CALL TO ORDER – VICE PRESIDENT FERGUSON

PLEDGE OF ALLEGIANCE – GENERAL MANAGER LAMB

ROLL CALL

In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. An emergency is defined as a work stoppage; a crippling disaster; or other activity which severely imperils public health, safety, or both. Also, items which arise after the posting of the Agenda may be added by a two-thirds vote of the Board of Directors.

ADOPT AGENDA FOR THE REGULAR MEETING OF MARCH 6, 2013

PRESENTATION

Susan La Joie, Director of Jack’s Pond Nature Center, will present Vallecitos Water District with a “Partners in Education” award.

ORAL COMMUNICATIONS

Persons wishing to address a matter not on the Agenda may be heard at this time; however, no action will be taken until the matter is placed on a future agenda in accordance with Board policy.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar will be voted upon by one motion. There will be no separate discussion of these items, unless a Board member or member of the public requests that a particular item(s) be removed from the Consent Calendar, in which case it will be considered separately under Action Items.

CONSENT CALENDAR

1.1 APPROVAL OF MINUTES

A. REGULAR BOARD MEETING – FEBRUARY 20, 2013

Approved minutes become a permanent public record of the District.

Recommendation: Approve Minutes
1.2 WARRANT LIST THROUGH MARCH 6, 2013 – $2,231,842.37

Recommendation: Approve Warrant List

*****END OF CONSENT CALENDAR*****

ACTION ITEMS

2.1 ACWA REGION 10 BOARD MEMBER VACANCY

The Region 10 Board is seeking candidates to fill one Board Member vacancy for the remainder of the 2012-2013 term.

Recommendation: Request Board direction

2.2 CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS – SEAT B

The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2014-2016 term.

Recommendation: Request Board direction

*****END OF ACTION ITEMS*****

REPORTS

3.1 GENERAL MANAGER

3.2 DISTRICT LEGAL COUNSEL

3.3 SAN DIEGO COUNTY WATER AUTHORITY

3.4 ENCINA WASTEWATER AUTHORITY

3.5 LAFCO

3.6 DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

*****END OF REPORTS*****

OTHER BUSINESS

4.1 MEETINGS

CASA Spring Conference
April 24 – 26, 2013 – Marriott, Newport Beach, CA
ACWA Spring Conference  
May 6 - 10, 2013 – Convention Center, Sacramento, CA

*****END OF OTHER BUSINESS*****

5.1 ADJOURNMENT

*****END OF AGENDA*****

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the Executive Secretary at 760.744.0460 ext. 264 at least 48 hours prior to the meeting.

AFFIDAVIT OF POSTING

I, Diane Posvar, Executive Secretary of the Vallecitos Water District, hereby certify that I caused the posting of this Agenda in the outside display case at the District office, 201 Vallecitos de Oro, San Marcos, California by 3:00 p.m., Friday, March 1, 2013.

Diane Posvar
President Hernandez called the Regular meeting to order at the hour of 4:00 p.m.

Director Ferguson led the pledge of allegiance.

Present: Director Evans
Director Ferguson
Director Martin
Director Poltl
Director Hernandez

Staff Present: General Manager Lamb
Assistant General Manager Scaglione
Legal Counsel Scott
Director of Engineering & Operations Gerdes
Administrative Services Manager Emmanuel
Finance Manager Fusco
Accounting Supervisor Owen
Principal Engineer Gumpel
Water Operations Supervisor Pedrazzi
Public Information/Conservation Supervisor Urabe
Public Information Representative Webb
Public Information Representative Yerman
Human Resources Technician Anderson
Executive Secretary Posvar

ADOPT AGENDA FOR THE REGULAR MEETING OF March 6, 2013

13-03-1 MOTION WAS MADE by Director Ferguson, seconded by Director Martin, and carried unanimously, to adopt the agenda for the Regular Board Meeting of March 6, 2013.

PRESENTATION

Susan La Joie, Director of Jack’s Pond Nature Center, acknowledged to the Board the wonderful contributions that staff and Vallecitos Water District have made over the years to their outdoor education program including the District’s donation of buses to transport San Marcos students to the Center for field trips. Since 2005, 5,735 students have visited the center.

