

- [Redacted]
1. **CALL TO ORDER:** The meeting was called to order by Board President Shirley Palmer at 7:02 p.m.
  2. **ROLL CALL:** Directors present: Shirley Palmer, Robert Butler, Darryel Neal & James Barrett.  
Absent: Dr Jerry Medders. A quorum was verified. Mr. Robert Patterson General Counsel also attended.
  3. **CLOSED SESSION ISSUES: N/A**
  4. **OPEN SESSION: 7:02 p.m.**
  5. **REPORT ACTIONS TAKEN IN CLOSED SESSION, IF ANY: N/A**
  6. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance to the flag was recited.
  7. **PUBLIC APPEARANCES/PRESENTATIONS: N/A**
  8. **PUBLIC COMMENTS:**
    - a. Mr. James Barrett, Salton City resident stating,
      - \* He placed a request for public information on any and all written or emailed correspondence between the California Office of Operator Certification and the Salton Community Services District between January 1, 2007 to present. This is the office that tests pre-qualified test, grades sewer and water plants operators, and determines the classification of the operator that is required to operate a specific plant. The purpose for his request for information was to determine what grade the Office of Operator Certification has said that is needed for Salton City & Desert Shores Ponds. The response back he received was that the only correspondence between the California Office of Operator Certification and the District relates to people taking their tests. This tells him that if no correspondence has been received then no certification pond requirement we need has also not received. Also, the general manager has not asked for a determination as to what certification our new ponds require or notified the agency authorized to classify our plant that the plant is now in operation.
      - \* Any interest earned from the capacity fee shall be deposited into that fund. We have \$11,000.00 interest earned on the capacity fees that has been transferred into the general fund, the money must be returned to the original account; this violates the government code and cannot be done.
    - b. Ms. Rosa Reagles; the next Red Cross disaster preparedness response training will be held at the district office on November 22, 2008, 9:00 a.m.

NOTE: Director Barrett asked that if 12-A Old Business: approve resolution No. 2008-10-4, is not going to be heard tonight, that if there are people in the audience that would like to speak on the issue, they should do so now.

- c. Mr. Greg Perry, Law Offices of Gregson M. Perry. A proposal has been submitted to the board which involved a little more than just adopting the resolution. The reason they are asking for an adjustment to the sewer user fee is because the way charges are being assessed probably violate the state constitution. They are being charged an assessment against a property that is not being used for what they are being charged for. They are asking for a reduction on the unused spaces.

**9. CONSENT CALENDAR:**

- a. Approval of the minutes of the regular meeting of October 21, 2008
- b. Approval of minutes of the special meeting of October 24, 2008
- c. Approve lease agreement with Imperial County for sheriff's substation.
- d. Approval of Best, Best & Krieger's invoice in the amount of \$9,901.30 through October, 2008
- e. Current Demands for the month of October, 2008
- f. Approval of the minutes for the safety meeting of November, 2008

Approved the consent calendar on a motion made by Director Robert Butler, seconded by Director James Barrett, as presented. All in favor. The motion carried

**10. REPORTS:**

- a. Finance Officer- Financial reports are posted on the bulletin board for anyone to review and a copy is provided in the directors' packet.
- b. General Manager, Tom Cannel read the report. A copy is attached to the minutes  
Director James Barrett asked the general manager, if as required by law, Coachella Valley Water District was invited to the table to discuss Salton Community Services District selling treated tertiary quality water to Burretec for irrigation purpose for the constructing and extension of the County Land Fill in Salton City.

He also asked to the general manager who determined that a wastewater grade two certificate is needed to operate the sewer plant.

The general manager responded that before the week is over, a notice will be received from Mr. Jose Cortez, Water Quality Control Board, La Quinta Office, that the sewer plant as it is right now requires a wastewater grade two operator.

- c. Fire Department, Rosa Reagles read the report.

**11. MEMBERS OF THE BOARD/ORGANIZATIONS REPORTS:**

- a. Architectural Committee-Linda Lockhart; Meeting was canceled due to lack of a quorum.  
b. Golf Course- Mr. Smotherman. No report  
c. Nature Trail—Mr. Don Stephen. No report

**12. OLD BUSINESS:**

- a. Approve Resolution No. 2008-10-4 entitled "a resolution of the Salton Community Services District adjusting certain sewer fees."

