

**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
LAKE DON PEDRO COMMUNITY SERVICES DISTRICT**

**MEETING DATE: October 21, 2011 at 10:00 a.m.**

**1. CALL TO ORDER**

The Board of Directors of the Lake Don Pedro Community Services District held a Special Meeting, pursuant to notice, on October 21, 2011, at the Lake Don Pedro Community Services Board Room, 9751 Merced Falls Rd., La Grange, CA 95329. Vice-President Kinsella called the meeting to order at 10:02 a.m. Directors present: Kinsella, Richardson, Ross, and Skoien. Directors absent: None. Also present: Staff C Reeves and D Tynan. Pledge of Allegiance was led by Vice-President Kinsella.

Vice-President Kinsella stated the meeting might go in and out of closed session to disclose the information the Personnel Committee obtained and their recommendations, to interview witnesses, and to deliberate. This was in concurrence with District's counsel. It was restated that D Tynan requested to have this issue heard in open session.

**2. DISCUSSION / ACTION**

**a. Government Code Section § 54957 (b) (2) – Public Employee Discipline / Dismissal / Release / Specific Complaint**

**\*\* Pursuant to Government Code Section § 54957 (b) (2), the employee may request that complaints or charges be heard in Open rather than Closed Session which the employee has requested**

Public comment was allowed on this item.

Director Ross made a point of order. He asked C Reeves if she had wanted the complaint heard in closed session. C Reeves stated if there was a complaint against her that yes she wanted a closed session. Director Ross stated he did not understand why the victim or complainant's identity had not been disclosed and why this was held in open session. Vice-President Kinsella stated D Tynan had two parts, one a response to C Reeves' complaint and another being a complaint against C Reeves. He stated D Tynan wanted an open session and C Reeves wanted a closed session and both requests had to be honored. Director Ross stated he disagreed with how the issue was being handled. Director Skoien asked if what C Reeves was going to say now was not part of what she wanted in closed session. She stated she understood D Tynan had the right to have his complaint heard in open session. She stated she would make her response to the last two meetings in open session, but that if it were turned around, she wanted the right to sit down with the Board in closed session and have a discussion. She stated she had not seen the grievance against her. Director Skoien discussed D Tynan being handed the grievance at the first meeting as she was just given the grievance against her. She stated she had given her complaint to the Personnel Committee and at that point it was out of her hands.

C Reeves continued with her statement. She stated she hoped Directors Ross and Skoien had listened to tape of October 13<sup>th</sup> Personnel Committee meeting which gave detailed information on the grievance. She then restated her grievance: harassment and abusive behavior towards a subordinate female employee, discrimination against and favoritism towards specific employees, and behavior that is detrimental to the District. She reminded the Board that they needed to address and respond to each of

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them. She also felt she needed to clarify several things and defend herself after the last meeting. The remaining topics stated included it not being acceptable to yell at employees, that it had occurred twice, her concerns that his anger will rise above yelling, that her supervisor should not throw things on her desk and send harassing emails and notes, her right to refuse to be yelled at and to refuse to shut a door when she was uncomfortable, disagreement that it was insubordination for not shutting a door or stating she should not have to babysit her supervisor and make sure he did his job, threats against her job, D Tynan standing up for her with the issues regarding the Director Keefe incident and the training class and not owing D Tynan any favors, giving an employee \$200 out of his pocket, singling out a single employee over others, questions why paying employees off, issues found regarding a specific employee, differences in how two employees were handled when they were both late, hourly versus salaried issues, her actual hours in the past year and half being 240 extra hours, her timecard history, her start time when she was hired, her working at home in excess of her regular hours, the part-time office position and it not being dependant upon her schedule, her understanding of the differences of the plant and office, the accusation of her harassing the plant employees, her job to ask questions and clarify inconsistencies, the instance of the raw water tank being low and the process her thoughts took regarding replacing the cavitating pump, all employees starting and ending at the district where they should clock in and out at that time, discussion of D Tynan's lack of knowledge about policies and specific discussion of the payroll and vehicle policies, the lost bolt incident, the lack of planning for safety meetings, the service requests presented by D Tynan and a breakdown of their content representing between 40 and 120 hours, the service request content and timing, how she had expected to be able to discuss these issues in closed session with everyone involved, the chosen venue of open session, thinking that things would be done correctly after the complaint was submitted yet issues were still happening like the well study over-time, leaving unlicensed operators at a leak alone, the hiring of the part-time employees, and health issues and returning to work without a release, concerns over the District finding itself in serious legal problems, working with four people in the lead position in the same manner over the past three years and where this has ended.

D Tynan stated he wanted D Tougas to make a statement to the Board. Vice-President Kinsella stated he wanted the Board to interview D Tougas in closed session. He stated he took the charges against him very seriously, and it could have affects on him to earn a living. The topics he covered included a more positive work atmosphere, praising in public and reprimand in private, a two-way heated conversation, not using profanity, his plan to work through the issues privately, his defense of his character and reputation, his working with contractors and many projects and being a working GM, C Reeves habit of talking over people, gas and fixing leaks, cashing checks on Tuesdays, personal use of District trucks, his weekend trip to Fresno to take his D3 test using his own vehicle, his jury duty service and going to Lowes to get stakes for the meter boxes, paying D Tougas and the part-time guys out of his pocket to keep them at the District, bad judgment, the recall meeting, C Reeves not taking the attorney's advice, overhearing C Reeves on the intercom, her use of the attorney for a personal grievance, cell phone issues for two employees, on call alarms, her schedule, her bringing in her daughter to work, her taking a day off, not being able to plan safety meetings because of leaks, tutoring J Santana, education for employees, no safety meetings prior to him being here, safety issues at the District, prior experience as a supervisor and his interaction with other female employees, siding with D Tougas yet he took her numbers, her using profanity against him, the possibility of using a mediator, working as a team, employee schedules, and salaried employees working at least 40 hours.

C Reeves asked to clarify the profanity issue as she had not said what D Tynan presented. She further explained the issue surrounding the incident which was the first time D Tynan yelled at her about setting up the Special Meeting incorrectly. D Tynan refuted raising his voice during that incident.

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## Closed Open Portion of Meeting at 10:55 a.m. / Re-convene in Closed Session

- a. **Closed Session: Board Deliberation of Government Code Section § 54957 (b) (2) – Public Employee Discipline / Dismissal / Release / Specific Complaint (same item as above)**

**Re-open meeting in Open Session at 12:41 p.m.**

**Report out on item “a” - Vice-President Kinsella stated the following. “The Board has been placed in an extremely difficult position and as with any decision that’s made by anybody, you’re going to get somebody that’s going to be happy and somebody who’s not going to be happy. My own personal opinion is that both Charise and Dan are outstanding people and great employees, and I’m happy to have them working with us. The Board has had an extremely difficult time trying to resolve this issue. Some of the issues that were mentioned have already, fall under the operational activity, and some of them have been resolved. The primary issue in Charise’s eyes is that she not report to Dan as her supervisor. Unfortunately, the Government Code identifies that all employees report to the General Manager so the Board cannot honor this particular request. At this time the Board believes that a mediator might be able to assist us in resolving the matter.”**

Vice-President Kinsella then asked if C Reeves would agree to a mediator. She stated she did not have a choice. She was told she did. C Reeves agreed to work with a mediator. D Tynan also agreed to work with a mediator.

