



Lake Shastina Community Services District

RESOLUTION 4-88

WHEREAS, RODNEY SNYDER has filed a lawsuit against this DISTRICT, to which prompt response must be made, and

WHEREAS, the DISTRICT'S insurer has not yet made a decision as to coverage or defense,

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The DISTRICT hereby retains the services of the Law Offices of Martin Mayer, Long Beach, California, to take only such action on this case, on behalf of the DISTRICT, as cannot await a response from the DISTRICT'S insurer; and

2. The DISTRICT shall pay to said law firm reasonable attorneys fees and expenses, not to exceed \$600, however. Without further authorization from the Board; and

3. Prior to taking any such action on behalf of this DISTRICT, the said law firm shall contact the DISTRICT'S insurer(s), both to notify them of the planned actions, and to attempt to arrange for payment by said insurer(s) of the law firm's fees and expenses; and

4. Said law firm shall at all times keep the DISTRICT'S General Manager and General Counsel advised of the progress of the case.

ADOPTED and SIGNED this 12th day of April, 1988 at closed session of regular meeting of the Board of Directors, by the following vote:

AYES: Spahr, Dutro, Trager, Harrison and Applegate

NOES: None

ABSENT: None

J. Michael Spahr
President, Board of Directors

ATTEST

Mary M. Krolak
Secretary



Lake Shastina Community Services District

MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS APRIL 12, 1988 AT 1:30 P.M. - COMMUNITY CENTER

I. **CALL TO ORDER AND ROLL CALL** - President Spahr called the meeting to order at 1:30 p.m. Directors present: Spahr, Dutro, Trager, Harrison and Applegate.

II. **APPROVAL OF MINUTES FOR REGULAR MEETING OF 8 MARCH 1988, SPECIAL MEETING OF 15 & 23 MARCH 1988** - Director Harrison asked that the minutes of March 8, 1988, Section VII UNFINISHED BUSINESS, Item D 4a, which reads, "Director Trager moved Board appointment of Jim Harrison as chairman of the Golf Course Committee for CSD to bring to ballot the acquisition of the Golf Course," be corrected to read, "Director Trager moved Board appointment of Jim Harrison as chairman of the Golf Course Committee for CSD to bring to ballot the acquisition of the Golf Course and approve Jim Harrison to appoint his own committee members."

With no further corrections or additions to aforementioned minutes, Director Trager moved to accept the minutes as corrected. Seconded by Director Dutro. Upon vote motion carried unanimously.

III. **PUBLIC COMMENT PERIOD:** Mr. Dick Weldon addressed the board to publicly thank all the volunteers who have been donating time on the Fire/Police Station Project. He encouraged others to volunteer, and suggested that if someone did not have needed skills to help he suggested fresh coffee or baked goods for those volunteering would be greatly appreciated.

Mr. Bob Cave presented a letter dated 4/8/88 concerning errors in context of the meeting of 3/23/88. By reference, Mr. Cave's letter is incorporated herein.

IV. **PUBLIC HEARING** - None scheduled

V. **APPROVAL OF CONSENT AGENDA** - Director Dutro moved to approve the Consent Agenda. Seconded by Director Harrison. Upon vote, motion carried unanimously.

VI. **WRITTEN COMMUNICATIONS**

- A. Magill's ltr dtd 3/5/88 re: Police Department
- B. General Manager's ltr dtd 3/16/88 to Maddelena re: Reed v. Dutro
- C. CSDA ltr dtd 3/31/88 re: CSDA Finance Corporation - Lease Finance Program
- D. Kenealy ltr dtd 3/29/88 re: Reed v. Dutro, et al (Info Only)
- E. Winston's ltr dtd 4/1/88 to Mr. Cheney re: LSCSD Closed Session
Director Applegate made a statement for the record that he feels counsel should be present at all meetings.

