

1                   **OFFICIAL MEETING MINUTES OF SPECIAL MEETING**  
2                   **Marana Domestic Water Improvement District**  
3                   **of Pima County, Arizona**

4  
5                   January 26, 2009  
6

7                   The Board of Directors of the Marana Domestic Water Improvement  
8                   District met in special session at the Marana Domestic Water  
9                   Improvement District Office, 16560 West El Tiro Road, West Building,  
10                  Marana, Arizona at 6:00 p.m. on Monday, January 26, 2009.

11  
12                  **1. Call to order and Pledge of Allegiance**

13  
14                  Mr. Preston:           "Good evening. This is Monday January 26, 2009.  
15                                    It is now 6:05 p.m. and this is a special meeting for  
16                                    the MW<sup>2</sup> Development Corporation. Call to order  
17                                    and Pledge of Allegiance."  
18

19                  The Pledge is said.  
20

21                  Mr. Preston:           "Roll call please."  
22

23                  **2. Roll call**

24  
25                  Ms. Sieglaff:           "Mr. Peetoom?"  
26

27                  Mr. Peetoom:           "Here."  
28

29                  Ms. Sieglaff:           "Mr. Kendrick?"  
30

31                  Mr. Kendrick:          "Here."  
32

33                  Ms. Cummings:        "Present."  
34

35                  Ms. Sieglaff:           "Mr. Lou Preston?"  
36

37                  Mr. Preston:           "Here."  
38

39                  Ms. Sieglaff:           "Mr. Castaneda?"  
40

41                  Mr. Castaneda:        "Here."

1 Also present were:

2  
3 Vonn Jones, Interim System Manager  
4 Lisa M. Sieglaff, Clerk of the Board of Directors  
5 Mr. Mark Wright and Mr. Wayne Smith, Principals of MW<sup>2</sup>  
6

7 **3. Representatives of MW<sup>2</sup> Development Corporation may**  
8 **address the Board of Directors regarding Hunter**  
9 **Subdivision #2 and MW<sup>2</sup>'s recent proposal.**  
10

11 Mr. Preston: "Mr. Smith."

12  
13 Mr. Smith: "Yeah. Everybody is in receipt of the current Gust  
14 Rosenfeld Agreement?"  
15

16 Mr. Peetoom: "Yes."  
17

18 Mr. Smith: "We've had a few meetings with Mr. Preston and  
19 Mr. Castaneda and Mr. Frazier the attorney to get  
20 this handed out and I think this is, hopefully, this is  
21 the final draft. And from that does anybody have  
22 any questions on the Agreement?"  
23

24 Mr. Kendrick: "Mr. Chairman?"  
25

26 Mr. Preston: "Yes Gary."  
27

28 Mr. Kendrick: "I would just like to thank you guys for taking the  
29 extra time that you did and getting the verbiage right  
30 and hopefully everybody agrees."  
31

32 Mr. Smith: "Thank you. We appreciate that by the way."  
33

34 Mr. Preston: "Mr. Jones have you read this?"  
35

36 Mr. Jones: "I've read over most of it. The thing that strikes me  
37 most is that it talks about drawings but it doesn't  
38 indicate whether we have as built in any of those  
39 drawings."  
40

41 Mr. Smith: "We already... well we haven't built it yet so... "

1  
2 Mr. Wright: "The well."  
3  
4 Mr. Smith: "We'll have a design, yeah we'll have a design for  
5 the well."  
6  
7 Mr. Jones: "But on the system itself, don't you have... "  
8  
9 Mr. Smith: "Oh, yeah."  
10  
11 Mr. Jones: "For the existing pipes that are in place, can we  
12 have that?"  
13  
14 Mr. Smith: "Yeah."  
15  
16 Mr. Preston: "Does anyone else have any questions for Mr.  
17 Smith? Hearing none, Mr. Frazier is on the way. He  
18 told me he was going to be a little bit late. Do you  
19 have anything to add Mr. Smith with this."  
20  
21 Mr. Smith: "Not unless somebody has any direct questions  
22 because I think we've talked it out and hammered  
23 out the points pretty thoroughly as far as I can see."  
24  
25 Mr. Preston: "Okay."  
26  
27 Mr. Castaneda: "Mr. Chairman?"  
28  
29 Mr. Preston: "Yes."  
30  
31 Mr. Castaneda: "Did Mr. Frazier raise any concerns?"  
32  
33 Mr. Preston: "No, he just asked me if he had a copy of the letter  
34 and the proposal and I told him I did and he asked  
35 me if there was anything in my mind that was in  
36 doubt and I said no, not at this time. Mr. Kendrick?"  
37  
38 Mr. Kendrick: "I think Roger is here."  
39  
40 Mr. Preston: "He just pulled up?"  
41

1 Mr. Kendrick: "Yeah."  
2  
3 Mr. Jones: "I don't know if this is covered in the Agreement, I  
4 didn't see it but the system has been sitting there for  
5 a while, right?"  
6  
7 Mr. Smith: "A short while."  
8  
9 Mr. Wright: "Year and a half, two years."  
10  
11 Mr. Jones: "Once the Agreement is in place are you going to  
12 go back and kind of fine tune it and make sure that  
13 there's no problems?"  
14  
15 Mr. Smith: "Definitely because it will be ongoing construction  
16 for us anyway, so. About the only thing we've had  
17 to do is reset the boxes in the asphalt for the  
18 grading over the valves."  
19  
20 Mr. Preston: "Are some of the meters in place?"  
21  
22 Mr. Smith: "Yes. There are a few, I think three right now."  
23  
24 Mr. Preston: "Okay."  
25  
26 Mr. Wright: "Its four or five."  
27  
28 Mr. Smith: "Oh, it's four or five."  
29  
30 Mr. Frazier arrives:  
31  
32 Mr. Preston: "Just to bring you up to date Roger we have just  
33 gotten the proposal and we were just discussing  
34 some minor items that people might have while we  
35 were waiting for you. Does anybody have any  
36 questions to ask Mr. Frazier? Hearing none, I will  
37 assume then that your are all satisfied with the  
38 Proposal as it reads."  
39  
40 Mr. Frazier: "One thing I want to ask Lisa if I may?"  
41

1 Mr. Preston: "Yes."  
2  
3 Mr. Frazier: "On Friday I think it was when I sent that to you for  
4 the packets I sent a second one like about 20  
5 minutes later. Did you get that, is that what you  
6 sent out?"  
7  
8 Ms. Sieglaff: "I did, but actually I erred on the side of caution.  
9 The one I got in the mail today, that's the one that  
10 everybody has in front of them at the moment."  
11  
12 Mr. Frazier: "Okay. That should be the right one. And the only  
13 difference was some little typos, like an extra  
14 comma and some spaces that weren't closed good I  
15 notice in a word, or maybe it was in two places."  
16  
17 Mr. Castaneda: "Mr. Chairman?"  
18  
19 Mr. Preston: "Yes."  
20  
21 Mr. Castaneda: "I will make the motion that we accept MW<sup>2</sup>'s most  
22 recent proposal, have you as the Chairman sign off  
23 on it and get these gentlemen back to work where  
24 they both want to go."  
25  
26 Mr. Preston: "I second the motion. The motion has been made  
27 and seconded that we accept the proposal from  
28 MW<sup>2</sup> as it reads in the latest proposal accepted by  
29 Mr. Frazier. All in favor... may I have a roll call  
30 please?"  
31  
32 Ms. Sieglaff: "Yes. Mr. Peetoom you are in favor?"  
33  
34 Mr. Peetoom: "Yes."  
35  
36 Ms. Sieglaff: "Mr. Kendrick?"  
37  
38 Mr. Kendrick: "Yes."  
39  
40 Ms. Sieglaff: "Ms. Ball-Cummings?"  
41

1 Ms. Cummings: "Yes."  
2  
3 Ms. Sieglaff: "Mr. Preston?"  
4  
5 Mr. Preston: "Yes."  
6  
7 Ms. Sieglaff: "Mr. Castaneda?"  
8  
9 Mr. Castaneda: "Yes."  
10  
11 Ms. Sieglaff: "It's unanimous."  
12  
13 **AYE 5 NAY 0 ABSTENTIONS 0**  
14  
15 Mr. Smith: "Can we get a round of applause?"  
16  
17 [five minute recess]  
18  
19 Ms. Sieglaff: "Okay. We're back on the record  
20  
21 Mr. Preston: "Okay. Skip down to item number 8. 4, 5 and 6 were  
22 from the MW<sup>2</sup>"  
23  
24 **8. Discussion and possible action concerning Personnel**  
25 **Policy Manual**  
26  
27 Mr. Castaneda: "Mr. Chairman?"  
28  
29 Mr. Preston: "Yes, Mr. Castaneda."  
30  
31 Mr. Castaneda: "I believe that we left on page 10, I believe, is that  
32 correct?"  
33  
34 Mr. Peetoom: "That is correct."  
35  
36 Mr. Frazier: "Mr. Chairman may I ask a question?"  
37  
38 Mr. Preston: "Yes."  
39

1 Mr. Frazier: "What you wanted me here for tonight was the  
2 contract, right? Not the Personnel Policy? Is that  
3 right?"  
4

5 Mr. Kendrick: "Yeah."  
6

7 Mr. Frazier: "Because I didn't even notice this until about 4:00  
8 this afternoon that it was on here and I don't know  
9 why you would want me to stay."  
10

11 Mr. Castaneda: "We were just updating it I guess but we had  
12 planned on those policies and I believe the  
13 discussion was we are probably going to give them  
14 those days with no pay and we'll probably leave it at  
15 that. We have a draft that we had worked on real  
16 hard and diligently last year Roger and it didn't go  
17 anywhere. So now we are trying to redirect it and  
18 get past this here."  
19

20 Mr. Frazier: "So do you want me to stay for that or just take off?"  
21

22 Ms. Cummings: "Stay as far as I'm concerned."  
23

24 Mr. Frazier: "Stay?"  
25

26 Mr. Preston: "Well I don't think you need to stay. If you would  
27 like to go we'll certainly... "  
28

29 Mr. Frazier: "I don't mind staying. How long are you going to  
30 be?"  
31

32 Mr. Kendrick: "Probably a good hour."  
33

34 Ms. Sieglaff: "He's going to see the final draft anyway before we  
35 do anything with it. Once we get finished with all of  
36 our negotiations... "  
37