President Hernandez accepted the Partners in Education award from Ms. La Joie on behalf of the full Board.

ORAL COMMUNICATIONS

Mr. Michael Hunsaker, member of the public, addressed the Board stating he works with the Property Owners Defense League and Twin Oaks Valley Property Owners
Association. He wanted to reiterate their concerns regarding infill construction going on in San Marcos. He stated that this is infill, not new construction. The cost of digging up, upgrading pipes, new sources of water, etc., to support these additional populations are much more expensive than the original installation. They are not necessarily needed unless you do infill. They recommend and strongly support the idea that these infill constructions, which are almost entirely rental units powered by hedge fund money, pay their fair share of the incremental cost and current costs of building infrastructure for them. They also want to make sure that conservation isn’t pushed as a means, where rural and suburban communities suffer, in order to make water available for these infills. There is also problems with cluster developments. The proposed Merriam Mountains has always been a very touchy area and is also one that is very drastically affected by sewer and water considerations. They have no problems with them being responsible and paying their fair costs. They are hedge funds and their primarily concerned about their investors’ bottom lines. They are going to naturally argue based on previous costs rather than current. He doesn’t think it’s responsible to give them a special deal.

He thanked the Board.

CONSENT CALENDAR

13-03-02 MOTION WAS MADE by Director Evans, seconded by Director Martin, and carried unanimously, to approve the Consent Calendar as presented.

1.1 Approval of Minutes
A. Regular Board Meeting – February 20, 2013

1.2 Warrant List through March 6, 2013 - $2,231,842.37

13-03-03 MOTION WAS MADE by Director Martin, seconded by Director Evans, and carried unanimously, to reopen the Consent Calendar for discussion on the Warrant List.

Director Martin requested clarification with five items on the warrant list – Imaging Technologies, US Bank Equipment Finance, Bejoca Grove and Landscape Management, Meagan Genovese - Computer Purchase Program, and Otsari Inc. to which staff responded.

13-03-04 MOTION WAS MADE by Director Martin, seconded by Director Evans, and carried unanimously, to approve the Consent Calendar.

ACTION ITEMS

AWCA REGION 10 BOARD MEMBER VACANCY

General Manager Lamb stated that ACWA Region 10 Board is soliciting nominations to fill one Board Member vacancy for the remainder of the 2012-2013 term. General Manager Lamb explained the structure of ACWA and its regions’ Board. The ACWA President and Vice President must be elected officials from a member agency;
however, the 10 Region Chairs and Vice Chairs may be elected officials, General Managers or Executive staff members from a member agency. Director Martin indicated interest at some point in the future but believed it would take 4 to 5 years of experience to gain adequate knowledge to serve.

General discussion took place. No action was taken on this item.

**CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS – SEAT B**

General Manager Lamb stated that the CSDA Elections and Bylaws Committee is accepting nominations for Seat B for the 2014 – 2016 term. Bill Nelson of Orange County Cemetery District is the incumbent for Region 6, of which the District is within, and is seeking re-election. Nominations may include elected officials or General Managers of member agencies.

General discussion took place. No action was taken on this item.

**REPORTS**

**GENERAL MANAGER**

General Manager Lamb stated that the second facility tour will take place tomorrow beginning at 8:00 a.m.

General Manager Lamb stated that the March 11 Board Committee Meeting will be fairly long and will begin at 11:00 a.m.

General Manager Lamb stated that the District had received a request from and met with delegates of the Saudi Arabia National Water Company to discuss water reclamation and conservation as well as tour the District’s solar port project and Twin Oaks tanks. They plan to build eight 75 million gallon tanks in their country.

**DISTRICT COUNSEL**

None.

**SAN DIEGO COUNTY WATER AUTHORITY**

General Manager Lamb stated that the February 28 Summary of Formal Board of Directors meeting was provided to the Board.

Director Evans stated that she sat in at the meeting and stated that one of the presentations at the meeting shared a map that identifies the U.S. seasonal drought outlook. She shared a copy of the map with the Board. She stated that it was incredible to see how much of the nation is in drought and how impacted that is on us.
She also shared this information at a Women’s Alumni meeting last night of which they were very fascinated and had many questions. She further stated that she feels this kind of information would be useful to get out to the rest of the world.

