



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: JULY 12, 2012
TIME OF CLOSED SESSION: 4:00 p.m.
TIME OF OPEN SESSION: 6:00 p.m.

1. CALL TO ORDER

- **PRESIDENT ZANUTTO CALLED THE MEETING TO ORDER AT 4:05 P.M.**

2. ROLL CALL

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

- **All directors were present. Also present: Legal Counsel Kristin Hagan, Assistant General Manager Sandy Janzen, and Secretary to the Board of Directors Jessica Mattinson.**

3. ADJOURN TO CLOSED SESSION

- **PRESIDENT ZANUTTO 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

- **President Zanutto reported in Open Session that it was the wish of John Yeakley to have his employment contract terminated in the District's best interest. The Board voted 5-0 to terminate John Yeakley's contract.**

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE §54957

- **No reportable action.**

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Hutchinson v. BVPD et al.; Kern County Superior Court Case No. 276185) §54956.9(a)

- **No reportable action.**

- D. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION; SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO §54956.9(b)
- No reportable action.
5. ADJOURN CLOSED SESSION
- PRESIDENT ZANUTTO ADJOURNED CLOSED SESSION AT 5:15 P.M.
6. PLEDGE OF ALLEGIANCE
- Director Morgan led the Pledge of Allegiance.
7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION
- President Zanutto summarized actions taken in Closed Session as stated above.
 - President Zanutto asked all in attendance to share in a “Moment of Silence” for the late Clint Stewart, Public Works Supervisor.
8. CONSENT CALENDAR MOTION:
- THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH I BE ADOPTED: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
9. PUBLIC COMMENTS
- Jack Wildermuth (3430-504) inquired about the District’s plan to address hazardous waste and disposal of items such as batteries and fluorescent bulbs. President Zanutto advised Mr. Wildermuth that this issue was to be discussed as part of Item #18 of the agenda.
10. BOARD COMMENTS
- President Zanutto commended staff on getting the agenda out and making it available on Monday. President Zanutto also commended Interim Chief Pilkington, the Police staff and its volunteers, for great traffic control during and following the July 4th festivities.
11. STAFF REPORTS
- Mr. Hernandez provided a written financial report. There were no board comments. Public Comments: Sandy Williams (3440-338) made comments regarding the report on the Consent Calendar which referenced “already approved” Police Department and Gate costs; Janis Freed (3435-196) asked Mr. Hernandez how much the “\$135k in the red” represents is in relation to the General Fund. Mr. Hernandez responded that it represents approximately .001% of the operating budget.
 - Ms. Janzen provided a written public works report. Board Comments: Mason; Romano; Morgan. Ms. Janzen answered all questions. There were no public comments.

12. PRESENTATION OF REQUEST TO PURCHASE PROPERTIES LOCATED AT CUMMINGS VALLEY AND SCHATZ ROADS: SUNSELECT PRODUCE MR. LEN KRAHN

- Presentation regarding SunSelect's farming operations and desired plans for the development of the properties located at Cummings Valley and Schatz Roads, for the construction and operation of farming greenhouses. Mr. Krahn assured Bear Valley water rights would not be at risk, and that SunSelect would purchase their water from TCCWD.
- Board Comments: Mason; Morgan; Romano, Shea. Legal Counsel advised Mr. Krahn of the process from a timing standpoint, and the necessary procedures to surplus and sell District property. Public Comments: Jack Wildermuth (3430-504) inquired as to how Grimmway or other competitors within the industry would receive this venture, and if there might be some guarantee that SunSelect wouldn't just sell the property to someone else; Linda LeLievre (3431-391) asked if SunSelect's greenhouses were related to those in Oxnard, CA; Sandy Williams (3440-338) asked if there was an objection to a long-term lease vs purchasing the property. MS. JANZEN REQUESTED A SHORT RECESS AT 6:54 P.M. Director Mason asked to continue this discussion at the August 9th Regular Board Meeting, to which President Zanutto responded in the affirmative.

❖ PRESIDENT ZANUTTO ADJOURNED THE MEETING FOR A SHORT RECESS AT 6:55 P.M.

❖ PRESIDENT ZANUTTO RECONVENED THE MEETING TO OPEN SESSION AT 7:08 P.M.

