

FALLEN LEAF LAKE COMMUNITY SERVICES DISTRICT

Saturday, March 5, 2022
Held under Executive Order N-29-20
Tele/Video Conference
9:30 AM Closed Session
11:00 AM Open Session

MEETING OPENED

President Cathcart called the meeting to order at 9:30 am

ROLL CALL

President Cathcart, Director Casey, Director Malley, Director Hart, Director G. Calof and Paul Carelli, District's Attorney, via tele/video conference.
President Cathcart called the closed session meeting to order.

DISCUSSION ITEMS

A. Contract for Fire Chief and General Manager
Requested Action / Discussion to Approve Contract for Fire Chief and General Manager
Board Member: President Cathcart

B. Contract for Concessionaire
Requested Action / Discussion to Approve Contract for Concessionaire with RRM
Board Member: President Cathcart

OPEN SESSION

President Cathcart called the open session meeting to order at 10:57 am

ROLL CALL

President Cathcart, Director Malley, Director Casey, Director Hart via tele/video conference. Director G. Calof signed in late.

PLEDGE OF ALLEGIANCE

Chief Gerren led us in the pledge of allegiance.

PUBLIC COMMENTS

President Cathcart asked the public to please hold comments to two minutes on items that are not and the agenda.

Ava asked why the proposal for the compensation, or extra compensation is not on the agenda. President Cathcart reported that it is on the agenda under Report Out of Closed Session Item A. Contracts for Fire Chief and General Manager

Sarah Marx asked about the pension plan that was on the agenda in December. President Cathcart reported that it is on the agenda under Report Out of Closed Session Item A. Contracts for Fire Chief and General Manager

REPORT OUT OF CLOSED SESSION

All Items are under Old Business

A. Contracts for Fire Chief and General Manager

Director Casey reviewed with the Board and the public a history of the Proposal to reward Chief Gerren for Benefits conferred on the Fallen Leaf Community due to the success of the Strike Team Program that was included in the board packet. Director Casey reviewed the history of the Then and Now; where we are and how we got there; Chief Gerren's Role; and, Recommendation. No motion(s) were made. Only comments from the public and discussions were held regarding pension plans, bonuses, job descriptions, salaries, what the fire department does or does not do, budgeted items, Caldor Fire and the Fallen Leaf Basin. Along with grants, receivables, fuel reductions and why the public needs to call 911 rather than the station. Everyone was in agreement that Chief Gerren has done a very good job for the district. President Cathcart reported that this item will be up for further discussion at the May 28, 2022 meeting and is hoping to have a synopsis or a contract reading for the public to review and the board to vote on.

B. Contract for Concessionaire with CLM- RRM

Director Hart reviewed with Board and public the proposed contract and side letter without the exhibits. Director Hart reported that the exhibits are PDF's and will be retyped for typos. The contract is proposed to be four years. Comments and discussions were held by the Board and the public. A motion was made by Director Hart to approve the contract, as presented, which includes the proposed site letter and include the exhibits as maybe edited and amended only so I can make sure that they all tie together. There will be no change in the major business terms, and if they were we would come back to the board. Director Casey seconded the motion. Director Malley reported he would like to make a couple of amendments to the motion. First one is, that a minimum of 60% of floor space other than the kitchen and counter space, be devoted to grocery and related items targeted to serve Fallen Leaf Lake community, which includes anyone occupying a house or cabin in the Fallen Leaf area. Second proposed amendment that the contract should provide that there is no advertising including at the campground and by internet, including the reservation system that was discussed. A further discussion was held regarding advertisement and the proposed reservation system. Director Hart reported to the Board that Director Malley has made a motion and see if there is a second to his motion(s). President Cathcart asked for a second to either of Director Malley's motion(s). No second. President Cathcart asked for any other discussion. There being no further discussion on Director Hart's motion. Motion

was passed to approve the proposed contract and side letter without the exhibits by a 3 in favor to 1 against.

ADMINISTRATIVE MATTERS

A. Approval of Agenda

President Cathcart requested item to be added to the Agenda under New Business Item E assigning a board member to the **Fallen Leaf Lake Basin Protection Coalition**. A motion by Director Casey to approve agenda for March 5, 2022. Motion seconded by Director Hart. After a brief discussion was held motion was passed unanimously.

