



**MEETING MINUTES
TUESDAY, JUNE 20, 2023**

**AGENDA 6:00 PM
CLOSED SESSION**

Recorded Meetings: Recorded meetings are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

1. CALL TO ORDER AND ROLL CALL

President Christensen called the meeting to order at 6:00 pm at the Capitola City Council Chambers.

Board Members Present:

Carla Christensen, President
Dr. Bruce Jaffe, Vice-President
Dr. Thomas LaHue, Director
Rachél Lather, Director

District Counsel

Joshua Nelson, District Counsel

Staff Members Present:

Ron Duncan, General Manager
Taj Dufour, Engineering Manager
Traci Hart, Human Resources Manager
Melanie Mow Schumacher, Special Projects-Communications Manager / Assistant General Manager
Emma Western, Executive Assistant/Board Clerk

Others Present:

2 members of the public

2. PUBLIC HEARING – *None*

3. BOARD MEMBERS' OPPORTUNITY TO REMOVE ITEMS FROM CONSENT AGENDA

None removed.

4. CONSENT AGENDA

MOTION: Vice-President Jaffe; Second: Director Lather; To approve Consent Agenda Items 4.2, 4.3, 4.4, 4.5, 4.6, and 4.7. Motion passed unanimously.

4.1 Approval of Minutes – *None*

4.2 Production Reports
Action: Approved

4.3 Finance Status Report
Action: Approved

4.4 Management Update
Action: Approved

4.5 Water Resources Management & Infrastructure Committee Meeting Summary
Action: Approved

Director LaHue commented that he is interested in pursuing a WaterSmart App (in addition to the online platform), to help customers track their water use. Vice-President Jaffe agreed.

4.6 Small Claims Report for May 2023
Action: Approved

4.7 Soquel/Mar Vista Dr. Main and Fire Hydrant Relocation CWO 22-0211 – Authorize Purchase Order
Action: Approved

5. **ORAL AND WRITTEN COMMUNICATIONS** (items not on the Agenda)

Written communications addressed to the Board are available on the District's website:
<https://www.soquelcreekwater.org/AgendaCenter>

6. **REPORTS**

6.1 District Counsel – Oral Report

General Counsel Nelson provided an update on the legislative cycle and stated that he will continue to monitor bills.

7. **ADMINISTRATIVE BUSINESS**

7.1 Conditional and Unconditional Will Serve Letters – *None*

7.2 Approve Various Scopes of Work for Continued Professional Consulting Services Related to the Pure Water Soquel (PWS) Program

Ms. Mow Schumacher reviewed Item 7.2, stating that various scopes of work for continued professional technical services to support construction and implementation of the Pure Water Soquel (PWS) Program are presented for Board consideration.

Ms. Mow Schumacher reviewed the following scopes of work:

1. Proposed Scope of Work from Brown and Caldwell for PWS
2. Proposed Scope of Work from Data Instincts for PWS and Community Water Plan (CWP)
3. Proposed Scope of Work from ESA for PWS
4. Proposed Scope of Work from Hanson Bridgett for PWS
5. Proposed Scope of Work from Pacific Crest for PWS
6. Proposed Scope of Work from Silveira Consulting for PWS

Ms. Mow Schumacher explained that these services are billed for by time and materials, so the approval amounts are not-to-exceed.

Board discussion ensued, and staff responded to a variety of questions:

- The proposed scope of services spans over the remainder of the currently assumed Pure Water Soquel construction and start up, which includes certification.
- Staff works closely with the consultants; flexibility, open communication, and trust exist and remains critical.
- The District has received grant/loan funding for the PWS Program, which covers eligible expenses included in these scopes.
- HMA acronym stands for “hot mixed asphalt.” Director LaHue reminded consultants to define acronyms in the future.

Vice-President Jaffe acknowledged the investment in outreach and asked staff to continue to be mindful of this program cost.

Director LaHue thanked staff for their efforts.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional consultant services agreement with Brown and Caldwell, approve the Scope of Work as presented by Brown and Caldwell, and authorize the General Manager to sign a purchase order in the amount not to exceed \$2,966,051. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional consultant services agreement with Data Instincts, approve the Scope of Work as presented by Data Instincts, and authorize the General Manager to sign a purchase order in the amount not to exceed \$200,000. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional consultant services agreement with ESA, approve the Scope of Work as presented by ESA, and authorize the General Manager to sign a purchase order in the amount not to exceed \$353,500. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional services agreement with Hanson Bridgett, approve the Scope of Work as presented by Hanson Bridgett, and authorize the General Manager to sign a purchase order in the amount not to exceed \$150,000. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional services agreement with Pacific Crest, approve the Scope of Work as presented by Pacific Crest, and authorize the General Manager to sign a purchase order in the amount not to exceed \$175,000. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: President Christensen; To authorize the Board President to amend the professional consultant services with Silveira Consulting, approve the Scope of Work as presented by Silveira Consulting, and authorize the General Manager to sign a purchase order in the amount not to exceed \$79,580. Motion passed unanimously.

