



Truckee Donner Public Utility District

REGULAR MEETING
6:00 PM , Wednesday, March 03, 2010
TDPUD Board Room
A G E N D A

Directors
Joseph R. Aguera
Jeff Bender
J. Ron Hemig
John Hillstrom
Patricia S. Sutton

General Manager
Michael D. Holley

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Changes to the agenda
5. Public Input - This is time set aside for the public to address the Board on any matter not on the agenda. Testimony related to any agenda item should be addressed at the time that item is considered.

(The public may comment on any subject that is not on the agenda. Each speaker will be limited to three (3) minutes, but speaker time may be reduced at the discretion of the Board President if there are a large number of speakers on any give subject.)

DIRECTOR UPDATE

6. This item provides time for Directors to comment on any item within the purview of the District.
(Each Director will be limited to three (3) minutes.)

ACTION ITEMS (Action item discussions will utilize the following format: (a) staff report, (b) public input, and (c) Board discussion and action)

7. Consideration of a Nomination to Fill a Vacancy on the Nevada County Local Agency Formation Commission
This item involves nominations for the next four-year term for District Member (voting).
8. Consideration of Compensating Riverview Townhomes for Road Improvement Expenses
This item involves compensating Riverview Townhomes for the cost of bringing a portion of Riverview Drive up to Town standards.

WORKSHOPS

9. Discussion of the Process to Fill a Position on the Board
This involves the appointment process to fill a Board vacancy.

CLOSED SESSION

10. Closed Session Pursuant to Government Code Section 54956.9, Subdivision (a), Existing Litigation: Pacific Rim Construction, Inc. v. TDPUD
11. Closed Session Pursuant to Government Code Section 54956.9, Subdivision (b), Potential Litigation, Four Cases
12. Public Employee Performance Evaluation - Government Code Section 54957 (e) - General Manager's Performance Plan Review

RETURN TO OPEN SESSION

Report from Closed Session

ADJOURNMENT

Note regarding agenda topics likely to come before the Board during the next two months:

- Discussion About the CEC Report/EMV

The agenda is available for review at the
TDPUD office and the Truckee branch of the Nevada County Library

Posted and mailed on Friday, February 26, 2010

Barbara Cahill, Deputy District Clerk

A copy of the agenda packet is available for public review at the district administrative office: 11570 Donner Pass Road. Public participation is encouraged. The meeting location is accessible to people with disabilities. Every reasonable effort will be made to accommodate participation of the disabled in all of the District's public meetings. If particular accommodations for the disabled are needed (i.e. disability-related aids, or other services), please contact the Clerk of the Board at (530) 582-3909 or BarbaraCahill@tdpud.org, at least 24 hours in advance of the meeting.

Agenda Item # 7



ACTION

To: Board of Directors
From: Michael D. Holley
Date: March 03, 2010
Subject: Consideration of a Nomination to Fill a Vacancy on the Nevada County Local Agency Formation Commission

1. WHY THIS MATTER IS BEFORE THE BOARD

This item involves nominating a candidate to serve as a District Member on the Nevada County Local Agency Formation Commission (LAFCO). Only the board can make such a nomination.

2. HISTORY

When a vacancy occurs in the position of special district representative on LAFCo, it has been the practice to begin the process of selecting a replacement by asking the member agencies to nominate candidates. After the nomination process is completed, the special districts are then asked to vote for a person to fill the vacancy.

3. NEW INFORMATION

Attachment 1 is a letter from Katherine Hudson, Clerk/Analyst of the Nevada County LAFCo informing us that John Drew's term ends in May 2010. LAFCo is requesting nominations for the next four-year term of a regular (voting) District Member, which will end May 6, 2013. Mr. Drew, of the Nevada Irrigation District Board of Directors, has been representing the special districts of Nevada County since August 2006.

The District may make a nomination; however, the District is not required to make any nomination. Any nomination must be made by resolution (See Attachment 2).

Current Commissioners are Robert Bergman, John Drew, Kurt Grundel, Paul Norsell, Ted Owens, Lisa Swarthout and Hank Weston. Alternate Commissioners are: Richard Anderson, Nate Beason, Ed Beckenbach and Josh Susman.