38 Ms. Cummings: "He has to go over it."  
39

40 Ms. Sieglaff: "He has to see it anyway after I make all the  
41 changes he's going to have it so."\  
42

1  
2 Mr. Preston: "He has the final say on it."  
3  
4 Ms. Sieglaff: "Yes."  
5  
6 Mr. Peetoom: "Well it won't be tonight."  
7  
8 Mr. Frazier: "Okay, I'm happy to go or stay whatever you want."  
9  
10 Mr. Preston: "The ball's in your court."  
11  
12 Mr. Castaneda: "You're going to receive a draft anyway Roger  
13 unless you want to hear it now and then read it  
14 again later or just read it again later."  
15  
16 Mr. Frazier: "So you're not going to like take a vote on anything  
17 tonight, is that right?"  
18  
19 Mr. Kendrick: "Oh sure we will."  
20  
21 Mr. Castaneda: "We've been voting on page by page and adding in  
22 deleting... "  
23  
24 Mr. Preston: "It won't be anything that you're going to have to  
25 sign for. If you're going to get the final draft, the  
26 whole thing for you to read and make your  
27 changes..."  
28  
29 Mr. Castaneda: "You know, it's not like we're going to give Cinco d'  
30 Mayo and subtract it with one of the holidays. It's  
31 pretty much basic, everything, what we worked on  
32 and what you've seen in our draft."  
33  
34 Mr. Preston: "Okay. We're all on page 10?"  
35  
36 Mr. Castaneda: "Page 10."  
37  
38 Mr. Preston: "Let me make sure I have the same thing."  
39  
40 Mr. Castaneda: "I think you have the one we're working on now."  
41



1 Ms. Cummings: "Disciplinary action? Yeah, that's where we're at."  
2  
3 Mr. Frazier: "Do you want me to give you my cell number? \*\*\*-  
4 9961."  
5  
6 Ms. Cummings: "\*\*\*-9961. Okay."  
7  
8 Mr. Frazier: "Does that have to go into the Minutes?"  
9  
10 Mr. Preston: "I'd like to add to that nobody is to call you unless it  
11 comes through the Chair."  
12  
13 Ms. Sieglaff: "Should I redact that when I print the Minutes?"  
14  
15 Ms. Cummings: "Yeah, it should be."  
16  
17 Mr. Frazier: "Mail me a copy of the contract, okay?"  
18  
19 Mr. Castaneda: "Page 10. Were there any additions or corrections  
20 to page 10?"  
21  
22 Ms. Cummings: "Mr. Chairman, now on the third paragraph down  
23 where it says the suspension, was we going to still  
24 put no acquired sick time or vacation time may be  
25 used during a disciplinary suspension period or is  
26 that going to stay?"  
27  
28 Mr. Castaneda: "I think it should stay."  
29  
30 Ms. Cummings: "Does everybody agree?"  
31  
32 Mr. Peetoom: "I agree."  
33  
34 Mr. Kendrick: "I'm okay."  
35  
36 Ms. Cummings: "That's good, we're all good with that."  
37  
38 Mr. Castaneda: "Page number 11."  
39  
40 Ms. Cummings: "Mr. Chairman, on number p. where it says any  
41 violation of this policy set forth in this Manual will

1 result in ... I think it should be personally, I don't  
2 know about what my other Board Members would  
3 like, it should be verbally warning, written warning  
4 and then we can go as followed with the other;  
5 maybe suspension, then two days without pay and  
6 then termination. But I think it should be a verbal  
7 warning and then a written warning."  
8  
9 Mr. Preston: "Why is it that you want that?"  
10  
11 Ms. Cummings: "It isn't that I want it I just think that should be the  
12 proper way. If they have any of these violations  
13 give them a warning, you know. Verbal warning  
14 and then a written warning and then we can have  
15 those other ones. You know, I just think that should  
16 be the proper way. And if those two don't work then  
17 we can go to them – one day suspension without  
18 pay and the two days without pay and then the  
19 termination would be the third."  
20  
21 Mr. Kendrick: "Mr. Chairman?"  
22  
23 Mr. Preston: "Yes Mr. Kendrick."  
24  
25 Mr. Kendrick: "I can see what she's saying, Ms. Ball-Cummings,  
26 but as I'm looking at the disciplinary actions and  
27 what you have to do to get an action done, these  
28 are some pretty serious causes that shouldn't be  
29 done and I think, you know, the first time offense  
30 should be a day suspension without pay if  
31 somebody is insubordinate or neglect of duty, or  
32 you know, uses drugs or alcohol or, you know,  
33 anything like that."  
34  
35 Mr. Castaneda: "Mr. Chairman?"  
36  
37 Mr. Preston: "Mr. Castaneda."  
38  
39 Mr. Castaneda: "I agree with Board Member Kendrick. I believe  
40 these are serious offenses. They're not small like  
41 showing up late. Those are things that I believe the

1 System Manager would be able to take care of like  
2 calling them in doing a verbal consultation, writing  
3 them up. But these actions that are being described  
4 in our Disciplinary Action section are pretty serious  
5 so I would vote to redact our verbal consultation and  
6 our written warning to being just as it states. 'Any  
7 violation of the policies set forth in this Manual will  
8 result in first time offense, one day suspension  
9 without pay, second time two days without pay. I  
10 just think if we're strong and sturdy on our terms of  
11 punishment that we're going to be giving will set a  
12 standard so they won't want to break these rules.  
13 They'll think twice about it. So I don't know. Do we  
14 make it a motion to redact that from... "

15  
16 Ms. Cummings: "Mr. Chairman, it wasn't put on there. I mean it  
17 just... that was just something that I found in my  
18 notes."

19  
20 Mr. Castaneda: "Well it's written in on my copy too. I don't know if  
21 the Board voted we should not put it in there."

22  
23 Ms. Cummings: "Oh, boy. I just have the first offense: one day  
24 suspension without pay, second offense: two day  
25 suspension without pay, and third is termination.  
26 That's what I have on my – I just wrote it in red."

27  
28 Mr. Castaneda: "I think we have a copy of that."

29  
30 Mr. Kendrick: "It was written in and then it was printed – the copy  
31 that we have."

32  
33 Ms. Cummings: "Mine is red, I wrote mine red. So I don't have... "

34  
35 Mr. Preston: "Did you put that in the form of a motion?"

36  
37 Mr. Castaneda: "I can if you want me to do that."

38  
39 Mr. Preston: "No, Ms. Ball-Cummings."

40

1 Ms. Cummings: "Oh, a motion to have that put in? I didn't think that  
2 would be a motion I was just making a comment as  
3 to what I thought that would be appropriate."  
4

5 Mr. Preston: "Luis do you want to make that into the form of a  
6 motion?"  
7

8 Mr. Castaneda: "Yeah, I'll make it into the form of a motion that we  
9 redact verbal consultation and written warning and  
10 just to read first, second and third time offenses on  
11 these."  
12

13 Mr. Preston: "I second the motion. The motion has been made  
14 and seconded, all in favor?"  
15

16 **AYE 5 NAY 0 ABSTENTIONS 0**  
17

18 Ms. Cummings: "Might as well."  
19

20 Mr. Jones: "Mr. Chairman, I have a question."  
21

22 Mr. Preston: "Oh, I'm sorry, go ahead."  
23

24 Mr. Jones: "Are these offenses that are considered more  
25 serious, are they defined somewhere?"  
26

27 Ms. Cummings: "That's why I made the comment."  
28

29 Ms. Sieglaff: "On the previous page."  
30

31 Mr. Jones: "Yes, okay."  
32

33 Mr. Castaneda: "On page 10 Mr. Jones it says these are the  
34 actions. Securing employment through false and  
35 inaccurate information, incompetence, inefficiency,  
36 neglect of duties, insubordination, dishonesty, use  
37 of alcohol... "  
38

39 Mr. Jones: "Yeah, I read that. I just wondered, you know,  
40 what's considered low focus, what's considered

1 inefficiency, there's a lot of degrees of  
2 inefficiency..."

3

4 Ms. Cummings: "Yeah, exactly. That's why I mentioned it. I did like  
5 this, I mean... "

6

7 Mr. Jones: "So maybe you should think about ..."

8

9 Mr. Kendrick: "Yeah, it needs describing a little."

10

11 Ms. Cummings: "Neglect of duty. That's not really something – you  
12 know, something things get neglected. They're not  
13 doing it intentionally but, you know, that's not  
14 something that's, you know, we're going to throw  
15 you in jail for."

16

17 Ms. Sieglaff: "Mr. Chairman may I ask a question?"

18

19 Mr. Preston: "Yes Madam Clerk."

20

21 Ms. Sieglaff: "I was led to believe at the onset of my appointment  
22 that the procedures violations were at the discretion  
23 of the System Manager because that would be the  
24 person that would work directly with the employees  
25 that would be able to assess the infraction and  
26 make a determination if it fell under one of these  
27 categories and wanted a first offense, what we say  
28 first offense, or just maybe a written warning in their  
29 personnel file. So I think the discretion fell to Sig, to  
30 the System Manager, as far as making a  
31 determination on that situation. Because he's the  
32 one that would be aware of all of these things."

33

34 Mr. Preston: "Yeah, but we were trying to take that load away so  
35 that it's up to the Board if it's a first time offense  
36 whatever the thing might be that the individual will  
37 get that was in violation. The Board will hash it out  
38 and find out what all of that was about and then that  
39 took away from the General Manager."

40

1 Ms. Sieglaff: "And how would this come to the Board's attention?  
2 It's the General Manager that spends 40 hours a  
3 week with the employees, so the General Manager  
4 would have to bring it to the attention of the Board?"  
5  
6 Mr. Preston: "That's right. If an individual comes to him or if the  
7 General Manager finds him doing this that or the  
8 other thing then that would be brought to the Board  
9 and the Board would handle it."  
10  
11 Ms. Sieglaff: "I see."  
12  
13 Mr. Preston: "Is that understood, the way I am saying?"  
14  
15 Mr. Castaneda: "Mr. Chairman?"  
16  
17 Mr. Preston: "Mr. Castaneda."  
18  
19 Mr. Castaneda: "I think Mr. Jones brings up a good point but I think  
20 Mr. Jones that we would leave it at your discretion  
21 of what would be, you know, I think if the person  
22 came in drunk or on drugs you would find that to be  
23 a strong ... "  
24  
25 Mr. Jones: "That is pretty easy to determine but since there is  
26 willful disobedience where, you know, if somebody  
27 had told him to go do something and said okay I'll  
28 do it and he was reading meters and never go to it  
29 that day I can define that as willful disobedience.  
30 You can find it as being too busy to take care of  
31 what I asked him to take care of."  
32  
33 Ms. Sieglaff: "Excusable neglect."  
34  
35 Mr. Jones: "So I just wonder if there needs to be a definition  
36 there."  
37  
38 Mr. Castaneda: "I mean, you bring up a good point but I guess we'd  
39 have to define that in your job description."  
40

1 Mr. Kendrick: Mr. Chairman, I think Mr. Vonn – Mr. Jones could  
2 take care of the – only bring to the Board, you know,  
3 serious actions that he considered that, okay this is  
4 something the Board needs to take care of. And let  
5 him deal with if, you know, they're late, you know,  
6 show up on time, you know, deal with the little, you  
7 know..."

