

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Special Board Meeting
February 24, 2012
9:00 a.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 9:00 a.m. on February 24, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President
Howard Gustafson – Vice President
Bill Lee
Jan Shriner
Kenneth K. Nishi

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Jean Premutati, Management Services Administrator
Thomas Barkhurst, Water Quality Chemist
Brian True, Capital Projects Manager
James Derbin, Interim Operations and Maintenance Superintendent
Kelly Cadiente, Director of Administrative Services
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Richard Newhouse, Marina Resident
Bob Holden, MRWPCA
Alberto Villa, Marina Resident
Sara Rubin, Monterey County Weekly
George Riley, Monterey Resident
Tom Moore, Marina Resident
W. Stuart Home, III, Attorney
David Brown, City of Marina Councilmember

3. Pledge of Allegiance

President Burns led everyone present in the pledge of allegiance.

4. Oral Communications:

Mr. Tom Moore, Marina resident, commented that contributions can be sent to: More Transparency, P.O. Box 693, Marina, CA 93933 to help pay for the videographer. Mr. Moore commented that a recent article in the local newspaper offered sage advice on how to avoid problems with the next water project. He said a copy of it will be available at mooreformcwd.org.

5. Action Items:

A. Consider Options for Possible Brown Act Violation:

Mr. Lowrey gave a brief background on this item. He explained that on January 16, 2012, the Monterey County Weekly website reported that “Marina Coast board member Jan Shriner says she was told during a special closed session this morning that a press release was forthcoming, but was instructed not to give details to the press.” Mr. Lowrey said that Government Code Section 54963 provides: (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

Mr. Lowrey stated that “confidential” means a communication made in closed session specifically related to the basis for the legislative body to meet in closed session. He said that at the last meeting he opined that if the Monterey County Weekly statement was accurate, it would meet the standard of the Brown Act in Government Code section 54963. Mr. Lowrey explained that it was confidential information received in a closed session, disclosed to a person not authorized to receive it, and the Board had not authorized the disclosure of that information.

Mr. Lowrey said that the Brown Act provides for certain possible actions if the Board finds that a disclosure of confidential information occurred. He explained that those actions include injunctive relief, or referral of the willful violation to the Grand Jury. Mr. Lowrey added that the District’s Code of Ethics provides that Directors shall protect confidential information from unauthorized disclosure and dissemination. He said that if the Code of Ethics is breached, in addition to any other consequences provided by law, the Board can take certain actions such as publicly censure the Board member, and/or removal from committees and representative positions, and/or prevention of the offending Director from placing items on the agenda without advance authorization of the Board.

Agenda Item 5-A (continued):

Mr. Lowrey concluded that the Board considered this on February 14th, but did not take any action and it was now before the Board for any action.

Vice President Gustafson commented that speaking with the newspaper was wrong and asked how long it had been going on. He asked if it was the first time and if the Director could be trusted.

Director Shriner asked Mr. Lowrey for clarification on “willful” and if it met his standard. Mr. Lowrey answered that the general definition of willful is “intentional act” and not something that was inadvertent or a mistake. He further clarified that there didn’t need to be an intent to have bad consequences flow from it, or an intent to violate statute. Mr. Lowrey said there just needed to be an intent to say what was said and in his opinion, that would be “willful”. He said there weren’t enough facts to make a positive, 100% determination if there was willfulness. Mr. Lowrey determined that the Monterey County Weekly accurately quoted his statement, almost verbatim, in the article and that led him to assume the statement attributed to Director Shriner was accurate. He said that in his opinion, it appears the statement by Director Shriner was accurate, but the Board would have to make that determination.

Director Shriner noted that the article had Mr. Lowrey’s statement in quotes while hers was paraphrased. She then commented that the censure was in a version of a Board Policy Manual that requires signature of receipt of the manual and she had not signed for that version. Director Shriner asked if that was the valid version they were working from now. Mr. Lowrey opined that it was and stated that the Board Procedures Manual was adopted by the Board in open session and, to his recollection, all Board members were present. He said that signing the receipt would be evidence that would be irrefutable, but he considered that evidence of the presence at the Board meeting, as established by the minutes, would be sufficient to show there was knowledge of the policy.