F. Winston's ltr dtd 4/6/88 re: Snyder v. LSCSD plus copy of petition, filed against District (Copy forwarded to SDIA) (Not action required until District is served)

G. Senate Bill 2670 Introduced by Senator Doolittle 2/19/88 for the Lake Shastina CSD as enabling legislation for enforcement of CC&Rs and to authorize increase of water standby fee up to \$40 per parcel per year (Info Only)

H. Cal-Tax News dtd March 1, 1988 re: Benefit Assessments. (Note: Said article has been provided to counsel for review.)

Items A thru G were read into the minutes for the benefit of the audience. By reference, aforementioned written communications, are incorporated herein.

VII. UNFINISHED BUSINESS

A. REPORTS

(1) Computer Status - Director Harrison provided a verbal report. As of this meeting work is still being done to solve the problems with Software for accounting programs. Software is very much aware that it is critical to have usable software by the June billings.

(2) Fire/Police Station Status - Commissioner Spahr reported that they have had a good number of volunteers offering to help on the project. Each day number of volunteers are scheduled according to the specific job and optimum number needed to do that job. Foundation has been poured. He thanked everyone there that had been involved and said the response has been overwhelming.

(3) Roads, Drainage, Parks & Public Works - Chairman Applegate reported that this is a standing committee currently and unless CSD and LSPOA proceed with consolidation efforts this item is status quo.

(4) Golf Course Ad Hoc Committee - Director Harrison read into the minutes a written report prepared by his committee in favor of retaining the committee to fact find, dated 4/12/88 and is by reference incorporated herein.

B. Review Boards Action of 3/23/88 to rescind the action of 3/8/88 to hire Ralph Andersen & Associates to prepare study for purpose of acquisition of Golf Course by CSD.

President Spahr responded to Mr. Caves statement in letter submitted 4/8/88. He said he had reviewed the letter with District Counsel and was advised that no illegal action was taken at the 3/23/88 meeting. Parliamentary procedures are provided for discretionary guidelines and action was proper if Robert's Rules were followed with due process in mind. Counsel advised that there is no harm in being extra cautious.

Director Harrison asked to have reconsideration on reconsideration of Boards action 3/23/88 to rescind the action to hire Ralph Andersen & Associates to prepare study for purpose of acquisition of Golf Course by CSD and make it an agenda meeting for the next regular meeting.

C. Consider dissolution of Golf Course Study Committee Director Harrison said the committee was not established just to hire a consultant and the purpose of the committee should still remain to fact find in order to bring to ballot the acquisition of the Golf Course by CSD.

Director Dutro moved to dissolve the Golf Course Study Committee. Seconded by Director Applegate. Upon roll call vote, Ayes: Spahr, Dutro and Applegate. Noes: Harrison and Trager

D. Rescind prior Board approval authorizing committee to use District Counsel for legal advice

Director Dutro moved to rescind prior board approval authorizing committee to use District Counsel for legal advice. At this point counsel advised that this is redundant in that item C. rescission will cover items D, thru E. Rescind prior Board approval for Committee to issue a letter of intent to Golf Resort Owners.

F. Consider approval of 17 March 88 draft of duties of General Counsel

Director's Applegate and Harrison both felt it necessary to have legal counsel at all CSD meetings. President Spahr suggested that a telephone might be considered with a speaker phone so that if legal questions came up the board could seek advice from counsel via phone thus saving money by not having counsel committed to a 2 to 3 hour meeting.

Director Trager moved that board accept the Policy Directive outlining the duties of the General Counsel and by reference is incorporated herein. (Note: In paragraph 10, page 1 it states, "Attend Board meetings as requested by any Director or the General Manager." Seconded by Director Dutro. Upon roll call vote, AYES: Spahr, Applegate, Trager and Dutro NOES: Harrison

VIII. NEW BUSINESS

A. Consider approval or rejection of below listed bids received for labor and/or materials for construction of Fire/Police Station that were readvertised with Bids due by April 5, 1988.

