

**PUBLIC COMMENT re: August 25, 2016 Little Hoover Commission Hearing on Special Districts**

From: Marlene E. King  
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**Part One: Fairbanks Ranch CSD (wastewater)**

Background Information: I am a native Californian who had never heard of Special Districts until moving in 1988 to the Fairbanks Ranch community in Rancho Santa Fe, CA. As my property adjoins the Fairbanks Ranch CSD wastewater treatment plant, I, unfortunately, soon became aware of the FRCSD when odors started to leave the confines of the wastewater treatment plant property and migrate to my property and the properties of my neighbors, prompting my attendance at the monthly FRCSD Board meetings.

**My experience as a Board Member of the Fairbanks Ranch CSD (1990-2000), and as a member of the public attending FRCSD meetings.**

District "Responsibility" and Boundaries: The Fairbanks Ranch CSD was formed the year before I moved to Fairbanks Ranch to manage the community's wastewater treatment plant. The FRCSD boundaries and the boundaries of the Fairbanks Ranch HOA are nearly identical: 612 residential properties, in addition to the local public elementary school, fire station, nearby commercial plaza, and one additional residential property, are serviced by the Fairbanks Ranch CSD, whose sphere of influence has several potential responsibilities but currently only deals with the community's wastewater treatment plant.

Board Composition: I served on the five-member FRCSD Board for a decade, and have been the only Board member ever to actually run in a contested election - November 1989. Besides myself, all other FRCSD Board members, in the three decade history of the Fairbanks Ranch CSD, have been appointed by the other appointed Directors; the District was never required to default to an appointment chosen by the San Diego County Board of Supervisors.

Regularly Scheduled Meetings: The first fifteen years of the District saw monthly meetings that were, for the most part, Regular Meetings...the occasional conflict with holidays would necessitate Special Meetings. Once I became a Board member, that uncertainty was eliminated by doing a more careful job anticipating holiday conflicts, and set out a regular schedule of meetings that did its best to eliminate the necessity of Special Meetings. As far as public attendance, my former husband and I attended meetings, and once I became a Board member, my former husband attended to represent private property rights. We also had occasional attendance from members of the public when odor complaints started to increase. Meetings lasted between an hour to three hours, as the District eventually had to address the odor complaints and re-build the treatment plant.

This last fifteen years of the District has seen a remarkable deviation in meeting frequency, meeting length, percentage of Special Meetings, and Director turnover, from the first fifteen years of the District's existence. Board meetings started being every other month, and when Director quorum became more difficult to achieve, drifted to quarterly meetings. In the past six years, only six meetings were presided over by all Directors being present: two of those six meetings were Special Meetings to appoint yet another new Director.

In the past decade, I have begun to attend the FRCSD meetings as a member of the public, and therefore am a witness to many of these now quarterly meetings lasting less than fifteen minutes. I say "witness", because the official minutes of the FRCSD meetings no longer even report the time adjourned.

Brown Act compliance and transparency: As one can imagine, with quarterly meetings of modest length, little, if any, time is spent educating the appointed Directors on the Brown Act. Consequently, rarely is there Board discussion on how the District must fulfill the legal requirements of the Brown Act, to say nothing of embracing the *spirit* of the Brown Act. Since 1987, one Board Member has attended a CSDA workshop on governance, and outside of myself, I have not observed any Board members reading any Brown Act or CSDA publications. Discussions about public notice and transparency, if they do occur, have been usually prompted by my public comments: the Board members simply have not educated themselves, nor has the District Management staff educated the Directors, to evaluate how well District policies and practices are serving the public interest.

The above concerns were well documented in the previous Little Hoover Commission report on Special Districts (2000). I look forward to how this year's Special Districts examination might light a fire under those Districts which operate in a provincial manner, rather than carrying out the business of their District as if hundreds of informed citizens were examining every District action, even if no members of the public attended District meetings or reviewed agenda packets.

## **Part Two: Santa Fe Irrigation District**

I have been a Director on the five-member SFID Board since December 2014, having won my Division's contested election. I have been a ratepayer of the Santa Fe Irrigation District since 1988.

The District does a fine job of keeping to its schedule of Regular Meetings. The free, weekly local public newspaper covers the Irrigation Board meetings, and I would say that this free local newspaper is primarily responsible for bringing SFID issues before the public. (While the District's website has the agendas and minutes, the weekly paper is an effective and timely conduit for public information, and does a substantially better job of stating Board member comments than official District minutes. Additionally, the local newspaper will report SFID Board business within a week of the Board meeting, while the draft Board minutes are not made posted to the District's website for nearly a month.)

Board Member per diems, health benefits and reimbursements: For the past two years, two of the five SFID Board members have not asked for nor received any money from the SFID ratepayers. Two years prior to this, one of the five Board members did not accept any public monies.

- I bring this to the Commission's attention, because it is my understanding that when staff (and Directors often appear to be lumped in with staff) salaries/benefits are reported to the various public entities, the question does not appear to be asked whether all Board members accept compensation/benefits. I suspect Districts might report the total monies paid out to Directors, averaged over the entire number of Directors, rather than the actual number of Directors receiving compensation/benefits, thereby making the amount of Board compensation/benefits appear less on a per/Director basis.

I hope that if the Little Hoover Commission intends to carry out another survey of Board per diems, health benefits and reimbursements, that the question will be asked to clearly state the number of

Directors who do not receive any public monies, and to adjust "averages" accordingly, to more truly reflect public monies flowing to Board members.

Thanking you in advance for your kind attention to these concerns. Good Luck. Your Commission's work is very important.

Sincerely,

Marlene E. King