Director Shriner asked the other Board members to consider as they take the vote, the best method to serve the ratepayers and uphold the integrity of the Board, and to base their decision on the facts instead of suspicion, imagination, or wonder.

Vice President Gustafson commented that he wasn’t sure what level his comments would rise to, and he didn’t know how to judge it, but in his observations and practice he wouldn’t talk to the newspapers nor divulge any closed session items to anyone.

President Burns asked if the Board filed a complaint with the Grand Jury, would they just say that there is no use in looking at this or would they take it under consideration and follow-up. He said that he had the same concerns as Vice President Gustafson regarding the newspaper calling Director Shriner and asking questions about the closed session. President Burns said he found it dishonest for the newspaper to put Director Shriner in that position.

Agenda Item 5-A (continued):

President Burns commented that he has to assume that this has happened previously, regarding conversations about closed sessions with a newspaper. He stated that his preference was the same as last time with regards to sending it to the Grand Jury to see if they would even look at it and tell the Board if it was appropriate to take any further actions, and/or provide the Board with a remedy. President Burns asked Mr. Lowrey if complaint was the right term. Mr. Lowrey said that it would be a referral, not a complaint, and that the Grand Jury is required to do something about the referral but he didn't know how seriously they would consider it. He added that in his limited experience with the Grand Jury, he figured they would consider this a less serious act.

Director Nishi stated that at the last meeting, he asked Director Shriner about this and couldn't understand her answer. He asked if the Monterey County Weekly was wrong in writing "Marina Coast board member Jan Shriner says she was told during a special closed session this morning that a press release was forthcoming, but was instructed not to give details to the press." or was it not true. Director Shriner asked if what wasn't true. Director Nishi asked if what the newspaper said in their blog was a true statement or a fabrication. He added that at the last meeting, Director Shriner said the newspaper embellished the statement. Director Nishi asked again if the Monterey County Weekly made a mistake or if they reported it correctly. Director Shriner answered that she often wished the world could be more black and white. She said that the term embellish, in her mind, refers to the fact that this is not her kind of phrasing. Director Shriner said that she does not say things like they portrayed and "instructed" was not a word she used. Director Nishi asked if the Monterey County Weekly correctly reported or did she not tell them that the press release was going to be in the morning. Director Shriner said that this was not her phrasing. Director Nishi said that wasn't the question. He asked if the story was correct or was it fabricated. Director Shriner said that maybe this was a better question for the reporter. Director Nishi asked Director Shriner if she made the statement or not. Director Shriner said that she did not make this statement. Director Nishi asked what statement was made. Director Shriner said she didn't think she should say what conversation was made over a month ago. She said she could give her best recollection, but could not actually say exactly what she said. Director Shriner asked if Director Nishi could remember exactly what he said on January 16th and how he phrased it. Director Nishi said that he knew he didn't say anything about what took place in closed session. He said he would give a statement like the attorney did saying that he didn't have any authority to speak on anything. Director Nishi said that he has learned in the years he has been on the Board that you don't say anything. He reiterated that the issue was whether Director Shriner repeated a closed session item to the press or not. Director Shriner asked what the official spokesperson's statement to the press was that day.

President Burns stated that they were getting off track and trying to litigate this item at the Board level. He said that he wants a remedy. President Burns acknowledged that there was suspicion, as he had mentioned at the last meeting, and that Director Shriner has broken his trust vow because she spoke. He said that Director Shriner is debating about what she actually said and what was printed.

Agenda Item 5-A (continued):

President Burns said that it didn't make any difference because those items were discussed in closed session and by her own words in the blog, it said she wasn't supposed to discuss the items from closed session. He added that Director Shriner is now debating on whether she actually received the Board Procedures Manual, which she often quotes about verbatim minutes, so obviously she is in line with it. President Burns stated that he wants to find a resolution so they could get off this subject and move on.

Vice President Gustafson stated that Director Shriner made a good point and he agrees with her because he doesn't consider the Monterey County Weekly the press either. He said they might be called poor fictional writers and maybe they did embellish the truth and Director Shriner was innocent.

