



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road - Tehachapi, CA 93561-9637
Phone: 661-821-4428 - Fax: 661-821-0180

BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: AUGUST 9, 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 4:00 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, Interim General Manager Sandy Janzen, Interim Chief Joe Pilkington, Finance Director Rudy Hernandez and Secretary to the Board of Directors Jessica Mattinson.**

3. ADJOURN TO CLOSED SESSION

- **PRESIDENT ZANUTTO ADJOURNED THE MEETING TO CLOSED SESSION AT 4:01 P.M.**

4. CLOSED SESSION

- A. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYEE PERFORMANCE REVIEW §54957
TITLE: INTERIM GENERAL MANAGER
- **No reportable action.**
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Hutchinson v. BVPD et al.; Kern County Superior Court Case No. 276185) §54956.9(a)
- **No reportable action.**
- C. 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 5:33 P.M.**
- **PRESIDENT ZANUTTO RECONVENED OPEN SESSION AT 6:00 P.M.**

6. PLEDGE OF ALLEGIANCE

- Ms. Janzen led the Pledge of Allegiance.

7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION

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

8. CONSENT CALENDAR MOTION

- **THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH I BE ADOPTED: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED**

9. PUBLIC COMMENTS

- Linda LeLievre (3431-391) asked if the CSD was responsible for the hole near the doorway of the Mulligan Room. Ms. Janzen answered her question, stating that backflow devices had been totaled and work was still underway. Ms. LeLievre asked if the CSD was also responsible for the damage in the handicapped parking space. Ms. Janzen responded that that portion was the BVSA's responsibility.

10. BOARD COMMENTS

- Director Romano provided a summary of the meeting of the Tehachapi Water Availability Preservation Committee (TWAPC) held at 10:00 A.M. August 9, 2012.
- Director Mason proposed that a couple of minor changes to the District Code be added to the next Regular Board Meeting agenda. Changes were to District Code 1-5-8-C and 1-5-8-C-3. Director Mason also discussed the monies that had been used to fund the Title 22 project.
- President Zanutto read a letter from the GFOA presenting the Bear Valley CSD with the Distinguished Budget Presentation Award. President Zanutto stated that he had also received a letter from a resident on Territory Way that commended the excellent job that Officer Ritchie and Reserve Officer Kessler performed at a recent 9-1-1 incident.

11. STAFF REPORTS

- Mr. Hernandez provided a written report regarding the revenue and expenditure trends of the General Fund. Discussion ensued. Mr. Hernandez and Ms. Janzen addressed and answered all Board questions and comments. There were no Public comments.
- Ms. Janzen provided a written Public Works report. Ms. Janzen addressed all Board comments and answered all questions. There were no Public comments.

12. APPROVAL OF EXTENSION OF INTERIM EMPLOYMENT CONTRACT FOR JOE PILKINGTON, INTERIM CHIEF OF POLICE (Ms. Janzen)

- Ms. Janzen provided a written report and requested direction from the

Board. Discussion ensued.

- **MOTION TO APPROVE AN EXTENSION TO THE INTERIM CHIEF OF POLICE'S EMPLOYMENT AGREEMENT NOT TO EXCEED SIX (6) MONTHS OR UNTIL A FULLTIME CHIEF OF POLICE IS HIRED, WHICHEVER COMES FIRST: MASON. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- **Director Romano and Director Morgan thanked Chief Pilkington for his good work and availability to continue serving as Interim Chief of Police. There were no Public Comments.**

13. DISCUSS AND APPROVE SALARY ADJUSTMENT FOR SANDY JANZEN RELATED TO SERVING AS INTERIM GENERAL MANAGER (Ms. Hagan)

- **Ms. Hagan turned the discussion over to President Zanutto. President Zanutto stated that there had been a performance review completed for Ms. Janzen in Closed Session, which was "excellent". He expressed appreciation on behalf of the Board and the community for all of the work she has been doing, handling three positions.**
- **MOTION TO INCREASE MS. JANZEN'S SALARY BY \$1,000 PER MONTH UNTIL ALL POSITIONS ARE FILLED AND THE BOARD FEELS THAT THE DISTRICT IS RUNNING SMOOTHLY – AT WHICH TIME, THE BOARD WILL RE-EVALUATE THE SALARY. THIS INCREASE IS TO BE RETROACTIVE TO THE FIRST PAYROLL PERIOD IN JUNE: ZANUTTO. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**
- **Board Comments: Shea; Morgan; Romano; Mason. There were no Public comments.**