❖ AGENDA ITEM #14 WAS MOVED AHEAD OF #13 DUE TO THE FACT LEGAL COUNSEL, KRISTIN HAGAN, NEEDED TO LEAVE THE MEETING DUE TO EXTENUATING CIRCUMSTANCES.

13. DISCUSS AND APPROVE TEMPORARY APPOINTMENT OF JESSICA MATTINSON TO SERVE AS INTERIM BOARD SECRETARY

- Ms. Janzen provided a written report and resignation as Board Secretary. Ms. Janzen recommended the temporary appointment of Ms. Jessica Mattinson as Secretary to the Board of Directors.
- MOTION TO ACCEPT RESIGNATION FROM SANDY JANZEN: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
- Board Comments: Shea; Morgan; Romano; Mason; Zanutto. There were no Public Comments.
- MOTION TO APPROVE THE TEMPORARY APPOINTMENT OF JESSICA MATTINSON TO SERVE AS INTERIM BOARD SECRETARY: MASON. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
- Board Comments: Morgan. There were no Public Comments.

14. DISCUSS AND APPROVE SALARY INCREASE FOR SANDY JANZEN RELATED TO SERVING AS INTERIM GENERAL MANAGER

- Legal Counsel, Ms. Hagan, stated that due to Mr. Yeakley's current medical condition and absence, Ms. Janzen has been required to take over his responsibilities. Any increase in pay for Ms. Janzen for taking on these additional responsibilities would need to be discussed in Open Session.
- **MOTION TO ADJUST MS. JANZEN'S ANNUAL SALARY UPWARDS BY \$12,000 UNTIL RESCINDED BY THIS BOARD: MORGAN. SECONDED: ROMANO.** Legal Counsel requested clarification as to the effective date of the motion.
- **MOTION TO AMEND ABOVE MOTION TO INCLUDE THAT THE INCREASE WOULD BE RETROACTIVE TO THE FIRST PAYROLL PERIOD IN JUNE 2012: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- **Board Comments: Morgan. Public Comments: Jack Wildermuth (3430-504) commended and thanked Ms. Janzen for the excellent job she is doing.**

15. DISCUSSION AND AUTHORIZATION FOR ADDITIONAL FUNDS FOR THE PURSUIT OF EFFLUENT WATER DISCHARGE PERMIT AND TO MEET INITIAL TITLE 22 REQUIREMENTS

- Ms. Janzen provided a written report. Staff was in need of clear direction regarding the future of this project. If the Board desired to go any further, the funds to do so must be authorized. Discussion ensued.
- **MOTION TO WAIT ON THIS PROJECT UNTIL WE HAVE A PUBLIC WORKS SUPERVISOR AND GENERAL MANAGER IN PLACE: ZANUTTO. SECONDED: MORGAN.**
- **Board Comments: Shea; Romano, expressed concern about where or when this project will end, and how it may adversely affect the General Fund; Mason found the spirit of the motion agreeable, but was strongly opposed to the idea of putting the project completely "on hold". Discussion continued.**
President Zanutto agreed with Director Mason and did not want to completely 'throw out' the project, but felt that it's too much to task staff with at this time. Director Mason requested clarification as to what putting the project "on hold" would mean. President Zanutto stated that it would be put on hold to the extent that there would not be any more money spent, or effort made toward this project at this time, due to being short of staff. President Zanutto restated the motion to put the project on hold until we have a General Manager and Public Works Supervisor in place to look into it further and have a better idea of the costs involved. Director Mason suggested that the project be maintained at the committee level for the time being.
Ms. Janzen informed the Board that staff would not be able to put the project completely on hold with the State, as certain State-mandated projects have already been set in motion, and certain costs must be

incurred to complete them. Ms. Janzen stated that staff could hold off on some of the bigger issues such as those pertaining to wastewater; staff and Legal Counsel can work together to request a pushback. If it is not possible, staff will come back to the Board for direction.