General Manager Lamb stated that the litigation with Metropolitan Water District continues. Additional court rulings were favorable to the SDCWA case.

ENCINA WASTEWATER AUTHORITY

Director Poltl reported on the February 27 Board meeting which included discussion on North San Diego Recycled Water Project, natural gas line project award, and the notice of public hearing related to the Board of Directors per diem compensation, which was voted down by the Board.

LAFCO

Director Evans stated that a Special District Advisory Committee meeting has not taken place yet.

Director Evans asked if she is able to attend the LAFCO Board meetings. General Manager Lamb stated that she could attend the regular Board meetings, however, those meetings are not an Ordinance approved meeting for per diem compensation.

DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

Director Martin provided an oral report on his attendance to the Urban Water Institute Spring Conference held on February 20-22. He stated he felt this conference is geared more toward administration, however, it was a very interesting conference and positive experience. A large part of the discussion was on employee benefits. There were approximately 10 – 15 Board members out of a group of approximately 100.

Director Martin provided an oral report on his attendance to the City of San Marcos State of the City Address.

Written reports were also provided electronically as well as at the Board meeting. The reports are on file.

OTHER BUSINESS

Director Poltl addressed the Board stating he had a couple of issues that he felt needed to be aired with the Board. He stated to President Hernandez that when he was taking his Chairmanship, he had called him and indicated to him that he wanted to meet with the City and had indicated that he was thinking that they both should meet with the City. Director Poltl stated that he said thank you and was honored, but that he should perhaps take this issue to the General Manager and discuss it with him as there may be others things they want to talk about. Director Poltl stated that the General Manager
then brought this subject to the Board and the Board decided that the General Manager and City Manager were going to meet, come up with an agenda and bring it back to the Board for review/approval. He stated that then it transpired that when the Managers tried to get together, the City Manager had stated that he had been instructed not to speak with General Manager Lamb. It was at that time, he believed, that President Hernandez felt it was important to meet with the Mayor. Director Poltl stated this was brought up at the last Board meeting. He stated that his take on it was that President Hernandez said that, looking at hindsight, perhaps that wasn’t the best thing to do and that forgiveness was asked. However, it was never mentioned by President Hernandez or Director Martin that Director Martin was at that meeting. Director Poltl stated that he takes offense to that. He further stated that President Hernandez stood up and talked about the meeting, talked about what happened, and never once mentioned that Director Martin was there. And Director Martin never mentioned he was there. As a part of proper Boardmanship, if they want trust on this Board, it has to start with integrity. He asked how could they have a conversation like they had at the last meeting and that not come up.

Director Martin stated that it wasn’t President Hernandez’s fault, in his opinion. He stated was probably 100% his fault. He stated that he has a personal relationship with the Mayor, has had for many years and will continue to be. He stated about a few days before the meeting, he received an email from the Mayor saying that he was having a meeting with Mr. Hernandez and some developers and asked if he would mind showing up. He stated that he responded he didn’t have a problem with it, no Brown Act violation, he isn’t representing anybody, he can show up anytime he wants; he doesn’t always wear that hat of our representative. He stated he emailed Jim Hernandez. The next day, just prior to the meeting, he asked Jim Hernandez if he had received his email, to which he said no. He asked Jim Hernandez if he had any heartburn with this, which he said he didn’t. Director Martin stated that when he arrived for the meeting, he asked Mr. Desmond what developers were going to be there and Mr. Desmond stated there were no developers. He further stated that the email said there were going to be developers and Mr. Desmond again said no. Director Martin stated that at that time the Vice Mayor walked up and there was four of them total at the meeting – the two from the City, he as an independent person – in his mind at the time, and Jim Hernandez. He stated he thought to himself that he wasn’t going to walk away, so he sat down and had lunch. Director Martin stated it wasn’t a planned thing, it wasn’t any grandiose thing that happened, it just happened. He stated he thought about the Brown Act, but two people do not make a Brown Act violation.

Director Poltl stated that the point is that does it make any difference what we do here? If we come as a Board and we make a decision about the direction of the Board, and then you don’t pay attention to it, what does that mean?