Director Shriner said that she does quote the old Board Procedures Manual which says verbatim minutes are not appropriate. She went on to say that even sitting on this Board, people hear what she says and it translates in filters and when it is repeated back to her, it is not what her intent was. Director Shriner commented that sometimes people hear what they think she is trying to say, but it is not what she is actually saying.

Director Nishi made a motion to refer this to the Grand Jury for investigation. Vice President Gustafson seconded the motion. Mr. Lowrey asked if the Board made the finding that it was willful. Director Nishi amended his motion to include the finding that it was willful. Vice President Gustafson seconded the amendment. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	Abstained	President Burns	-	Yes
Director Nishi	-	Yes			

B. Consider Revisiting the Director Appointment for Representative to the Monterey Regional Water Pollution Control Agency Board:

President Burns stated that his original recommendation was to have Director Nishi as the lead representative for this Board with Director Shriner as alternate, but due to circumstances, he had to temporarily appoint himself to the lead position because there is a critical issue going on right now with the Groundwater Replenishment and using employees for other organizations at no cost. He commented that he wants the best representation for the Monterey Regional Water Pollution Control Agency Board and Director Nishi has been there on the front lines discussing this information frequently. President Burns stated that he was recommending Director Nishi for the lead position and himself for the alternate position explaining that this was not the time for a new director to try to learn the facts.

Agenda Item 5-B (continued):

President Burns made a motion to appoint Director Nishi as the lead and himself as the alternate to the Monterey Regional Water Pollution Control Agency Board. Vice President Gustafson seconded the motion.

Mr. George Riley, Monterey resident, commented that by removing Director Shriner from the appointment, it looks like they are implementing part of their policy for the previous item. He said that, even if they deny it, that is how it appears to him. Mr. Riley added that it looks erratic with all the changes made over the last few months and now following the last item, it looks like they are connected. He asked the Board to clarify that. Vice President Gustafson said that it never crossed his mind when he made his second. President Burns responded by saying that there was no correlation whatsoever, and that the minutes at the last meeting would clarify that Director Nishi was his original recommended person and he took the job temporarily until things could be worked out. President Burns added that it has to do with experience and knowledge of what is happening there now and it isn't a catch-up or retaliation for this issue. Director Lee commented that he thinks the allegation was that Director Shriner had been appointed to the lead position and was now being removed from that position. President Burns clarified that Director Shriner was the alternate to that position and was never the lead.

Director Shriner commented that on January 10th, Director Nishi was adamant that he would not attend the meetings and asked if that had changed. President Burns answered that it had changed. Director Shriner reaffirmed that they could expect Director Nishi to attend the meetings. President Burns answered affirmatively.

The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	Yes
Director Nishi	-	Yes			

C. Consider Adoption of Resolution No. 2012-07 to Approve the District Reorganization Plan:

Mr. Carl Niizawa, Deputy General Manager/District Engineer, commented that there have been a couple changes made and both the Water Conservation and Senior Engineer positions were removed from the reorganization.

Mr. Heitzman introduced this item explaining that by doing this reorganization and eliminating two positions, there was a savings to the District of over \$200,000.

Mr. Dan Amadeo, Marina resident, asked for clarification if the positions were eliminated or unfunded.

Agenda Item 5-C (continued):

Mr. Heitzman commented that first the Board has to take action to approve the reorganization then there will be a meeting with the union and representatives.

Vice President Gustafson asked what the total savings was to the District. Mr. Heitzman answered that there have been employees who have been working in positions on an interim basis and the District will have to either hire someone for those positions or make the interim basis permanent. He said that over the last few years, there have been a number of positions that have been eliminated and if Vice President Gustafson wanted, he could provide more detailed information.

Director Shriner inquired if the Water Conservation position was still pulled from this reorganization. Mr. Heitzman answered that it was not part of the packet. Director Shriner asked what positions the \$200,000 savings came from. Mr. Heitzman answered that it was the Water Conservation Coordinator and the Water Quality Manager positions. Director Shriner stated that there were concerns because there were new state mandates for water conservation. Mr. Heitzman answered that there was still a Water Conservation person in the District and anyone could be deemed the water conservation point of contact.