B. Approve Minutes of Regular Meeting of December 4, 2021

President Cathcart reported next under Administrative Matters is the approval of the minutes of the December 4, 2021 meeting. Director Malley motioned to approve minutes from Board Meeting December 4, 2021. Motion was seconded by Director Hart. After a full discussion was held motion was passed unanimously.

C. Approve Financial Reports F/Y 2021-22 through February 21, 2022

President Cathcart reported that the next item is to approve the financials report to the fiscal year 2021-22 through the end of February 21, 2022. A full discussion was held regarding the fire department balance sheet and how the receivables and liabilities are not listed and why. After, another full discussion was held regarding if the board should approve or accept the financials the Board decided to accept the Financial Reports F/Y 2021-22 through February 21, 2022. A motion was made by Director Casey to accept the Financial Reports F/Y 2021-22 through February 21, 2022. Motion was seconded by Director Malley and passed unanimously to accept the Financial Reports F/Y 2021-22 through February 21, 2022.

D. COVID-19 Report

Chief Gerren reported that he will discuss his COVID-19 report under his report and suggested to the Board to report out of order and let Tom give his COVID-19 report along with his Concessionaire Report. President Cathcart reported that the COVID-19 and Concessionaire Report will be taken out of order.

G. Concessionaire Report

Tom Melendez thanked everyone for their faith in them to come back. They're excited about that and have put in a lot of hours preparing for it and thank you for that. Tom also wanted to thank Director Hart for all the work he has put in on the contract and how much they appreciate it. Tom reported as to COVID, they are doing what has always been done, by following State, Federal and local laws and as they get closer to the season, they'll update according to the direction from those organizations. Tom went on to report about the wonderful things that are happening this season. Jen has been hiring staff and is currently looking to find a place to house them. They have 2 platoon boats on order and they should be here by beginning of the season. Everything looks good and they are ready to get started. A full discussion was held regarding advertising, the proposed reservation website, the hiring of a full-time employee to work directly with the locals and their needs, liquor license and the sale of beer and wine.

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

Chief Gerren thanked Tom and Jennifer for a job well done last year. Even with the smoke evacuation and actually evacuation they did a great job and ended up having a great season. As far as COVID goes with the fire department, we will follow the current State, County and Federal guidelines. A lot of the masks and other requirements have been lifted and/or will be lifted. So, whatever is in place we will follow.

Chief reviewed with the Board and public his report that was included in the board packet. A full discussion was held with the Board and the public regarding the launch ramp, grants, the marina operating company that RRM has purchased and breakwater issues, along with a full review of the neighborhood program called Firewise USA, defensible space inspection and the fuels in and around the Fallen Leaf Basin. Another discussion was held regarding a new and updated Fallen Leaf Lake CSD website being constructed, the cell tower and AT&T fiber progress and update on the new fire boat.

Chief Gerren also reported items attached to his report in the board packet. Firewise USA Workshop March 28, 2022 agenda and Insurers Currently Offering Discounts.

F. President's Report

President Cathcart wanted to say thank you to the 20 or 25 people who sent me emails regarding their concerns and that he has gone through almost all of them and is making a list of what the concerns were putting them in organized fashion, so he can go over the list with Gary and hopefully address whatever the concerns by the Memorial Day meeting. He reported on website and how important it is to make sure there is good communication and getting the information out regarding the CSD available to everyone. We need it to user friendly with a quick dashboard that allows you to look at the schedule of meetings, getting access to the agendas that can be accessed by a link and that is the same with the minutes. President Cathcart went on to report that we do not publish draft minutes and won't. We publish minutes as soon as they are approved, but there is at least a month lapse or a 3-month lag from meeting to meeting before the final minutes are posted; for example, December which we did not approve until today. There also needs to be more attention paid to special events updates on activities that are being done. There has been a fairly good effort to do that in the past, but obviously not enough to satisfy most people. Also, there has been a request for who and what is the Fallen Leaf fire department and what they are supposed to be doing and could actually be expanded to the whole CSD.

President Cathcart reported further in reference in terms of the basin wide responsibilities of the organization, if any, to the extent where we can work with other agencies like the fire department, the forest service and their fire people. I know in the past; I understand from Gary and others we have not been able to go on to forest service property or do some activities in the forest lands because they won't let us or authorize us and won't do it themselves. That is a problem that needs to be overcome, but it sounds like efforts are being made to do that, but we need to focus on it. This includes all the Firewise USA provisions for neighborhoods, along with inspections need to be done where we have the authorities to do them. If we don't have the authority, we need to make sure someone can

get out there and do the inspections. The tree removal and fuel reduction are also very important. I know in the past Gary has tried to get other people and agencies to do it to the extent that is outside our control. We have done a fair job recently, at least on CSD property but we need to look at some of the private properties and get people in contact with entities and companies that can remove the stuff, if we are not going to do it, to remove it some other way.