Director Martin stated he doesn’t (unintelligible) what the Board would find out here. If he’s talking about reporting it?
Director Poltl stated that Director Martin was part of that; he was part of the fact that the Board said this was the way it was going to go. It was going to be between the two General Managers. That’s why he is asking. For that whole conversation to go on with that not being mentioned, that smacks to him like it’s not above Board; it’s not honest. There was no reason why he wouldn’t have come out at that last Board meeting and say, by the way, I was there too, this is how it happened, and perhaps it wasn’t the best thing to do.

Director Martin stated that he thought about that during the meeting, that he should throw it in there just to let them know. He thought about it too long and it went on to the next subject. But he did think about saying, why put fuel on the fire because it had no significance to the meeting whatsoever, in his opinion.

Director Poltl stated that he made his opinion that as a Board, in order for a Board to have significance to Vallecitos Water District, they have to have integrity here. When people hear what we say, they have to think that’s what we are going to do. In that particular case, we didn’t. We were not honest to our constituents. That’s why he had to say this, because they put him in this position.

Director Martin stated that it is not the Chair’s fault, it is his if anybody’s.

President Hernandez stated that he didn’t say anything and apologized then and apologizes now. His focus was he had screwed up on the direction and that’s what he was focused on. He focused on making the mistake of having the meeting and then stepped back into it by not bringing it up that Hal was there. He apologized for his future endeavors; he will be more than careful to ensure that the integrity of the Board is upheld so that they don’t have this very serious concern by members of the Board.

Director Ferguson stated that, as far as she was concerned, they both have jeopardized any meeting that she would want to be a part of with the City.

President Hernandez stated he cannot apologize any more than he has already apologized.

Director Poltl stated that the main reason he brought this up is that they have a long way to go together. He realizes that a couple of new Board members are not maybe familiar with Boardmanship, but it doesn’t get any more serious than this. The reason he is bringing this up is because he wants it corrected; he sees things going sideways.

Director Poltl stated that the second side of this is the conversation that has gone on between Board members about electing a Board member to the San Diego County Water Authority. He understands that there has been conversation between three Board members about that direction on that conversation, maybe even agreement on the direction, and it hasn’t been a Board meeting. Two of them haven’t talked about it so that conversation has taken place outside of the Board meetings.
President Hernandez stated that he is absolutely right, there has been a conversation, but it’s the same conversation he had with him relative to staying on the Encina Board. He stated that prior to his Presidency, he called him to find out if he wanted to be on the Board. He also talked with before seated members about their desires and they said which ones they would like to do. But he doesn’t believe that since they brought it up at the first meeting when it was brought up relative to having a Board member replace the Manager on the San Diego County Water Authority (SDCWA), has he brought it up any more than what he talked to Dennis about when it should happen and when he talked to Director Evans as to when it would happen.

Director Ferguson clarified that he already talked with Director Evans about putting her on the SDCWA Board.

President Hernandez stated, yes, he has. He stated he talked to her in December and he talked to her prior to that about the timeframe of which this was potentially going to happen. He does not believe he has done anything outside of proper Board etiquette in that conversation. He stated it was talked about at that first meeting, when it came up about replacement of the Manager.

Director Poltl stated that he wasn’t saying that all three of them sat down and had a conversation. But, between the three of them, they had conversation on the same subject. Director Poltl stated that the reason he brings it up is because they’re playing with fire and that he ought to deal with the General Manager to do things in the proper order. There is no reason why they couldn’t have a conversation here at the Board level about that.

President Hernandez stated that he thought they had at the first Board meeting.

Director Ferguson stated that it was voted down; it was a non-subject after that. Now they hear that the three of them are sitting down and discussing it, bringing it back. President Hernandez stated that when she says “us three” it sounds like the three of them got together.

Director Ferguson stated no, she would say it was two and two between them. But it doesn’t matter how the numbers are put together, she thinks the three of them have made their mind up that’s what they are going to bring to the Board. And this was voted down.

President Hernandez stated that it was voted down at that time, because he felt personally, that Dennis needed to stay in place because the desal contract discussions were taking place and have taken place up until now. But, he thought it was going to be clear that this was going to take place; he thought he said at the meeting that they will take care of this in March.

