

FALLEN LEAF LAKE COMMUNITY SERVICES DISTRICT

Sunday, November 4, 2012
City Council Chambers / Airport
South Lake Tahoe, CA

MINUTES

President Bacchetti called the meeting to order at 12:00 pm.

ROLL CALL

Present: President Bacchetti, Vice-President Kownacki and Director Neidig

ADJOURN TO CLOSED SESSION

Closed session was called to order by President of the Board Bacchetti pursuant to California Government Code CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Subdivision [a] of Section 54956.9 to confer with counsel regarding pending litigation in the matter of Barnes vs. FLLCSD, Case No. SC20110048

OPEN SESSION CALLED TO ORDER

President Bacchetti called to order an Open Session at 12:30 pm

ROLL CALL

Present: President Bacchetti, Vice-President Kownacki and Director Neidig
Also present: Fire Chief/GM Gerren

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

President Bacchetti reported following discussion with counsel the board voted unanimously to ratify the settlement reach in the matter of Barnes vs. FLLCSD. Anyone wishing to get a copy of the settlement agreement may do so by contacting the General Manager of the District.

PUBLIC COMMENTS

None

ADMINISTRATIVE MATTERS

A. Discussion and Motion to Approve Minutes of September 1, 2012

A motion was made by Director Kownacki to approve minutes with the following corrections: Under Administrative Matters Item C Concessionaire's Report second paragraph the word **percussions** should read **precautions**; Under Old Business Item A. title the word **Close** should read **Closed**; Under Old

Business Item A. first paragraph the word **comparison's** should read **comparison** Motion was seconded by Director Neidig and passed unanimously.

B. Discussion and Motion to Approve Financial Reports

Director Bacchetti made a motion to approve Financial Statements and noted this was a recommendation from our Auditor Robert Johnson. Director Kownacki seconded the motion. After a full discussion regarding the Financial Statements, motion passed unanimously.

C. General Manager's / Fire Chief's Report

Chief Gerren gave a review of his report. A discussion was held regarding volunteers, on duty fire fighters, responding personnel and units available during the winter.

D. CONCESSIONAIRE'S REPORT

Larry Chapman reported via phone it was a good year financially. The marina floats were removed this year by CLM. Harry Jokebit will be returning next year to manage the store and café. The current financials for the season are not complete yet. End of month estimated totals are \$425,000. Better than last year. The approximate totals to CSD are \$92,000 against a budgeted amount of \$97,500.

E. PRESIDENT'S REPORT

Director Bacchetti reported that while there are only three boa members, any motions must be approved by all three Board Members. Also any motions can be made by any Board Member present, including the presiding one and while not legally requiring a second, we will continue the practice of asking for one..

Director Bacchetti reported that Notice of Election for Two (2) open Board Positions is being published November 5, 2012 and will be posted through December 5, 2012 and encourages residents of Fallen Leaf Lake to participate.

Director Bacchetti reported that the new website address will be www.fllscsd.org and scheduled to be up and running by end of year.

OLD BUSINESS

A. Discussion and Possible Motion to Approve Resolution 2012 - 3. To set dates for the Board of Director Meetings 2013 - Director Bacchetti (Recommended Dates: January 12, 2013, March 9, 2013, weather alternate March 16, 2013, June 1, 2013, Annual Meeting July 6, 2013, September 7, 2013)

Director Bacchetti reported that the law stipulates that the Board must meet every 3 months and these dates must be set by Resolution attached and motioned to approve dates as recommended. Motion was seconded by Director Neidig. A full discussion was held regarding dates to set as follows:

January 26, 2013, April 20, 2013, May 25, 2013, July 6, 2013 and September 7, 2013

After discussion motion passed unanimously.

NEW BUSINESS

- A. Discussion and Possible Motion(s) to Approve Resolution 2012 - 4. To approve the Agreement with the California Department of Forestry and Fire Protection dates as of the last signatory date of page 6 of the Agreement, and any amendments there... - Director Bacchetti / Chief Gerren**

Chief Gerren presented to the Board for discussion and motion to Approved Resolution 2012-4 awarding the Fire Department \$7,584.00 for assistance under the Volunteer Fire Assistance Program of the Cooperative Fire Assistance Act of 1978. Motion was made by Director Kownacki to approve said resolution and seconded by Director Bacchetti. After discussion motion passed unanimously.

- B. Discussion and Possible Motion(s) to appoint ad hoc advisory committee to conduct research, including, but not necessarily limited to, conducting Town Hall Meetings, a survey of District constituents, consulting with California Special Districts Association ("CSDA") and other such expert counsel as needed and advise the District in the drafting of any proposed "private" legislation that may be beneficial to the constituents of the District in providing a higher degree of comfort in registering, voting and otherwise participating in the affairs and governance of the Fallen Leaf Lake community Services District. (See Malley to Bacchetti letter dated 2013 and with paper) – Director Bacchetti**

Director Bacchetti moved to discuss a possible motion regarding the subject matter list as New Business Item B. Motion was seconded by Director Kownacki. A full and intensive discussion was held regarding subject matter, including recommendations from the District's Attorney. Two questions were raised regarding what the Board would wish to do:

1. Have an ad hoc committee including 2 Board Members which can be appointed by the President of the Board.
2. A Citizens Advisory Committee where there is no Board Member. This type committee must be voted and approved on by the Board. This committee recommends to the Board their findings and Board discusses and makes possible motion(s) to these recommendations.

Further discussion was heard from residents via phone regarding the committee subject. Mike Casey, Steve Malley, Franz MacMasters, Mike Kraft, and James Kelly participated via phone.

This matter was tabled till the next regular scheduled Board Meeting for further discussion and possible motion(s).

- C. Discussion and Possible Motion(s) to accept the FY '12 Audit Report – Director Bacchetti**

Director Bacchetti reported that the FY '12 Audit Report prepared by Robert Johnson CPA was given to each Board Member in their packet for review. Director Bacchetti pointed out the two issues Mr. Johnson recommended were:

1. For the Board to approve by vote the Financials presented to the Board at its meetings.
2. To retire debt of \$2,000 owed to the District to the Fallen Leaf Lake Homeowner's Association.

Motion was made by Director Neidig to approve said Annual Audit Report. Motion was seconded by Director Kownacki. A discussion was held motion passed unanimously.

D. Discussion and Possible Motion(s) to retire debt (\$2,000) owed by the District to the Fallen Leaf Lake Homeowners' Association – Director Bacchetti

Director Bacchetti motioned to retire said debt to the Fallen Leaf Lake Homeowners' Association per the recommendation of the Auditor Mr. Robert Johnson, CPA. Motion was seconded by Director Neidig. After a full discussion was held regarding loan from the FLL Homeowner's Association motion passed unanimously.

E. Discussion and Possible Motion(s) to:

- i. Appoint an ad hoc committee to advise the Board on best-practices for compensation of District employees, and**
- ii. Award the Fire Chief a 2012 year-end bonus – Director Bacchetti**

Director Bacchetti motioned to award the Fire Chief a 2012 year-end bonus. Motion was seconded by Director Kownacki. A discussion was held regarding a 2012 year-end bonus of \$3,000. Director Bacchetti withdrew his motion and will appoint committee to do further research compensation packages for District Employees. Board Members Bacchetti and Neidig as well as Treasure Dave Sargent were appointed to the committee.

With no other further business, President Bacchetti adjourned the meeting at 1:44 pm.