

Jackson City Council  
Minutes  
Special Meeting of March 2, 2015

Patrick Crew, Mayor  
Wayne Garibaldi  
Connie Gonsalves  
Marilyn Lewis

Michael Daly, City Manager  
Joshua Nelson, City Attorney  
Dalacie Blankenship, Accounting Manager  
Gisele Wurzbarger, City Clerk

**COUNCIL MEMBERS ABSENT:**

Keith Sweet, Vice-Mayor

Mayor Crew called the meeting to order at 11:00 a.m.

**1. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Councilmember Gonsalves and carried by a 4 to 0 vote (Vice-Mayor Sweet was absent) to approve the City Council Agenda dated March 2, 2015 as presented. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis**  
**NOES: None**  
**ABSENT: Sweet**  
**ABSTAIN: None**

**2. PUBLIC MATTERS NOT ON THE AGENDA.**

Bill Condrashoff, Rate Payer Alliance, questioned why this matter was placed on the agenda as a closed session before the open session.

City Attorney Nelson stated the closed session was regarding an existing litigation update.

**3. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION: (Paragraph (1) of subdivision (d) of Section 54956.9): Name of case: Johnson v. City of Jackson, Amador Sup. Ct. Case No. 15-CVC-09161.

Mayor Crew reconvened to Open Session at 11:28 a.m. and announced no reportable action taken.

**4. DISCUSSION CALENDAR**

**Requested Public Release of Water User Information under Government Code Section 6254.16(f).** City Attorney Nelson reported the City's previously adopted sewer rate increase has been challenged by the plaintiff in Johnson v. City of Jackson, Amador Sup. Ct. Case No. 15-CVC-09161. In an effort to settle this litigation, the Mayor and City staffs have been meeting with RPA to outline a potential sewer rate structure that would satisfy RPA's concerns while providing the City's residents with a safe and functioning wastewater treatment plant.

As part of these discussions, RPA has requested access to residential water usage information for the previous year's winter months (November-April) for each property. To identify each property, the address would be disclosed but the customer name would not. The RPA has requested this information to evaluate a potential variable sewer rate for residential customers and to ensure aggregate water usage information is accurate. Under the Government Code, utility customer usage information is generally

confidential but the City is able to decide to release it.

For the record Government Coded Section 6254.16(f) states the following

6254.16. Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows: (f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

Mayor Crew opened the public discussion. The following individuals presented spoke in favor of the Public Release of Water User Information: Bill Condrashoff and Debbie Dunn. Hearing no further comments from the public, Mayor Crew closed the public discussion.

City Attorney Gibson reiterated separate and apart from the referendum petition, the sewer rates in Ordinance No. 680 have been challenged by the plaintiff in Johnson v. City of Jackson, Amador Sup. Ct. Case No. 15-CVC- 09161. As such, once the Council takes action on the referendum petition, this unrelated, substantive challenge to Ordinance 680 will be addressed. Of course, if the Council decides to rescind Ordinance 680 due to the referendum petition, the rate litigation may be moot.

Councilmember Lewis left the meeting at 12:00 p.m.

After considerable discussion among the City Council and staff the following motion was made.

**Moved by Councilmember Garibaldi to approve the Ratepayer Protection Alliance's Request of Public Release of Water User Information under Government Code Section 6254.16(f). The motion died for lack of a second.**

**Moved by Councilmember Gonsalves, seconded by Councilmember Garibaldi and carried by a 3 to 0 vote (Vice-Mayor Sweet and Councilmember Lewis were absent) to continue this item to the March 9, 2015 City Council meeting to allow members of the public the opportunity to provide input. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves**  
**NOES: None**  
**ABSENT: Lewis, Sweet**  
**ABSTAIN: None**

## **5. ADJOURNMENT**

Adjourn 12:30 p.m.

ATTEST:

  
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Gisele L. Wurzbarger, City Clerk

Date Approved: March 23, 2015