



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: JULY 26, 2012
TIME OF CLOSED SESSION: 4:00 p.m.
TIME OF OPEN SESSION: 6:00 p.m.

1. CALL TO ORDER

- VICE PRESIDENT ROMANO CALLED THE MEETING TO ORDER AT 4:00 P.M.

2. ROLL CALL

Vice President Al Romano
Director Bill Mason
Director John Morgan
Director Bonnie Shea

- All directors were present except for President Zanutto. Also present: Legal Counsel Kristin Hagan, Interim General Manager Sandy Janzen, Interim Chief Pilkington, Finance Director Rudy Hernandez and Secretary to the Board of Directors Jessica Mattinson.

3. ADJOURN TO CLOSED SESSION

- VICE PRESIDENT ROMANO ADJOURNED THE MEETING TO CLOSED SESSION AT 4:06 P.M.

4. CLOSED SESSION

- A. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYEE PERFORMANCE REVIEW §54957
TITLE: GENERAL MANAGER
- No reportable action.
- B. REQUEST FOR CLOSED SESSION REGARDING CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO §54956(b)
- A \$280 claim against the district was denied.

5. ADJOURN CLOSED SESSION

- VICE PRESIDENT ROMANO ADJOURNED CLOSED SESSION AT 4:55 P.M.

6. PLEDGE OF ALLEGIANCE

- Director Mason led the Pledge of Allegiance.

7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION

- Vice President Romano summarized actions taken in Closed Session as stated above.

8. PUBLIC COMMENTS

- Roberta Miller (3461-008) inquired of Mr. Hernandez the status of the police department's finances since the payouts for Terry Freeman on top of paying the current salary for Interim Chief Pilkington; if the General Fund was "in the 'red' or in the 'black'". Mr. Hernandez replied that the financial situation had been in the "red" due to the purchase of our new accounting software which prompted the district "dipping" into the reserves. The software expense is a one-time purchase, and we now have a balanced budget.
- Diane Gunlock (3471-008) recommended opening up the General Manager position to the public as opposed to an internal posting.
- Linda LeLievre (3431-391) expressed her opinion that there are qualified persons currently working for the CSD where there wasn't the option to promote within at the Police Department; hiring for General Manager should be handled internally.
- Sandy Williams (3440-338) hoped that the Board will be more transparent than their actions have been thus far regarding the details surrounding the General Manager position. Mr. Williams gave "kudos" to the Board for not making a decision regarding the General Manager position in closed session. Mr. Williams expressed his belief that the Board has not cut back on nonessential spending throughout the district. Mr. Williams also had issue with the payout of one-year's salary for Mr. Yeakley, and stated he felt it was inappropriate of the Board to make the decision to terminate and pay out the severance without public discussion.
- Gil Grace (3430-450) wanted to know who requested the closed session item regarding the General Manager position be placed on the agenda without having a full Board present. Ms. Kristin Hagan responded that she would take full responsibility for having Item A on the closed session agenda. Ms. Hagan advised Mr. Grace that the Brown Act allows for more candid discussion by Board members in closed session, especially with regards to discussing the option to promote within. Mr. Grace asked if the CSD has protocol for hiring a General Manager. Ms. Janzen replied stating that there is a job description that details the qualifications that the prospective candidate would have to meet, and would provide Mr. Grace with a copy.

9. BOARD COMMENTS

- Director Shea stated she had comments regarding the Police Tax Poll, but she would voice her complaints following the presentation by Probolsky Research. There were no other Board comments.

