. Director Macias seconded the motion.

Chair Saunders called for public comment. No member of the public requested to speak. The motion passed on a 5-0 roll call vote.

6. PUBLIC HEARING: None

7. NEW BUSINESS:

- 7A. Consideration to adopt a Resolution approving and Individual At-Will Employment Agreement with Alan Gardner for the position of General Manager and Authorize the President of the Board of Directors to execute the agreement on behalf of the Del Paso Manor Water District.

Director Pratt presented this item to the Board stating there are three items, an employment agreement which is related to the resolution; a contract prepared by Hoyt Bremner (for comparison purposes); and a contract used when Ms. Sedwick was the General Manager (for comparison). She pointed out a clerical error on the employment agreement under section “E”. It should read, “On October 6, 2021, the Board voted unanimously to employ Alan Gardner as General Manager, effective October 25, 2021, and he was presented with a contract. The remaining text in section should be struck out.

Director Pratt went on to explain that the critical document (the employment contract was missing and General Manager Gardner worked feverishly putting in the work that needed to be done. The contract had to be rewritten due to proprietary constraints. On October 6, 2021, the contract prepared by the former legal counsel did not contain language that had gone back and forth between himself and the former counsel's office and it was not what was verbally agreed upon. We all agreed that Exhibit A would be amended. Director Pratt pointed out that the page of recitals General Manager Gardner felt the contract needed to have item "H" which basically says that you can't hold someone accountable if you don't give them the tools to do their job and that language shows up in a couple of different places in the agreement.

This agreement has been reviewed by legal counsel to form and content. General Counsel Pacheco reminded the board that before a motion and a second is made, and before public for comment is taken, the total compensation and fringe benefits of the employment agreement must be announced.

Director Macias spoke about his concern that the original agreement included a two month severance pay and the new agreement has twelve month severance. He would like to know where the twelve months came from. Director Pratt explained legal counsel clarified that standard practice is 9-18 months. She reviewed the Government Code Section 53260 in the paragraph and it does provide severance for up to eighteen months which is why it was changed to twelve months. Director Macias feels it is a big difference and it should be discussed as a board. More discussion ensued and there was a consensus that twelve months is appropriate. Director Macias also asked about the license requirement in the job description.

Chair Saunders announced the total compensation and fringe benefits of the employment agreement.

Chair Saunders called for public comment. Diane Graves spoke on this item.

Director Dolk made a motion to Adopt Resolution for Employment Agreement with Alan Gardner as General Manager and authorize the President of the Board of Directors to execute the agreement on behalf of the Del Paso Manor Water District. The motion was seconded by Director Pratt. The motion passed on a 5-0 roll call vote.

7B. Discussion and direction regarding a Request for Proposals (RFQ) for a District Engineer.

General Manager Gardner presented this item to the Board of Directors. He explained that there are a lot of maintenance, repairs, etc. and if there is a critical need the District Engineer will be on-call. He also would like for the District Engineer to do a peer review with Hydro Science and help plan what would be a good path after the first six months. He identified five firms that have all worked with the District in the past. He plans on sending the request to all five firms tomorrow, if approved by the Board.

Director Macias asked about the maximum value of services and General Manager Gardner responded. Director Matteoli stated that is a high priority. Director Pratt stated that this has been needed for some time. Director Macias said that the turnaround seems quick especially since it is during the holidays. General Manager Gardner said he would let the firms know that there will be a quick turnaround.

Director Matteoli made a motion to authorize staff to publish the attached RFQ for engineering services. The motion was seconded by Director Dolk.

Chair Saunders called for public comment. No member of the public requested to speak. The motion passed on a 5-0 roll call vote.

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

Director Dolk asked for a status update on the COVID19 Relief Fund the Department of Finance was sponsoring. General Manager Gardner responded that Victoria has applied for it. Director Dolk also stated the District is five months into this fiscal year and we haven't seen any budget to actuals from the CPA of the District. He would like to know where we stand. General Manager Gardner stated that we will need a budget amendment because of what is going on. Director Dolk inquired about the Bond revived in 2018 and wanted to know if the District can pay down excess funds towards the principle, or can we use those funds for further infrastructure needs. General Manager Gardner responded that we can use the funds in that account for items that were approved on page 64 of the original plan or items which the board between then and now has approved.

Director Macias would like to see a policy on handling past due accounts in the next meeting or two. General Manager Gardner responded stating that as long as a customer is paying towards the bill he will not shut the water off because it is an essential function. In the past he has worked out payment plans. He also agreed to update the policy and make it more standard.

Director Pratt thanked Director Macias for bringing up the overdue payments issue. She concurred that there needs to be a direct and transparent policy.

Chair Saunders stated that the Board is making incremental improvements regarding transparency. We have policies in place and we are listening to the feedback that we receive from the public such as those like Diane Graves and Roy Wilson.

9. GENERAL MANAGERS COMMENTS: Verbal report

General Manager Gardner announced that on Friday, there will be a special meeting of the Board of Directors and Hydro Science will be available as required by the Grand Jury. His recommendation is that the District Engineer should review the work Hydro Science did.

Next week we will be six weeks out from when the Grand Jury Report is due and he would like to discuss it in a close session meeting and reporting out after the closed session meeting.

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

There was a motion to adjourn by Director Pratt and seconded by Director Dolk. The motion to adjourn was passed on consensus. The meeting was adjourned at 8:04 p.m.

APPROVAL:

ATTEST:

Ryan Saunders, President of the Board

Yvonne Spence, Clerk of the Board

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