

**DUBLIN SAN RAMON SERVICES DISTRICT  
MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS**

**September 29, 2015**

1. CALL TO ORDER

A special meeting of the Board of Directors was called to order at 5:30 p.m. by President Edward R. Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Vice President D.L. (Pat) Howard, Director Richard M. Halket, and Director Georgean M. Vonheeder-Leopold.

District staff present: Bert Michalczyk, General Manager; Dan McIntyre, Engineering Services Manager; John Archer, Administrative Services Manager/Treasurer; Dan Gallagher, Operations Manager; Carl P.A. Nelson, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

#<sup>1</sup>. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 5:31 p.m.

There was no public comment received.

4. CLOSED SESSION

At 5:32 p.m. the Board went into Closed Session.

A. Public Employee Appointment – Pursuant to Government Code Section 54957  
Title: Interim General Manager

5. REPORT FROM CLOSED SESSION

At 5:50 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

6. BOARD BUSINESS

A. Appoint Interim General Manager and Receive Public Comment Regarding the Terms and Conditions of that Appointment

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<sup>1</sup> The Board agenda, as posted, inadvertently did not number the Public Comment item.

The Board of Directors thanked the District's three senior managers, Dan Gallagher, Operations Manager, Dan McIntyre, Engineering Services Manager, and John Archer, Administrative Services Manager, for applying for the interim General Manager position. The Board complimented each of the three and recognized their impressive career accomplishments, as well as their significant contributions to the District. The Board expressed the difficulty it had in making the selection, and encouraged each individual to apply for the permanent General Manager position. The Board stated that their decision was ultimately being made in the interest of providing a steady hand during the next several months while the recruitment for General Michalczyk's successor is conducted.

Director Halket MOVED to appoint John Archer to the position of Interim General Manager, which appointment shall commence upon the effective date of the retirement of current General Manager Bert Michalczyk and shall continue until the earlier of (a) the effective date of the appointment of a regular General Manager or (b) the rescission of this appointment by the Board; Director Howard SECONDED the MOTION, which CARRIED with FOUR AYES.

President Duarte then asked if anyone wished to offer comments regarding the terms and conditions of an amendment to the selected individual's current Personal Services Agreement (PSA) that will be developed for the interim engagement.

No members of the public addressed the Board on this topic.

B. Review Status of Appointment of Individual to Fill the Board Vacancy

General Manager Michalczyk reported that four applications for the Board vacancy were received prior to the Board-established filing deadline of Monday, September 28 at 5:00 p.m. The four candidates are: Madelyne Misheloff, Alan Kilpatrick, Rosalind Rogoff, and Dawn Benson. He stated that all candidates appear to be well-qualified and that the District Secretary has confirmed that they each meet the legal mandatory qualifications to be considered for the appointed position. Mr. Michalczyk summarized the decision making process that will be used by the Board on October 6, 2015 to make an appointment decision. He noted that the selected individual would immediately be sworn in and seated on the Board. General Counsel Nelson stated that any candidate appointed would serve only the remainder of the first half of the term vacated by Director Benson.

The Board reviewed and discussed the agreed upon appointment process directing, by consensus, that various minor administrative changes be made to the process as described by Mr. Michalczyk. The Board expressed satisfaction with the suggested process.

No members of the public addressed the Board on this topic.

7. CLOSED SESSION

At 6:08 p.m. the Board went into Closed Session.

- A. Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6  
Agency Negotiators: Michelle Gallardo, Human Resources Supervisor  
Carl P.A. Nelson, General Counsel  
Unrepresented Employee: Interim General Manager

8. REPORT FROM CLOSED SESSION

At 6:15 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

9. ADJOURNMENT

President Duarte adjourned the meeting at 6:16 p.m.

Submitted by,

Nicole Genzale  
Executive Services Supervisor