### **3. DIRECTORS COMMENTS**

Director Ross: You know, Charise, I was gonna make a comment and then I didn’t make it earlier before I came out. I see you girls much like I see Betsy, a numbers person. Betsy at 10:00 at night wants to pay bills, and I want to go to bed. I think that we got to be a little bit more flexible. Dan has to be. Like Betsy said when she needs to add columns up and stuff, you need quiet, and that’s why maybe you want to be there the hours that you are there. I think there needs to be flexibility because you get interrupted on a phone call, and you’re finance. I think there needs to be some flexibility in that area. I write my stories at 3:00 in the morning because I want quiet, and I assume that that, your time... All I want as a Board Member is you guys to get your time in, you know. You come and go as far as I’m concerned because of your numbers thing that you do, and I’d like to see some flexibility there Dan in that area if possible.

Director Skoien: Well, I just hope... I want you guys to work it out. I don’t think it’s unworkable. A lot of these things can be worked out with give and take on both sides, and maybe this happening and going this far might make it easier for you all to do it. It’s just, it’s a lot to have on this District right now. I mean, we’ve got a lot going on. Well, timing’s everything, I said, I guess. I’m gonna think positive that we can work it out with some kind of mediator and reassess everything. Both parties making some changes. This is not a one way deal. A lot of it is a he-said, she-said deal. I think there’s flexibility in both of you, and I hope it comes out positively. That’s all.

Director Richardson: I pretty much agree with what the other Directors said. I was going over all this this morning, and it occurred to me that some of the issues that were controversial to begin with seem to kind of work themselves out after there was even minimal dialog in just the meetings we’ve had, and I would think hopefully maybe a mediator could push that even a little bit further with the training and

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stuff. I too am very optimistic, because I think you're both great employees and whatever the difficulty is, I hope it could be worked out because we all depend on each other. That's about it.

Vice-President Kinsella: My final comment. I had worked as a salaried employee for many years, at least 30 days, and I always had the latitude to adjust my schedule to the work habits. There seems to be a lack of communication between Dan and Charise as to when she can or cannot attend a meeting, or when she can or cannot be at work on time, I don't think that salaried employees in this situation, because we are such a small unit should be held to rigid hours. I think that going by and seeing Charise's car in the parking lot at seven o'clock at night, really bothers me, but nobody appreciates that, but if she shows up and you know, there again you, you made a comment yourself, that if she shows up 15 minutes late everything is thrown into turmoil. I don't believe that, I believe that if, if you work together that's fine. You work hours, early hours, Charise works late hours, so I don't see, I don't see a problem with that. And I do get upset with people who constantly criticize and don't have a solution, or don't even offer a tentative solution as to what's going on. And I've been a victim of that for many, many years, up here. I am hopeful that you two can get together and resolve some things, it's going to have to be a give and take situation on both sides and if you want to sit down over a cup of coffee sometime I think that might be a good idea but, can't force you to do any of that stuff. I know that Charise is doing an outstanding job with the finances and Dan I'm really impressed with the operations that you've performed here, so, I know that you guys can do the job and I know that you can do it very well, problem is you've got to keep that line of communication open. Yes?

Unknown audience member: Who's paying for a mediator?

Vice-President Kinsella: Say again?

Unknown audience member: Who's paying for the mediator?

Vice-President Kinsella: We have to pay for the mediator

Unknown audience member: I don't want to pay for a mediator

Vice-President Kinsella: Huh?

Unknown audience member: I don't want to pay for a mediator

Director Ross: Well, we do, you know. We think it would be money well spent

Vice-President Kinsella: I think, yeah?

Carolyn Bartholomew: I've worked, like you were saying, I've worked on many jobs too and, but I have never been able to bring my kids to work. I mean, I always had to work my problems out before I got to there. I had to have my babysitters lined up, or mother-in-law, or my mother, or whatever. I never heard of anybody getting to bring their children to work and then to lock them in a room. What if, it's like Dan that said what if, what if, one of them fell. Who's liable?

C Reeves: Me.

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Vice-President Kinsella: She is. Did you, did you listen to Charise's statement earlier today? How that she made the comment that the Board that hired her knew that she had children and knew that she, that there'd have to be a give and take on that part? And there was no problem?

Carolyn Bartholomew: It still doesn't make it right though, Bill

Vice-President Kinsella: We're not talking about right or wrong. We're talking about...

C Reeves: My daughter will never be —

Vice-President Kinsella: We're talking about...

C Reeves: — here.

Vice-President Kinsella: ... an agreement between the board and Charise, period.

C Reeves: Excuse me.

C Reeves left the meeting at 12:53 p.m.

S Marchesiello entered the meeting and continued the meeting as Acting Secretary at 12:54 p.m. (not sure at which point in the conversation)

Vice-President Kinsella: Ruth?

Ruth Smith: Yes, I believe that anyone that has a family and has obligations at home, there's gonna be times when they can't make it to work at 7:30. My job was from 7:30 to 4:30. If I could not make it at 7:30, it was my duty to call my supervisor and tell them I was going to be late and then I could make up my time in the evening, but I definitely had to let somebody know that I wasn't gonna be there. I mean that's just common courtesy to let someone, if Dan is her supervisor, then Dan should be the one that she calls. I mean, I'm not taking sides on either one of this. It's just common courtesy that if you've got to take your child to school or find a babysitter or whatever, you call your supervisor and let them know.

Director Skoien: May I say something?

Vice-President Kinsella: Go ahead.

Director Skoien: But, you know, where was that, though, I mean, and you too Carolyn? Where was that taking place at? A big city? Down in the valley? Well, a lot of these things I said in here are small potatoes. There are some big potatoes. To me that's small potatoes. You know, a lot of us came from the big city and we moved up here for this kind of atmosphere; small time atmosphere, you know, and I think those kind of things are gonna happen in a small town, and things should be different in a small town because that's why we moved here. We didn't want the big city atmosphere, and if that's what it takes to make it work, I can live with it, you know, that. There's some things in here I can't live with. I just think we're kind of losing some perspective of why we live in this community compared to a big city.

Vice-President Kinsella: Hang on a second. Emery?

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Director Ross: Ruth, Carolyn, you know, Charise has this amazing ability to get this job done. I mean, she started out when Bob and Kim were gone, she didn't even have a manager to get supervise her. She gets this job done, and I think we have to be flexible. I know she's always had the kids and stuff. She's got a lot of kids. I think we just have to be a little bit more flexible with that because she's come to me when I was President and said she had babysitting problems, and I said yeah, whatever it takes to get the job done.

Vice-President Kinsella: Coralaine?

Director Ross: I think we have to be flexible.

Coralaine Porter: I just wanted to make a comment in the relationship to the fact of I hear what you're saying. I hear what she's saying. I hear what you say. Again, it's on both sides. Both sides. Not just one being flexible and the other one, working together as a team. It's like hey, you know what, I am running late, and I never hardly do this, but I am going to do this because he is my supervisor so he doesn't worry about me. I would just as a person want to do that. And then maybe again, on your side, you seem like a reasonable person...

Director Skoien: No cut and dry ultimatums.

Coralaine Porter: Yeah, but I mean where there's flexibility and common courtesy with the hope of working together as a team. Because if you start getting into this personal stuff, and that can happen. You know, people get upset, and it has more of a... It makes people more estranged, and I'm on this side, and you're on this side. Well, that's not gonna help either, but I think the thing is, you can work her, and she's very emotional right now. She's hurting, but that doesn't mean she won't take the time to think about this, and say hey, really, let's look at the big picture. The big picture is we've got a water company to run. We need to do this for ourselves, for the community. We've got a lot on our plate. Let's figure out a good way to work together, but it takes everybody. It doesn't just take one conceding to the other. It takes everybody. So that's all I have to say.