10. REPORT OF RESULTS OF POLL COMPLETED BY PROBOLSKY RESEARCH REGARDING PROBABILITY OF VOTER APPROVAL OF A SPECIAL TAX FOR POLICE SERVICES AND DECISION REGARDING WHETHER TO PLACE A MEASURE ON THE NOVEMBER BALLOT (Ms. Janzen)

- Ms. Janzen provided a written report. Mr. Justin Wallin of Probolsky Research proceeded with a PowerPoint presentation on the results of the Police Tax Poll conducted in Bear Valley.
- Board Comments: Shea; Mason; Romano; Morgan. Mr. Wallin responded to all comments and answered all questions. Public Comments: Linda LeLievre (3430-391) was confused by the questions the representative asked for the survey, regarding the dollar amount of the increase. Mr. Wallin apologized for any failure on the part of the calling representative. Kathy Ferrin (3430-524) was also confused about the dollar amount of the proposed increase, thinking that they meant it would be a \$120 increase instead of a \$40 increase on top of the existing \$80 Tax. Art Ottinger (0601-002) felt that the survey shouldn't have just been isolated to a group of approximately 300 people, but that all Bear Valley residents should have been given the chance to participate in the survey. Mr. Ottinger suggested doing a poll by way of an insert in the water bills. Jim Nelson (8199-001) commented regarding the "70% survey rating of how good of a job the CSD is doing". Mr. Nelson stated that there has been a lot of "CSD bashing" going on throughout the community. Mr. Nelson commended the survey and thought the questions were fair. Mr. Nelson also commented on overheard comments by Director Mason regarding his desire to outsource services provided by the CSD. Director Mason advised Mr. Nelson to not "repeat hearsay"; Vice President Romano turned the conversation back to the poll. Ralph Kermode (3417-177) thought it was a good survey, but thinks that the biggest problem in the community is a lack of communication with the residents. Roberta Miller(3461-008) wanted to know if the poll detailed how many of those that responded were homeowners versus tenants. Director Mason directed her to slide that showed the results to be 93% were owners. Art Ottinger (0601-002) wanted to know the cost of the survey. Ms. Janzen responded \$9,200.
- Ms. Janzen asked the Board if there was direction to place the item on the ballot.
- No motion was made.

11. PRESENTATION OF BACKGROUND INFORMATION REGARDING THE DISTRICT'S ORIGINAL PURCHASE OF CUMMINGS VALLEY LAND AND DIRECTION TO STAFF REGARDING REQUEST BY SUNSELECT TO PURCHASE PROPERTIES LOCATED AT CUMMINGS VALLEY AND SCHATZ ROADS (Ms. Janzen)

- **Ms. Janzen provided a written report and requested direction from the Board. Discussion ensued.**
- **Vice President Romano wanted to look into the background as to why the land was originally purposed - for water treatment – and thought that was ideal. Director Mason expressed his appreciation to staff for the research that was done, but felt that it only raised more questions. Discussion continued regarding discrepancies with the acreage of the land, how much land would be necessary to allow a treatment plant, and if the land being tied up in bonds referred to the entire acreage, or if it could be dissected.**
- **Ms. Hagan advised from a legal standpoint, the district would require counsel from an individual highly specialized in bond law. Ms. Hagan posed the question of whether or not the district could declare the property as “surplus” while there is an outstanding bond in place. Ms. Hagan also reiterated the original intent of the bond purchase was for a water treatment plant, and declaring the property “surplus” doesn’t automatically give the district the right to offer the land to SunSelect. Ms. Hagan also stated that even if the district can get over the legal hurdles surrounding the possible bond issues, that once the land is surplus, any agency that proposes the land be used for recreation or low income housing would have priority over any other negotiation. Ms. Janzen advised the Board that staff needs clear direction.**
- **Board Comments: Vice President Romano stated that as previously discussed with President Zanutto, he had no desire to put any additional load on staff. Director Morgan recommended putting this item on hold until there was a full Board and full staff, with no additional research to be done until next month. Public Comments: Roberta Miller (3461-008) wanted to know who SunSelect was, and also inquired if this was the land that the Shepherd of the Hills Church wanting to purchase. Vice President Romano answered Ms. Miller’s questions, and stated that the item would continued to the next agenda.**