<u>Sectional Doors</u>		<u>Low Bid</u>
Sentry Doors	\$10,300.00	
American Industrial Door Co.	8,259.00	\$8,259.00
<u>Electrical (Rough & Finish)</u>		
Mt. Shasta Electric	\$24,300.00	
<u>Wood Doors & Frames</u>		
Hung Rite Doors	\$ 2,103.50	\$ 2,103.50

President Spahr entertained a motion to accept low bids on Sectional Doors, American Industrial Door Co. at \$8,259.00 and Wood Doors & Frames, Hung Rite Doors at \$2,103.50, so moved by Director Dutro. Seconded by Director Applegate. Upon vote, motion carried unanimously.

Director Trager moved board reject bid from Mt Shasta Electric for \$24,300.00 because the bid included labor and we only need materials. Seconded by Director Dutro. Upon vote, motion carried unanimously. General consensus of the board is to contact Mt. Shasta Electric and ask them to re-bid the electrical material only.

(1) Provide Staff specific instructions re: scope of advertisement of those portions of labor and/or materials that have not been accepted by the Board - General consensus of the board is to have staff readvertise in the Weed Press to seek re-bid for Electrical (Rough & Finish) and mechanical (Heating & Air Conditioning) to run April 20, 1988.

B. Official presentation of Memorandum 3/17/88 from the Office of Norma Price, Siskiyou County Clerk, to the District which is a Certificate of Sufficiency to issue an order stating that an election shall be held pursuant to 27230 of the Election Code.

Director Harrison resolved to order an election for Recall of Anita Dutro, member of the Board of Directors, of the Lake Shastina Community Services District. Seconded by Director Applegate. Upon vote, motion carried with Director Dutro abstaining.

President Spahr informed the board that he had been in contact with Mr. Allen Morgan of the Elections Department for Siskiyou County and was told that a tentative date for July 19, 1988 is being considered for Lake Shastina recall election. By general consensus of the board the District Secretary is to contact Mr. Morgan and inform him of the action taken by the board at today's meeting.

NOTE: It is not necessary for the Board to select a date. The above order, pursuant to Elections Code Section 17231 will authorize the County Clerk's Office to select an appropriate election date not less than 88 nor more than 125 days from this date of 4/12/88.

C. Consider approval of letter to Lake Shastina Property Owners Association requesting Relinquishment of LSPOA Easement of South-East Corner of Main Entrance into Unit 8-1. (NOTE: Area of concern is that portion of the S.E. corner that is not being maintained at this time.)

Director Dutro moved board approve sending letter drafted by President Spahr re: LSPOA's relinquishment of LSPOA Easement of South-East Corner of Main Entrance into Unit 8-1. By reference, draft letter is incorporated herein. Seconded by Director Applegate. Upon vote, motion carried unanimously.

XI. PUBLIC COMMENT PERIOD

Mr. Weldon commented that he had been working with the Police Department to have them have CB radios in their vehicles and have them scan channel 5 so that if residents in a vehicle or home equipped with CB found they needed immediate services of the police they would be able to contact them on CB radio - Channel 5. This is something they are trying to set up but not yet operational.

Virgina Weeks - realizes that the Golf Course Committee has been dissolved, but just in case the committee is re-established, the board should be very specific about parliamentary procedures and rules and committee should consist of members for both sides of the issue.

Mr. Walt Cheney - wanted to clarify that previous letter read into the minutes under item E, written communications from Counsel, in answer to Mr. Cheney's correspondence that addressed the issue of closed sessions, he doesn't want people to interpret comments that he is in the process of suing this community.

X. CLOSED SESSION - Snyder vs. LSCSD Case - Board reported out of closed session that District resolved to retain the services of the Law Offices of Martin Mayer, Long Beach, California, to take only such action on this case, on behalf of the DISTRICT, as cannot await a response from the DISTRICT'S insurer.

XI. ADJOURN - There being no further business the meeting adjourned into closed session at 3:30 p.m. - pending litigation not personnel matters as stated on the agenda.

Respectfully submitted,

Mary M. Krolak

MARY M. KROLAK
District Secretary