Vice-President Kinsella: Dan?

D Tynan: I was just gonna say I believe I've tried to be flexible as far as Wednesday and Thursdays. Yeah, okay, you're gonna be late. I've always worked manufacturing, construction, these type of jobs. I guess my mental, the way I've always worked is you come to work at this time, and you leave at this work time. Maybe I've been too stringent, but I feel like I've tried to work with Charise. Also showing up with children behind the desk. I just don't think the workplace is where you should bring your children in. If an emergency happens, okay, but after two years, three years, a person I believe should at that point be able to figure it out. I'm willing to work with a mediator. I'd like to see the problem fixed. I'll try to be more flexible if that's what the Board requires.

Vice-President Kinsella: Lew had a comment and then Ruth and then you.

Director Richardson: Part of the difficulty the Board had in coming to the decision we did was... Some of the requests that were made were...

Vice-President Kinsella: ...codified...

Director Richardson: ... similar to kind of like an ultimatum, do one thing or another, which left very little wiggle room to negotiate, and stuff, and that's why the consensus was since some of these issues once we started talking about even in the limited area here in the meetings, they were worked out. The

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checks. That wasn't really a big issue. You weren't aware of it. We found out from other employees, that's the way it's always been done. Well, you could make a big issue out of it and say, well, Charise shouldn't have put them out at that time, but that's the way it's always been done. So, it's really a non-issue that got blown up because people get excited about things, but just the way the thing was worded, there wasn't much wiggle room, and that's why... Especially in light of the Grand Jury's recommendation to the Board to use a mediator. If we're going to go down that route anyway then it might be fruitful that some of these differences can be put aside because again you're both great employees.

D Tynan: Thank you. I appreciate that.

Director Richardson: And we need you.

Vice-President Kinsella: Ruth?

Ruth Smith: She more or less said what I was going to say.

Vice-President Kinsella: Okay. Kathy, you're up.

Kathy Agee: Well, I have a little bit of problem with this because just, and I understand what Mark is saying that we are in a small community, but that's where we get ourselves into trouble. We get that good ole' boy attitude, good ole' boys, you know. Good ole' boys are just, you know what, these girls, these issues, we're in a small community, we don't really have to abide by these issues. Abide by these rules. That's where it starts becoming a problem. You know, it kind of what I heard here, but first of all, it was the Grand Jury that recommended a mediator. You know, it's nice that we are listening to what the Grand Jury recommends because the Board doesn't always agree with what the Grand Jury recommends, and you said Dan should have a little more flexibility. Nothing against Charise, but does this flexibility when she needs to go to meetings? Are these meetings that have nothing to do with such as Charise taking off and going to a organized meeting by concerned citizens and taking off in the middle of the day without asking her supervisor in which Bill you admitted that you suggested to Charise that she go to this private meeting.

Director Richardson: Excuse me.

Vice-President Kinsella: And if Dan was there I would have suggested he go to.

Director Richardson: Excuse me.

Kathy Agee: But isn't that, ...

Vice-President Kinsella: No.

Kathy Agee: ... as a Director, you should not be...

Vice-President Kinsella: No.

Director Richardson: You're not gonna be picked up. You really need to be up at the mike.

S Marchesiello: Yea.

Director Richardson: Cause I don't have my recorder here, and that's how I usually get it.

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S Marchesiello: I listened to the last couple meetings where people aren't coming up to the mike, and it can't make it out on the tape.

Director Richardson: You can't make it out.

Unknown audience member: Excuse me, are you sure it's not being recorded right now?

S Marchesiello: It is being recorded.

Unknown audience member: It is now?

S Marchesiello: Yea.

Unknown audience member: Was it turned off at any time?

S Marchesiello: No.

Vice-President Kinsella: Yes, it was turned off when we went into closed session.

S Marchesiello: Oh, okay. Not since I've been here. Since I've been here it's been running.

Unknown audience member: I have... Oh, I'm sorry.

Vice-President Kinsella: Sure.

S Marchesiello: I need to go close the office.

Vice-President Kinsella: Let Kathy finish.

S Marchesiello: I'll be back in a few minutes. I'll be right back.

Vice-President Kinsella: Okay.

Kathy Agee: Bill, I guess I'm saying as a Board of Directors, it is my understanding the Board does tell staff employees or suggest what they do or what they should do. Am I correct, Bill?

Director Ross: Right.

Unknown Director: Yea.

Director Ross: We set policy.

Vice-President Kinsella: Say again.

Director Ross: We set policy. We're policy Directors. We set the policies...

Kathy Agee: So Dan, am I correct that Charise did not come to you and ask you if she could go to a private meeting?

D Tynan: No. She did not. I found out later that she had said I'm going to this meeting, but again, I was talking with Syndie about an important issue she had so I missed it and then when I came back from a

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leak that I was working on, that's when I found out Charise had gone to meeting and I did not, I wasn't happy about it because I do believe we need to focus on our work.

Kathy Agee: And I agree with that, and this is where I see that there's gonna be a problem if we... I'm not saying there's not some flexibility that can be made as I'm seeing that there has been some flexibility in regards to Charise, and I know as a mother myself, that you have incidents that come up and things that happen, but going to a private meeting that the concerned citizens and ratepayers have organized to try and see if they can help in some way, the Board here, to make it a better working place. I just, I'm sorry, things like that, will Dan feel comfortable saying no Charise and Charise says the Board of Director Bill Kinsella suggested that I go when it has nothing to do with the water district, not them. Comment Bill?

Vice-President Kinsella: No, I'll wait until you're finished then I'll comment.

Kathy Agee: Okay, I'm finished with that one.

Vice-President Kinsella: The suggestion is not an order, and not being present, you really don't know what the overall context of the suggestion was. So sitting there pontificating about the Board Member identifying specific issues is wrong. As a member of the community, Charise was not excluded from that meeting. Her primary concern was she works here. If that meeting came to fruition, she could be looking at a whole new Board. That's fine. So you're gonna condemn her for getting additional information. Nobody said this meeting was by invitation. Emery was there. He knew.

Kathy Agee: He was invited.

Vice-President Kinsella: Well, I don't know whether he was invited or not.

Kathy Agee: I do.

Unknown audience member: He was invited.

Vice-President Kinsella: It doesn't make any difference. He was there. He was a Board Member.

Kathy Agee: She left at the time she should have been here, Bill.

Vice-President Kinsella: Kathy, I'm not gonna argue with you.

Kathy Agee: I'm just saying as a Director, I don't think Directors or a Director (inaudible), and please correct me if I'm wrong, you should not be involved with individually suggesting things. An individual Board Member should not be going to the staff and suggesting things.

Vice-President Kinsella: Then why was he specifically identified and invited.

Kathy Agee: What does that have to do with?

Vice-President Kinsella: Emery. They said that Emery was invited to that meeting.

Kathy Agee: Yes.

Vice-President Kinsella: Okay. Then what's the difference to him being invited and me making a suggestion.

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Kathy Agee: Because, it's all about the employees.

Vice-President Kinsella: You're implying something that wasn't said, and it's not true.

Kathy Agee: No

Vice-President Kinsella: Yeah, it is. Enough. I'm not gonna comment on ... (inaudible)

Kathy Agee: (inaudible) It's intimidation so that we can't speak.

Vice-President Kinsella: You're beating a dead horse.

Unknown audience member #1: Let her finish her comment before you interrupt. That's Robert's Rules of Order, and it should be adhered to in this meeting.

Vice-President Kinsella: I wish we did follow Robert's Rules.

Unknown audience member #1: Well you should - every meeting.