12. DECLARE GENERAL MANAGER’S VEHICLE SURPLUS TO THE NEEDS OF THE DISTRICT AND AUTHORIZE THE SALE OF SAID VEHICLE (Ms. Janzen)

- **Ms. Janzen provided a written report.**
- **MOTION THAT THE BOARD DECLARE THE 2008 TOYOTA SEQUOIA VEHICLE SURPLUS TO THE NEEDS OF THE DISTRICT AND AUTHORIZE THE SALE OF SAID VEHICLE: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or Public Comments.**

13. DISCUSS AND APPROVE PROPOSED EMPLOYMENT AGREEMENT FOR A GENERAL MANAGER (Ms. Janzen)

- **Ms. Janzen provided a written report, along with copies of the previously approved General Manager's employment contract. Discussion ensued regarding the vehicle use policy, severance pay and salary range sections.**
- **Public Comments: Al Sharp (3430-182) asked if the contract for Public Works Superintendent was approved. Director Morgan and Ms. Janzen addressed the question. Ms. Janzen advised that the contract had previously been discussed in open session at the last board meeting, and explained what changes had been made to the use of vehicle and severance pay sections.**
- **Discussion continued regarding severance pay and salary band. Director Morgan suggested salary range of \$120,000-\$150,000. Director Mason suggested six months' severance pay.**
- **Public Comments: Bob Stevens (3417-316) expressed his opinion that by increasing the salary, the severance pay should be less than six months. Director Mason responded that cutting the severance by 50% was reasonable. Al Sharp (3430-182) referred to the meeting he was absent for two weeks prior (where the employment agreement had been approved for Public Works Superintendent), and stated his opinion that the span of control for management at the CSD needs to be restructured. Mr. Sharp believes there are too many supervisory positions. Director Mason responded. Ralph Kermode (3417-177) wanted to "put a plug in for Tom Neisler for Public Works Superintendent". Jim Nelson (8199-001) seconded Mr. Kermode's statement.**
- **MOTION TO DIRECT STAFF TO ADVERTISE THE POSITION OF GENERAL MANAGER AS SOON AS POSSIBLE: MORGAN. SECONDED: MASON. NO VOTE.**
- **Director Morgan expressed desire to announce the appointment at the first Regular Board Meeting in September. Advertising would begin August 1, 2012 for thirty days. Director Mason inquired as to who updates the job description and that he felt it was lacking in the area of computer skills. Ms. Janzen advised that the Board would have latitude and could work through those types of questions, and any change in the job description would be forwarded through the Administration Committee which would force the deadline to be extended. The Board declined – no delays.**
- **MOTION THAT THE MODIFIED CONTRACT BE ACCEPTED AND USED IN ADVERTISING FOR THE JOB: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- **Public Comments: Jim Nelson (8199-001) asked what the deadline for the Chief of Police position was. Ms. Janzen advised the deadlines for both the Chief of Police and Superintendent of Public Works positions is August 13,**

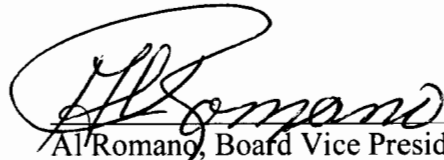
2012, and provided details about the interviewing/hiring process for each position. There were no further comments.

14. REQUEST RELIEF FROM A HIGH WATER BILL: MR. & MRS. CHRIS WALTERS (TRACT 3557 LOT 171) (Ms. Janzen)

- Ms. Janzen provided a written report, and advised that this item didn't actually need to go to the Board level due to the most recent change to the water break policy.
- Board Comments: Mason. There were no further Board or public comments.


15. ADJOURNMENT

- VICE PRESIDENT ROMANO ADJOURNED THE MEETING AT 8:06 P.M.



Al Romano, Board Vice President
Bear Valley Community Services District

ATTEST:



Jessica Mattinson, District Secretary