Director Shriner inquired on the Operations and Maintenance Superintendent and Project Manager positions and if they are management. She said that the Operations and Maintenance Superintendent position was getting a 9% increase and the Project Manager was getting a 20% increase for total salary benefit difference. Director Shriner commented that the General Manager's contract states that "the Board will review the General Manager's benefits after approving a change in benefits for other management employees, and unless the Board approves a different adjustment specifically for the General Manager within thirty days, the General Manager's benefits will be adjusted in the same manner as the benefits of other management employees." Director Shriner asked if it meant a 9% increase or 20% increase to the General Manager. Mr. Heitzman said that no increase was proposed for the General Manager as the reorganization was not a COLA increase and he didn't see where the dots connected the two. Director Shriner stated that the dots connected them because there was mention of the managers in the General Manager's contract. Mr. Heitzman said that the General Manager's contract had to do with MOU changes, not the fact an employee was getting a benefit package. President Burns stated that the management employees received an increase the last two years and the General Manager didn't get one. Mr. Heitzman clarified that every time an employee is promoted, he does not receive a raise. Mr. Lowrey advised that the agenda item before the Board does not relate to the General Manager's contract.

Vice President Gustafson commented that he appreciated staff keeping up with the trends, employment, and the whole industry, as well as taking care of this stuff before the fact instead of after the fact like a lot of organizations and cities that have to make drastic cuts and measures to catch up.

Agenda Item 5-C (continued):

Director Nishi commented that he found it disturbing that while staff is trying to streamline the District, motivate employees, and save the ratepayers \$200,000 a year, they are being put through the grinder. He said that it is crazy of how some people interpret the actions of staff and that he hopes they look at the big picture and get a lot of training.

Director Shriner questioned page 24 of the packet where a requirement in the Laboratory Supervisor job description is to be able to lift fifty pounds and put it on an overhead shelf. She asked if it was OSHA compliant. Ms. Jean Premutati, Management Services Administrator, stated that it was with assistance. Director Shriner suggested adding that to the requirement to the job description.

Vice President Gustafson made a motion to adopt Resolution No. 2012-07 to approve the District Reorganization Plan with the clarification made in the Laboratory Supervisor job description as discussed. President Burns seconded the motion. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	No	President Burns	-	Yes
Director Nishi	-	Yes			

D. Consider Adoption of Resolution No. 2012-10 to Approve a Cross-Connection Control Specialist Designation:

Mr. Heitzman introduced this item and explained that the District has between 35 and 40 in-house backflow devices that would be inspected by this individual as well as approximately 560 other backflow devices in the District that will need to be administered and checked. He added that this person would be required to take additional educational courses as there is a lot of liability and this designated person would receive a 5% premium for the increased responsibilities, education, and liability. Mr. Heitzman said that there are two employees that have already taken classes and taking on the responsibilities so there is no need to hire any additional staff.

Director Lee asked if there is insurance for this position since they are personally liable for some of the decisions that they make. Mr. Heitzman answered that the District carries insurance unless they willfully cause damage or falsify documents.

Director Nishi suggested revising the job description under Licenses and Certifications where it says the certification must be obtained within 24 months from appointment date. Mr. Heitzman answered that it should have stated that the person must be certified prior to being appointed.

Director Nishi asked that a future agenda item discuss who would be responsible for the backflow device, the City or the District.

Agenda Item 5-D (continued):

Director Shriner questioned if the person designated as the Cross-Connection Control Specialist was one of the positions that just received an increase in the reorganization. Mr. Heitzman answered that the person did not receive an increase, but regardless if they did, this designation is taking on additional duties and liability and they need to be recognized for that. Director Shriner asked if the designation was being considered for someone who was a System Operator I/II. Mr. Heitzman answered affirmatively.

Vice President Gustafson made a motion to adopt Resolution No. 2012-10 to approve a Cross-Connection Control Specialist Designation with the certification clarification made in the job description as discussed. Director Lee seconded the motion. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	Yes
Director Nishi	-	Yes			

E. Consider Adoption of Resolution No. 2012-11 to Approve a Policy for Recruitment and Selection of Any Positions(s) That Report Directly to the Board of Directors:

Mr. Heitzman introduced this item explaining that this would be for any position that reports directly to the Board of Directors.