Director Ferguson stated that she did not think he said anything like that; she didn’t recall it.
President Hernandez stated that he did say to Director Evans that her being on the Board would take place in March.

Director Evans stated that she wanted it very clear that she did not know anything about the meeting between Hal, Jim and the Mayor. She does not want to be on this list of suspicions. She appreciates bringing up the concerns and that she knew nothing about it until after the meeting. As far as the discussion goes regarding the position at the SDCWA, before her swearing in ceremony on December 19, she did receive an email or a phone call from Jim asking which positions would she be interested in, these are the ones that are open. She told him she was interested in the Water Authority, although Dennis’s name was on there as the delegate. She thought the new Board voted on these things, which they did on December 19. She said she would very much be interested in the Water Authority position, being on LAFCO and whatever other position he suggested. At that time, Jim got back to her and said that he thought he would prefer at this point to have Dennis stay on because of being toward the end of the desal and that the contracts are going, but would be happy to bring it up later and look at it. At that point, she doesn’t know if he said March or April, but he implied it would come before the Board in a few months. He didn’t make her any promises, he didn’t say she had the job, she hasn’t spoken with Hal or anyone about it, it was purely between Jim and her. Somewhere between that time and December 19 Hal, when he came to that meeting on December 19 and brought that up, she was not aware Hal was going to do that. She was totally taken by surprise and that’s why she agreed to his first motion. Before he stuck her name on it, she was willing to discuss this position. He put her name on it and when it was discussed it, she voted no. One, because she wasn’t ready; she didn’t want it to be that kind of a discussion, didn’t want anyone to feel they were coming in and raising a ruckus. Her reason for being on the Water Authority is because she thinks it’s important and would like to know the whole thing and she totally trusts that as all have had opportunities to be on Boards, the General Manager would be there to get her through it if it was difficult and help her with it. That is when she said no. At that meeting, she did imply that she was still interested in it and it would come up at some other time. There has been no discussion since then until the February meeting when we went for the proxy, and once again, it was asked by Director Martin if we do the proxy, what does that do if we change the position? Because obviously the President position is picking their proxy, who they feel represents them and how they represent the Board. But at that point, Hal turned to our President and said weren’t we going to be talking about this in March? So, obviously in some conversation with Hal, she mentioned it’s coming up again, I believe in March or April. What that meant to her, is it would come before the Board at a special committee meeting and we would talk about it. That’s all it was; that’s why it came up. She has gone to the meetings because if she is honored to be in that position, why would she not want to know what is going on up to this point. As far as three votes, all Jim has promised her personally is that he will put it on the agenda to be looked at. She has not gone and solicited votes.

Director Ferguson stated that it was interesting he asked Director Evans if she was interested; he never asked her.
Director Evans stated that he didn’t ask her if she was interested, what she said was he asked her – he sent her a list of available positions before she was appointed or signed in – he said what was open and asked if she was interested in any of them as he is making appointments. That position was already filled by Dennis. Director Ferguson was already on a lot of them, so she’s assuming he already spoke to her before then. Jim has only told her that he would approach the Board on reassigning that position.

Director Poltl stated this isn’t about her, it’s not about the position or anything else. The reason he brought it up was the protocol and just trying to make sure that he really drove that point home, that they have really got to be careful and that if they want to have discussions about that position, about what is happening with that position, to do it here at the Board level.

Director Evans asked Director Poltl that he has just gone, because of his position with the school district, he’s gone and already talking with the General Manager about going natural gas, she means talking with other people. Is that something they should be taking up the General Manager’s time, is he supposed to be coming to the Board? She is confused, she’s not trying to be offensive to him. She just wrote a note right here, who do I ask? Because she is sitting here thinking, if she has an idea does she go to the General Manager or does she come to the Board. You said in what you did, “oh I went to my General Manager to say do you think we would be interested?” What she is hearing is what he really should have done is that at a meeting he should have come to the Board and said, Board do you think we would be interested in a natural gas situation, and if so, should I approach the General Manager?” She said she is not trying to argue it with him here. Coming on as the new person, she didn’t expect all the positions to already be assigned. So when he asked her if she wanted to be in a position, of course, she told him her preferences. But when you say protocol, at what point does she talk to Jim or is everything through the General Manager? Or is it to the Board? She is very confused on this because she feels there, although what he is talking with him about isn’t elected, appointment representation, it’s kind of the same thing and she is confused.