7.3 Approve Request for Qualifications (RFQ) to Provide On-Call Engineering Design and Surveying Services

Mr. Dufour stated that this item is presented for the Board to authorize the release of a Request for Qualifications (RFQ) for on-call engineering design and surveying services to support the District’s

Capital Improvement Program (CIP). Additionally, the Board may authorize up to two board members to participate in the review and selection committee as part of the procurement process.

Mr. Dufour reviewed upcoming CIP projects, which include water treatment improvements (relating to hexavalent chromium, iron, and manganese), as well as site civil improvements at specific well sites. He confirmed that specific scopes for the various CIP projects will be presented at a future meeting, likely in fall 2023.

One public comment was heard.

Director Lather and President Christensen expressed interest in serving on the Review and Selection Committee.

MOTION: Vice-President Jaffe; Second: Director Lather; To authorize release of the attached RFQ for On-Call Engineering Design and Surveying Services. Motion passed unanimously.

MOTION: Vice-President Jaffe; Second: Director Lather; To authorize Director Lather and President Christensen to participate on a Review and Selection Committee. Motion passed unanimously.

7.4 Direction Requested Regarding Board of Directors Vacancy

Mr. Duncan introduced Item 7.4, explaining that Soquel Creek Water District Board Member, Dr. Bruce Daniels, submitted his resignation effective June 19, 2023. Mr. Duncan expressed appreciation for Dr. Daniels 20+ years of dedicated service.

Directors expressed appreciation for Dr. Daniels dedication, knowledge, and overall commitment to making a positive impact. Staff indicated that a future meeting item would be agendaized to acknowledge Dr. Daniels' years of service to the District.

Ms. Hart reviewed the options for filling a Board vacancy. She stated that District must fill the vacancy by one of two means: 1) Appointment, or 2) Calling an Election. Given the resignation date of June 19, 2023, the final day of the 60-day period for the Board to act within the statutory timeline is August 18, 2023.

One public comment was heard.

There was consensus among the Board to move forward with an appointment process. The appointee will serve the remainder of Director Dr. Daniels' term (through December 2024).

MOTION: Vice-President Jaffe; Second: Director Lather; The Board of Directors elects to fill the vacant Director position by appointment. Motion passed unanimously.

Ms. Hart discussed the Board appointment process. She requested Board input on the vacancy announcement, the Board interview/appointment timeline, and the ad hoc Vacancy Subcommittee.

Board and staff discussion ensued. Board direction consisted of the following:

- Vacancy Announcement: Directors were supportive of the Vacancy Announcement as presented; Directors recommended that the website include links to the District's guiding documents (e.g., the Strategic Plan, Community Water Plan) and the online application.

- Interview/Appointment Timeline: Hold two special meetings in the evenings on August 8 and August 9, 2023, for interviews (only one date may be needed depending on the number of applicants); and schedule appointment at the regular Board Meeting on August 15, 2023.
- Ad Hoc Vacancy Subcommittee: Director LaHue and President Christensen offered to serve on the Vacancy Subcommittee.

President Christensen discussed potential application questions. Ms. Hart confirmed that the application questions will be determined by the Vacancy Subcommittee.

MOTION: Director LaHue; Second: Vice-President Jaffe; To:

- (i) Approve the Vacancy Announcement (Draft Attachment 2); and,
- (ii) Direct staff to post the vacancy and select August 8 and August 9, 2023 for interviews and August 15, 2023 for appointment; and,
- (iii) Appoint Director LaHue and President Christensen to an ad hoc Vacancy Subcommittee to begin working on details and logistics for the appointment of a new Director.

Motion passed unanimously.

8. CLOSED SESSION

- 8.1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section §54956.9(d)(1)
Steinbruner vs. California Coastal Commission, et al., San Francisco County Superior Court Case No. CPF-20517119; CA First District Court of Appeals Case Nos. A163079, A163199
Steinbruner v. Soquel Creek Water District, et al. Santa Cruz County Superior Court Case No. 21CV01517
Steinbruner v. Soquel Creek Water District, et al. Santa Cruz County Superior Court Case No. 21CV02699; CA Sixth District Court of Appeals Case No. H050093
- 8.2 Closed Session Pursuant to California Government Code Section 54597(b)
Personnel Session to Evaluate Performance of General Manager
- 8.3 Conference With Labor Negotiators
Agency designated representative(s): Carla Christensen
Unrepresented Employee: General Manager
- 8.4 Conference With Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: 1 Case (Claim of Bernt Barbera)
- 8.5 Conference With Legal Counsel – Anticipated Litigation Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 Case

At 7:01 pm, President Christensen announced that the Board will enter closed session to discuss Items 8.1, 8.2, 8.3, 8.4 and 8.5.

One public comment was heard.

CONVENE TO CLOSED SESSION – 7:04 pm

RETURN TO OPEN SESSION – 7:51 pm

President Christensen adjourned the closed session and returned to open session at 7:51 pm.

President Christensen reported that the Board discussed Items 8.1, 8.2, 8.3, 8.4 and 8.5 in closed session. No reportable action was taken.

9. **ADJOURNMENT**

President Christensen adjourned the meeting at 7:51 pm.

SUBMITTED:



Emma Western, Board Clerk

APPROVED:



Carla Christensen, President