Timeline:

- Resolution and resume of nominee(s) must be received by LAFCo by March 12, 2010
- LAFCo prepares the ballot and sends to each Independent Special District
- TDPUD Board action on the ballot
- Ballot must be returned to LAFCo no later than the date stated on the ballot (35 days)
- Votes are tallied by LAFCo staff in presence of a disinterested third party

4. FISCAL IMPACT

There is no direct fiscal impact with this item.

5. RECOMMENDATION

Adopt the resolution nominating a TDPUD Board Member to the position of a regular District Member of the Nevada County Local Agency Formation Commission.



Michael D. Holley
General Manager

**Nevada County
Local
Agency
Formation
Commission**

LAFCo
950 Maidu Avenue
Nevada City, CA 95959-8617

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Webpage nclafco.com

Robert Bergman
Cities

John Drew
Districts

Kurt Grundel
Districts

Paul Norsell
Public

Ted Owens
County

Lisa Swarthout, Vice Chair
Cities

Hank Weston, Chair
County

Richard Anderson
Cities Alternate

Nate Beason
County Alternate

Ed Beckenbach
Districts Alternate

Josh Susman
Public Alternate

SR Jones
Executive Officer

P. Scott Browne
Legal Counsel

Katherine E. Hudson
Clerk to the Commission

Kate Duroux
Assistant Clerk

February 1, 2010

TO: Boards of Directors of Independent Special Districts
FROM: Katherine E. Hudson, Clerk/Analyst *KEH*
RE: Nominations for District Member of LAFCo

In August 2006, John Drew, of the Nevada Irrigation District Board of Directors, was elected to a District Member position on Nevada LAFCo by the independent special districts of Nevada County for a term ending May 3, 2010. It is therefore time to request nominations for the next four-year term of a regular (voting) District Member, which will end May 5, 2014.

Commissioners are appointed for four-year terms pursuant to Government Code Section 56334. Terms expire on the first Monday in May of the ending year or upon the appointment and qualification of a successor. An explanation of the responsibilities of a LAFCo Commissioner is attached.

Following are the steps of the nomination and election process:

1. This request for nominations is sent to each Independent Special District. (To provide districts the maximum time to act, we also send the notice by fax and email to those districts that can be reached by those methods.)
2. Each district may make one nomination; districts are not required to make any nomination, however. Nominations must be made by district resolution; a **sample resolution** is enclosed for your guidance. Nominees must be Board members, not staff.
3. Nominating districts may also forward brief résumés for their nominees, one paragraph or so in length, describing the qualifications they have for this position. **The resolution and résumé must be received by LAFCo no later than Friday, March 12, 2010.** (Faxed copies followed by the originals will be accepted.)
4. Upon receipt of nominating resolutions and résumés, LAFCo staff will prepare the ballot and send it to each Independent Special District. (Résumés for nominees will be copied and included in the ballot packet.) The ballot may **not** be photocopied—only the original ballot

will be accepted by LAFCo. Only the Chairperson of the Board of Directors or an appointed substitute may complete and sign the ballot.

5. The ballot must be returned to LAFCo no later than the date stated on the ballot. (To make sure every district has an opportunity to consider its vote at a regularly scheduled meeting, 35 days is generally allowed for return of ballots.)
6. The votes will be tallied by LAFCo staff in the presence of at least one disinterested third party.

Results of the election for the LAFCo Special District member will be sent to each Special District and each nominee.

The attached resolution may be used if your Board so desires. **The resolution of nomination must be returned no later than March 12, 2010**, to the following address:

Nevada LAFCo
950 Maidu Avenue
Nevada City, CA 95959

If there are any questions, please call the LAFCo office at the number listed on the previous page.

cc: Hank Weston, Chair
Commissioner Beckenbach
Commissioner Drew
Commissioner Grundel

encl.: Responsibilities of a LAFCo Commissioner
Sample Resolution of Nomination

PLEASE NOTE: The difficulty experienced in previous efforts to obtain a quorum for an in-person meeting of the Special District Selection Committee to select a LAFCo member has resulted in reinstatement of the mail ballot procedure. Please note, however, that the choice of method is the prerogative of the Independent Special Districts of Nevada County, not LAFCo. Districts that would prefer to have the Selection Committee meet in person to submit nominations and conduct an election may submit a written request to the LAFCo office. If a majority of the districts sign such a request, that method will be used for the next election of a district member or alternate.

Responsibilities of a LAFCo Commissioner

What is LAFCo?