President Cathcart also reported that there have been some comments about the state audit and people saying a couple of comments about the state audit itself has been complied by us. We believe, first of all, that there is any validity to the state audit's comments or statements, even down to the supposition that there is a \$700,000 amount that was supposedly overpaid and needs to be repaid back to the state. We have complied with every single request in that state audit, that I am aware of, with a couple of minor almost typographical error kind of issues. The whole issue on that \$700,000 supposed claim that state audit said we should pay back to the state was: First of all, agencies of the state would be the beneficiaries of any re-payment have denied that we owe one. We were instructed to work with the OES to figure out how we could resolve a whole bunch of issues such as reporting and establishment of wages, clearing up employee status issues and the rest of it and all of which we have done. The OES treats us well and they agree with us.

President Cathcart reported that there is a strategic plan that is on the website that is not very accessible and Chief Gerren has said that he has all the SOG's (Standard Operating Guidelines) that the CSD and fire department follow and in the next couple months as the website is improved there will be an effort made to pull those together and publish what exists in a way of a strategic plan that will answer some of the questions such as: what is the job description and what is the function of the fire department and so on. We will try and get all of that information gathered and I appreciate the comments that everyone has made. I will get back to several people, some of whom I said I would, and, I apologize for not doing it. Particularly for the emails that came in as of late last week and earlier this week. I will try and get back to whomever I can, but we will try and address all of those things and have everything pretty much cleaned up by Memorial Day. I hope that answers a few questions that may have been on the table and that were mentioned today. If anyone has any questions, that he can answer them and go over them, but we do have some other business we need to finish.

H. Voting Rights Committee Report / Communications Report

President Cathcart asked if there have been any other developments on the voting rights committee. Director Casey reported that he was pretty bleak about it last December when he reported. Senator McGuire has just been elevated, actually from the Senate, to a higher position. One of the after effects of this is, Senator McGuire is no long the chair of committee that he was on and it's that committee that we have to go through. So, right now we are in the midst of trying to talk with the new chair of that committee to see whether or not that person might have interest in following up on what we have been trying to do for these many, many years regarding the voting rights on specific CSD matters. We also have some interest from LAFCO, that they would be potentially interested in taking a lead role on this as well, because they also have a representative of clients that have similar

problems to those that we have. Director Casey also reported our Lobbyist, Nat has done a phenomenal job and continues to do so working in our best interest.

I. Boating Safety Report

Director Casey reported apologies and that he does not have anything new on this. He is way over due to do what was intended, to get the survey out to the community last fall. He thought he had somebody who was putting the survey together and it has not happened yet. So, he will try his best to get it done within the next month or so. Going into the season we will have a bit more input in to what other people thought last year and how last year went.

J. JPA Report

President Cathcart reported that the JPA (Joint Powers Agreement) is responsible for arranging and coordinating emergency medical access, services, transportation in the Basin and Tahoe regional area as well, where we are among several agencies all that are a part of that. They are up and running under a new operating agreement, with new funding and a new headquarters building.

OLD BUSINESS – Discussed above under Report out of Closed Session above

NEW BUSINESS

A. Cal OES Resolution 2022-1 Designation of Applicant's Agent Resolution for Non – State Agencies

Chief Gerren presented to the Board Resolution 2022-1 Designation of Applicant's Agent Resolution for Non-State Agencies. He reported it is a resolution that we have to declare that we are who we are. Our CAL OES ID is 179030 and it shows that he is the agent in charge of the fire department and shows three of the board members. This has to be approved for us to receive our FEMA funding. Our FEMA funding for Caldor, for our excess funding for personnel has been approved by FEMA and the money will be distributed to the State and in turn the state distributes to OES and OES distributes to us. This allows them to distribute to us. Chief Gerren asked for a motion to move that it be approved. Director Hart moved to approve Resolution 2022-1 and seconded by Director Casey. Motion was passed unanimously.