14. DISCUSS AND APPROVE PROPOSAL TO OUTSOURCE POLICE FLEET VEHICLES (Interim Chief Pilkington)

- **Interim Chief Pilkington provided a written report and request to make a fundamental change in how the police department's vehicles are maintained. It was proposed, that due to liability issues, it would be in the District's best interest to have vehicle maintenance and servicing provided by local automotive shops and certified mechanics. Interim Chief Pilkington stated that this would be done on a rotating basis to ensure fairness to these outside vendors. Interim Chief Pilkington stated he would come back to the Board in three months with a comparison in regards to savings by outsourcing these services.**
- **Public comments: John Martin (3461-329) asked if the Tehachapi Police Department use the rotation system for their vehicle maintenance. Interim Chief Pilkington responded.**
- **MOTION TO GIVE APPROVAL FOR THE POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT FOR VEHICLE MAINTENANCE AND REPAIR WITH ONE OR MORE PRIVATE VENDORS: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**

15. DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS TO THE NEEDS OF THE DISTRICT AND AUTHORIZE SALE OF SURPLUS EQUIPMENT AND PURCHASE OF REPLACEMENT ITEMS (Interim Chief Pilkington)

- Interim Chief Pilkington provided a written report. Discussion ensued. Interim Chief Pilkington answered all questions from the Board.
- **MOTION TO APPROVE THE POLICE DEPARTMENT'S PROPOSAL FOR THE DISPOSAL OF VARIOUS WEAPONS AS SURPLUS TO THE NEEDS OF THE DISTRICT, AND THE ACQUISITION OF REPLACEMENT WEAPONS: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- There were no other Board or Public comments.

16. DISCUSS AND APPROVE PROPOSAL FOR 2012 BEAR VALLEY SPRINGS SPEED STUDIES (Ms. Janzen)

- Ms. Janzen provided a written report. The most recent speed study for our District was conducted in 2008, and has since expired, creating an enforcement issue. Discussion ensued.
- The funding for this study would come from the Road Contingency Fund. If approved, the study would start as soon as staff gives Quad Knopf the Notice to Proceed.
- **MOTION TO ENTER INTO A CONTRACT WITH QUAD KNOFF IN AN AMOUNT NOT TO EXCEED \$11,490 AND DIRECT STAFF TO COMPLETE A NOTICE TO PROCEED; THE REPORT TO THE BOARD IS TO BE COMPLETED BY STAFF: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
- Board Comments: Mason; Morgan; Zanutto; Romano. Public Comments: Gil Grace (3430-450) asked why the community cannot create their own speed limits, since it is a private community. Mr. Grace stated that the equestrians in the community should be involved and have a say. Mr. Grace also asked if it would be the Board's discretion to review the study with an engineer if they felt that proposed limits in certain areas should be changed. Ms. Janzen, Director Mason, President Zanutto and Interim Chief Pilkington addressed and answered all questions. Ralph Kermode (3417-177) commented regarding animal traffic as a follow up statement to Mr. Grace's comment. Mr. Kermode asked if there were any other companies that could provide the study, to provide a price comparison. Ms. Janzen stated Quad Knopf's bid was taken because they had done our previous speed studies and already have our information on file, making them less expensive and faster. Discussion continued regarding options to slow traffic down in cautionary areas, such as speed bumps and humps at the gate exit area. Tom Neisler (3431-118) advised that the yellow temporary speed bumps that were mentioned, weren't originally purchased for special events as they are now; those speed bumps were purchased to place them at the exit lane of the gate, and were removed a few weeks later, being deemed a hazardous road condition. Linda LeLievre (3431-391) commented regarding the cautionary speed signs on Deertrail and recommended that

one be placed in front of her residence. Gil Grace (3430-450) again commented on the possible liability issue with equestrians suing the District. Ms. Janzen advised that it has always been a controversial issue, but that the District has a good working relationship with the Quad Knopf representative, and staff can strongly mention the suggestions provided by the public. John Martin (3461-239) commented regarding the police's ability to shoot radar without a road survey. Interim Chief Pilkington responded stating that if a citation is contested in court, that the judge or the person challenging the citation could ask when the last speed study was conducted, and the citation would be dismissed. John Martin (3461-239) advised the Board that as he is aware, the speed survey figures' fractional numbers are rounded up, so that if the Board wishes, there is some flexibility in that the Board can round that speed limit down by no more than five miles per hour, due to "conditions not readily available to the driver". Mr. Martin asked staff if there was justification to spend out of the Road Contingency Fund, as this appears to be a police issue. Mr. Hernandez responded that staff could look into it further.