Vice President Gustafson voiced his appreciation of the language change from the last time.

Director Shriner asked if the Budget and Personnel Committee reviewed this item. Mr. Heitzman answered that the Budget and Personnel Committee reviewed this item before the previous meeting. President Burns added that staff turned this into a policy as a result of Director Shriner's comments at the last meeting. Director Shriner asked if staff was creating policy for the Board. President Burns answered that staff put it together for the Board to review.

Director Shriner suggested adding language to the last WHEREAS of the Resolution to say that the external recruiting firms "shall" ensure an independent evaluation and that "no candidate can be hired without adherence to policy". Mr. Lowrey answered that the WHEREAS was a finding and the language Director Shriner suggested would fit better under the RESOLVED section if the Board decided to do so. Director Nishi said that that the "no candidate can be hired without adherence to policy" was a given. Director Shriner stated that in the Public Records request she made in 2007 it showed that the Directors agreed to pass around the resumes of all candidates before the hiring was done and that no resume was passed around for the candidate that was hired. Director Shriner also asked to add language to the last paragraph of the policy so it reads, "Once a final candidate has been identified by majority approval of the Board, the recruiting firm can assist the Board in salary and benefits negotiations and all negotiations must also be approved by the majority of the Board."

Agenda Item 5-E (continued):

Director Nishi stated that it is a given as everything must be approved by a majority of the Board. Vice President Gustafson agreed with Director Nishi noting that the additional language didn't need to be added.

Director Nishi suggested revising the Resolution title to read, "Approve a Policy for Recruitment and Selection of the General Manager ~~Any Position(s) That Report Directly to the Board of Directors~~" and made a motion to that effect. Vice President Gustafson seconded the motion. President Burns said he needed to look at the changes before he can vote on them. Vice President Gustafson asked Director Nishi to restate his motion.

Director Nishi made a motion to adopt Resolution No. 2012-11 to approve a policy for recruitment and selection of the General Manager. Vice President Gustafson seconded the motion. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	No
Director Nishi	-	Yes			

F. Consider Adoption of Resolution No. 2012-12 to Approve the Job Description and Hire of an "At-Will" In-House Counsel:

Mr. Heitzman introduced this item explaining that it is up to the Board to determine if in-house counsel is a better policy for the District. He said the in-house attorney would be in charge of contracts and working with outside attorneys.

President Burns commented that he forgot to ask for public comment on item 5-E and asked if he should go back and revisit the item. Mr. Lowrey answered that they should go back and ask for public comment.

President Burns returned to agenda item 5-E.

E. Consider Adoption of Resolution No. 2012-11 to Approve a Policy for Recruitment and Selection of Any Positions(s) That Report Directly to the Board of Directors:

President Burns asked if there was any public comment on this item. There were no public comments so President Burns returned to agenda item 5-F.

F. Consider Adoption of Resolution No. 2012-12 to Approve the Job Description and Hire of an "At-Will" In-House Counsel:

President Burns asked if there was any public comment on this item. Seeing none, he returned to the Board.

Agenda Item 5-F (continued):

Director Shriner asked for clarification on page 61 of the packet where it states, “In-House Counsel will work under the direction of the General Manager and Board of Directors.” She asked if it changed from last time. Mr. Heitzman stated that In-House Counsel will report directly to the Board but will take general direction from the General Manager, such as when reports might be due. Director Shriner asked why the resolution did not state it was an at-will position. Mr. Lowrey answered that the last WHEREAS in the resolution states it is an at-will position.

Director Nishi clarified that the current Board policy requires that the Board must go through the General Manager if they want to talk with legal counsel.

Director Nishi made a motion to adopt Resolution No. 2012-12 to approve the job description and hire of an “at-will” In-House Counsel. Vice President Gustafson seconded the motion. Director Shriner clarified that the policy states that the Board must go through the General Manager if they want to take more than an hour of legal counsel’s time. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	No	President Burns	-	Yes
Director Nishi	-	Yes			

G. Consider Adoption of Resolution No. 2012-13 to Distribute a Request for Proposals for District Legal Services:

Mr. Heitzman commented that staff will go out and try to hire in-house counsel, but if there isn’t adequate response and the Board wants to move forward with this item, it would be brought back for consideration.