- **MOTION TO AMEND THE ABOVE MOTION TO ALLOW THE MANDATED WORK TO CONTINUE: MORGAN. SECONDED: ZANUTTO. AYES: ALL. THE MOTION PASSED.**
- **Board Comments: Mason, asked for clarification that the project would be available for discussion for the Infrastructure Committee, as long as it does not require any effort for staff. Public Comments: Linda LeLievre (3431-391) stated that she wants the District to “take our losses and put it away”.**

16. DISCUSS AND APPROVE ATTENANCE AND EXPENDITURES FOR BOARD OF DIRECTORS (BY NAME) AT THE CALIFORNIA SPECIAL DISTRICT ASSOCIATION FALL CONFERENCE SEPTEMBER 24-27 IN SAN DIEGO, CALIFORNIA

- **Ms. Janzen provided a written report. The Board discussed and determined that President Zanutto, Vice President Romano, and Director Shea would attend.**
- **MOTION THAT THE THREE BOARD MEMBERS WHO ANSWERED IN THE AFFIRMATIVE REPRESENT THE DISTRICT AT THE FALL CONFERENCE IN SAN DIEGO AND THAT THE DISTRICT COVER THE REQUIRED COSTS: MORGAN. SECONDED: ZANUTTO. AYES: ALL. THE MOTION PASSED.**
- **Board Comments: Zanutto, Romano, Mason, Morgan, Shea. Public Comments: Sandy Williams (3440-338) inquired if it was District Policy that only a specific number of Board Members could attend such a conference. Ms. Janzen answered all questions.**

17. DISCUSS AND APPROVE THE ADMINISTRATION COMMITTEE'S RECOMMENDATION TO DELEGATE THE INITIATIVES OF THE STRATEGIC PLAN TO THE DISTRICT'S COMMITTEES

- **Ms. Janzen provided a written report.**
- **MOTION TO MOVE THAT THE ADMINISTRATION COMMITTEE'S RECOMMENDATION TO DELEGATE THE INITIATIVES OF THE STRATEGIC PLAN TO THE DISTRICT'S COMMITTEES BE IMPLEMENTED AS PROPOSED: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- **Board Comments: Shea; Morgan; Romano; Mason. Director Mason expressed discomfort with the “Gate Committee” being referred to as a “committee”, and Initiative #8 should be referred to the Infrastructure Committee. Ms. Janzen responded to Director Mason’s comments and advised the Board that the recommendation would be changed from “Gate Committee” to “Infrastructure Committee”. Motion does not require an amendment, as proposal wording had been changed. There were no Public Comments.**

18. CONSIDERATION OF THE INFRASTRUCTURE COMMITTEE'S REQUEST TO ADD UNIVERSAL WASTE TO THE STRATEGIC PLAN

- Ms. Janzen provided a written report regarding the possible addition of a universal waste drop-off station at the District yard, and possibly coordinating with other local agencies to host specialized waste collection days. Discussion ensued. It was the strong recommendation of the Infrastructure Committee to add the acceptance of universal waste to the Strategic Plan.
- **MOTION TO ADD THE UNIVERSAL WASTE TO THE STRATEGIC PLAN AND OBJECTIVE WITH A COMPLETE BY DATE OF JANUARY 1, 2014: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- There were no Board Comments. Public Comments: Janis Freed (3435-196) voiced her concern regarding how economically conscious the District is as a whole, and suspicions about leaving the responsibility of recycling to Benz and not individual property owners; Neill Hicks (3440-346) voiced his opinion in favor of the Committee's recommendation due to the issue of increasing e-waste. Julie St John & Gunther Stilgenbauer (3471-248) were unable to attend, however, they submitted a written statement through Director Mason expressing their strong support of the Infrastructure Committee's request to add universal waste to the 2012 Strategic Plan.

19. DISCUSS AND APPROVE REQUEST FOR SEPARATION IN PAY FOR POLICE DEPARTMENT POSITIONS: SERGEANTS

- Interim Chief Pilkington provided a written report, requesting an increase in the difference between a patrol officer and Sergeant's wages. Interim Chief Pilkington also made a one-time request for approximately \$14,000 this fiscal year from the General Fund Contingency Account to make this adjustment. Discussion ensued.
 - **MOTION TO ADJUST THE DISPARITY IN SALARY BETWEEN POLICE OFFICER AND POLICE SERGEANT, AND THAT IT WILL BE A ONE-TIME EXPENSE FROM THE GENERAL FUND CONTINGENCY ACCOUNT: ROMANO. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
 - Board comments: Shea; Morgan; Mason. Ms. Janzen, Interim Chief Pilkington, and Rudy Hernandez answered all questions. Public Comments: Neill Hicks (3440-346) inquired as to how many patrolmen a Sergeant supervises. Chief Pilkington answered all questions.
- ❖ **PRESIDENT ZANUTTO ADJOURNED THE MEETING FOR A SHORT RECESS AT 8:41 P.M.**
- ❖ **PRESIDENT ZANUTTO RECONVENED THE MEETING TO OPEN SESSION AT 8:53 P.M.**