The Local Agency Formation Commission (LAFCo) is an independent public agency with authority over local government agency changes of organization—that is, annexations, detachments, and consolidations of cities or districts, formation and dissolution of Special Districts, and incorporation and disincorporation of cities. Additionally, LAFCo is responsible for adopting a Sphere of Influence for each agency in the county. The Sphere of Influence is a plan for an agency's probable future boundaries and should represent a logical growth plan for the agency.

LAFCo's Composition

The Commission is composed of two Special District Members (elected by the Independent Special Districts); two County Members (appointed by the Board of Supervisors); two City Members (appointed by the City Selection Committee); and a Public Member (appointed by the other LAFCo Commissioners). In addition, each category has an Alternate Member who votes in the absence of one of the members of that category. Alternate Members attend all meetings and participate in discussion.

The Commissioner's Role

LAFCo Commissioners approve or deny proposals for changes in organization based on the procedures and standards of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 *et seq.*). Additionally, LAFCo is subject to the California Environmental Quality Act, as are all public agencies.

LAFCo Commissioners are required to file an annual Statement of Economic Interest, Form 700, as prescribed by the Fair Political Practices Commission, and to observe the LAFCo Conflict of Interest Code.

Commissioners, including alternates, are also required to complete two hours of ethics training in compliance with AB 1234 within one year of their election (County, City, and District members) or appointment (Public members) and every two years thereafter.

LAFCo Meetings

The Commission usually meets at 9:30 a.m. on the third Thursday of each month in Nevada City; meetings are occasionally held elsewhere and at other times. Commissioners are expected to attend all meetings and participate in the deliberation process. LAFCo also has an appointed staff to coordinate meeting logistics and to research and make recommendations on proposals before the Commission.

Draft



Resolution No. 2010 - XX

MAKING NOMINATION TO THE POSITION OF SPECIAL DISTRICT MEMBER OF THE NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION

WHEREAS, the Board of Directors of the Truckee Donner Public Utility District has received notice of the request for nominations for a Special District Member position on the Local Agency Formation Commission of Nevada County, pursuant to Section 56332 of the Government code; and

WHEREAS, the Board of Directors of the Truckee Donner Public Utility District has considered and determined to nominate the individual named below to serve on Nevada County LAFCo as the Special District Member;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors nominates _____ for Special District Member with a term to expire in May 5, 2014.

The forgoing resolution was duly passed at a regular meeting of the Truckee Donner Public Utility District held on March 3, 2010, by the following roll call.

AYES:

NOES:

ABSTAIN:

ABSENT:

TRUCKEE DONNER PUBLIC UTILITY DISTRICT

Jeff Bender, President

ATTEST:

Michael D. Holley, District Clerk

.....
I hereby accept nomination for the position of Special District Member of Nevada LAFCo for the term ending May 5, 2014.

Name (Printed): _____

Signature: _____

Agenda Item # 8



ACTION

To: Board of Directors
From: Kathleen Neus
Date: March 03, 2010
Subject: Consideration of Compensating Riverview Townhomes for Road Improvement Expenses

1. WHY THIS MATTER IS BEFORE THE BOARD

This item involves a request from Riverview Townhomes Owners' Association that the District participate in the cost for improving a section of Riverview Drive to Town of Truckee standards so that the road is accepted by the Town.

2. HISTORY

Riverview Drive was a private road that was built with the development of the Senior's Complex on Estates Drive. The District was granted an easement by the owners of the Senior's Complex in the 1980's to access the Martis Valley Substation. Until the development of Riverview Homes subdivision and Riverview Townhomes, Riverview Drive just past the Senior's Complex was a dirt and gravel road.

With the Riverview Homes subdivision and the Riverview Townhomes development, the dirt roadway and the paved portion was significantly improved, including drainage, curbs and paving. The portion of Riverview Drive adjacent to the Senior Center was never accepted by the Town of Truckee. See Attachment 1.

In 2006 the roadway was in need of repair. Riverview Townhomes asked the District to share in the cost of improving the roadway to Town standards. Mark Steiner (developer of Riverview Townhomes) requested that those who use the road share in the cost of milling the surface and installing asphalt.

This item was brought to the Board as a workshop item on September 28, 2006. The Board had specific questions (see Attachment 2) that they wanted answered prior to making a decision.

3. NEW INFORMATION

Mark Steiner contacted the District again in October of 2009 requesting compensation from the District. The cost of the project was \$39,840.96. With Riverview Homes subdivision paying \$10,000 and Riverview Townhomes paying \$14,920.48, the District's portion would be \$14,920.48.