A motion was made by Director Robert Butler, seconded by Director Darryel Neal, to table item a under old business. Motion carried on a 3-1 vote; with Director James Barrett voting no.

NOTE: Action on this item was taken following the consent calendar.

**13. NEW BUSINESS:**

- a. Authorization requesting CityGate Associates submit a proposal providing a fire mitigation master plan for Salton Community Services District.

Mr. Patterson talked with CitiGate and confirmed that they will be available to perform the services provided in the proposal of March 2008, for the price quoted. However, they would not be able to begin work until February or early March 2009. Meanwhile, the district should inquire whether or not the County of Imperial is proposing to perform a county wide fire master plan.

A motion was made by Director James Barrett, seconded by Director Robert Butler, postponing this item until next month. All in favor.

In the interim, the fire administrator will talk with county offices regarding the possibility of a county wide fire mitigation master plan.

Director Barrett agreed to wait until to see what the county is doing with the construction fire mitigation fees collected within the district boundaries.

- b. Schedule a study session to discuss the Salton Community Services District's standings fire department policy as it relates to the firefighters procedural bill of rights act, Government Code 3250.

A motion was made by Director James Barrett to setup a study session to discuss the item.  
Motion died for lack-of-second.

Director Barrett asked that since the lawyers studied the fire fighters' procedural bill of rights act, as a director, will he be able to access that correspondence to educate himself?


Mr. Patterson stated that both Mr. Bill Floyd and himself went over and read the statute and looked at the cases that Director Barrett had provided and they both came to the conclusion that in their opinions, the fire fighters' procedural bill of rights act fails to apply to and does not appear to apply to volunteer fire departments; it appears to be geared toward a fire department that has full time employees.

- c. Discussion/possible action placing before the voters' removal of the architectural commission.  
A motion was made by Director Robert Butler, seconded by Director Darryel Neal, to discuss the item.  
The board discussed procedures and powers of the architectural committee and took no action.
- d. Approve Resolution No. 2008-11-1 entitled " a resolution of the Salton Community Services District Board of Directors instructing the financial officer to make the necessary state sales tax payments to the state of California for photocopy and fax services provided by the district."  
A motion was made by Director James Barrett, seconded by Director Darryel Neal, approving Resolution No. 2008-11-1. The motion did not carry on a 1 -3 roll call vote:  
voting yes: James Barrett voting no: Darryel Neal, Robert Butler & Shirley Palmer
- e. Approve request made by the Salton Sea Sports Association, Inc.  
The general manager reported that the Salton Sea Sports Association, Inc. has filed with the IRS an application for a 501 (c) not for profit status, the application is under review by the IRS. They needs more time than the three months to provide the district with a IRS non-profit status.  
A motion was made by Director James Barrett, seconded by Director Darryel Neal, approving the extension of an additional Ninety (90) days to provide to the district the non-profit status . All in favor. The motion carried.
- f. Approve Ordinance No. 2008-05 entitled "an Ordinance of the Board of Directors of the Salton Community Services District concerning sewer user charges applicable to recreational vehicles not used for transient occupancy." Mr. Robert Patterson explained and went over the content of the ordinance.  
A motion was made by Director Robert Butler, seconded by Director Darryel Neal, approving waiving the first reading. The motion carried on a 3-1 vote; with Director James Barrett abstaining.  
A second motion was made by Director Robert Butler, seconded by Director Darryel Neal, to proceeding with the process of adopting Ordinance No. 2008-05. The motion carried on a 3-1 roll call vote:  
Yes: Darryel Neal, Robert Butler & Shirley Palmer. Abstain: James Barrett

**14. ADJOURNMENT:**

Ms. Shirley Palmer, President of the Board adjourned the meeting at 9:05 p.m.

Attest:

  
Rosa Reagles,  
Assistant General Manager &  
Secretary to the Board of Directors

Shirley Palmer,  
President of the Board