17. 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. Discussion ensued.
- Vice President Romano commented on the original purpose and intended use for the land as a future water treatment plant site. Mason stated that there appears to be plenty of land to place a water treatment plant on the property, even if the portion that is under discussion is sold, and asked if there would be a benefit to tax payers in a reduction to their taxes, since it would be a return on their investment. Mr. Hernandez advised that due to the nature, a financial advisor would be required to determine if that would be possible. Ms. Hagan addressed the issue of whether or not property, or even a portion of property can be sold, if there are outstanding bonds associated with it. If it's not possible to overcome that obstacle alone, any further action into looking into this proposal would be a waste of time. President Zanutto stated he would prefer to have the vacant positions filled before discussing this item any further. Director Shea asked if there would be other problems created by deeming the property as surplus. Ms. Janzen responded that we would have to seriously consider fair market offers by other governmental agencies.
- Public comments: Charlene LaClaire (3430-260) asked if the existing wells would be affected, and if needed in the future, would it be possible to drill new wells. Ms. LaClaire also commented that it had been said that there is no guarantee that the land would be used for farmland if deemed surplus – low income housing and recreational use are also possibilities. Director Mason responded that the question of whether or not the bond issue can be overcome needs to be answered first before going any further. Vice President Romano addressed Ms. LaClaire's questions regarding the drilling of wells. Gil Grace (3430-450) stated it is his understanding that

Bear Valley residents purchase their water from TCCWD, and that water is pulled from an aquifer that is state water; from what was said at the meeting, SunSelect would be able to pull directly from State Water, and he asked why that is. John Martin answered by stating that's the case because they wouldn't be using potable water. Ralph Kermode (3417-177) stated that selling the property at \$700,000 wouldn't present as much of a benefit as holding onto the property. Linda LeLievre (3431-391) voiced her opinion that the property is simply too valuable to sell, and is against the idea. John Martin (3461-209) stated that the original purchase of the land was at less than \$3,500 per acre, the next block was purchased at \$5,000 per acre, and now it's at \$12,000 per acre, so that it is indicative that the land may be worth a lot more in the future.

- The Board directed Legal Counsel to find out whether or not the District would be able to sell even a portion of land if there are outstanding bonds associated with it.

18. DISCUSS AND APPROVE REPLACEMENT OF WHITING CENTER SIGNS WITH AN INTERCHANGEABLE LETTERS AND MARQUEE SIGN (Ms. Janzen)

- Ms. Janzen provided a written report. Discussion ensued. It was determined that there would be no issue with the conditions of the existing encroachment permit, should there ever be a need to move the sign for a turning lane in that area following a speed survey, or future determination from the Board.
- MOTION TO APPROVE THE PLACEMENT OF THE SIGN IN THE ROAD RIGHT OF WAY: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.
- Public Comments: Charlene LaClaire (3430-260) inquired as to how much room would remain with the sign placed in the right of way. Ms. Janzen and Director Morgan responded with the approximate measurements.

19. DISCUSS AND APPROVE PROPOSAL TO PREPARE APPLICATION TO RENEW PERMIT FOR WASTEWATER TREATMENT PLANT (Ms. Janzen)

- Ms. Janzen provided a written report. The District's current permit expires in six months, and the process takes three to four months to complete. Discussion ensued.
- MOTION TO APPROVE THE PROPOSAL FROM AECOM TO PREPARE AN APPLICATION TO RENEW THE NPDES PERMIT FOR A FIXED FEE OF \$9,800: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
- Board comments: Mason; Morgan. Mr. Hernandez and Ms. Janzen answered all questions. There were no Public comments.