20. REVIEW AND MODIFICATION OF PREVIOUSLY APPROVED EMPLOYMENT AGREEMENT FOR A CHIEF OF POLICE

- **Ms. Janzen provided a written report, and copy of proposed employment agreement. Discussion ensued.**
- **MOTION TO REMOVE SECTION 9 AND RENUMBER THE FOLLOWING SECTIONS: MORGAN. SECONDED: MASON.**
- **Board Comments: Romano; Shea; Morgan; Mason; Zanutto.**
- **MOTION TO AMEND ABOVE MOTION TO HAVE THE VERBIAGE IN SECTION 9 STATE COMMUTING USE IS LIMITED TO 20 MILES EACH WAY PER DAY: MORGAN. SECONDED: MASON. AYES: MORGAN, MASON, SHEA, ZANUTTO. NOES: ROMANO. THE MOTION PASSED.**
- **Public Comments: Linda LaLeivre (3430-391) requested clarification on a patrolman's contract vs. Chief of Police; Sandy Williams (3440-338) had questions regarding changing the wording in not only the Chief's contract, but among all other contract employees, in relation to leave benefits and 'perks'. Ms. Janzen explained the leave benefits (Administration Leave, Personal Leave, and Sick Leave) and how they apply to all Contract Employees/Administrative Staff; Charlene LaClaire (3430-260) recommended that the Board consider reviewing and negotiating employee contracts at the same time.**

21. DISCUSS AND APPROVED PROPOSED EMPLOYMENT AGREEMENT FOR A PUBLIC WORKS SUPERINTENDENT

- **Ms. Janzen provided a written report, and copy of proposed employment agreement. Discussion ensued.**
- **MOTION TO AMEND SECTION 8 TO READ: "EMPLOYEE'S DUTIES REQUIRE THAT HE/SHE HAVE USE OF AN AUTOMOBILE AT ALL TIMES DURING HIS/HER EMPLOYMENT. EMPLOYER SHALL PROVIDE EMPLOYEE WITH A DISTRICT OWNED, INSURED, AND MAINTAINED AUTOMOBILE FOR BUSINESS USE. IN ADDITION, EMPLOYEE IS GRANTED A VEHICLE ALLOWANCE OF \$400.00 PER MONTH": MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- **MOTION TO APPROVE CONTRACT FOR SUPERINTENDENT OF PUBLIC WORKS AS AMENDED: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- **MOTION TO DIRECT STAFF TO AGGRESSIVELY MARKET THE POSITIONS OF PUBLIC WORKS SUPERINTENDENT AND CHIEF OF POLICE: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or public comments.**

22. ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION

- **Ms. Janzen provided a written report, with an attachment listing all properties newly identified as having Pine Bark Beetle infestations.**
- **MOTION TO ADOPT THE RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION FOR 6:00P.M. ON AUGUST 9, 2012: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or Public Comments.**

23. ADOPTION OF A RESOLUTION IDENTIFYING PROPERTIES WITH HAZARDOUS WEEDS AND DEBRIS AND SET A PUBLIC HEARING RE: PROPERTIES AFFECTED BY WEED INFESTATIONS CONSTITUTING A FIRE HAZARD

- **Ms. Janzen provided a written report, with an attachment listing all properties cited by the Kern County Fire Department as being out of compliance with the fire hazard reduction program.**
- **MOTION TO ADOPT THE RESOLUTION IDENTIFYING PROPERTIES WITH HAZARDOUS WEEDS AND DEBRIS, AND SETTING A PUBLIC HEARING FOR 6:00P.M. ON AUGUST 9, 2012: ROMANO. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or Public Comments.**

24. ADOPTION OF A RESOLUTION SETTING SPECIAL TAX FOR GATE OPERATIONS FOR FISCAL YEAR 2012-13

- **Mr. Hernandez provided a written report.**
- **MOTION TO ADOPT A RESOLUTION FIXING A SPECIAL GATE TAX FOR FISCAL YEAR 2012-13 IN THE AMOUNT OF \$75 PER LOT OR PARCEL: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or Public Comments.**