8

9 Ms. Cummings: "Inefficiency."

10

11 Mr. Kendrick: "Like if he thinks it's something that the Board  
12 should hear about and vote on it or whatever then  
13 he needs to bring that to us."

14

15 Mr. Preston: "Well the reason why we put this in here was  
16 because of favoritism was being paid. And that's  
17 why we took it out of the hands of the General  
18 Manager."

19

20 Mr. Jones: "Well, if something of a serious nature like this  
21 occurred I would document it and bring it to the  
22 Board and see if they thought it was worth pursuing  
23 from that point."

24

25 Mr. Castaneda: "Mr. Chairman, Mr. Jones do you think it's too harsh  
26 a punishment for any of these offenses to be a one  
27 day suspension?"

28

29 Mr. Jones: "Not if they're flagrant. You know, like attempts to  
30 undermine or, you know, be dishonest or  
31 discourteous or, you know, if it's flagrant, if it's a one  
32 shot kind of a mistaken thing, you know, maybe so,  
33 but yeah, if it continues and it's flagrant it's..."

34

35 Mr. Preston: "So we have a motion on the floor, made and  
36 seconded on item p., first offense, second time  
37 offense, third time offense and it's been... the  
38 motion was to leave it as is and all in favor?"

39

40 Ms. Sieglaff: "We voted already Mr. Chairman."

41

1 Mr. Preston: "We voted?"  
2  
3 Ms. Sieglaff: "Yeah, it was unanimous."  
4  
5 Mr. Preston: "Sorry, what was the... "  
6  
7 Ms. Sieglaff: "It was unanimous, five to zero."  
8  
9 Mr. Preston: "Okay."  
10  
11 Ms. Cummings: [illegible comment]  
12  
13 Mr. Kendrick: "Mr. Chairman?"  
14  
15 Mr. Preston: "Yes."  
16  
17 Mr. Kendrick: "Shouldn't it be added in here that the System  
18 Manager needs... if the System Manager thinks it's  
19 something serious enough to bring to the Board he  
20 needs to bring it to the Board or just leave it as is.  
21 You know, if he thinks he can handle it by himself,  
22 or he shouldn't handle it by himself, and then he  
23 handles it by himself or if he thinks he should bring  
24 it to the Board then he should bring it to the Board.  
25 Could there be something added there or just leave  
26 it is?"  
27  
28 Mr. Preston: "We could add something to it to fit whatever we  
29 want it to fit. But again, we did that because there  
30 favoritism being paid and it was damaging."  
31  
32 Mr. Jones: "I think that was covered under some general  
33 provisions generally and it also states that the  
34 employee can request to bring it to the Board to  
35 settle it as well."  
36  
37 Ms. Cummings: "Yes."  
38  
39 Mr. Kendrick: "Mr. Chairman, I think in letter o. we could even  
40 change the second word, 'other'. We can delete  
41 'other' and put "any and all improper conduct and so



1                   forth. And that way he can bring it to us if he feels  
2                   necessary. Instead of putting 'any other' put 'any  
3                   and all' ... "

4

5   Mr. Preston:     "Say that again please."

6

7   Mr. Kendrick:    "Just take away 'other' and put 'any and all improper  
8                   conduct' and so forth."

9

10   Mr. Preston:     "Yeah. Alright."

11

12   Mr. Kendrick:    "And then have the System Manager bring it to us if  
13                   he deems it serious enough."

14

15   Mr. Preston:     "Okay. So you'd rather take out the work 'other'?"

16

17   Mr. Kendrick:    "Yeah."

18

19   Mr. Preston:     "Improper conduct or performance that constitutes  
20                   cause for disciplinary action is at the sole discretion  
21                   of the Board of Directors."

22

23   Mr. Kendrick:    "Mr. Chairman? No I just want to replace the word  
24                   'other'; leave everything else as it is. I think it  
25                   should read: 'any and all improper conduct or  
26                   performance that constitutes a cause for disciplinary  
27                   action is at the sole discretion of the Marana  
28                   Domestic Water Improvement District Board of  
29                   Directors'."

30

31   Mr. Preston:     "Okay. Are we all in favor of that?"

32

33   Mr. Peetoom:     "Yeah."

34

35   Mr. Castaneda:   "I can go for that."

36

37   Mr. Preston:     "Okay. Do you have that written down?"

38

39   Ms. Sieglaff:     "Did we vote?"

40

41   Mr. Preston:     "He's got it down."

1  
2 Ms. Sieglaff: "Did we take a vote?"  
3  
4 Mr. Castaneda: "Do you want us to vote on it?"  
5  
6 Mr. Preston: "We can take a vote on it. Let's take a vote and  
7 then it's done. Roll call?"  
8  
9 Ms. Sieglaff: "Mr. Peetoom?"  
10  
11 Mr. Peetoom: "Aye."  
12  
13 Ms. Sieglaff: "Mr. Kendrick made the motion. Ms. Ball-  
14 Cummings?"  
15  
16 Ms. Cummings: "Yes."  
17  
18 Ms. Sieglaff: "Mr. Lou Preston?"  
19  
20 Mr. Preston: "Yes."  
21  
22 Ms. Sieglaff: "Mr. Castaneda?"  
23  
24 Ms. Cummings: "Yes."  
25  
26 Ms. Sieglaff: "For the record, we are going to take the word  
27 'other' out of letter o. on page 11 and insert 'any and  
28 all improper conduct'.  
29  
30 Mr. Preston: "Okay. Has everybody read the other general  
31 rules? No Member of the Board of Directors  
32 Excluded, Extension of time... have we all read  
33 them?"  
34  
35 Mr. Kendrick: "Yes."  
36  
37 Mr. Preston: "Are there any changes?"  
38  
39 Ms. Sieglaff: "Mr. Chairman may I say something?"  
40  
41 Mr. Preston: "Yes."

1  
2 Ms. Sieglaff: "All of these pages with the box around them, these  
3 are verbatim what our attorney wrote, what we paid  
4 him to write. So if some changes need to be made  
5 then we probably need to clear that with the  
6 attorney because it would be changes to his work."  
7  
8 Ms. Cummings: "Yeah, well he's going to get them anyways."  
9  
10 Mr. Preston: "Well, we can talk with him on that. But I don't think  
11 that on paragraph p. that there's going to be any  
12 violation there with any employees."  
13  
14 Mr. Castaneda: "No, I think she just extended the box out to cover  
15 that but I don't think that was... "  
16  
17 Ms. Sieglaff: "Right. It should have been overtop of Grievance  
18 Procedure. That's what the attorney wrote."  
19  
20 Mr. Castaneda: "Alright. With that being said, the Grievance  
21 procedure that our lawyer wrote, does anybody  
22 have anything to change on our Grievance  
23 Procedure which ends on page 15?"  
24  
25 Ms. Cummings: "No."  
26  
27 Mr. Kendrick: "No."  
28  
29 Mr. Peetoom: "I've got a question."  
30  
31 Mr. Preston: "Mr. Peetoom."  
32  
33 Mr. Peetoom: "With Sig, if he brings a grievance that's against the  
34 Board we have to go outside the District to have the  
35 grievance. One of the water board Directors is  
36 going to have to do it because we can't do it."  
37  
38 Ms. Cummings: "Yeah."  
39  
40 Mr. Preston: "Where does it say that? Or are you proposing  
41 that?"

1  
2 Mr. Peetoom: "I'm opposing that."  
3  
4 Mr. Castaneda: "Mr. Chairman?"  
5  
6 Mr. Preston: "Mr. Castaneda."  
7  
8 Mr. Castaneda: "That's fine and dandy but that's not even on our  
9 plate right now. However Mr. Danielson chooses to  
10 do that we'll handle that when it comes. But as far  
11 as the Grievance Procedure it states here in our  
12 Manual how to deal with it so let's just get this over  
13 with."  
14  
15 Mr. Peetoom: "Well I was just mentioning with these type of  
16 grievances we can't do it, we have to... "  
17  
18 Mr. Castaneda: "I don't believe that's true in fact. When we get to  
19 that point we'll address that point, I don't... "  
20  
21 Mr. Peetoom: "You can ask him. He might know."  
22  
23 Mr. Preston: "Mr. Jones, do you know anything about what  
24 they're discussing."  
25  
26 Mr. Jones: "It would probably be to your advantage to have  
27 someone else do it... "  
28  
29 Ms. Cummings: "Besides us."  
30  
31 Mr. Jones: "... to make the decisions and...  
32  
33 (Ms. Cummings and Mr. Jones speaking at the same time – illegible)  
34  
35 Mr. Castaneda: "So it would be this body's choice to put in gear  
36 whenever it may be right if we want to do that."  
37  
38 Mr. Jones: "But it could be perceived as a conflict of interest for  
39 you guys to decide that grievance."  
40  
41 Ms. Cummings: "Yeah"

1  
2 Mr. Preston: "We had grievances here and that's the way it  
3 turned out. Through feedback we found out that Mr.  
4 Danielson was telling too many what to do and  
5 that's why it was in question."  
6  
7 Mr. Jones: "Well you could pick a committee that's totally not,  
8 you know, but if he doesn't know any of the  
9 members I would think that there would have to  
10 be... uh, no committee members. It would probably  
11 be better if it was someone totally unknown to any  
12 of you."  
13  
14 Mr. Preston: "Okay."  
15  
16 Mr. Kendrick: "But who would we get? Like somebody from the  
17 District or... "  
18  
19 Mr. Jones: "No."  
20  
21 Mr. Kendrick: "A lawyer, who would that have to be? Anybody we  
22 choose and vote on, or... "  
23  
24 Mr. Jones: "I would say anyone you choose and vote on and  
25 the less you know about them and know of them if  
26 there's no personal friends or anything in the group  
27 that you've got."  
28  
29 Ms. Cummings: "Yeah, you know, Avra Valley, Metro Water up  
30 there, you know he don't... "  
31  
32 Mr. Jones: "And if you need to do that you could contract Metro  
33 and Avra and ask them if they can send a person on  
34 that night. Look into it. I don't know how many you  
35 would want. I would say at least three so you can't  
36 have tied discussions."  
37  
38 Ms. Sieglaff: "A quorum."  
39  
40 Ms. Cummings: "Yeah."  
41

1 Mr. Kendrick: "I think we can cross that bridge when we come to  
2 it."  
3  
4 Mr. Preston: "What did you say?"  
5  
6 Mr. Kendrick: "I said, I think we can cross that bridge when we  
7 come to it."  
8  
9 Mr. Preston: "Yeah, well... "  
10  
11 Mr. Kendrick: "But it's not even time. To my knowledge he hasn't  
12 even filed a grievance yet, so..."  
13  
14 Mr. Castaneda: "Okay. Are there any questions or deletions on  
15 page 11 through 15? Page 16; our Standards of  
16 Conduct. Any additions, deletions?"  
17  
18 Mr. Peetoom: "I don't see anything on 16."  
19  
20 Ms. Cummings: "Neither do I."  
21  
22 Mr. Castaneda: "Yes, Mr. Chairman. On number 7 we had Safety  
23 Practices and we're going to have to get with our  
24 System Manager and get those in place. We don't  
25 have a safety procedure, a safety manual Mr. Jones  
26 so if you could help us get that together?"  
27  
28 Mr. Jones: "Okay."  
29  
30 Mr. Preston: "Just one thing Mr. Jones. One of those practices  
31 are having warning signs when the men are working  
32 on or near the roads, homes, safety hats, safety  
33 vests. None of that stuff is in our possession."  
34  
35 Mr. Jones: "So you are going to need a whole safety program?"  
36  
37 Mr. Castaneda: "Yes."  
38  
39 Mr. Preston: "Yes. I think hard hats are a very vital safety  
40 practice. And to my knowledge they don't wear  
41 them."

