

**SADDLE CREEK COMMUNITY SERVICES DISTRICT  
MINUTES FOR THE MEETING OF THE BOARD OF DIRECTORS**

December 12, 2004

**CALL TO ORDER**

The Saddle Creek Community Services District (CSD) Board of Directors held their monthly meeting on Sunday, December 12, 2004. President Robinson called the meeting to order at 8:30 AM in the Saddle Creek Members' Lounge and led Directors and staff in the Pledge of Allegiance.

**ROLL CALL**

Directors: The roll call indicated the following Directors were present:

President:	Charles Robinson
Vice-President:	Dennis Merrill
Secretary:	Robert Kenyon
Treasurer:	Lou Cherniss

The following Directors were absent:

Member-at-Large:	Chris Jette
------------------	-------------

Staff: The following staff members were present:

General Manager:	Charles Martin
Site Manager:	Greg Hebard
Acting Clerk:	Vicki Robinson

Public: Dave Haley, Castle & Cooke  
Vic Manuelli, builder  
Martha Figone, Property Owner  
Jay Kinney, Property Owner

**APPROVAL OF MINUTES:**

M/ by Director Kenyon and S/ by Director Cherniss to approve the minutes of the November 14, 2004, meeting as submitted. M/ passed unanimously.

**CHANGES TO THE ORDER OF AGENDA:** None

**PUBLIC COMMENT:**

Dave Haley addressed the Board, requesting status on NPDES permits.

General Manager Martin will follow up on permit status.

**CONSENT CALENDAR:** Consent Calendar items are considered routine and will be acted upon by one motion. There will be no separate discussion of these items unless a member of the Board, staff or a member of the public requests specific items to be set aside for separate action.

a. M/ by Director Cherniss and S/ by Director Kenyon to approve expenditures incurred by the district during the month of October. M/ passed unanimously.

**CORRESPONDENCE:** (Board will briefly address/respond/refer)

a. There was no Correspondence this month.

## OLD BUSINESS

- a. INFORMATION ITEM: Site Manager Hebard thanked Castle & Cooke for the trailer provided for CSD use. General Manager Martin indicated some furniture will be required, the most urgent of which is a lockable cabinet for District records.

## NEW BUSINESS

- a. ACTION ITEM: Martha Fagoni is requesting the District abandon a portion of the wildlife habitat located in the rear of her property, Saddle Creek Lot #39.

General Manager Martin provided an overview of issue and notified the Board he had received a telephone call from adjacent property owner, Beverly Foster, who stated she objected to any abandonment of the wildlife habitat. Mr. Martin also presented a letter from Jay Kinney, adjacent property owner. Mr. Martin stated that in absence of agreement to the abandonment by all adjacent property owners, Staff would recommend against granting the abandonment.

Victor Manuelli, builder, presented historical information regarding lot #39 and claims that plot maps were incorrect because his lot was graded after the fact and that he relied on verbal representation by sales personnel regarding placement of certain "pins", allegedly indicating habitat boundaries, to plan property improvements.

Jay Kinney, owner of lot#42, stated he had previously agreed to an 8 foot abandonment, which was not acceptable to the owner of lot #39 and he is now opposed to any abandonment at all.

Dave Haley, Castle & Cooke, adjacent property owner, presented plans approved by the ARC which show the house was actually built facing a different direction than was approved and stated the retaining wall currently in the habitat easement was built without approval. Mr. Haley stated that if the house had been built as approved, the requested abandonment would not be necessary and there is enough room for a pool as the property stands currently. Castle & Cooke had previously suggested the 8 ft abandonment, which was not acceptable to the owner of lot #39.

Martha Figone, owner of lot #39 stated that she has purchased several lots at Saddle Creek for investment purposes. She relied on representation by a sales person and Mr. Manuelli when making her decision to purchase lot #39, because her vision of the improved property included a swimming pool.

Director Cherniss requested Ms. Figone and Mr. Kinney to view the property together and attempt to reach an amicable resolution of the issue prior to the Board's next meeting. The parties agreed. Director Cherniss also requested that Mr. Manuelli present a colored representation of the property lines and the easement.

After further discussion, General Manager Martin stated that even if the parties were to come to agreement, Staff would need to evaluate its impact on the habitat and the CSD itself. Mr. Martin re-stated Staff's position that the Board must follow its previously applied process of rejecting any application for habitat abandonment that did not include agreement by all adjacent property owners. In the event an abandonment was not granted, the property owner of lot #39 is instructed to remove the retaining wall.

M/ by Director Cherniss and S/ by Director Merrill to table this issue until the January 9, 2005 meeting. M/ passed unanimously.

- b. INFORMATION ITEM: Ad Hoc Budget Advisory Committee will present FY2005 Budget recommendations to Board.

General Manager Martin and Director Cherniss presented 2005 Budget recommendations to the Board.

Director Cherniss requested monthly statement and cash balance reports be provided to Directors in the future.

- c. CLOSED SESSION/LABOR NEGOTIATIONS: The Board entered into closed session for the purpose of discussing employee wage and benefit issues.
- d. PUBLIC MEETING RE-CONVENED: Board President Charles Robinson announced a decision was made to approve merit increases for two employees as well as a salary adjustment and an IRA account for the Site Manager.
- e. PUBLIC HEARING/FY2005 SCCSD Budget: Public may make recommendations or comments on the FY 2005 Budget.

No public comment.

- f. ACTION ITEM/RESOLUTION: Board may act to approve the FY2005, Budget (Operating Expenses, Capitol Outlay and Employee Wages & Benefits).

M/ by Director Merrill and S/ by Director Cherniss to approve FY2005 Budget as amended to include salary changes discussed by the Board in Closed Session. M/ passed unanimously.

#### STAFF REPORTS

General Manager: None.

Site Manager:

1. Mr. Hebard reported that a new employee, Gary Weider was hired in December to initially work one a day a week through May 1, 2005, at which time he may be needed on a more permanent basis.
2. Training schools Greg participated in are as follows:
  - A. Calaveras County Agricultural Office's "Noxious Weed" workshop held Nov. 25.
  - B. Sacramento DOH workshop on West Nile Virus held on Dec. 9<sup>th</sup>.
3. On Dec. 17, Greg will be attending Calaveras County Agricultural and Environmental Management Agency's sessions on recent updates in laws and regulations, updates from the Regional Water Quality Control Board, restricted material permits and operator I. D. renewal.

#### DIRECTORS REPORTS

Director Kenyon – None

Director Jette – Absent

Director Cherniss – None

Director Merrill – None

President Robinson – Noted that the meetings for 2005 will continue to be held on the second Sunday of each month, except for the March meeting, which will be held a week later.

ADJOURNMENT – Having no further business, President Robinson adjourned the meeting at 10:20 AM. The next meeting date is January 9, 2005.

---

Vicki Robison, Acting, CSD Clerk

---

Charles Martin, General Manager

Approved by:

---

Charles Robinson, Board President

---

Robert Kenyon, Board Secretary

(Seal)