

**MINUTES OF REGULAR MEETING
OF THE NORTH TAHOE PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
North Tahoe Event Center
8318 North Lake Boulevard, Kings Beach, CA 96143
August 11, 2009**

CALL TO ORDER

The Regular Meeting of the North Tahoe Public Utility District Board of Directors was held on Tuesday August 11, 2009 at the North Tahoe Event Center in Kings Beach, CA. President Lewis called the meeting to order at 9:00 AM. Present were Directors Mooney, Bergmann, Daniels, Ferrell, and President Lewis. A quorum was established.

A. CLOSED SESSION AGENDA

The following was discussed in Closed Session. There was no reportable action.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Discussion pursuant to subdivision (b) of Section 54956.9: Name of case: North Tahoe Public Utility District vs. The Garwood Building
2. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS. Discussion pursuant to Section 54956.8: Assessor's Parcel Numbers 090-122-030, -031, -033, -034 and 090-121-010, -011,026 and -027

B. ROLL CALL/PLEDGE OF ALLEGIANCE

President Lewis convened Open Session at 10:07 A.M.

ROLL CALL: Present were Directors Mooney, Bergmann, Daniels, Ferrell, and President Lewis. A quorum was established.

Staff present was General Manager/CEO/Clerk of the Board Aaron, Assistant General Manager Schegg, Parks and Facilities Manager Long, District Engineer Goebel, Associate Engineer Taylor, Utility Operations Manager Hopkins, Chief Financial Officer Marple, Sr. Administrative Analyst Rosenthal, Executive Assistant Lefrancois, and Board and Records Secretary Potts. Also present were Legal Counsel Eskind and Recording Secretary Friedman.

C. REVIEW AGENDA - The Board reserves the right to take items out of order.

D. PUBLIC PRESENTATION

1. **10:15 A.M. – Tahoe Art & Music Fest – Thank Organizer Chris Talbot for his fundraising efforts and contribution to the North Tahoe Regional Park Playground**

Chris Talbot was thanked for the event he and his brother, Darin, produced to raise money for the Playground.

E. TIMED ITEMS:

1. **10:05 A.M. – PUBLIC COMMENT**

Public Comment was opened. As there were no comments regarding items not on the agenda, Public Comment was closed.

2. 10:30 A.M. – H-1 NEW BUSINESS: PROPOSED CROSSWALK BARRICADE MAINTENANCE AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

F. CONSENT CALENDAR

Item F6 will be continued to the September 8, 2009 Board meeting. Item F3 should refer to “license” agreement on the agenda, not “lease” agreement.

Item F8 was pulled for clarification on the scope of work and funding requested. The amount to be approved is \$67,290 as stated in the contract summary submitted by Tieslau Civil Engineering dated August 3, 2009.

Item F10 was also pulled for discussion on the scope of work needed for roof repairs.

Item F4 was pulled from the Consent Calendar in order to vote on it separately.

ACTION: Motion was made by Director Bergmann, seconded by Director Daniels, and carried unanimously to adopt Item F4. Motion carried to adopt the Mitigated Negative Declaration for the Zone 2 Water Storage Tank Project and direct staff to file the De Minimus Impact Finding and Notice of Determination after August 12th, unless comments were received requiring the District to modify its proposed mitigation measures.

ACTION: Motion was made by Director Bergmann, seconded by Director Daniels, and carried by Roll Call Vote approving the Consent Calendar as follows, with Item F3 to read “license” agreement, Item F6 continued, Item F4 voted upon separately and Item F8 to be approved for the amount of \$67,290. Directors Bergmann and Mooney abstained from voting on conflicts of interest noted on the Accounts Paid and Payable. Director Mooney abstained from voting on Item F8.

1. Accounts Paid in the amount of \$209,294.10 and Payable in the amount of \$210,147.99 for the period from July 14, 2009 to August 10, 2009
2. Minutes of the July 14, 2009 Regular Board Meeting
3. Approve License Agreement with Southwest Gas on Parcel No. 116-010-012
4. Adopt Mitigated Negative Declaration and De Minimus Impact Finding for the Zone 2 Water Storage Tank Project, and Direct Staff to File Notice of Determination
5. Award Construction Contract for Zone 2 Water Tank Project
6. Award Professional Services Agreement to Camp Dresser McKee Inc. for Zone 1 Water Tank Design
7. Reject Award of Contract for Office Furniture to Western Contract
8. Authorize Task Order to Tieslau Engineering for Construction Management Services for Tahoe Vista Recreation Area Phase II
9. Budget Adjustment for Fiscal Year 2009-10 for \$3,200 for National Avenue Ultraviolet Sensor Installation Project
10. Authorize Budget Adjustment for Facilities Fund 18 for Emergency Roof Repairs at Administrative Building at 875 National Avenue
11. Authorize Cooperative Fuel Purchase Agreement with Hunt & Sons
12. Authorize Vote for Candidate in Current Election to the California Special Districts Association Board of Directors
13. Authorize Board President to Execute Grant Contract with Placer County Water Agency for 2009 Financial Assistance Program

