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MINUTES OF THE
BOARD OF DIRECTORS REGULAR MEETING
OTAY WATER DISTRICT
April 18, 2001

1. The meeting was called to order by Acting General Manager Camarillo at 6:00 p.m. in the District Boardroom, 2554 Sweetwater Springs Boulevard, Spring Valley, CA.

DIRECTORS PRESENT: Bonilla, Cardenas, Inocentes and Lopez

STAFF PRESENT: Acting General Manager Camarillo
Chief of Engineering and Water Ops.
Gunstinson
Asst. Chief of Finance Chambers
Asst. Chief of Admin. Svcs. Conde
District Secretary Cruz
Others per attached list

2. Upon conclusion of the Pledge of Allegiance, Acting General Manager Camarillo presented the agenda for approval.

Approval
of
Agenda

Director Cardenas indicated that he wished to add four subsequent need items to the agenda. He indicated that, pursuant to the Brown Act, a two-thirds vote by the Board was required to add the new items. Director Cardenas indicated that he wished to add:

- a) Reorganization of the Otay Water District Board
- b) Personnel matters regarding the Special Counsel
- c) Personnel matters regarding the Acting General Manager
- d) Personnel matters regarding the appointment of an Interim General Manager

Director Cardenas added that he had sought the legal advise of the law firms of Leal, Olivas & Jauregui, LLP and Burke, Williams & Sorensen, LLP with regard to adding items to the agenda which had not been noticed. He indicated

1 that both firms indicated that according to the Brown Act, items may be added
2 with a two-thirds vote from the Board.

3 Director Bonilla asked that he wished to hear legal opinion on the
4 addition of agenda items. Special Counsel Francisco Leal indicated that the
5 Brown Act does allow for the placement of items on the agenda based on
6 "subsequent need." He indicated that he did not have the government code
7 section with him at this time, however, it requires that a member of the Board
8 bring the items to the attention of the Board and a two-thirds vote would be
9 required to add the items for discussion and action to the agenda. He further
10 indicated that each item would need to be discussed and voted on separately.
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13 A motion was made by Director Cardenas, seconded by Director
14 Inocentes and carried with the following vote:

15 Ayes: Directors Bonilla, Cardenas, Inocentes and Lopez
16 Noes: None

17 to approve the additions to the agenda as requested by Director Cardenas
18 (noted above).
19

20 3. With the approval of the addtions to the agenda, Director
21 Cardenas indicated that he wished to address the first item, reorganization of
22 the Board, and nominated Director Inocentes for President of the Otay Board.
23 Director Lopez seconded the nomination and the motion carried with the
24 following vote:
25

26 Ayes: Directors Bonilla, Cardenas, Inocentes and Lopez
27 Noes: None

28 Director Cardenas nominated Director Lopez for Vice President of the
29 Otay Board. Director Inocentes seconded the nomination and the motion
carried with the following vote:

1 Ayes: Directors Bonilla, Cardenas, Inocentes and Lopez
2 Noes: None

3 Director Inocentes nominated Director Cardenas for Treasurer of the
4 Otay Board. Director Lopez seconded the nomination and the motion carried
5 with the following vote:

6 Ayes: Directors Bonilla, Cardenas, Lopez and Inocentes
7 Noes: None

8 4. Director Cardenas indicated that the next item on the agenda is
9 the personnel matter concerning Special Counsel. Director Cardenas made a
10 motion to terminate the services of Special Counsel Bonifacio Garcia and to
11 retain a legal audit firm to conduct an audit of approximately \$123,000 in legal
12 fees to the District. He suggested that the audit be done by Mr. Gerald Knapton
13 of Cooper, Karderas and Kelleher who specialize in this type of work. The
14 motion was seconded by Director Inocentes and carried with the following vote:

15 Ayes: Directors Bonilla, Cardenas, Lopez and Inocentes
16 Noes: None

17 5. Director Cardenas indicated that the next item on the agenda is
18 the personnel matter concerning the Acting General Manager. Director
19 Cardenas made a motion to terminate the services of the Acting General
20 Manager and opened the floor for discussion. Director Lopez asked clarification
21 on how a replacement would be recruited. Director Cardenas indicated that the
22 appointment of an Interim General Manager would replace the Acting General
23 Manager. The Interim General Manager would be a temporary appointment
24 until the District publishes a notice to fill the General Manager position
25 permanently. He stated the Interim General Manager would be responsible to
26 run the District until a permanent appointment is made. President Inocentes
27 run the District until a permanent appointment is made. President Inocentes
28 run the District until a permanent appointment is made. President Inocentes
29 run the District until a permanent appointment is made. President Inocentes

1 indicated that he felt the District required a little more experience at the helm
2 and felt that running a Water District requires some level of experience. He
3 indicated that if the Board is successful with this motion, he would like to
4 nominate an employee who has had over 29 years of experience working with
5 the District and has the trust of all the employees. He stated that he believed
6 that there was a need for a little more experience in public government. Special
7 Counsel Roberta Sistos cautioned the Board on discussing personnel matters
8 in a public forum. She indicated that generally such items are agendized for
9 closed session and discussed in closed session. She stated that she cautions
10 the Board as they may be in violation of the Brown Act if the District does not
11 properly agendize personnel matters and discuss them in the proper setting.
12

13
14 Director Cardenas requested that both Special Counsel members
15 research this opinion as there are Districts under the Special Districts Act, as
16 well as other Acts, who are governed by the legislature that do allow,
17 particularly in the General Manager's position, such a discussion in open
18 session. He further indicated that there are provisions that allow the General
19 Manager's review be conducted in open session. He stated that they are not
20 discussing anyone's qualification, what they are discussing is an action that this
21 Board needs to take. He indicated that the Board has the right to express why
22 this action is being brought forward and that President Inocentes has made his
23 opinion known. He added that he felt that the District was not headed in the
24 right direction and he would like to see a more stable form of leadership and
25 this was the reason that he has made the motion to dismiss the Acting General
26 Manager. He stated that an individual who has been with this District for 29
27 years could certainly, in terms of the experience, guide the District in the proper
28
29

1 direction. He indicated that the District owed its 120,000 reatepayers more than
2 where this District is heading today.

3 The motion to dismiss the Acting General Manager was seconded by
4 Director Inocentes, and carried with the following vote:

5 Ayes: Directors Bonilla, Cardenas, Lopez and Inocentes
6 Noes: None

7 6. Director Cardenas indicated that the next item is the appointment
8 of an Interim General Manager, which would be a temporary position until the
9 Board begins the process to select a permanent General Manager. Director
10 Cardenas made a motion to appoint Jim Gunstinson, Chief of Engineering and
11 Water Operations, a 30 year veteran of the District as the Interim General
12 Manager. President Inocentes seconded the motion and the motion carried
13 with the following vote:
14
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16 Ayes: Directors Bonilla, Cardenas, Lopez and Inocentes
17 Noes: None

18 7. Director Cardenas suggested to President Inocentes that today's
19 agenda be moved to another date and adjourn this meeting until that date.

20 President Inocentes indicated that before doing so, he would like to call for a
21 Special Meeting of the Board for tomorrow evening, April 19, at 7:00 p.m. He
22 indicated that the meeting will be posted this evening. He indicated that he will
23 then adjourn this evenings Regular Board to meet on Friday, April 20, at 3:00
24 p.m.
25

26 A motion was made by President Inocentes, seconded by Director
27 Cardenas and carried with the following vote:

28 Ayes: Directors Bonilla, Cardenas, Inocentes and Lopez
29 Noes: None

1 to adjourn this evenings meeting until Friday, April 20, at 3:00 p.m.

2 8. With no further business to come before the Board, the meeting
3 was adjourned at 6:21 p.m.

4
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6 _____
President

7 ATTEST:

8 _____
9 District Secretary