Vice-President Kinsella: This Board does not.

Unknown audience member #1: That's a problem.

Vice-President Kinsella: That is a problem.

Unknown audience member #1: Most Boards do.

Wes Barton: It's a policy. CSD has a policy.

Director Skoien: Let her finish.

Vice-President Kinsella: I've quoted Robert's Rules many times and told many times that it didn't make a difference.

Director Skoien: Quoting them and following them are two different things.

Vice-President Kinsella: Okay, go ahead Kathy.

Kathy Agee: Well, that's my point. Is that if a Board Member has suggested to an employee to go to a meeting, it pretty much makes it a little more difficult for Dan to do his job as a supervisor. There's an intimidation thing going on there, and Bill, this has happened several times, and my question, you know, is Directors should not go one by themselves and ask an employee to do something or suggest for them to do something. That is not your role. Now you made a statement earlier Bill that you wanted to talk to a witness, but the witness did not want to talk to you. When you did go to talk to the witness as a committee regarding this issue, was it you by yourself to go talk to the witness or was it you and Lew as a committee to talk to this witness?

Vice-President Kinsella: Lew had a commitment, and I made the invitation. The witness said I don't want to talk to you. That was the end of it.

Kathy Agee: So you were by yourself, asking?

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Vice-President Kinsella: Yeah, like I'm gonna lie.

Kathy Agee: This is what I'm trying to focus on. This is where things become out of order and again yes we are a small community, but the reason why we do have rules and regulations regarding how the chain of command is to keep from issues getting blown out or getting Board Members individually involved and being go betweens between a Supervisor and an employee.

Vice-President Kinsella: Sir?

Unknown audience member #1: I just have a few questions. I just want to ask the Board basically is it your opinion to allow a salaried employee to arbitrarily set hours, and if that is the case which I've understood it to be, who is it that refers these loss of government wages? I'd like to know the answer to that question. And also, is it the opinion of this Board to allow employees to arbitrarily set hours whether they are salaried or hourly? It's a question. Sir?

Vice-President Kinsella: We didn't say that they could arbitrarily set them.

Unknown audience member #1: Is it not the case...

Vice-President Kinsella: No, I said a salaried employee when I was working that I didn't have to...

Unknown audience member #1: I'm not interested in what you did. I'm saying right now, Charise stated ...

Vice-President Kinsella: What I said...

Unknown audience member #1: (inaudible) ...I heard that fact she comes in when she feels like it, and she doesn't have to talk to the manager about this. And you concurred. You said we're good ole' boys up here. We want this to be small America, so we'll run this the way we want. So if we have a girl that's getting \$70,000 a year, arbitrarily come and go, and you have no facts to state to the other, other than you did agree that she can come in and she can bring her children to the office, and you say that the liability is not a factor. Is that correct?

Director Richardson: I never heard that?

Unknown audience member #1: You never heard that Charise brings her children to work here?

Director Richardson: I heard it once or twice, but I never heard that it was allowed. I thought it was discouraged.

Unknown audience member #1: Okay, you just answered my question. Do you see what's going on here? A big, huge liability. That's all I'm saying... (inaudible)

Director Richardson: I have a question too. You mentioned someone being oath. Who was placed under oath?

Unknown audience member #1: When you speak of this is of the record. It is a matter of oath for a witness. It's a matter of honesty and integrity.

Director Richardson: Certainly.

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Unknown audience member #1: I take fastidious notes of every word spoken by the parties that I want to hear, but when I see people come to this podium and be berated, that is a problem, and that will remain a problem, and it will become your problem if this goes on again. If I ever hear that again. Now, leave it at that, and we'll go forward.

Director Richardson: You're fortunate that you even saw a person come to the podium because most of the time they don't.

Multiple voices: (inaudible) That is not true.

Unknown audience member #1: That was a statement made out of fact.

Director Richardson: No, no, most of the time when this room is packet, people do not come... How many meetings have you attended Sir?

Unknown audience member #1: That's not important.

Director Richardson: No, but of course it is because you're talking about something you don't know nothing about.

Unknown audience member #1: Excuse me. Excuse me. Lew Richardson.

Director Richardson: Sure, Sir.

Unknown audience member #1: Then why don't you just conduct this meeting in a professional, factual way.

Director Richardson: Certainly.

Unknown audience member #1: If you don't want to use Robert's Rules of Order, that's the main problem. I don't even know if you guys understand Robert's Rules of Orders and how they work.

Director Richardson: Bill has tried to bring them up many times, and it's been shot down over and over because it's not in our policies.

Unknown audience member #1: Who wrote the policy on Robert's Rules, on the way this meeting is to be conducted?

We're still trying to figure out our policies. We're meeting on the 14<sup>th</sup> because they're a mess. Some are approved. Some haven't.

Unknown audience member #1: How do you find it evident to rule on certain matters that you have before you when you don't even have a fluid way of talking to each other and talking to your ratepayers here. These are the ones. You work for them. They don't work for you. They are allowed to come up and speak under Robert's Rules of Order, but the way you have it set up they are not allowed to voice their opinions because they are not allowed to take the podium or you might have them stand there or I see that it is very episodic. I was getting a little upset because I think these people should speak. You should be quiet, and then we go forward just like it's done in any City Council, any Board Meeting because this is out of control. I'd like to see it back into control.

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Director Richardson: Sir, you just made my point. We've always, we used to, at the beginning of the meetings, always asked people to approach the podium. It isn't to intimidate them. It isn't to make them stand out by themselves. It's so they can be heard by the recorder because when you transcribe the notes, it's inaudible. Just as you were speaking from right there, is what usually happens in meetings, and it's very difficult to get an accurate transcription and give the public their fair say when everything's inaudible.

Unknown audience member #1: That's true.

Director Richardson: That's all I was saying.

Unknown audience member #1: Well, I don't think...

Director Richardson: But you said I was wrong, and I'm saying who are you to say I'm wrong when you don't come to meetings.

Unknown audience member #1: When I'm saying you're wrong in the sense that a podium isn't required for anybody to speak, but that you have to maintain the fact of the matter that it's because you can't hear or that the recordings can't be transcribed, and these are transcribed how often? How often do you transcribe these tapes that you have?

Director Richardson: I don't believe we have a policy on that at all, when someone says for the record.

Unknown audience member #1: What if they get erased or lost? What's that all about?

Director Richardson: Beg your pardon?

Unknown audience member #1: How do you know if they're not transcribed, if they can't be lost or somewhat edited, how would you know?

Director Richardson: Minutes are made from them.

Unknown audience member #1: So, you delineate it down to minutes. You don't do a complete word for word...

Director Richardson: Well, I'm not the Secretary. I believe that's what the Secretary does unless it's stated for the record or Director's comments, then they are verbatim.

Unknown audience member #1: Thank you.

Director Richardson: Are you suggesting that they should all be verbatim?

Unknown audience member #1: Well, I think in a Board Meeting, that it should be recorded and if somebody requests a copy of the transcript, it should be available to them, and if they have to pay for it fine.

Director Richardson: I love it. You're making my point.

Vice-President Kinsella: You made my point.

Director Richardson: You're making my point that all of these people have been against.

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Unknown audience member #1: What is the point I just made?

Director Richardson: That there should be transcripts, transcripts of the meeting.

Director Skoien: He didn't say verbatim minutes. He said the tape be available.

Director Richardson: No, he said transcripts. That's not a tape.

Unknown audience member #1: Well, you have a tape of the meeting. That tape is to be taken and transcribed so people can read it.

Director Richardson: I love it.