25. ADOPTION OF A RESOLUTION SETTING THE SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR FISCAL YEAR 2012-13

- **Mr. Hernandez provided a written report.**
- **MOTION TO APPROVE A RESOLUTION FIXING A SPECIAL POLICE TAX FOR FISCAL YEAR 2012-13 IN THE AMOUNT OF \$80 PER LOT OR PARCEL: ROMANO. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**

- There were no Board or Public Comments.
26. PUBLIC HEARING AND ADOPTION OF A RESOLUTION SETTING THE ROAD ASSESSMENT FOR FISCAL YEAR 2012-13.
- Mr. Hernandez provided a written report.
 - MOTION TO CONDUCT A PUBLIC HEARING AND APPROVE A RESOLUTION SETTING THE ROAD ASSESSMENTS FOR FISCAL YEAR 2012-13 AT \$340 PER LOT OR PARCEL: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public Comments.
27. ADOPTION OF A RESOLUTION SETTING THE TAX RATE FOR FISCAL YEAR 2012-13 FOR IMPROVEMENT DISTRICT #2 BONDS
- Mr. Hernandez provided a written report.
 - MOTION TO ADOPT THE RESOLUTION FIXING THE TAX RATE FOR FISCAL YEAR 2012-13 FOR IMPROVEMENT DISTRICT #2 BONDS AT .054994%: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public Comments.
28. ADOPTION OF A RESOLUTION SETTING PUBLIC HEARING FOR COLLECTION OF DELINQUENT WATER, SEWER AND REFUSE CHARGES ON PROPERTY TAX BILLS
- Mr. Hernandez provided a written report.
 - MOTION TO ADOPT THE RESOLUTION SETTING A PUBLIC HEARING FOR AUGUST 9, 2012 AT 6:00PM FOR COLLECTION OF DELINQUENT WATER, SEWER AND REFUSE CHARGES ON PROPERTY TAX BILLS: MORGAN. SECONDED: ZANUTTO. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public Comments.
29. PUBLIC HEARING AND ADOPTION OF RESOLUTION SETTING WATER AND SEWER STANDBY CHARGES FOR FISCAL YEAR 2012-13
- Mr. Hernandez provided a written report regarding the collection of delinquent water, sewer, and refuse charges on property tax bills.
 - MOTION TO ADOPT THE RESOLUTIONS SETTING ANNUAL STANDBY CHARGES OF \$40.28 FOR WATER AND \$59.96 FOR SEWER FOR FISCAL YEAR 2012-13: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public Comments.
30. ADOPTION OF A RESOLUTION APPROVING THE FISCAL YEAR 2012-13 INVESTMENT POLICY
- Mr. Hernandez provided a written report.

- MOTION TO APPROVE THE ATTACHED RESOLUTION APPROVING THE FISCAL YEAR 2012/13 INVESTMENT POLICY: ROMANO. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.
- There were no Board or Public Comments.

31. APPROVAL OF THE APPROPRIATION LIMIT FOR FISCAL YEAR 2012-13

- Mr. Hernandez provided a written report.
- MOTION TO APPROVE THE ATTACHED RESOLUTION ADOPTING THE FISCAL YEAR 2012/13 APPROPRIATIONS LIMIT: MASON. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
- There were no Board or Public Comments.

32. ADOPTION OF A RESOLUTION APPROVING THE FINAL FISCAL YEAR 2012-13 BUDGET

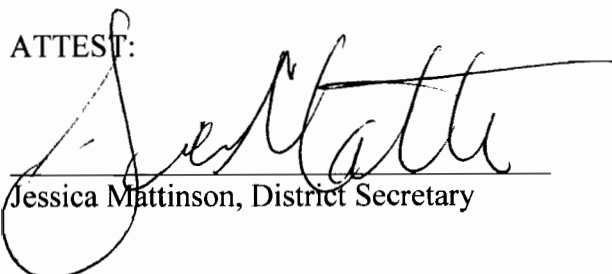
- Mr. Hernandez provided a written report.
- MOTION TO APPROVE THE ATTACHED RESOLUTION APPROVING THE FISCAL YEAR 2012/13 INVESTMENT POLICY: ROMANO. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.
- There were no Board or Public Comments.

33. ADJOURNMENT

- PRESIDENT ZANUTTO ADJOURNED THE MEETING AT 10:34 P.M.


Rick Zanutto, Board President
Bear Valley Community Services District

ATTEST:


Jessica Mattinson, District Secretary