1  
2 Mr. Jones: "I remember reading something about boots. Do  
3 they use hard toed boots?"  
4  
5 Ms. Cummings: "Yes."  
6  
7 Mr. Preston: "I don't know whether they were ever purchased."  
8  
9 Ms. Cummings: "Mr. Chairman, Don Perry, he wears hard – steel to  
10 boots and so does Tony."  
11  
12 Mr. Preston: "We're not talking about hard toe shoes now, we're  
13 talking about steel toe boots."  
14  
15 Ms. Cummings: "No, boots."  
16  
17 Ms. Sieglaff: "Mr. Chairman?"  
18  
19 Mr. Preston: "Yes Madam Clerk."  
20  
21 Ms. Sieglaff: "Mr. Griggers and Mr. Perry both purchased their  
22 own steel toe boots before they came to work, or, in  
23 Mr. Perry's case, as he was working here."  
24  
25 Mr. Preston: "Are they boots or are they shoes?"  
26  
27 Ms. Sieglaff: "They're boots."  
28  
29 Mr. Preston: "They're boots. They're rubber hip boots, or boots  
30 of that nature?"  
31  
32 Ms. Sieglaff: "No, they're calf high."  
33  
34 Mr. Preston: "Calf high."  
35  
36 Ms. Cummings: "Where the lace goes through."  
37  
38 Mr. Preston: "That's not what we're talking about."  
39  
40 Ms. Sieglaff: "You're talking about hip boots?"  
41

1 Mr. Preston: "That's right. The men have to get down at times  
2 into a ditch that has water in it."  
3  
4 Mr. Peetoom: "I don't think they have hip boots."  
5  
6 Ms. Sieglaff: "They're still going to have steel to boots  
7 underneath the hip boots."  
8  
9 Mr. Preston: "Nobody mentioned steel toe boots. What I'm  
10 talking about is boots to protect their feet while  
11 they're in a ditch full of water."  
12  
13 Ms. Sieglaff: "Okay. There's a little confusion. Mr. Jones was  
14 talking about where we had put in there that we  
15 would make an allowance, a \$100.00 allowance or  
16 something like that for the employees toward the  
17 purchase of their steel to boots if we get a receipt  
18 from them we would reimburse them \$100.00. But  
19 this Personnel Policy has not gone into effect so  
20 that would not come into play until the whole Board  
21 approves this Personnel Policy. Is that correct? I  
22 just want to make sure I have this right."  
23  
24 Mr. Preston: "I think the difference is terminology of boots and  
25 shoes."  
26  
27 Ms. Sieglaff: "Well he was asking about the specific provision  
28 that we have in here as it pertains to the allowance  
29 for the steel toe boots."  
30  
31 Mr. Jones: "Now the type of boots you are talking about. Are  
32 those hip waders?"  
33  
34 Mr. Preston: "Yes."  
35  
36 Mr. Jones: "Those should be available in the truck if they need  
37 them but they wouldn't wear them on a daily basis."  
38  
39 Ms. Cummings: "No."  
40  
41 Mr. Jones: "The ones I'm talking about are daily boots."



1  
2 Mr. Preston: "When that subject came up the fire department  
3 was having their problems over there and my  
4 suggestion was that we go to the Chief and find out  
5 where they purchase their boots from and possibly  
6 get them a boot to protect their fee from water in the  
7 trucks at probably a better rate than if we just went  
8 to some store that had the boots that we're looking  
9 for. But that was never done."  
10  
11 Mr. Castaneda: "And Mr. Jones, I don't think the policy has been set  
12 in place yet but we are giving them \$100.00  
13 allowance I believe for their work shoes. We just  
14 haven't passed it yet. But as soon as we do pass it  
15 they will have an allowance for their shoes."  
16  
17 Mr. Peetoom: "Can you look into that and see what the price is?"  
18  
19 Mr. Jones: "Yeah. I'll do some research and see where we can  
20 get them at the most reasonable price."  
21  
22 Mr. Castaneda: "So is there anything on page 16 other than just  
23 getting our safety procedures and practices together  
24 which Mr. Jones said he'd work on.?"  
25  
26 Ms. Cummings: "Not that I can see."  
27  
28 Mr. Castaneda: "Page number 17; any changes or deletions from  
29 this? Page 17; page number 18; page number 19,  
30 Policy Against Harassment; I think this is straight  
31 from the sexual harassment legal paperwork along  
32 with page 20 which is our Drug and Alcohol Free  
33 Workplace, all that. Page 21; our Approved  
34 Holidays. Our lawyer suggested that we add on to  
35 our days off Martin Luther King Day and President's  
36 Day and Columbus Day as days off but I suggested  
37 that, because we're a public entity he suggested  
38 that we close those days but we do not have to pay  
39 our employees so I would suggest that we give  
40 them the day off but do not pay them. Or unless  
41 this Board decides to have those days open and

1                   you're here to work. So it's up for discussion now. I  
2                   don't know whatever my colleagues want to do with  
3                   this."  
4  
5   Mr. Kendrick:   "Mr. Chairman?"  
6  
7   Mr. Preston:     "Gary."  
8  
9   Mr. Kendrick:    "I have never had off President's Day, Columbus  
10                   Day or Martin Luther King's Day at any job I've ever  
11                   worked. I would be against giving them – I think we  
12                   should be here, be open to the customers of the  
13                   District; be here available for the customers. I don't  
14                   think we should even offer that day off at all. That's  
15                   my personal opinion."  
16  
17   Mr. Castaneda:  "Mr. Chairman?"  
18  
19   Mr. Preston:     "Mr. Castaneda."  
20  
21   Mr. Castaneda:  "Board Member Kendrick, I'm with you there. I just  
22                   got so much heat from my other colleagues during  
23                   this time and during this discussion on this issue.  
24                   But if you're willing to say go to work, then go to  
25                   work that day then I'm willing to back you up on it so  
26                   if none of my other colleagues have anything else to  
27                   say I'll make it into a motion that we only approve  
28                   the holidays of New Year's Day, Memorial Day,  
29                   Independence Day, Labor Day, Veterans Day,  
30                   Thanksgiving Day and Christmas Day are the only  
31                   approved and recognized holidays for the Marana  
32                   Domestic Water Improvement District."  
33  
34   Mr. Preston:     "I second the motion. The motion's been made and  
35                   seconded that we leave Martin Luther King Day,  
36                   Presidents' Day and Columbus Day if the individual  
37                   wants to take the day off without pay it's up to the  
38                   individual. All the rest of the holidays are holidays  
39                   that will be recognized as holidays throughout the  
40                   year. Mr. Kendrick?"  
41

1 Mr. Kendrick: "Well if the employees have the choice of taking the  
2 day off they're going to take the day off. In my  
3 statement I said that I think we should be here open  
4 for the public to... "  
5  
6 Mr. Preston: "Well, we will be. But if the guys in the field want to  
7 take the day off unpaid that's up to them."  
8  
9 Mr. Kendrick: "Oh, so you're just saying for the guys in the field."  
10  
11 Mr. Preston: "Well the guys in the field and the office. We've got  
12 two girls in the office. Somebody better show up."  
13  
14 Mr. Castaneda: "Mr. Chairman, I think Board Member Kendrick has  
15 a point. If we're open on that day they all have to  
16 show up to work. And if they don't show up for work  
17 that day then let it be known that it's not a day off  
18 and they probably need to be reprimanded or  
19 counseled or whatever and say this is not behavior  
20 the Board is willing to accept."  
21  
22 Mr. Preston: "Well didn't Mr. Frazier say we could cover up a  
23 multitude of sins so to speak – give them the unpaid  
24 day as a holiday to coincide with the rest of the  
25 County?"  
26  
27 Mr. Castaneda: "Well, I believe that Mr. Frazier's words were that he  
28 would think that we would be like the County and  
29 offer the day off but we didn't have to pay them for  
30 that day. So, either we could be closed that day  
31 and not pay them or we could be open that day and  
32 they take it. It was really up to the discretion of the  
33 Board however the Board found its pleasure. Either  
34 accepting it as a holiday or not accepting it as a  
35 holiday. If we don't recognize it as a holiday we  
36 have to require them to work."  
37  
38 Ms. Cummings: "Mr. Chairman? If I remember correctly, they did  
39 work Martin Luther King Day. Am I right Lisa?"  
40  
41 Ms. Sieglaff: "Yes, we did."