General Manager Lamb stated that the way the gas conversation started this evening was Director Martin asked him about natural gas. The distinction of anybody that’s a Board member is discussion of something that will be talked about, from what he is hearing here, conversations amongst the majority. He has spoken with Jim over the years about a variety of things – everything from sewer maintenance going through his yard – in that role, he is the Superintendent of the school District. That role is normal everyday business. With respect to something here, as discussed last week, when do you let the Chair know and when you let him know. Obviously if you called and talked about something that might be a question about policy, the courtesy to the Chair so that the Chair knows what is going on, is to cc the Chair also. But if you had a question about payable, or she saw a truck, just call him. The concern that he thinks he is hearing here is if there are Board members talking about something behind the scenes, not just reaching a consensus, and if something comes before the Board as a Board policy issue, that is what he is getting is the concern. Those kinds of conversations that
are going to be policy level, should be brought up here. He stated let’s say you wanted the position at the Water Authority and you asked for it, the simple thing is that any Board member, as Brent Ives pointed out in his orientation presentation to the Board, policy allows any Board member to request the Chair to put something on the agenda. So if this topic came up, all it would be from you to the Chair saying you would like to open this up for conversation. The Chair would then contact him. This is based on the fact he works for the full Board, not any individual Board member can direct him to actually take an action unless it comes from the full Board. The Chair, by policy, is the one who establishes the agenda with the General Manager. If you have an item you want on the agenda, it is up to the Chair to tell him to put it on the agenda. So any time you have something like that, that should come to the Board for conversation like Director Ferguson was saying, would be to let the Chair know and he will direct him to place it on the agenda. It can be conversation at the Board level here, or it can be for conversation at the Committee.

Director Evans asked Director Pottl if Jim comes to her and asks her and she is interested in a position, at that point has she done anything wrong in responding?

Director Pottl responded no. Legal Counsel Scott responded no as well.

Director Evans states she responds to Jim that she is interested in these positions. She comes to the meeting and unbeknownst to any of them, a motion is made asking that she be in that position. Sort of pre-emptive and the response is no, we’ll look at it later. She is still interested. Has she done anything wrong so far? Director Pottl responded no.

Director Evans stated that after this meeting, if she walked up to the individual who surprised her with this motion, and said, well that was an honor that you did that, but I was taken by surprise and is assuming it is going to come up later. Has she now done something wrong?

Director Pottl responded no.

Director Evans stated that if she expected Jim to put it on an agenda as he’s told her it will come up in March or April, has she done something wrong?

Director Pottl responded no.

Director Ferguson stated that maybe the three of them discussed March or April but she and Jim never heard anything about March or April.

Director Evans stated that the very first time, she didn’t think at the meeting here, Jim said that she said no to the motion but that she let him know she was still interested in the position. She didn’t think there was a date; she thinks the implication was later and in her prior discussion with the President before she was on the Board, he implied March or April. So she has been sitting and waiting, she’s gone to the County Water
Authority meetings, she has talked with Dennis, she has indicated to Dennis, she has asked a lot of questions with the hope, not the expectation, that she would be in that position. She doesn’t believe that she ever said when she takes over. So now she is at this point. It’s March, she looks at the agenda, she doesn’t see anything about it on this agenda, she doesn’t know if anything has come up because she does know the agenda for the special meeting. If it wasn’t on that meeting, she would have at that point said to Jim that she would like to look at being appointed that position, what’s the protocol and how is it put on the agenda. Would she have been right at that point?

Director Ferguson stated that she thinks she is missing the point. The point is neither she nor him knew anything about this March or April arrangement.