Director Skoien: But not in our official minutes necessarily?

Unknown audience member #1: Correct. Correct.

Kathy Agee: Excuse me.

Vice-President Kinsella: Wait a minute, Kathy. Wes, had...

Director Skoien: Not in the official minutes.

Wes Barton: For a change I was going to keep my mouth shut, but I want to clarify a couple of things. Number one I think this still goes back to the same thing. This place has gotten so demoralized that the only answer is to start all over, visualize what we want to try to do as a team, get the processes in place to make the things we want to do happen, measure it, and start living like a true business. When I say business, I don't want somebody to start saying I'm talking about a private business. Everything is a business. Okay, run it the way it's supposed to happen. Now, it's still the only answer. I want to clarify a couple of things though. CSD law says that, and part of the reasons I say this, CSD law says that the General Manager is responsible, I forget exactly I think it says supervise, the financial activities, operational activities, CAPEX, I forget what all's there. It's very specific. We keep referring back to the financial person to do her job because historically we have never had a General Manager that could even read a financial statement. Matter of fact, up until three years ago, we didn't have a financial statement. We had a bank reconciliation that was off as much as a half a million dollars from month to month. So, that is and still is a serious problem. Charise has the education, although she had not done it, but she is learning and she is picking up on financial activities. So you got a pretty major gap between knowledges. Treasurer. Once again, I think CSD law says you use the Treasurer from the county unless you want to have your own Treasurer. If you have your own Treasurer, that Treasurer is the responsibility of the Board, not the General Manager, but the responsibility of the Board. So once again we've got this mismatch of responsibilities set up that makes it difficult at best to run an operation if you're not really focused, and you don't have a complete team of people knowing what they want to accomplish with the lines of responsibility and the way duties are set up. It's difficult at best, and so if you don't have professional people doing the job, you end up with stuff like what we've got here. Policies. There is a very specific policy in lieu of Robert's Rules. My copy of Robert's Rules is a small booklet about yea big, like that, about three quarters of an inch thick. Most of that stuff, if anybody's ever read Robert's Rules, if you can get through it, is extremely boring and most of it you never use. The policy manual at CSD, I don't know who wrote it, (inaudible)... some time, but there's a specific policy in there, that specifies the parts that are required for running a meeting, and it includes when people can talk and the basic protocol that you follow, and it goes as far as when you can kick people out and what you can do

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and things of that nature, but it specifically says that we want to do this more simply than, I'm paraphrasing, than using Robert's Rules, but it doesn't mean that we don't have the policy. Tapes. The attorney that has been as at CSD for a number of years has basically said as a rule he doesn't like to keep tapes. I wish Charise were here right now because she could remember this exactly. He says we don't want to keep tapes for more than two or three months. I don't remember, once again, I'm trying to remember the details. I could be wrong a month or something of that nature. However, and he specifies having relatively simple minutes that specify what was done, who was involved in the vote, and not a lot of discussion, more discussion than you have to have. Now, if I'm not mistaken, there is a policy that also lays out some of the information that should be in the minutes. It's probably maybe ten line items, but once again it's laid out. So it's not a matter of just not following some rules. The CSD at one point in time some years ago decided that they wanted to follow a more simplified approach. Now we've got two lawsuits going back to roughly 2000, I guess 2008.

Vice-President Kinsella: 2008. Yep.

Wes Barton: Okay. Now since those two lawsuits have happened, if I'm not mistaken, all minutes, all of the tapes have been saved. Correct?

S Marchesiello: Yes.

Wes Barton: That doesn't mean somebody couldn't have tampered with them. I'm not saying somebody couldn't have tampered with them, but as I understand all of the tapes have been saved since those lawsuits happened, and so that's just some more background.

Unknown audience member #1: Are they under lock and key?

Wes Barton: I'm sorry?

Unknown audience member #1: Are they under lock and key to the best of your knowledge?

Wes Barton: I don't know.

S Marchesiello: Yes, they are.

Wes Barton: Are they? Okay.

D Tynan: We did have a break-in.

Wes Barton: I just wanted to clarify a couple of things. Not to pick back and forth or do tit for tat. Some of it's not as bad as it sounds. We're not living up to what we should be doing.

D Tynan: Can I say something?

Vice-President Kinsella: To answer your question, Sir, all four of us had been summoned by the Grand Jury, and the Foreman of the Grand Jury asked about Robert's Rules. They were astonished that this Board does not follow Robert's Rules. Just as a clarification.

Unknown audience member #1: I'm aware of that.

Vice-President Kinsella: Oh, you are. Okay.

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D Tynan: May I say something, really quick?

Vice-President Kinsella: Okay, I didn't know you were. Dan.

D Tynan: I just wanted to let people know we did have a break-in, and I was told that some material is missing. I'm not sure what, but since then we have upped up our security here at the plant. It could be improved, but again we do have some things missing. Some tapes, I believe. I believe Board minutes and things like that.

Vice-President Kinsella: Wait a minute, I've had a couple of hands.

Wes Barton: I forgot one thing. When I was talking about the Treasurer, I forgot the reason I brought that up was that Charise plays the role of the Treasurer. She has that duty. It's almost as if you can picture three different jobs, and instead of having three different people, because we are small, Charise is the one that does all of them. She is the Treasurer reporting to the Board. She is the Secretary. I believe reporting to the Board, and then she's also the financial, the personnel, etc which would all be reporting to Dan so I (inaudible)...

Vice-President Kinsella: Okay.

Unknown audience member #2: I've been coming to these meetings since February. I'm appalled, but anyway, I think everyone else is too, but the one thing as far as getting to Charise that I don't really understand for the first two times that I came, I thought Charise was a Board Member. She talks when she's not supposed to talk. She got in the middle of Dan's GM report one time and decided to tell you all guys how he should run his job. Like I said, she runs the whole show, and nobody stops her. I don't understand how you guys can let this woman run these Board Meetings. She's always whispering with Lew. We don't know what they're saying. Nobody will stop Charise from running these entire Board Meetings, and I don't understand why.

Vice-President Kinsella: Kathy?

Kathy Agee: I just wanted to correct Lew. I don't know of anyone that said they didn't want these meetings taped. I don't know of anyone.

Director Richardson: I didn't say taped. I said transcribed.

Kathy Agee: Oh, I thought you said taped.

Director Richardson: No, no, transcribed. I think it would be great if all our meetings frankly were verbatim. Were verbatim so that every rate payer especially the people in Colorado and Arizona. Half our customers are out of state. That they could get on the website and read every single word that occurs in here.

Director Richardson: Do you know what to do?

S Marchesiello: Yea.

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Director Richardson: Cause I've never touched it.

S Marchesiello: It just flipped over I'm assuming it's the new tape.