1  
2 Ms. Cummings: "So they did work it so I believe that there shouldn't  
3 be no discrepancy there won't be, you know, having  
4 that."  
5  
6 Mr. Jones: "Mr. Chair?"  
7  
8 Mr. Preston: "Yes."  
9  
10 Mr. Jones: "One thing you might do because it's kind of  
11 politically correctness a lot of people would consider  
12 it racist or in some way a slight to African-  
13 Americans if you didn't have Martin Luther King Day  
14 available to your employees."  
15  
16 Ms. Cummings: "True."  
17  
18 Mr. Jones: "But one thing you might do is adapt a third holiday,  
19 call it a floating holiday and tell them they can, I  
20 mean make it an eighth holiday and make it a  
21 floating holiday and allow them to take it on Martin  
22 Luther King Day if they wish."  
23  
24 Mr. Preston: "That would be the day off without pay, right?"  
25  
26 Mr. Jones: "No, it would be a recognized holiday."  
27  
28 Mr. Preston: "It would be a recognized holiday."  
29  
30 Mr. Jones: "Yeah, but it would be – they could have one per  
31 year and they could take it on President's Day,  
32 Columbus Day, the day after Thanksgiving or any  
33 other day they chose to."  
34  
35 Mr. Castaneda: "Mr. Chairman?"  
36  
37 Mr. Preston: "Mr. Castaneda."  
38  
39 Mr. Castaneda: "Mr. Jones that is a nice thing to do but if we did  
40 that in the same spirit we'd have to give Caesar  
41 Chavez Day which would be considered a floating

1 holiday, and we'd have to do all these other  
2 holidays... "

3

4 Mr. Jones: "Except they're not national holidays."

5

6 Ms. Cummings: "Nah, that's true."

7

8 Mr. Peetoom: "I think the county has a policy of a floating day."

9

10 Mr. Preston: "Mr. Gary."

11

12 Mr. Kendrick: "Does the County get it off with pay or just get it off?  
13 I wouldn't be against giving them Martin Luther King  
14 Day off but without pay. It's... "

15

16 Ms. Cummings: "The County gets their holidays but they get it with  
17 pay."

18

19 Mr. Kendrick: "So, Ms. Ball-Cummings, the rest of the County is a  
20 lot bigger than our little District here with 850  
21 customers... "

22

23 Ms. Cummings: "Yeah, but we're still a County entity though, we are  
24 Pima County. Very much so; we've got government  
25 license plates in fact. Am I correct? That's correct."  
26

27 Mr. Castaneda: "Mr. Chairman?"

28

29 Mr. Preston: "Mr. Castaneda."

30

31 Mr. Castaneda: "If Board Member Kendrick doesn't mind I will  
32 amend my motion to incorporate Martin Luther King  
33 as a recognized holiday but not a paid holiday."  
34

35 Mr. Preston: "We'll put that down on the list as unpaid, and  
36 President's Day... "

37

38 Mr. Castaneda: "Right. But we're taking away... Mr. Kendrick would  
39 like to see them work on Presidents' Day and what's  
40 the other?"  
41

1 Mr. Kendrick: "Columbus."  
2  
3 Mr. Castaneda: "And Columbus Day."  
4  
5 Ms. Cummings: "And Martin Luther."  
6  
7 Mr. Castaneda: "So we're not going to recognize those two holidays  
8 and we'll recognize Martin Luther King as an unpaid  
9 holiday so they will have eight days. Seven of them  
10 with pay and one without."  
11  
12 Mr. Preston: "Okay"  
13  
14 Mr. Castaneda: "Is that okay Mr. Kendrick?"  
15  
16 Mr. Kendrick: "Can you repeat that?"  
17  
18 Mr. Castaneda: "I will make the motion that we approve holidays  
19 New Years Day, Memorial Day, Independence Day,  
20 Labor Day, Veterans Day, Thanksgiving Day  
21 Christmas Day and Martin Luther King holiday but  
22 not as paid."  
23  
24 Mr. Kendrick: "Only Martin Luther King Day would not be paid.  
25 Everything else would be paid?"  
26  
27 Mr. Castaneda: "Right. Correct. Seven paid holidays and one  
28 recognized holiday without pay."  
29  
30 Mr. Kendrick: "Yeah. That's fine."  
31  
32 Mr. Castaneda: "Okay. So that's my motion."  
33  
34 Mr. Kendrick: "I'll second the motion."  
35  
36 Mr. Preston: "Okay. The motion has been made and seconded.  
37 All in favor?"  
38  
39 **AYE 5 NAY 0 ABSTENTIONS 0**  
40  
41 Mr. Preston: "So moved."

1  
2 Mr. Castaneda: "Page 22, it says in Insurance Benefits that we  
3 belong to the County."  
4  
5 Ms. Cummings: "Yes. That's good."  
6  
7 Mr. Castaneda: "Page 23, Leaves. Administrative Leave, Annual  
8 Leave, Vacation."  
9  
10 Mr. Kendrick: "Mr. Chairman?"  
11  
12 Mr. Preston: "Mr. Kendrick."  
13  
14 Mr. Kendrick: "Mr. Vonn Jones, I keep thinking your last name is  
15 Vonn, sorry. I don't know how it is with maybe the  
16 other water companies or – but I think there should  
17 be a period of time before they take their vacation.  
18 They need to request time, the time off in advance,  
19 but I just don't know how long in advance it should  
20 be. I would say at least a month notice in advance  
21 to request a holiday off, or I'm sorry, to request  
22 vacation time off."  
23  
24 Mr. Preston: "We were talking about having your holidays picked  
25 by the end of February so that gives you two  
26 months to pick your vacation days. And we did that  
27 because somebody was out sick and got a vacation  
28 day and things of that nature. So if Grandpa got  
29 sick, that was a vacation day. So we figured you  
30 pick your vacation and come summertime you've  
31 got your vacation. You picked it in February –  
32 January and February and then it's executed in  
33 whatever months that you picked. It could be in the  
34 later part of the year, October, November or  
35 December if you wanted to take your vacation  
36 then."  
37  
38 Mr. Jones: "So if you want to take vacation at Christmas you've  
39 got to let them know ten months ahead of time?"  
40  
41 Mr. Preston: "Yes, you'd pick your vacation time at that time."

1  
2 Mr. Jones: "You can try that. I've never seen it work. I know  
3 that 30 days is usually a reasonable amount of time  
4 to give people notice."  
5  
6 Ms. Cummings: "Yeah."  
7  
8 Mr. Jones: "I've never seen people able to schedule their time  
9 that far in advance. I mean I know we're planning  
10 on doing a vacation this summer with my grandkids  
11 and we're still discussing that. We're not even sure  
12 where we're going to go. But we've already got  
13 permission from their parents that we could go but  
14 we couldn't decide where to go and we haven't  
15 cleared the dates with people so that we're sure that  
16 school is out and then set a date."  
17  
18 Mr. Kendrick: "Mr. Chairman?"  
19  
20 Mr. Preston: "Yes."  
21  
22 Mr. Kendrick: "I think 30 days – I think ten months would be too  
23 long. I can see what you are saying is, you know,  
24 taking that vacation day for Grandpa being sick and  
25 ... I think what you were trying to say is that you  
26 need to take all five days of your vacation, or  
27 whatever vacation you have coming to you, at once.  
28 You wouldn't be able to split the days up."  
29  
30 Mr. Preston: "Well you could split the weeks up."  
31  
32 Mr. Kendrick: "The weeks up but not the days."  
33  
34 Mr. Preston: "But not the days."  
35  
36 Mr. Kendrick: "See if you had two weeks and, you know, a month  
37 and you wanted to take the first week of September  
38 off you would need to let the System Manager know  
39 by the first week of August, you know a month in  
40 advance. But they'd be taking the whole week off,  
41 you know, not coming in to work and say:



1 'Tomorrow I need to take the day off or next Friday I  
2 need the day off', or, you know. Have the vacation  
3 taken in block time."  
4  
5 Mr. Preston: "It stops splitting up vacation days taken a vacation  
6 day taken in one week and then another week  
7 taking another vacation day and all of that. It gets  
8 hectic. And I've seen it happen here. It's hectic.  
9 That's why you want a week's vacation you take a  
10 week's vacation. You don't take a day."  
11  
12 Mr. Kendrick: "I think we need to put that put in here verbatim. I  
13 don't know if the lawyer would need to come up with  
14 that."  
15  
16 Mr. Jones: "What if you wanted to take a week and a day?  
17 Like if you were somewhere and you were going to  
18 the super bowl and you had to travel back on  
19 Monday?"  
20  
21 Ms. Cummings: "That's true."  
22  
23 Mr. Castaneda: "You'd be able to utilize your sick day."  
24  
25 Mr. Jones: "On Monday to travel home?"  
26  
27 Mr. Castaneda: "Yeah, you have sick time. Instead of using a  
28 vacation day why can't you use a sick day?"  
29  
30 Ms. Sieglaff: "Because you're not sick."  
31  
32 Mr. Kendrick: "I think that would be okay as long as the vacation  
33 has been requested you know, a month beforehand  
34 and you know when their on vacation so they might  
35 need an extra day of vacation time to come back,  
36 or..."  
37  
38 Mr. Jones: "So you just can't split it up into small pieces. As  
39 long as it's one continuous time it's okay?"  
40  
41 Mr. Kendrick: "Yeah."

1  
2 Ms. Cummings: "Yeah. I agree there totally."  
3  
4 Ms. Sieglaff: "Mr. Chairman may I ask a question?"  
5  
6 Mr. Kendrick: "You take five days – if you have ten days you could  
7 take six of the days and then the four or five. Is that  
8 right?"  
9  
10 Mr. Preston: "Yeah. You'd have to take one sick day. And then  
11 you know there is no iron fence way of doing it and  
12 certainly if the individual talks to the General  
13 Manager that, 'hey I need another day coming  
14 back', he should get it,"  
15  
16 Mr. Kendrick: "Yeah."  
17  
18 Mr. Jones: "So as long as it fits in the work flow with the rest of  
19 the staff?"  
20  
21 Mr. Preston: "Yeah, that would be a big factor. If there's not  
22 going to be anybody here on the outside, if one guy  
23 has got a legal week's vacation and another guy  
24 wants a day into his week or something you know  
25 that would cause a conflict because there would be  
26 nobody here."  
27  
28 Ms. Sieglaff: "Mr. Chairman?"  
29  
30 Mr. Preston: "Yes."  
31  
32 Ms. Sieglaff: "Am I mistaken or did we talk about having a form  
33 made for vacation requests... "  
34  
35 Mr. Preston: "Yes."  
36  
37 Ms. Sieglaff: "... for employees to fill out and submit to the  
38 System Manager?"  
39  
40 Mr. Preston: "Yes."  
41

1 Ms. Sieglaff: "I was just testing my memory."  
2  
3 Mr. Preston: "Yes. That's what we were talking about picking  
4 your vacation in January and February for the latter  
5 part of the year."  
6  
7 Ms. Sieglaff: "So now it's going to be just 30 days before that  
8 we'll have to do the vacation request?"  
9  
10 Mr. Preston: "That is what the motion is that's on the floor."  
11  
12 Mr. Kendrick: "Mr. Chairman, I would like to make it a motion that  
13 the request for vacation time off would need to be  
14 30 days in advance."  
15  
16 Mr. Castaneda: "I'll second it."  
17  
18 Mr. Preston: "The motion has been made and seconded that we  
19 have vacation time picked 30 days in advance. All  
20 in favor?"  
21  
22 **AYE 5 NAY 0 ABSTENTIONS 0**  
23  
24 Ms. Sieglaff: "It's unanimous."  
25  
26 Mr. Kendrick: "Mr. Chairman?"  
27  
28 Mr. Preston: "Yes."  
29  
30 Mr. Kendrick: "In here under Annual Leave/Vacation in the second  
31 paragraph it states 'all full time permanent  
32 employees accrue vacation from their date of hire  
33 but are not eligible to use vacation or receive  
34 vacation benefits until they have completed three  
35 months of continuous employment. That needs to  
36 be changed from three months to one year or 2,080  
37 hours which would be 40 hours a week."  
38  
39 Mr. Peetoom: "It talks about a 90 day probation period. When  
40 that's over with then they can take... "  
41