B. To authorize the Concessionaire Vista Recreation CLM-RRM to collect a \$40 fee for the purchase of a TRPA regulatory sticker for boats on Fallen Leaf Lake. The boat sticker is \$33 and service fee for Vista Recreation is \$7 to cover data entry and operational cost.

President Cathcart introduced this item for discussion and possible motion to allow the concessionaire to determine how to collect the fee process for the AIS sticker that is now going to be required by the TRPA. Tom, the concessionaire, reported, as he understands it, it is a sticker that is required by TRPA. All boat owners who have access to the Fallen Leaf Lake have to pay it and it is easily collected. So, that anyone that launches or has a boat on the lake is required to have a sticker either attached to the boat or in the glove box. President Cathcart reported that the most convenient way to do this is, is to have the concessionaire recover it from the boat owners. Is there a motion to approve that? Director

Casey reported that he makes the motion to approve to authorize the concessionaire Vista Recreation CLM-RRM to collect a \$40 fee for the purchase of a TRPA regulatory sticker for boats on Fallen Leaf Lake. The boat sticker is \$33.00 and service for Vista Recreation is \$7.00 to cover data entry and operational cost. Director Casey additionally reported that it is something that actually has been in place for well over a decade. Somehow, we were overlooked and TRPA has not collected it from us. They are catching up with us and are charging \$33.00 and in addition CLM/RRM are tacking on an additional \$7.00 for the paperwork involved. What the TRPA is asking from us, is a number that is less than what the other lakes in the Tahoe Basin pay because we don't have any AIS. So, in recognition of us being free of AIS, the fee is a little bit less than what it would be. Director Malley seconded the motion and was passed unanimously.

C. Annual Audit Review

President Cathcart moved to motion and hold a discussion for the audit prepared by the Robert W. Johnson firm for the fiscal year ending June 2021. This audit is included in the board packet. Director Malley reported that we should accept the audit and not approve it. President Cathcart asked if there is a motion to accept the audit. Director Malley motioned to accept annual audit prepared by the Robert W. Johnson firm for the fiscal year ending June 21. Director Hart seconded. Director Hart reported that in the past boards that he has been on, the audit was always received and to not accept it, because accept it, implies it is approved. President Cathcart asked if there is a motion to receive it. Director Hart moved to receive the audit prepared by Robert W. Johnson firm for the fiscal year ending June 2021. Director Casey seconded the motion. Motion passed unanimously to receive it.

D. To authorize an increase in the Marina, Slip Rental Fees to \$1,750 for residents and \$2,150 for Non-Residents

President Cathcart introduced the next item to authorize an increase in the Marina, Slip Rental Fees to \$1,750 for residents and \$2,150 for Non-Residents. Director Hart reported our slip fees are significantly below market rate in the basin, which is the standard. The slip fees are an interquel part of the gross revenue, which enables our concessionaire to perform and provide the services that they do at both the marina and at the store. President Cathcart reported, that he believes, that the resident is only going up about \$100.00 and the non-resident fee is going up about \$400.00. A full discussion was held regarding the rise in costs to the residents and the reasoning behind it. Director Hart motioned to approve the increase in the Marina, Slip Rental Fees to \$1,750 for residents and \$2,150 for Non-Residents. Motion was seconded by Director Casey. After further comments and discussions were held regarding improvements that need to be done in the marina area, budgeted items and grants motion was then passed unanimously.

F. Fallen Leaf Lake Basin Protection Coalition

President Cathcart reported last item on agenda is to discussion and appoint a CSD board member to serve on the Fallen Leaf Lake Basin Protection Coalition put together by Ruth Rich, John Kleppe, Jeff Campen and others. Ruth Rich reported a briefly description of what the Fallen Leaf Lake Basin Protection Coalition is all about. John Kleppe additionally reported the history, why and how important it is to establish a new entity such as the Fallen Leaf Lake Basin Protection Coalition and how important it is to have a board member a

part of this entity. A full discussion was held regarding a board member being or not being a part of the coalition, and how the board members, as individuals, are in favor of what the Fallen Leaf Lake Basin Protection Coalition is trying to achieve. President Cathcart reported that they will postpone a motion for a board member to join the coalition until the Fallen Leaf Lake Basin Protection Coalition has finalized all their paperwork for a non-profit organization and that being a member would not jeopardize the CSD in anyway or fashion or go against any Brown Act issues.

With no other further business, President Cathcart adjourned the meeting at 2:30 pm.