Harry Alfier: I would just like to address the Board as far showing my support for Dan Tynan. I think he's done a fantastic job since he's been here. As far as this issue with Charise, I've never worked anywhere where I've had an employee pretty much run the show, and tell me where to stick it, and how to do my job. It seems like ever since the man's been hired as Interim GM, she's been keeping copious notes waiting for this moment to undermine or blockade. It just seems to me that this whole complaint was nothing more than her way to take the heat off of her being reprimanded by Dan on issues of bringing her children to work, showing up late for work, numerous issues. And it just, again, I think it's because she does not want to be accountable or be responsible for some of the decisions or some of the behaviors that she's exhibited towards the boss. Again, I don't know anybody. You might have charges she not work for him, telling his boss to f-off. It didn't work too well. So, where she comes up with her authority, and I feel bad that's she's upset. Bottom line, I don't think Dan opened this can of worms. I think Charise did. I think she overplayed her hand. I think she decided she was going to undercut her boss and that you guys would back her a hundred percent, and Dan would be shown the road. You shouldn't be telling Dan how to do his job or that he should show flexibility. If he thinks someone's not living up to their standards, then I think he has the right to take them in their office and talk to them. I've never heard him raise his voice to anybody. Now he made have had an agitated voice. I doubt very seriously if he yelled or intimidated. I think the way she framed her whole argument here is that it's an attack upon a woman employee which raises a flag immediately that you're gonna have to take her side, and I think these accusations by her are very serious. They could follow this man around the rest of his life. I think they're as much serious as they are claiming that she's being exposed to a hostile work environment. So, I do applaud you for maybe bringing in a mediator, a neutral third party, to talk with them both. Get to the bottom of it, and I think some things need to be looked into. You know, there's rumors out there, different things that maybe Charise has been involved in that are more serious than a hostile work environment or some of the other issues. So I do applaud you for bringing the mediator. I would like to see give your General Manager. Let him do his job. Again, he doesn't seem to be the kind of man to yell at anyone. If someone's not living up to what they should be, I think he has every right to talk to them about that. I would hope you would let him do his job.

Vice-President Kinsella: Any other comments? Ruth.

Ruth Smith: I've been reading some of your policies that became effective. They were approved and adopted on January 17, 2006. I read one at the Monday's meeting, and I was more or less knocked to my knees. Where a Director shall not act alone. This is your own policy number 4070.1. It says no Director has the authority to act individually. I brought that up at the meeting, and I was chastised for it by Bill. Also, it says Director should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, back biting, and other forms of negative interaction. That's 4010.1.5. 4010.2.1 when responding to constituents requests and concerns Directors should be courteous, responding to individuals in a positive manner and routing their questions through the appropriate channels and to responsible management personnel. People have come to these meetings, and were afraid to talk, afraid we're going to be knocked down to our knees, and there's a lot of people, when this opening came on the board, several of us went around asking different individuals if they would put in for this position that

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was open. Everybody said I will not work with that Board. That shows that we're being bullied and intimidated, and it, you know, we'd like to come here and come to a civil meeting without being over talked, and like I say knocked down to our knees. And that's all I got to say.

Vice-President Kinsella: Any other comments? Directors comments? That was a joke earlier Emery.

Director Ross: Well, I didn't get it, but I was told it was a joke later.

Vice-President Kinsella: Do you have any comments? Mark? Lew?

Director Skoien: I said all I've got to say on the Charise, Dan deal.

Director Richardson: Yeah, but I'm not just sure what it is. I keep going back to the gentleman's comment about the child in the office. I heard that happened. I thought it was like years ago. Are you saying something's happened recently with that?

Unknown audience member #1: I'm saying there's a case where Charise brought children to the office against the authority of the manager. I'll leave it at that.

Director Richardson: When did that happen?

Unknown audience member #1: That's not an important fact right here.

Director Richardson: Well, it is to me because if it happened while I was here.

Unknown audience member #1: (inaudible) ...usually you should be able to go through your transcripts and find that. I'm not here to advise you.

D Tynan: Actually, Lew, I can answer that. I didn't, again, it's my oversight I didn't write down the date and everything, but it was probably three months ago.

Director Richardson: Oh, okay.

D Tynan: Four months ago. Something like. It's happened, I believe, one or two times, but I know, one instance. Again, I didn't take notes. I should have taken notes, but I came to work, and I saw Charise had her daughter here, and I understand single moms, single fathers too that work here, and have children issues, but yes, I was shocked like I wasn't even notified. I was just, came in, and she took her daughter in the office and shut the door, and I just can't and actually if you see that email, it states giving basically an ultimatum. Either I'm late, or I'm bringing my kids to work, and that's in the email.

Unknown audience member #1: That is what I was speaking of, Mr. Richardson.

Harry Alfier: I don't think anyone wants to crucify Charise about her children. We're all... I've been a single dad for many years. There were times you just maybe have to take them to work, but to me it's more of a pattern of, to me, it shows more of a pattern of her insubordination I hate to say it. You know, I

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have nothing personally against her, but you know, you have to have a boss ,and you have to have employees, and the boss has to have the authority to talk to those employees and can't be undermined by this Board or people he has to answer to. You know, you either trust him to do a job. I, you know, I think he's a pretty straight shooter. I've never seen him lie or scream or twitch out. I just feel this is a power play by an employee. Basically, looks to me like she's after his job or wants him... Just doesn't want to be accountable, and his license. His license is from the State, that they... She has to be accountable. You can't expect this guy to put his license on the line and his very ability to earn a livelihood for his family because you have an employee that wants to be, I guess, be rogue. She's a rogue employee that thinks she's the boss, and it's up to you guys, I think, to let her know what the chain of command is. Thank you.

Director Richardson: Kathy?

Director Ross: Are we in Director comments?

Kathy Agee: I just want to make a point with what Ruth had to say as far as Directors should commit themselves to focusing on issues and not personalities, presentation of the opinions of others should be encouraged. You know, this is something that, and Lew I just, you know your recent blog about Emery and the blogs...

Director Richardson: I'm sorry that's not business of this district.

Kathy Agee: If you're attacking with your position as a Board Member, and you attack us after we've been in one of these meetings and you've put in your little, you know, opinions...

Director Richardson: Mhmm.

Kathy Agee: Not facts. Your opinions.

Director Richardson: Mhmm. Which I labeled as such.

Kathy Agee: But I think it's not when you're in the position that you're in as a Board Member. Then you need to be limited to attacking, and that's what is intimidating about us as ratepayers to stand up here and say something because we don't know how you're going to take it and put it on your blog about us.

Director Richardson: Well, you know, I would accept that except for one thing. I'm not doing the attacking. I'm doing the defensive. I've been called a liar, a thief, dishonest. I've had people mess with my truck during open meetings – that I had to go out there and stop that. Don't tell me that's not true. That is true.

Unknown audience member: I didn't say a word.

Director Richardson: No. Carolyn. But, anyway... No, no. I'm defending myself, and you may not agree with my opinion, and that's fine. We all have opinions, but if you see something that you think that I've written that is untruthful or un-factual, please let me know what it is.

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Unknown audience member #1: Doesn't she have the floor?

Director Richardson: Yes

Unknown audience member #1: Then why are you speaking?

Director Richardson: Because she was speaking to me.

Unknown audience member #1: No, she made... You interrupted her.

Director Richardson: No, she was speaking to me directly. She was not speaking to the Board.

Unknown audience member #1: You cannot stop her speaking until you. Okay. That's fine.

Director Richardson: Okay.

VP Kinsella: Okay.

Kathy Agee: Well, on the blog that you slandered me, when I made a...

Director Richardson: I never slandered...

Kathy Agee: ...mistake by saying cutting corners...

Director Richardson: Yeah.

Kathy Agee: ...when I corrected myself and said I meant cutting spending, and you said well, maybe that's the way Kathy does in her real estate.

Director Richardson: No, I never said that.

Unknown audience member #1: You can't speak. She has got to get her full...

Director Richardson: Well, then you tell me why I should be allowed to sit here and be attacked?

Unknown audience member #1: You are a Director. You should. You don't listen.

Director Richardson: This is not District business.

Ruth Smith: See why we don't like to come to the meetings?

Unknown audience member #1: You need to listen to her. Keep your personal comments until she's done.

Director Richardson: This is not District business.

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Unknown audience member #1: (Inaudible) ...getting personal. You think she doesn't have a right to speak because this isn't business or what you want to hear her in this...