Director Evans stated that neither did she until Hal brought it up in January and she simply said, whoa you caught me off guard with that and that isn’t what she was expecting. She doesn’t know why and she can’t speak for Hal on why he made that motion at that moment. She thinks she should ask Hal why he did. She understands her point that they all need to know and that they all need to have it go on the agenda and she agrees with her. She is just saying that she wants to know where she personally failed in this process, that she didn’t know her conversation with Jim beforehand – she may have had a conversation with Jim that she was going to meet him at 7:15 instead of 8:00. She doesn’t think the issue that Jim had told her it would be 3 or 4 months down the road, and she just wants to know where she is failing. She’s not talking about Hal, not talking about Jim, she is asking if procedurally she did it right. If she would have gone to Jim after this meeting or at the next Board meeting brought it up and said I would like this position be considered, when would it go on the agenda?

Director Poltl stated that she could do that at a Board meeting.

Director Evans clarified that she could do that here or at the Committee meeting.

Director Poltl responded yes.

Director Evans stated that that was her thought, she would do it at the next Board meeting. She would ask him to come forward and put it on, however the procedure is. She still hasn’t quite figured out the difference between a Board meeting and a Committee Board meeting, but they are definitely different.

Director Poltl stated that the way it would be brought up would be just as she said, that she would like it to be brought up again at a Board meeting about the position with San Diego County Water Authority. Where it gets to be grainy is when she starts talking outside of the Board. He stated he wasn’t saying this happened but there are possibilities when you start having conversations outside the Board. If somebody is saying or encouraging you to apply again and saying I’ll support you if you do. He restated that he isn’t saying that happened, but that it could happen. This is his caution.
Director Evans stated that this is a wise caution. She wanted to clarify that she doesn’t see where she slipped up.

Legal Counsel Scott stated that one of the things that can be done in the future is that if she is talking, for example, to the Board President about some matter that is potentially going to come back to the Board, it should be on the agenda. That is perfectly alright. The problem comes when another Board member approaches you about the subject and starts to discuss it. The way to get back is to simply ask that person if they have talked with anybody about this. If you heard it for the first time, and to the extent that the other person is talking to another Director, if they yes they spoke with someone about this, then she would say that she can’t talk about it and need to wait to have it come to the full Board. The way the Brown Act is written, even if she engages in discussions that could lead potentially to a consensus building, then technically she is in a violation. He thinks that all Jim is trying to say is that they want to make sure that we’re real careful about outside discussions about things that might come potentially to the agenda. As long as that rule is followed and as long as she keeps thinking about if there is something that is going to come up and somebody approaches her about it, the first question she would ask is if they have talked with any other Board members about the subject. If the answer is yes, then that is the end of the discussion. If the answer is no, they haven’t spoken with anybody else, then it’s ok for less than a quorum to discuss something. It’s when you go to the third person.

Director Evans thanked Mr. Scott.

Director Martin stated that he didn’t want to be quiet about this issue because it might be slighted in a way. He thinks he made his opinion very well noticed at the very first meeting that he doesn’t believe staff should be filling policy Board positions. He thinks everybody in the audience was aware of that, which would have meant that at least four of the Directors were aware of his position on it and that it wasn’t going to change. So he doesn’t need to talk to him about it.

Director Ferguson addressed President Hernandez stating that when he told Director Evans that that position was open, when we already had the General Manager in that position, he never asked her if she would like to have that position.

President Hernandez responded no he did not.

Director Ferguson stated that he asked Director Evans but not her.

President Hernandez responded that he did not ask Director Evans if she wanted the San Diego County Water Authority’s position. He gave Director Evans the list; what was she interested in. He stated he did not give it to her and the reasons he did not are his own personal reasons and doesn’t believe it is important to the Board’s discussion presently. He then asked if there was further discussion on this item.

Director Ferguson asked President Hernandez that he has favorites in other words.
President Hernandez responded no; he has personal thoughts about situations on the Board, he does not have favorites.

President Hernandez asked if there was any other discussion on this matter.

Director Poltl responded no and that he appreciates everybody else being candid and an open conversation about those two issues. He thanked the Board President.

ADJOURNMENT

There being no further business to discuss, President Hernandez adjourned the Regular Meeting of the Board of Directors at the hour of 5:31 p.m.

A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, March 20, 2013, at 4:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.

James Hernandez, President
Board of Directors
Vallecitos Water District

ATTEST:

Dennis O. Lamb, Secretary
Board of Directors
Vallecitos Water District