G. MANAGEMENT TEAM INFORMATIONAL UPDATES

1. Chief Financial Officer

a. Review and Discuss Monthly Financial Statement through June 2009

There were no questions or comments on the written report presented. Chief Financial Officer Marple was asked to compile a report on the historical profit and loss of the Kings Beach State Recreation Area and to add a separate line item for administration costs for the property.

b. Treasurer Report

Chief Financial Officer Marple explained the State of California's appropriation of property tax from Special Districts and how it will be paid back to the District.

Director Mooney voiced concern about the expenditure budgeted for Tahoe Vista Recreation Area (TVRA). He asked that this item and the North Tahoe Regional Bike Trail be included on the September 8, 2009 Board Meeting Agenda to allow discussion.

2. Parks and Facilities Manager

a. Draft Minutes of July 22, 2009 Recreation and Parks Commission

There were no questions or comments on the written report presented.

3. District Engineer

There were no questions or comments on the written report presented.

4. Utility Operations Manager

Portions of Utility Operations Manager Hopkins' report were clarified. Utility Operations Manager Hopkins stated that he would break out hours set aside for training from the leave hours which were combined on this month's report.

H. NEW BUSINESS

1. Proposed Crosswalk Barricade Maintenance Agreement with the State of California Department of Transportation

Cheri Sprenger, Executive Director of the North Tahoe Business Association (NTBA), explained that crosswalk pylons have been purchased to address pedestrian safety. NTBA is partnering with the Tahoe City Downtown Association (TCDA) to install them in various areas from Tahoe City to Kings Beach and plan to maintain them. An encroachment permit from Caltrans is required in order to install them. Caltrans, however, will not enter into a maintenance agreement with business associations. NTBA is asking the District to implement the necessary agreement with Caltrans. Discussion followed regarding the possible liability to the District. District Counsel Eskind's written opinion included in the Board packet stated that the District does not have the authority to enter into this agreement with Caltrans because it does not have the authority to carry out any activities not specifically delineated in the District's governing act.

ACTION: Motion was made by Director Ferrell, seconded by Director Daniels, and carried with a "no" vote from Director Mooney, to decline the proposed Caltrans agreement for crosswalk barricade maintenance within the Highway 28 right of way.

I. CORRESPONDENCE/INFORMATION

The Board reviewed all correspondence presented without comment.

J. GENERAL MANAGER/CEO COMMENTS

1. Schedule Special Board Meeting for August 25, 2009 at 8:00 A.M.

Items to be placed on this agenda will request award of engineering contracts in order to expedite starting construction during the 2009 summer season. The Board agreed to schedule the meeting.

2. Scoreboard Donation – North Tahoe Regional Park

General Manager Aaron reported Bob Habeger is interested in donating a scoreboard to the District for Ball Field #5. He has requested that the District fund the purchase, which he will reimburse. There was consensus to approve this request.

K. BOARD OF DIRECTOR'S COMMENTS

Director Bergmann reported the Finance Committee will be evaluating the Event Center and Tahoe Vista Recreation Area expenses. They have asked that administrative funds for facilities be included in the financial reports.

Director Ferrell noted the efficient manner in which the Lincoln Green project was engineered. Kudos to those involved.

Director Daniels asked that staff remains updated on the status of California State Parks, specific to the Kings Beach Recreation Area. General Manager Aaron is meeting with Assemblyman Gaines and this will be a primary topic for discussion.

President Lewis thanked Counsel Eskind for getting the easement issues settled on Godfern. He stated that he was pleased with the cost-conscious way in which the District is being run and contracts being awarded. He stated the District's constituents should feel good about the direction the Board and staff have taken.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:47 AM. The next regularly scheduled meeting of the North Tahoe Public Utility District Board of Directors is Tuesday, September 8, 2009 at 9:00 AM. A Special Meeting will be held on August 25, 2009 at 8:00 AM.

Respectfully submitted,
Judy Friedman, Recording Secretary
THE PAPER TRAIL SECRETARIAL & BUSINESS SOLUTIONS