Director Richardson: We're supposed to be discussing CSD business

Unknown audience member #1: It's not a discussion when she's at the lectern.

Director Richardson: When she's talking about a personal website that I run as an individual is not an issue of this District.

Unknown audience member #1: You are out of order, and you shall...

Director Richardson: I think you are out of order...

Vice-President Kinsella: Oh, oh, okay.

Unknown audience member #1: No, you are out of order, and you know it.

Director Richardson: No.

Unknown audience member #1: So I wish that you would allow the constituents of this county...

Director Skoien: This is great.

Unknown audience member #1: ...to speak and not interrupt at every single turn because you just ... (inaudible) ...disallowed her to get her point across. You're trying to shout your, these people down.

Director Richardson: Her point.

Unknown audience member #1: This is not a bully pulpit, and that is not a bully board. Just leave it at that, and let her speak.

Director Richardson: And this is not District business. Be that on the Record.

Unknown audience member #1: Does it matter?

Director Richardson: Okay.

Unknown audience member #1: It's all, your... (inaudible)

Director Richardson: Go ahead, Kathy. I'm sorry, Kathy. Please continue.

Unknown audience member #1: ...cuz it' on the record.

Director Richardson: Yeah, yes it will be.

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Unknown audience member #1: Stating it's on the record is kind of an erroneous comment.

Director Richardson: It will be. I'm sorry, Kathy. Go ahead.

Kathy Agee: Well it is District business because it was when I spoke at a meeting regarding District business, and correct me if you could. Quote how you said it. Maybe I'm not using exact quotes, about when I said cutting corners, and you.. Okay, could you please correct me and tell me what you said in there?

Director Richardson: What I said was, I think, you're misusing the term cutting corners. I think that implies something illegal or lack of quality, and you and all your friends that were sitting there, said no. No. No. It just means saving money, and I said I think you're wrong, and we let it go as that.

Kathy Agee: No, then you said maybe this is the way she does her real estate?

Director Richardson: No, on my blog, on my blog what I stated was, cutting corners may be something that's done in real estate because we've had many people who come to these meeting and to the other Board meetings when they never received their known disclosures, but I did not use your name.

Kathy Agee: It was in the paragraph about me, Kathy Agee.

Director Richardson: But it did not say Kathy Agee cuts corners. No, it didn't say that. It said maybe that's what happens in real estate.

Kathy Agee: You insinuated that in...

Director Richardson: That may be that's the way you took it, but I think you should re-read it. That's not what was said.

Kathy Agee: I will re-read it.

Director Richardson: Please do.

Coralaine Porter: Can I say something?

Vice-President Kinsella: Okay.

Coralaine Porter: And again, this is related to your blog Lew.

Director Richardson: Sure.

Coralaine Porter: You have attacked my father for years. He has never been nothing but less, he's always been a gentleman to you. You have implied and pretty much said that he broke rules and regulations on driveways and that is a lie.

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Director Richardson: No, it is not.

Coralaine Porter: Yes, it is Sir, and you know that and you let it lie. You imply and insinuate and you, truly I can't believe he's as nice as he is to you. He is such a gentleman, and you have treated him horribly, and that's why I don't read your blog because it's so upsetting, and what you do is you say things related to the water. You take pictures. You spend all this time, and you just want people. We've lost business because of you, Sir. Where people will come up here, and they get on the blog, and they go well it sounds like Deerwood is doing some really undercut because you want people to get that impression. You love for people to get that impression.

Director Richardson: Not at all.

Coralaine Porter: And then after you said so many negative comments about things about my father and imply and insinuate, and this and that, then you kind of said oh gee it's so sad that the country club is closed. In one of your blogs you implied that I don't even know if he owns it anymore? You know, but its like you just put this stuff out there, and it's like creating something. He's always done things by the book, always. And as a daughter, as a daughter, I am so offended by how you act as a Board of Director. It is unbelievable, and you have a mocking attitude. You have a real arrogant way you carry yourself. You're very friendly and kind of nice, and if someone does something... See right now if you weren't here, he would be attacking me.

Director Richardson: No.

Coralaine Porter: You would be attacking me. Yes you would.

Director Richardson: No, I'm hoping the new President will give me the opportunity to respond to what she's saying to me though.

Coralaine Porter: And you've been doing this to me, Sir.

Unknown audience member #1: Wait till she speaks. Then you respond.

Director Richardson: Okay. Thank you.

Coralaine Porter: And you've been doing this for years though. My parents have worked really hard at what they've done, and that they have never cheated anyone. They've never stolen from anyone, and your constant and here you're a Board Member, and you attack the members of this community. You've done it for years, and you are just unbelievable in your arrogance and how you treat the people, and it's really, just blows me away and blows me away that my dad is so nice to you. I thought, well hey, I carry the anger, and I've been... I try to be cool, but when she brought it up, you've attacked her, everybody, Harry, all the things that you have done and participated with us, and Bill of course you're connected with Lew too, but I'm not going to get into that right now, but I'm just saying you have had some very negative things and that's, but you write a blog hoping people will read it and maybe they'll decide hey, when we were trying to sell property you were hoping that maybe they wouldn't buy it, and some people didn't, but people that met my father and saw how he did his business, and I shouldn't have gone up,

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come up here as a daughter, but it's really offensive, and I think you're an evil man. I think you are an evil man, and you sit on our Board and you do a lot of because someone who is evil puts stuff out there... You talk. You know you can speak without verbalizing. You give a lot of body language, and people can read that, and I've tried to be nice in these meetings because of how you are cuz you just love it. You love to get it. You get all excited about stuff, and you're gonna have it in your blog, and it will be all and all that and it's kind of like your stick. Like hey I'm gonna get it in there, but you know what. I've had almost everything lost through this economy so you can't take anything from me. Nothing, and you can't take anything from my family any more.

Director Richardson: May I speak now, Sir? Okay, anything I've ever said about your father has been absolutely the truth. Those roads he put in this subdivision violated State mandated fire safety code, minimum standard – roadway standards. They violated them. He put those roads in twelve years after the State of California issued those rules. To this date they are going to be a problem in this community for perpetuity. Harry, let me finish. Now as far as insulting your father, your father is nice to me. I've always been nice to him, but your mother flipped me off in a public restaurant with my girlfriend.

Coralaine Porter: She has never done that, and you are a liar.

Director Richardson: No. No.

Coralaine Porter: She's never... She's hardly...

Director Richardson: You were standing right next to her when she did it.

Coralaine Porter: She's never flipped you off.

Director Richardson: Well, besides that, be that as it may, you can deny that.

Coralaine Porter: That's outrageous.

Director Richardson: You can deny that all you want...

Coralaine Porter: Oh, I will sir.

Director Richardson: ...because I have a witness too.

Coralaine Porter: I'm gone. I'm gone.

Director Richardson: Well, no, wait, no. Stay here and hear the rest of it.

Coralaine Porter: No, you can't make me stay. What are you going to call your DA friend up here?

Director Richardson: Oh no, you're going to... You're going to accuse me of all these things then run away and not listen to my response?

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Coralaine Porter: I've listen to this stuff for years, Sir. Years, and I don't care what is said.

Unknown audience member: Coralaine, don't give him the satisfaction.

Director Richardson: This is not satisfying to me at all.

Vice-President Kinsella: Coralaine, please sit.

Director Richardson: Please sit down.

Ruth Smith: Don't lower yourself to his level.

Director Richardson: Oh, thank you Ruth.

Ruth Smith: Don't. Don't do it.