H. Consider Adoption of Resolution No. 2012-14 to Approve a Change in Vendors for the Life Insurance and Accidental Death and Dismemberment Insurance Benefits for District Employees:

Mr. Heitzman introduced this item and explained that staff is always looking to save the District money where it can.

Director Nishi commended staff with this culture of keeping the expenditures down saving \$5,350 per year. He commented that he would like to promote additional motivation to keep staff in that mentality, he would like the Board to take half of the savings, \$2,675, and find a way to increase the benefits for the employees while putting the other \$2,675 in the general fund. Director Nishi added that if the amount is too small to do anything, it should be brought back to the Board for further discussion so they can get the culture of the District staff to always try to find savings for the ratepayers. Director Shriner commented that she agreed with Director Nishi.

Agenda Item 5-H (continued):

Director Nishi made a motion to adopt Resolution No. 2012-14 to approve a change in vendors for the Life Insurance and Accidental Death and Dismemberment Insurance benefits for District employees and asked staff to look at different options for additional benefits to the employees for \$2,675. Director Shriner seconded the motion. President Burns asked if this was a conflict with the MOU negotiation's that were coming up. Mr. Heitzman answered that cost savings could be something that staff might bring up and want to be recognized for. He added that staff is very aware of the financial and economic situation and are very loyal to the District and ratepayers. President Burns asked if this is to be separate from the MOU negotiations. Mr. Heitzman said he took it to be separate although in the long run, they could be tied together. Mr. Lowrey stated that he didn't believe the add-on was within the scope of the agenda item stated. He said that the motion to apply the funds was not in the scope of the agenda item as stated. Mr. Lowrey requested the motion be limited to approving or disapproving the resolution or asking if the resolution be amended. Director Nishi said that he was just approving Resolution No. 2012-14 and that staff is to come back with different options for half of the savings. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	Yes
Director Nishi	-	Yes			

6. Director's Comments:

Director Shriner stated that she was wondering about the question she had in November regarding the payment to RMC for \$800,000 - \$900,000 which exceeded the budget of \$704,000 and asked when she would get a response to her question. Mr. Heitzman stated that he had responded to her question via email and suggested she go back and re-read the email. Mr. Heitzman said that he believed Director Shriner misread the budget. Director Shriner asked what the correct amount was. Director Nishi asked that this be discussed at a later time. Director Shriner stated that she had been waiting since November. Mr. Heitzman said that was an inaccurate statement as staff had answered her question and she had not been waiting. Director Shriner said that it could have been sent, but if she didn't receive it, how would she get an answer. Director Nishi suggested sending the information via regular mail with a return receipt. Director Shriner said that they didn't need to go to that expense. President Burns suggested that they not hold debate under Director Comments. Director Shriner said that was paraphrase of what she was asking, and what she was asking for was a professional dialogue from the General Manager and she would appreciate an answer to the question of November.

Vice President Gustafson stated that he wanted to make his comments when the newspaper was present, but he takes inference to the ex-editor of a failed newspaper calling him and Director Nishi a "dick" in a recent article. He said that he would go into further detail when he has maximum opportunity.

Agenda Item 6 (continued):

Director Nishi commented that in the future when a daytime meeting is scheduled, he would appreciate staff parking in the back to leave spaces for the customers to park. He voiced his disappointment that staff did not plan ahead and park in the back.

Director Lee commented that he had been doing a lot of traveling lately and he has noticed that when he comes back home he really appreciates the democratic system in place here that allows people to disagree.

President Burns stated that he wanted to comment on what Director Shriner asked earlier under item 5-A where she asked what comment Mr. Heitzman made that day as spokesman for the District. President Burns stated that Mr. Heitzman was never going to express what happened in a closed session to anybody, in a newspaper or anybody else. He said that is for the Board to keep and to develop their strategies on how they want to move forward on all these high-ticket dollar items that are under discussion. President Burns added that Mr. Heitzman is the spokesman but only to give information on what is public and not what is private.

7. Adjournment:

The meeting was adjourned at 10:16 a.m.

APPROVED:

Dan Burns, President

ATTEST:

Jim Heitzman, General Manager