1 Mr. Kendrick: "Vacation time."  
2  
3 Mr. Peetoom: "Vacation time."  
4  
5 Mr. Kendrick: "That should not be like that. Say we hire a person  
6 and after their 90-day probationary period they can  
7 take vacation. I think you have to be here a year  
8 before any vacation is allotted out. I will make it into  
9 a motion that we change that three months to one  
10 year."  
11  
12 Mr. Jones: "So what you are saying is no vacation your first  
13 year?"  
14  
15 Ms. Cummings: "That doesn't sound right."  
16  
17 Mr. Kendrick: "You have to be... have continuous employment for  
18 one year and then you can get vacation."  
19  
20 Ms. Cummings: "No, that's... "  
21  
22 Mr. Jones: "But you're earning it and accruing it right?"  
23  
24 Mr. Kendrick: "Yeah. After that one year you've worked you get  
25 that vacation time."  
26  
27 Mr. Jones: "Okay, because usually the way that I've seen it  
28 happen, for the most part, is they pro-rate it. If  
29 you've been there six months you can get half a  
30 year's vacation you can use that during the first  
31 year."  
32  
33 Mr. Kendrick: "The block way we want to do it, that wouldn't work."  
34  
35 Mr. Jones: "Well if that's all you have that's all you can take. If  
36 you've been here four months you're not going to  
37 have very much vacation to take."  
38  
39 Mr. Kendrick: "And that's what I'm saying. But have them take  
40 five days at a time it wouldn't work after four months

1 taking two days vacation because you wouldn't be  
2 able to do that anyway."  
3  
4 Mr. Jones: "No you couldn't take five days but if that's all you've  
5 got... "  
6  
7 Mr. Kendrick: "You could take two days."  
8  
9 Mr. Jones: "However much you have accrued you should be  
10 able to take it for Christmas or something at the end  
11 of the year if you wish to."  
12  
13 Ms. Cummings: "Wait a year, I mean that's – sometimes things  
14 come up Mr. Chairman."  
15  
16 Ms. Sieglaff: "And there's emergencies."  
17  
18 Ms. Cummings: "Yeah. Funerals come up, I mean there's  
19 emergencies. I don't think it should be no year. I  
20 mean that's too hard on employees."  
21  
22 Mr. Kendrick: "Funeral time would be under grievance."  
23  
24 Ms. Cummings: "I mean I'm just saying in general Gary. I mean  
25 that's hard on an employee to make them wait a  
26 whole year before they can take a vacation time?"  
27  
28 Mr. Kendrick: "Okay how would it work then... "  
29  
30 Ms. Cummings: "I mean Lord."  
31  
32 Mr. Kendrick: "How would it work then – okay say after three  
33 months you've got two days vacation, or one and  
34 one-half days vacation time accrued for that three  
35 months. After those three months you're saying you  
36 can take that day and a half if you want, right? Is  
37 that the way you're saying it? I'm just trying to  
38 understand."  
39  
40 Mr. Jones: "That's what it says down below, that the accrued  
41 vacation is pro-rated based on hours worked from

1 the date of hire after their three months. So I'm not  
2 sure what that – in a year you would earn ten days  
3 so in half a year you would earn five. So if you  
4 started in June and you wanted to use those five at  
5 Christmas time to do some painting or something  
6 you could use them."  
7  
8 Ms. Cummings: "Exactly. Don't make them wait over a year, I mean  
9 that's... "  
10  
11 Mr. Kendrick: "Okay, Mr. Chairman if we're going to do it that way  
12 we need to come up with a chart then of how many  
13 days you accrue, if you have six months it says here  
14 five days half of the vacation days per year. How  
15 do we do that? I don't know. Because you can't  
16 take two days of vacation time at a time."  
17  
18 Ms. Cummings: "We're not talking about two days Gary. Briefly,  
19 shat you just read to us it don't make no sense to  
20 me. Three months of continuous employment.  
21 Three months of continuous, not miss a day."  
22  
23 Mr. Kendrick: "After your probation period."  
24  
25 Ms. Cummings: "Mr. Chairman, I want to ask Lisa a question  
26 please? Lisa, how did it work for you? Explain to  
27 Gary how you did it when you worked continuously,  
28 remember when you were on that probation period  
29 and you did not miss a day because I remember.  
30 She diligently worked okay. How did that work for  
31 you?"  
32  
33 Ms. Sieglaff: "That worked fine."  
34  
35 Ms. Cummings: "So you took your vacation, am I correct?"  
36  
37 Ms. Sieglaff: "In July."  
38  
39 Mr. Kendrick: "What day did you start?"  
40  
41 Ms. Sieglaff: "I started February 7<sup>th</sup>."

1  
2 Mr. Kendrick: "And you took how much vacation time in July?"  
3  
4 Ms. Sieglaff: "I don't remember. But I do know that traditionally I  
5 go to Colorado on 4<sup>th</sup> of July weekend and I  
6 checked with Sig and he said nobody else had  
7 scheduled and it would be fine put it on the  
8 calendar. So I put it on the calendar and went on  
9 vacation."  
10  
11 Ms. Cummings: "That was after your probation time."  
12  
13 Mr. Preston: "How many days?"  
14  
15 Ms. Sieglaff: "I believe that I used the five days vacation."  
16  
17 Mr. Preston: "Then you used the five days you had coming?"  
18  
19 Ms. Sieglaff: "Yeah. I had more than that but I only used five."  
20  
21 Ms. Cummings: "Yeah. She used the others later."  
22  
23 Ms. Sieglaff: "That's all I could afford."  
24  
25 Ms. Cummings: "Yeah. But that's how it works and that was... that  
26 kind of helped Lisa, am I not right?"  
27  
28 Ms. Sieglaff: "Oh, yes."  
29  
30 Ms. Cummings: "It helps every employee, I mean, you know,  
31 because she had just learned."  
32  
33 Mr. Kendrick: "I just never have heard it done that way. Every job  
34 I had you had to be there a whole year before you  
35 got to take any vacation time."  
36  
37 Ms. Sieglaff: "Can I make a comment on that Mr. Preston?"  
38  
39 Mr. Preston: "Yes, go ahead."  
40

1 Ms. Sieglaff: "I think it depends on what industry you are in  
2 because at the law firms that I've worked for, you  
3 know, for almost 25 years it was exactly the same  
4 way. Attorneys do it the same way. You accrue  
5 your vacation, you're on a 90 day probationary  
6 period, you accrue your sick time, you accrue your  
7 vacation time and you schedule your vacation in  
8 wherever the calendar is available. So I mean, like I  
9 say, I can't say for other industries but I know in a  
10 professional legal office that is the way the majority  
11 of the attorneys do it. Law firms do it that way. And  
12 I would venture to say that an attorney is the one  
13 that drew up this policy initially."  
14

15 Mr. Jones: "You've opened up something else with what Lisa  
16 was saying she took a week and then she had more  
17 days. If you're supposed to take five days and you  
18 have seven and you take five, what do you do with  
19 the other?"  
20

21 Mr. Kendrick: "That's what I'm saying. That's what Metro Mike  
22 went with."  
23

24 Mr. Jones: "Because I never heard of having to take five days  
25 at a whack. Usually people would reserve their  
26 vacation and want to take a week or two weeks if  
27 they could. That doesn't mean if you have two days  
28 left you can't take it."  
29

30 Mr. Kendrick: "But what the Chairman was saying we take block  
31 time, block five days at a time. If you have seven  
32 days accrued you take five days you could have  
33 taken the two, all seven at once."  
34

35 Mr. Jones: "So if you take five in June and your anniversary is  
36 in February, take five in June and then you have to  
37 go all the way through the holidays without taking  
38 those two other vacation days?"  
39

40 Mr. Kendrick: "But that was my point."  
41



1 Ms. Cummings: "Well that's why I asked Lisa to explain."  
2  
3 Ms. Sieglaff: "Well my explanation is it's not broke and I don't  
4 think we need to fix it."  
5  
6 Ms. Cummings: "It's not broken and we don't need to fix it. You're  
7 right."  
8  
9 Mr. Preston: "I believe that the ten days that you get would be  
10 max vacation for this company, a max vacation of  
11 two weeks a year after your tenth anniversary. And  
12 that I think will take care of a lot of problems with  
13 the less than five years, five days, so on and so  
14 forth. Just make a blanket of two weeks vacation  
15 after you are here for five years you know that that's  
16 all you're going to get is two week for the rest of the  
17 fifteen years you're here. We're too small to... "  
18  
19 Mr. Jones: "Isn't that punishing employees that are loyal to the  
20 District?"  
21  
22 Ms. Cummings: "Thank you."  
23  
24 Mr. Preston: "No. It's just the rules of the land. We're too small."  
25  
26 Mr. Jones: "I have fifteen years and with my company and I get  
27 five weeks. And we're no bigger than you."  
28  
29 Ms. Cummings: "Exactly."  
30  
31 Mr. Jones: "We had two employees, eight employees now and  
32 that's one of the things that keeps me there. I could  
33 have applied for jobs elsewhere and, you know,  
34 having five weeks vacation is a big plus to me."  
35  
36 Mr. Kendrick: "How many customers do you have in your District  
37 or whatever?"  
38  
39 Mr. Jones: "We don't have customers. We're a non-profit with  
40 about 600 members of our Association."  
41

1 Mr. Kendrick: "Mr. Chairman?"  
2  
3 Mr. Preston: "Yes Gary."  
4  
5 Mr. Kendrick: "Mr. Chairman, I can see what you're saying but  
6 what I would suggest is leave everything the same  
7 that's here except for the days. Less than five years  
8 you get ten, after the tenth year anniversary you get  
9 fifteen days, which would be three weeks."  
10  
11 Mr. Preston: "I think you're already looking at a little small picture  
12 here. What about the rest of the benefits? What  
13 about the sick days, the personal days? You know  
14 we figured it out that it was over two months  
15 between each employee. We've got to put a stop to  
16 it someplace."  
17  
18 Mr. Jones: "You mean one employee getting two months off?"  
19  
20 Mr. Preston: "Through the course of the year."  
21  
22 Mr. Castaneda: "Well if you're here for ten years and you get 20  
23 days that's already three weeks off... "  
24  
25 Mr. Jones: "That would be four weeks."  
26  
27 Mr. Castaneda: "Plus we've given you seven paid holidays off, that's  
28 another week plus your sick time."  
29  
30 Mr. Kendrick: "Twelve days, sick days a year."  
31  
32 Mr. Jones: "Yeah but you only take that when you're sick and  
33 you might take two in your one year, but you know,  
34 it's not like you want to accumulate sick leave so  
35 you can get sick."  
36  
37 Ms. Cummings: "No, that's true, you don't."  
38  
39 Mr. Kendrick: "I think people have abused it in the past. The sick  
40 leave."  
41

1 Ms. Sieglaff: "Mr. Chairman may I ask a question please?"  
2  
3 Mr. Preston: "Yes."  
4  
5 Ms. Sieglaff: "When I came to work here I was hired under the  
6 premise that I would receive ten vacation days and  
7 twelve sick days per year. Now all of that is going  
8 to change?"  
9  
10 Mr. Preston: "Well I don't think what you are saying is true.  
11 You've got ten vacation days but that was not until  
12 after you had accumulated time."  
13  
14 Ms. Sieglaff: "Well I'm saying, my one year anniversary is going  
15 to be on February 7<sup>th</sup>. So now when I start my  
16 second year you're going to put it back to five days  
17 vacation?"  
18  
19 Mr. Preston: "Well if we all agree to it. We have to do something  
20 with this because it's gone amuck and you know  
21 that."  
22  
23 Ms. Sieglaff: "But I think... "  
24  
25 Mr. Preston: "It's gotten way out of hand."  
26  
27 Ms. Sieglaff: "I think that with the change in leadership in the  
28 office, it's just my thought, but I think it will be under  
29 control. Because I'll tell you, if you were to going to  
30 sit here tonight and take away the benefits that  
31 induced me to accept the position that's going to  
32 stick my morale in the toilet. That is really going to  
33 hurt me. Because I take this at face value and I  
34 accepted this job saying there's good benefits, I  
35 don't have to travel, I thought about the advantages  
36 but if – and what I'm saying, it's not only myself it  
37 could be other employees who would feel this way.  
38 And I know I'm not supposed to be talking this much  
39 at a meeting, but it is the Personnel Policy Manual.  
40 And if you're going to start taking away benefits  
41 from employees, the morale is bad now in the office.

