

March 4, 2001

Chairman Don Butow
Member of the Redwood Valley County Water District Board
Post Office Box 399
Redwood Valley, California 95470

Dear Chairman Butow & Members of the Board of Directors:

I am pleased with the decision of Chairman Butow to establish rules and regulation at public meetings with regard to information received from your manager for agenda items. This will make a large improvement in the effectiveness of the Board and also give the Board Members advance warning and time to study items that are on the agenda prior to board meetings.

I applaud the Board's efforts to limit public comment to three minutes, the same time frame as the Mendocino County Board of Supervisors. This is a realistic approach to keeping the meetings shorter and to the point. Any action that the Board of Directors takes in this regard will be very welcome by members of the public. I also hope that the Board will implement those appropriate sections of the Brown Act 2001 into any action that is taken with regard to public changing the way public meetings are conducted.

I was unsure why Manager Tiemann continued to point out throughout the meeting that he received material pertinent to items on the agenda almost 10 days in advance of the meeting. I would like to point out that the District has just purchased a new computer system, fax and copy machines. The board members can now receive faxes and E-Mails from the manager with regard to these incoming letters and other correspondence. The manager can also make a telephone call to the Board members and let them know that important information is at the office and is available immediately. In addition, letters mailed at the post office are delivered in one day. Therefore, I am unsure why there is such a delay in the Board receiving information from its manager. This problem should be placed on the agenda for a quick and lasting resolution to this problem.

The March 1, 2001, agenda item, has been continued to Tuesday, March 6, 2001, at 2:00 P.M. The change has been to make it a closed session item. Since it was not a closed session item on the Agenda for March 1, 2001, it is a violation of the Brown Act to continue this item to Tuesday as a closed session item. The Brown Act Section 54955.1 Continuance, Section 54957.5 Agendas and other materials; Public Records (a through d), Section 54957.7 Announcement prior to close sessions (a through c), Section 54954.2 Agenda Requirements; Regular meetings. Since Item #11 on the March 1, 2001, agenda was not listed on the agenda as a closed session item, this item cannot now be listed as a continued closed session item on Tuesday, March 6, 2001. The item could only be continued as a regular item on the agenda. Since it was, in error, continued as a closed item, the Board is precluded, in my opinion (see Brown Act) from hearing this item as a continued closed session item on March 6, 2001.

In addition, the State Department of Water Resources (March 1, 2001 agenda item #11) has asked the Redwood Valley County Water District for a response to the allegations in the complaint with 30 days of the date of their February 7, 2001, letter. Manager Tiemann has had a copy of this letter for at least three weeks if not longer. A response has been requested but the State Water Resources Control Board has taken no other action, including any mention of legal action.

With regard to Item #10, on the March 1, 2001, agenda:

1) Please refer to the October 5, 2000, minutes (Pages 3-16). On Page 4 Chairman Butow is correct when he states that I could have gotten a copy of said report by just putting a request in writing and paying the \$3.00 for the 30 page Meter Location Report.

A. The public accusation, made during two public meetings, of Chairman Butow on October 5, 2000, and again on March 1, 2001, that I was trying to **circumvent paying the District's copying charges**, is totally erroneous and was not on the Board's Agenda for discussion. Since June 1999, I have written dozens of letters to the District requesting copies of various public documents and have paid out in excess of \$150.00 (Manager Tiemann can testify to this fact + I also have the canceled checks) in copying charges.

B. I have spoken to all of the Board members many times in person and by telephone, since June 1999, and have never once requested that they, individually, provide copies of documents to me in order to circumvent District copying charges. All of the board members can verify this statement. (I have only objected in person and in writing to excessive copying charges when the District was charging \$.25 per copy. This problem was remedied by the Board when it changed the copy charge to \$.10 per copy.)

C. In the past year there has been discussions of rate increases being different for different size hook-ups (See Brelje & Race Reports). At some point I had contacted Director Ross by telephone asking him if he knew how many different size hookups there were in the District, how many agricultural hookups there were in the smaller sizes and what impact increased rates would have on the smaller size agricultural hookups in our district. (I felt then and now that the structure of the water rate increases, based on hookup size, is unfair and that it could lead to a possible lawsuit in the future against the district because of this discriminatory practice.) Director Ross did not know the hookup size numbers at that time, and I did not know, at that time, that such a report was available from the District, until I received said report from Director Ross.

2. Please refer to Page 15 of the October 5, 2000, minutes. I addressed the Board with regard to this subject. I stand by my statements at that Board meeting with regard to this subject.

3. On March 1, 2001, Chairman Butow, also made reference during discussion of Item #10, that I had kept their Manager busy making copies of documents, etc. This statement is not relevant to the Agenda Item #10 nor was it addressed in the write-up for this item. All public agencies are required to follow the Brown Act and the California Public Records Act with regard to public records and making them available to the public. The Redwood Valley County Water District Board is required to follow the law. I do not think that Chairman Butow's comments in this area are relevant to the issue stated in item #10 nor was this so-called problem made a specific item on the agenda for discussion.

4. Since Chairman Butow did not recognize me when I attempted to address this issue at the March 1, 2001, Board Meeting, I am directing this letter and my comments to the entire RVCWD Board of Directors. When this issue, that has been continued to some future date, is addressed again by the Board, I wish this section of my letter to be entered into the public record at that time.

5. With regard to Item #10, I feel that any Board Member should be entitled to see any of the District's records. There are certain records under the Brown Act and the Public Record's Act and the California Water Code that may not be viewed by the general public. All Board members are bound by these requirements and should not release any information that is so designated. However, the Board of Directors of the Redwood Valley County Water District is elected (or appointed), to represent the public members of the District. A board member should have access to any information that said board member may require to represent the members of the district. To restrict any Board members from obtaining or viewing such records gives too much power to the District Manager in determining what information shall be released to each Board Member and prevents the Board from acting rapidly and in the best interest of the members of the District who elected them.

6. No Board Member should be required to pay copying charges for any copies that are needed or required to carry out the business of the Board. All members of other boards or councils, like the Mendocino County Board of Supervisors or the Ukiah City Council are not required to pay for copies of documents that they request. To institute such a policy for the RVCWD Board members is cumbersome and would require extensive Board time in considering those items will or will not require charges. **It would also entail a great deal of the Manager's time and give him excessive power in making these determinations for all of the Board members.**

7. California Government Code Section 6250-6270 should be referred to by the RVCWD Board. It reads in part: "...(e) Public Records includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics...6252.5 Notwithstanding the definition of member of the public in Section 6252, an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person...**Nothing in this section shall limit the ability of elected members or officers to access public records permitted by law in the administration of their duties...**" Since the Board may meet in closed session and discuss items that are not to be disclosed to the public under Section 6254, it appears that Board members may see items (involving but not limited to litigation and other items listed under Section 6254) that are not released to the public. There does not appear to be any restriction that can be placed upon any individual Board Member to restrict the information that may be viewed by said Board Member. The only restriction is placed on those items that must not be released to the public by said agency, its employees or board members under the California Public Records Act.

I am requesting the following copies from the RVCWD under the Brown Act and the California Public Records Act:

- 1) Copies of all information that were distributed to the board in connection with agenda items to be discussed on March 6, 2001. (See Section 54957.5 of the Brown Act)
- 2) Copies of the Minutes for the February 1, March 1st, and March 6, 2001, Board Meetings.
- 3) All correspondence from the Bel Arbres Mutual Water Company received between February 1, 2001, and March 6, 2001.

Thank you very much for your time and effort on my behalf. If you have any questions or need additional information please contact me at your convenience.

Sincerely,

Rosalind Peterson
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