Director Richardson: Thank you Ruth

Coralaine Porter: I'm upset.

Ruth Smith: I know you are.

Coralaine Porter: I'm upset. It's because of years of building up this stuff. It's just years of this...

Director Richardson: Well, I guess it's Harry's turn now.

Harry Alfier: Well, I'd just like to once and for all look Lew in the eye...

Director Richardson: Okay, hang on...

Harry Alfier: and have Lew look me in the eye, those regulations that you keep telling me that I'm violating and Tom Porter is violating.

Director Richardson: I've never said you violated them.

Harry Alfier: Well, my driveway violates them you, tell me. The bottom line is, it says right on those regulations, Lew, these regulations do not apply to any roadways constructed prior to 1991 when the regulations came in.

Director Richardson: Right.

Harry Alfier: All the roads that you're questioning, and I know that you don't believe me, but I'll swear on my father's grave and the life of my daughter, every road that you are talking about was constructed by Boise Cascade in the early 70's to provide access to these properties. Don't shake your head because that's the truth and I can prove to you that's the truth. The courts have already... The courts aren't

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stupid. They saw it and saw the aerial photograph so you just keep telling the same lie, and that's why, when you just kill me when you keep telling me how everything I say is the truth. Everything. It's not the truth. The truth is, it says right on the... How can they violate those regulations when the regulations clearly state those roads are exempt from those regulations?

Director Richardson: Any modification to an existing road had to come into conformance with the 1991 SRA ...

Harry Alfier: Where's the modification?

Director Richardson: When you asphalt pave 1,600 feet of road, it's a modification.

Harry Alfier: (inaudible)

Director Richardson: Plus that road was not there at that time because the satellite images clearly showed that it was not there.

Harry Alfier: We're getting off the subject.

Director Richardson: Well, that's what I said earlier. None of this has to do with the business of the District.

Harry Alfier: (inaudible) ...told Coralaine that her father was breaking all these rules... (he continued to talk in between Director Richardson's statements, but it was inaudible)

Director Richardson: No, she got up there and attacked me and called me a liar, and I am not a liar.

Harry Alfier: Set the record straight. You are.

Director Richardson: I am not.

Harry Alfier: (inaudible) ...playing ... with the truth. You've seen the court decision. You've seen the judges...

Director Richardson: Then why won't the county...

Harry Alfier: (inaudible) ... can use that as my ... (inaudible)

Unknown audience member #1: (inaudible)... right now. He has got to speak, and you've got to listen. This is not fair...

Harry Alfier: And you just shouted me down, Lew. Just tell the truth. You seem to be buried in the truth (inaudible). I wish really you were. You could do some good. Just like what you tell about Kathy. I have it memorized what you said on there about Kathy cutting corners, and...

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(inaudible) I wonder if this is something about basically insinuating that Kathy doesn't hand out non-disclosures. That's exactly what you said.

Director Richardson: I said real estate.

Harry Alfier: Real estate disclosures. Well, that's what her business is, real estate. So is mine. I can pull every contract for the last thirty-five years that says buyer has received copies of CC&Rs, bylaws, articles of incorporation, and the most recent financial statements. By law we need to provide them. We don't ever... Who would not want to hand out a known disclosure or a CC&R to someone when they buy property?

Vice-President Kinsella: You okay?

Unknown: (inaudible)

Harry Alfier: To insinuate otherwise, as far as I'm concerned, is being a liar.

Vice-President Kinsella: You okay?

Unknown: Yea.

Harry Alfier: As far as attacking people's character, again, Kathy stood up here and had a legitimate grievance with the District regarding a \$3,000 hook-up fee which I think you are going to find out is illegal, and the next thing you know, she's on your blog being accused of being an illegal, unethical realtor, and that's just horse pucky. If you can't agree with that, that's your MO. That's what you do.

Director Richardson: I never said that.

Harry Alfier: When people come in and disagree with you, they're attacked on your blog as being dishonest realtors. I mean, you went so low on poor Mr. Porter as to try to tie the man in somehow you found some link on his website to his golf course for child porn, and you were trying to tie the man to child porn. It doesn't get much lower than that, Lew. I'm done.

Director Richardson: There were one hundred and sixty pages of pornography on his website, but I never said Tom Porter did that.

Harry Alfier: But do you honestly think Tom Porter...

Director Richardson: I just said... I never said he did that.

Harry Alfier: But you insinuate something. What do you expect people to think? That's pretty low.

Vice-President Kinsella: Let it go. Let it go.

Harry Alfier: I don't think you would want someone to insinuate that about your father.

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Vice-President Kinsella: You're not getting anywhere.

Director Richardson: Yea.

Harry Alfier: I'm gonna sit down. I'm just trying to tell the truth.

Unknown: Bill?

Vice-President Kinsella: Yea. Oh, you.

Director Ross: Sir, my name's Emery Ross. Please look at [LakeDonPedro.org](http://LakeDonPedro.org). I'm so discouraged on this Board what he writes about me.

Unknown audience member #1: I've been reading his blogs.

Director Ross: I'm really frustrated.

Unknown audience member #1: Four years.

Director Ross: I am his latest victim. Everybody on... These are victims in here.

Unknown audience member #1: Excuse me. This can not be the time to discuss this with me.

Director Ross: Okay. I just want you to see it though because these other people said it.

Unknown audience member #1: Their rights are just as important to me as these rights. It's when they're not displayed correctly, that's when the problem happens, and right now there's being some (inaudible) discussions right now, but I do read the blogs and so does my supervisor, so...

Director Ross: Good.

Director Richardson: I sent them to Sacramento.

Unknown audience member #1: You don't need to. You've heard of the internet, correct?

Director Richardson: Beg your pardon.

Unknown audience member #1: Internet gets everywhere in the world.

Director Richardson: No, but I sent letters with the blog site to individual agencies in Sacramento.

Director Skoien: Okay, let's move on.

Vice-President Kinsella: Any other comments?

Director Richardson: Nothing to be ashamed of.

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Unknown: Syndie's had her hand up.

S Marchesiello: No, I just for taking notes for the Secretary, I just wanted to know where we're at on here? Are we at...

Director Ross: Director comments.

S Marchesiello: ...on the agenda.

Director Ross: Director comments.

S Marchesiello: ...and I'm under the impression that that's what we could discuss in a meeting, so I thought maybe I stepped in either a second meeting or are we under Director's comments? I just want to know.

Vice-President Kinsella: We're under Director's comments, but everybody else seems to be...

S Marchesiello: Okay.

Vice-President Kinsella: ...putting in their...

S Marchesiello: You had opened up Director's comments? That's where all this was?

Vice-President Kinsella: Yea.

S Marchesiello: Okay. Thank you.

Vice-President Kinsella: Yes. Mark?

Director Skoien: I just want to say to Harry, back a few, when it was CSD business that was being talked about, that we did do what you said you didn't think we should usurp his authority. That was in our statement when we reported out, that that was one reason why. She left us no wiggle room, and we just... Hopefully the mediator will help work out a lot of these other things, but I think actually it was probably the last CSD business we spoke about. Anyway, I just wanted to say that we did come out...

Harry Alfier: In your policy basically?

Director Skoien: It was in our report out. That's all I've got to say.

Harry Alfier: Thank you.

Vice-President Kinsella: Does anybody else have any comments. I'll entertain a motion to adjourn.

Director Skoien: I'll second that motion.

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Vice-President Kinsella: Adjourned.

**4. ADJOURN: 1:50 p.m.**

**Respectfully submitted by,**

**Charise Reeves  
Secretary to the Board  
Dated: November 17, 2011**

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