1 So, I mean, I know you're going to do what you  
2 have to do. I'm just saying for me personally, that is  
3 really going to hurt me. To think that I would be  
4 hired under the premise that I was going to be given  
5 these benefits and, you know, a year later you're  
6 taking away or cutting them in half."  
7

8 Mr. Preston: "Well, I don't think you're taking into consideration  
9 the times. Most every job in this country – you  
10 never know whether you're working today or  
11 tomorrow or if you're going to get a pink slip or  
12 what. Your benefits have to be cut back to survive  
13 and that's what we're facing. Two months out of a  
14 year, you know, that's a little much. It isn't that  
15 anybody is trying to hurt anybody but we are here to  
16 protect the people in the District and hey, if we're  
17 going to survive we have to do something. We're  
18 not going to hurt anybody. What has to be, has to  
19 be."  
20

21 Mr. Jones: "I would say that to recruit and keep good  
22 employees that are well qualified that's one of the  
23 first things they look is your benefits package."  
24

25 Ms. Cummings: "Exactly. I agree."  
26

27 Mr. Preston: "Yeah but then, a lot of those benefits are  
28 hospitalization and sick time and all that sort of stuff.  
29 But we're only small. We're 850 connections and  
30 the revenue is out of balance compared to what we  
31 are giving our employees. Sure, we could give the  
32 employees anything but what's going to happen on  
33 the outside? If you tell a lot of these people that  
34 they're getting over two months in benefits they're  
35 going to \_\_\_\_\_. And then..."  
36

37 Mr. Jones: "You know, you keep trying to convince me that  
38 you're small and don't have any money. Half of the  
39 systems that I deal with are smaller than you. And  
40 they have less resources than you and they still try

1 to retain their employees and give them the best  
2 they can."  
3  
4 Mr. Preston: "Well, that's why we have five members on the  
5 Board."  
6  
7 Mr. Castaneda: "Mr. Chairman?"  
8  
9 Mr. Preston: "Mr. Castaneda."  
10  
11 Mr. Castaneda: "I'm torn between both and I understand Mr. Jones'  
12 mentality on thinking of it. Then I understand Mr.  
13 Kendrick's way of thinking of it. I know that there's  
14 going to have to be a happy medium in between  
15 and we're going to have to try like it one way or the  
16 other. I just don't want to find myself within the next  
17 year, because the benefits were enticing to our  
18 employees, now telling them they are so enticing  
19 but now I have to cut you down to three days a  
20 week in the office and the other person only two  
21 days in the office because we cannot fiscally  
22 maintain what we are doing. They only reason I'm  
23 saying this Mr. Jones is because our accountant  
24 last made it a very big point to us that we were  
25 overspending our bounds coming out of that office.  
26 We were spending much more money than we were  
27 getting back out of that office. And if we didn't  
28 watch our controlling habits within the office and the  
29 operations part of it we would really have consider  
30 what we were doing within five years. Mainly where  
31 we stood employee wise and maintaining our level.  
32 Now we don't know, our accountant hasn't come  
33 back to us this year with our new budget or our net  
34 audit for last year but it will be interesting to see  
35 where we – did we improve in curbing what we want  
36 to out of that office area or are we going to be  
37 looking at further cuts down the line?"  
38  
39 Mr. Jones: "Well I find myself at a loss to discuss this because  
40 I've yet to be able to find a budget or get a budget  
41 as to what was budgeted, what costs and expenses

1 were budgeted and where we are exceeding the  
2 balance that had been budgeted. I did see a five  
3 month work up on expenses but it didn't tell me how  
4 much was budgeted."  
5  
6 Mr. Kendrick: "So you haven't seen our budget yet?"  
7  
8 Mr. Jones: "No."  
9  
10 Mr. Kendrick: "We need to get that to you. It should be in your  
11 possession."  
12  
13 Ms. Cummings: "Yeah."  
14  
15 Mr. Jones: "It will show where you are in the red; where you  
16 may be overspending in some areas."  
17  
18 Mr. Kendrick: "I'm not talking about..."  
19 (Several people talking at once, illegible comments).  
20  
21 Mr. Peetoom: "It shows it, what the budget was. He'll have to look  
22 at it."  
23  
24 Ms. Sieglaff: "Our fiscal year is from July to June."  
25  
26 Ms. Cummings: "Yeah."  
27  
28 Mr. Jones: "But you do do an annual budget, right?"  
29  
30 Mr. Preston: "Yes. In fact we went over the budget and we cut it  
31 back \$80,000.00."  
32  
33 Mr. Jones: "Were you over a ways back?"  
34  
35 Mr. Preston: "A lot of garbage."  
36  
37 Mr. Castaneda: "Okay so we're on page 23 and we're stuck on  
38 Board Member Kendrick wanting ..."  
39  
40 Mr. Kendrick: "Mr. Chairman, I listened to Mr. Jones and I agree  
41 with him. We've got to keep the employees happy,

1 the employees like Lisa that have been here; I don't  
2 know but... can we take a break?"  
3  
4 Mr. Preston: "Sure."  
5  
6 Ms. Cummings: "Yeah. I need a break bad. My right leg is going to  
7 sleep."  
8  
9 [Ten minute recess.]  
10  
11 Mr. Preston: "The time is now 7:50. Mr. Castaneda."  
12  
13 Mr. Castaneda: "Okay. So number 23, do we leave it, do we amend  
14 it, do we... "  
15  
16 Mr. Kendrick: "Mr. Chairman?"  
17  
18 Mr. Preston: "Go ahead."  
19  
20 Mr. Kendrick: "I'd like to take my motion off the table to change it.  
21 I think right now we should leave it as it. Mr. Jones  
22 and Lisa brought up some good points that I agree  
23 with and, you know, I wasn't taking that into  
24 consideration. But I will make a motion that we  
25 leave 23 as it is for now."  
26  
27 Mr. Peetoom: "I second it."  
28  
29 Mr. Preston: "The motion's been made and seconded that we  
30 leave Annual Leave and Vacation as it stands which  
31 is ten days for five years. How did you expect that?  
32 I have two things written down here. Mr. Gary?"  
33  
34 Mr. Kendrick: "Originally they had ten days up – less than five is  
35 ten, after five it is 15 and after your tenth year  
36 anniversary you get 20. That's what I have on my  
37 page 23."  
38  
39 Mr. Preston: "Is that what you want left in?"  
40  
41 Mr. Kendrick: "Yes."

1  
2 Mr. Preston: "Okay, all in favor?"  
3  
4 **AYE** \_\_\_\_\_ **NAY** \_\_\_\_\_ **ABSTENTIONS 0**  
5  
6 Ms. Cummings: "Thank you. We needed to do that."  
7  
8 Mr. Castaneda: "On page 24 are there any changes, revisions?"  
9  
10 Mr. Kendrick: "Mr. Chairman?"  
11  
12 Mr. Preston: "Yes Gary."  
13  
14 Mr. Kendrick: "I do believe 12 sick days for the first year is a bit  
15 much. I would say we reduce that to eight sick days  
16 per year, because 12, that is a bit much. I will make  
17 the motion that we reduce it to the maximum sick an  
18 employee can take is eight per year. And I make  
19 that into a motion."  
20  
21 Mr. Castaneda: "I'll second the motion Mr. Chairman."  
22  
23 Mr. Preston: "The motion's been made and seconded that we  
24 change the 12 days to eight days, is that correct?"  
25  
26  
27 Mr. Castaneda: "That's correct."  
28  
29 Mr. Preston: "All in favor."  
30  
31 **AYE 3 NAY 2 ABSTENTIONS 0**  
32  
33 Mr. Preston: "Three to two."  
34  
35 Ms. Cummings: "Mr. Chairman?"  
36  
37 Mr. Preston: "The motion is passed."  
38  
39 Ms. Cummings: "Mr. Chairman?"  
40  
41 Mr. Preston: "Yes."