Based upon the number of dwelling units using the road, the cost runs from \$253.00 to \$500.00 per unit. The number of trips per dwelling units in both the Riverview Townhomes and the Riverview Homes subdivisions far exceed the number of trips the District would ever have upon the roadway.

The District accesses the Martis Valley substation up to six times a month. The original access road prior to any development served the District in its unpaved state. The paved road section does make it easier to access the substation under snowy conditions. The District is under no contractual obligation to participate in the cost for improving this road.

The Town received a recorded License Agreement for Public Utility and Road use on and across Real Property from Oregon Investors (Senior Center Complex) in 2009. The Town is in the process of recording the necessary documents for the acceptance of the other section of Riverside Drive. Once these documents have been recorded, the Town will officially accept for maintenance all of Riverview Drive from Estates Drive to the end of the Riverview Homes subdivision.

4. FISCAL IMPACT

The fiscal impact of the recommendation is \$500, funds are available in the FY10 budget.

5. RECOMMENDATION

Deny the request from Riverview Townhomes for compensation in the amount of \$14,920.48. Agree to pay Riverview Townhomes \$500, which is equal to 1/60th of the remaining balance.



Michael D. Holley

General Manager

TDPUD Web Mapping

Riverview Drive



Map Printed On {2010-02-23 13:21}

Copyright This map is the proprietary ownership of the Truckee Donner Public Utility District.

Disclaimer This map is for informational and planning purposes only, and not meant to be used as a Record of Survey. The TDPUD is not responsible for the misuse or misrepresentation of the data.

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Question and Answers from Workshop on September 28, 2006

- Advanced Asphalt bid of \$33,532.32 has been extended from September 17, 2006 to October 10, 2006.
 - Copy included
- How did the developer proceed without the road being built to Town standards?
 - There is no requirement to bring the privately owned road up to Town standards
- The Senior Center is not able to contribute funds towards the improvement of Riverview Drive
 - Owners of the Senior's Complex have not and will not contribute to the cost
- Request a copy of the bid from Advanced Asphalt
 - Copy attached
- Get a definite commitment from the Town of Truckee to accept the road
 - Mike Vaughan, Town engineer states the recording of the documents for acceptance are in process
- Get a definite commitment from Senior Center owner to offer dedication of the road to the Town
 - Copy of the License Agreement has been attached



WORKSHOP

To: Board of Directors
From: Kathleen Neus
Date: March 03, 2010
Subject: Discussion of the Process to Fill a Position on the Board

1. WHY THIS MATTER IS BEFORE THE BOARD

Only the Board of Directors can determine the process to fill a vacancy on the Board.

2. HISTORY

On February 17, 2010, the District Board selected the appointment process to fill the vacancy on the Board.

A notice of vacancy was advertised in the Sierra Sun on February 19, 2010. Notices were also posted at the library, District lobby, Town of Truckee and on the TDPUD web site.

The person appointed shall hold office until the next general District election that is scheduled for November 2.

- Appointment timeline
 - February 17, Call for appointment (Completed)
 - February 19, Post notice in local newspaper & three locations (Completed)
 - March 1, Candidate application deadline (Completed prior to Board Meeting)
 - March 4, Candidate briefing
 - March 9, Special Board meeting to interview candidates and appoint a director

3. NEW INFORMATION

On March 1st all applications with a resume and a Statement of Qualifications were to be received at the District headquarters by the end of business. On March 4th there will be an applicant briefing to bring all applicants up to speed on the District's operations. The handout that will be used during the briefing is attached.

At the March 9th Special Board meeting, in keeping the process as open and transparent as possible, the meeting will be televised. A suggested format as to how to proceed with the meeting is as follows:

- Each applicant will be given three to five minutes to present their qualifications
- The order of applicant presentations will be chosen at random
- Board asks questions of each applicant as needed
- Board selection process
 - Call for a motion to appoint
 - Second the motion
 - Vote (Roll Call)
 - Repeat as needed

At the March 17th regularly scheduled Board Meeting, the new Board member will be seated.

4. FISCAL IMPACT

There is no fiscal impact associated with this item.

5. RECOMMENDATION

Proceed with the selection of a new Board member at the Special Meeting on March 9, 2010 at 10:00 AM.



Michael D. Holley
General Manager