1  
2 Ms. Cummings: "Do we have to do this – make a motion and do all  
3 this – can't we just go through it and then, I mean,  
4 when the time comes the lawyer can - I mean we  
5 don't have to do this every time we read a sentence  
6 make the motion and take a vote. I mean you really  
7 don't have to do that."  
8  
9 Mr. Preston: "What makes you feel that you don't have to take a  
10 vote?"  
11  
12 Ms. Cummings: "Well because we just agree on it or we don't agree  
13 on it. We don't have to take a vote and make a  
14 motion and all that, I mean it's just a Personnel  
15 Policy."  
16  
17 Mr. Preston: "We are dealing with important things here and we  
18 will take a vote on anything that we change. Now  
19 you may not like that but that's what we're going to  
20 do."  
21  
22 Ms. Cummings: "No, it's not that I don't like it, it's just that it – we  
23 didn't do it last time when we did the Personnel  
24 Policy."  
25  
26 Mr. Kendrick: "I think Mr. Chairman, us doing the votes is a good  
27 thing because that way when the lawyer does get it  
28 we look and okay, that was made into a vote and  
29 they passed it and, you know, that way he doesn't  
30 have to call us and, you know, why was this, why  
31 was that?"  
32  
33 Ms. Sieglaff: "May I say something Mr. Chairman?"  
34  
35 Mr. Preston: "Yes."  
36  
37 Ms. Sieglaff: "Thinking about it from a legal retrospect, I think it is  
38 better to have it on the record so there's no  
39 discrepancy about who's – one of the Board  
40 Members can't come back seven months from now

1 and say I didn't agree on that. So, do you  
2 understand what I'm saying?"  
3  
4 Ms. Cummings: "Yeah, but that's not here what I'm making my point  
5 at. I'm not make it saying that I'm going to disagree  
6 in seven months that I didn't agree with this. I mean  
7 I'm just saying let's just make our changes and go  
8 on to the next page. Make the changes, go on to  
9 the next page. That's all I'm saying. I mean, so be  
10 it."  
11  
12 Mr. Castaneda: "Page 24, we have changed that. Page 25."  
13  
14 Mr. Jones: "I just wondered at the top, I don't know if you  
15 noticed, it says that you have to request four or  
16 more consecutive vacation use must be made five  
17 days prior to the first day of vacation. Are you going  
18 to change that to 30 to be consistent?"  
19  
20 Mr. Castaneda: "Yes, so just put in a 30 there Mr. Jones. Is that  
21 what you want?"  
22  
23 Mr. Jones: "I think that's better."  
24  
25 Mr. Kendrick: "Instead of five days, 30 days."  
26  
27 Ms. Cummings: "Mr. Chairman, what if something comes up within  
28 that 30 days, I mean if they have to do it sooner. I  
29 mean 30 days – I'm just kind of making... "  
30  
31 Mr. Jones: "Well nothing is ever written in stone."  
32  
33 Ms. Cummings: "May it needs to be put in there in a different type of  
34 writing if something was to happen."  
35  
36 Ms. Cummings: "The paragraph should read: Vacation requests  
37 must be scheduled 30 days in advance with the  
38 approval of the appropriate supervisor. Requests  
39 for four or more days of vacation must be made in  
40 writing at least 30 days prior to the date of the first  
41 vacation day requested. Is that it on page 24 then?"

1  
2 Mr. Kendrick: "Mr. Chairman, I don't think we have bereavement  
3 section in here. I think we need to add a  
4 bereavement leave section in here. I think we need  
5 to add a bereavement leave where employees can  
6 take – if somebody dies in their family I think they  
7 should be given a three day bereavement leave with  
8 pay so they don't have to use vacation days or sick  
9 days or anything like that for a funeral."  
10  
11 Mr. Preston: "Would you make that into a motion?"  
12  
13 Mr. Kendrick: "I'd like to make that into a motion that we put on –  
14 we add to the employee manual that we give the  
15 employees of bereavement leave paid when funeral  
16 arrangement need to be made. Because in the last  
17 paragraph it says: 'up to five days of your sick leave  
18 may be used'. That should be struck and put  
19 'permanent employees may take three days of  
20 bereavement leave to make funeral arrangements  
21 or attend funerals because of death of spouse, etc."  
22  
23 Mr. Preston: "Do I hear a second?"  
24  
25 Mr. Castaneda: "I'll second that motion."  
26  
27 Mr. Preston: "It's been made and seconded that we change the  
28 last paragraph on page 24, up to five days, cross off  
29 five and put three days..."  
30  
31 Mr. Kendrick: "Right now it says up to five days of accrued sick  
32 leave, but it says you can take sick leave. But they  
33 shouldn't have to take their sick days for a funeral."  
34  
35 Mr. Preston: "So we're changing that five to three and then  
36 crossing off the where it says sick time?"  
37  
38 Mr. Kendrick: "Everything should be crossed off – the first  
39 sentence should be crossed off up until 'may be  
40 used' and it should be 'permanent employees may  
41 take three days of bereavement leave to make

1 funeral arrangements or attend a funeral, etc. Do  
2 you see what I'm saying? So the words 'up to five  
3 days of accrued sick leave may be used' should be  
4 taken off."

5  
6 Mr. Preston: "Okay. All in favor?"

7  
8 **AYE 5 NAY 0 ABSTENTIONS 0**

9  
10 Mr. Jones: "Mr. Chairman?"

11  
12 Mr. Preston: "Yes."

13  
14 Mr. Jones: "Also down in the bottom sentence where it says,  
15 'spouse, parent, step-child or foster children... I ...  
16 families are so much they have step-children, step  
17 parents and often things like that so... "

18  
19 Mr. Kendrick: "It's on the next page."

20  
21 Mr. Jones: "Yeah, the only one I see in there is step-child, I do  
22 not see ... "

23  
24 Ms. Cummings: "It's on the next page. 'brother, sister, parent-in-law,  
25 brother-in-law, sister-in-law, grandparent or  
26 grandchild of an employee.

27  
28 Ms. Sieglaff: "May I ask a question?"

29  
30 Mr. Preston: "Yes."

31  
32 Ms. Sieglaff: "Are we going to add where it says spouse, parent,  
33 child, are we going to add step-child or foster child,  
34 step-parent... "

35  
36 Mr. Kendrick: "I think we should add 'step-parent'.

37  
38 Mr. Castaneda: "Is that what you... "

39  
40 Mr. Jones: "Yeah, just the fact that families are extended and  
41 mixed and need to match these days."

1  
2 Mr. Castaneda: "So we added step-parent; anything else on page  
3 25? Page 26. Are there any changes or additions  
4 to page 26? Page 27? Page 28? Are there any  
5 additions or corrections to page 28? The mileage  
6 log which we've included in our packet. Then our  
7 evaluation form which will be starting to take place.  
8 It was never an issue before, now it's an issue Mr.  
9 Jones. We never did evaluations but we will be  
10 doing them. An Official Grievance Form, an  
11 Acknowledgement of Receipt of Newly Hired  
12 Employee of the New Handbook. Now what if we  
13 get an employee that decides they don't want to  
14 sign this Employee Manual. Then what happens  
15 Mr. Jones?"  
16  
17 Mr. Jones: "I think it becomes a condition of their employment."  
18  
19 Mr. Preston: "Any place that I've worked, you weren't compelled  
20 to sign it but it was still put in your file that you did  
21 read it and it goes in the file, in our case the  
22 General Manager would sign his name to it."  
23  
24 Mr. Jones: "And then you just mark on it that they refused to  
25 sign."  
26  
27 Mr. Kendrick: "Mr. Chairman, I think that it should be a condition  
28 of employment that they need to sign this. If they  
29 don't agree with this... if they don't agree with the  
30 employee Personnel Policy Manual then they  
31 shouldn't take the job."  
32  
33 Mr. Preston: "That's a smart employee who would sign it  
34 because there's nothing here that's in jeopardy then  
35 it's just that they know the rules and regulations that  
36 they have to follow."  
37  
38 Mr. Kendrick: "Yeah. It is something that should be signed in  
39 order to get hired."  
40  
41 Mr. Preston: "But you can't make anybody sign anything."

1  
2 Mr. Jones: "But they're still obligated to follow the rules and  
3 regulations."  
4  
5 Mr. Preston: "But them signing it just prevents anybody from  
6 saying well I didn't know that."  
7  
8 Ms. Sieglaff: "Mr. Chairman may I say something?"  
9  
10 Mr. Preston: "Yes."  
11  
12 Ms. Sieglaff: "I think when we discussed this before I drew up  
13 these forms I think that that was part of the  
14 discussion that nobody can come back... it's like a  
15 C.Y.A. thing. Nobody can come back and say well I  
16 didn't know that... you know... no matter what it is."  
17  
18 Ms. Cummings: "When they sign it that's proof."  
19  
20 Ms. Sieglaff: "But once they have signed it, I mean when  
21 somebody comes and you offer them a job and they  
22 say yes I want, of course they want the job or they  
23 wouldn't have applied for it in the first place. I have  
24 had to sign, myself personally, I have had to sign  
25 that – working for attorneys again – I have had sign  
26 that I've gotten the Personnel Policy Manual, that I  
27 have read it, that I understand it. And if they have  
28 any questions they need to be told at the onset of  
29 their employment, you know, if they have any  
30 questions whatsoever about the Personnel Policy  
31 Manual... give them ten days to read it, didn't we  
32 talk about that?"  
33  
34 Mr. Preston: "Yes."  
35  
36 Ms. Sieglaff: "Give them ten days to read it and then they have  
37 to, within ten days, they have to sign the  
38 acknowledgement and get it back in their personnel  
39 file. That's what I remember."  
40

1 Mr. Preston: "Yes. It seems to me that if an individual didn't want  
2 to sign the Personnel Policy I don't think he or she  
3 is an individual that you'd want to employ."  
4  
5 Mr. Kendrick: "Yeah."  
6  
7 Ms. Sieglaff: "Right."  
8  
9 Mr. Castaneda: "I mean, it's part of the job."  
10  
11 Mr. Preston: "Yeah, but you can't force them to sign it. But they  
12 have to follow the rules."  
13  
14 Mr. Kendrick: "But in my opinion we shouldn't hire a person that  
15 doesn't sign it because, like Lisa said, down the  
16 road if they get in trouble for something, 'well I didn't  
17 know that'. "  
18  
19 Mr. Preston: "Well the thing about it is the supervisor will sign it  
20 saying that you refused to sign it. But he did read it.  
21 So it's the same thing. I've seen people who  
22 wouldn't sign."  
23  
24 Ms. Sieglaff: "Well I didn't ever receive a Personnel Policy  
25 Manual that I didn't have to sign something saying  
26 that I received it."  
27  
28 Mr. Preston: "Oh, yeah."  
29  
30 Ms. Sieglaff: "Because if somebody refuses to sign a voucher  
31 that they received a Personnel Policy Manual we  
32 can't refuse to hire them. That is not grounds to  
33 deny somebody employment if they are a qualified  
34 person."  
35  
36 Ms. Cummings: "True."  
37  
38 Ms. Sieglaff: "So you can't say 'well we just won't give them the  
39 job'. It's legally that's not grounds to refuse a  
40 qualified person a position that you've already  
41 offered them. You can't then say 'okay if you don't

1 want to sign this then you can't have the job.  
2 Legally we can't do that. That's just not grounds."

3  
4 Mr. Castaneda: "But if we made it grounds, or, that wouldn't be  
5 legal?"  
6

7 Ms. Sieglaff: "No, you could put it on there; on the application.  
8 When somebody fills out an application for  
9 employment you could put on there and say that a  
10 copy of a Personnel Policy Manual will be given to  
11 you to read prior to any discussion about  
12 employment."  
13

14 **9. Announcement of the next scheduled meeting**

15  
16 Mr. Castaneda: "Alright. Announcement of the next scheduled  
17 meeting Mr. Chairman?"  
18

19 Mr. Preston: "Yes, it's February 9<sup>th</sup> at 7:00 p.m. Can I hear a  
20 motion to adjourn?"  
21

22 Mr. Castaneda: "I make a motion we adjourn."  
23

24 **AYE            5                    NAY            0                    ABSTENTIONS    0**

25  
26 The meeting adjourned at 8:12 p.m.  
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Minutes prepared by

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Lisa M. Sieglaff  
Clerk of the Board of Directors