20. DISCUSS AND APPROVE COMMITTEE RECOMMENDATIONS REGARDING DATE CHANGES FOR THE STRATEGIC PLAN INITIATIVE (Ms. Janzen)

- Ms. Janzen provided a written report.

- **MOTION TO APPROVE THE ATTACHED DATE CHANGES TO THE STRATEGIC PLANNING INITIATIVES AS DISCUSSED: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**

21. DISCUSS AND APPROVE GEOGRAPHIC INFORMATION SYSTEM (GIS) PROPOSAL
(Ms. Janzen)

- Ms. Janzen provided a written report. Discussion ensued.
- Board comments: Mason; Morgan. Legal Counsel discussed possibilities of needing to go out for bid. Ms. Janzen suggested that this item be delayed two months for a Public Works Superintendent to be in place. Public comments: Kirk Wooldridge (BVSA General Manager) suggested that during the interview process for a Public Works Supervisor, it might be wise to ask the applicants if they have experience with this system.
- Item continued for Legal Counsel to review the project further.

22. PUBLIC HEARING FOR COLLECTION OF DELINQUENT WATER, SEWER, AND REFUSE CHARGES ON PROPERTY TAX BILLS AND ADOPTION OF A RESOLUTION ELECTING TO COLLECT DELINQUENCIES ON THE TAX ROLL (Mr. Hernandez)

- Mr. Hernandez provided a written report.
- **MOTION TO APPROVE THE RESOLUTION ELECTING TO COLLECT DELINQUENT CHARGES ON THE TAX ROLL: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.**
- There were no Board or Public comments.

23. UPDATE REGARDING REQUEST FOR PROPOSAL (RFP) FOR NEW ACCOUNTING SOFTWARE PROGRAM (Mr. Hernandez)

- Mr. Hernandez provided a written report.
- Board comments: Morgan; Mason; Zanutto. There were no Public comments.
- No action taken.

24. APPROVAL OF FIVE YEAR GENERAL FUND FISCAL FORECAST PROPOSAL AS SUBMITTED BY WILLIAM C. STATLER (Mr. Hernandez)

- Mr. Hernandez provided a written report.
- **MOTION TO APPROVE THE GENERAL FUND FIVE YEAR FISCAL FORECAST PROPOSAL AS SUBMITTED BY WILLIAM C. STATLER: MASON. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**
- Board Comments: Zanutto; Mason; Morgan. Public comments: Charlene LaClaire (3430-260) was pleased with the advanced planning.

25. CONDUCT A PUBLIC HEARING RE: PROPERTIES AFFECTED BY WEED INFESTATION CONSTITUTING A FIRE HAZARD (Ms. Janzen)
- Ms. Janzen provided a written report, with a copy of the list of properties inspected by the Kern County Fire Department.
 - President Zanutto conducted and closed the public hearing, as there were no residents present to address the Board.
26. ADOPTION OF A RESOLUTION IDENTIFYING PROPERITES WITH HAZARDOUS WEEDS AND DEBRIS AND SET A PUBLIC HEARING RE: PROPERTIES AFFECTED BY WEED INFESTATION CONSTITUTING A FIRE HAZARD (Ms. Janzen)
- Ms. Janzen provided a written report.
 - MOTION TO ADOPT THE ATTACHED RESOLUTION AND SCHEDULE A PUBLIC HEARING FOR 6 P.M ON SEPTEMBER 13, 2012: MORGAN. SECONDED: ROMANO. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public comments.
27. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Ms. Janzen)
- Ms. Janzen provided a written report.
 - President Zanutto conducted and closed the public hearing, as there were no residents present to address the Board.
28. ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Ms. Janzen)
- Ms. Janzen provided a written report.
 - MOTION TO ADOPT THE ATTACHED RESOLUTION DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION AND SCHEDULE A PUBLIC HEARING FOR 6 P.M. ON SEPTEMBER 13, 2012: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.
 - There were no Board or Public comments.
29. DISCUSS AND APPROVE FENCE REPAIR AT WASTEWATER TREATMENT PLANT (Mr. Hernandez)
- Mr. Hernandez provided a written report. Discussion ensued.
 - Director Morgan stated this item was not of a high priority. President Zanutto objected to having the funding for this project come from the Wastewater Reserve Fund, as it is a beautification project, and therefore should come out of the General Fund. Discussion continued. Ms. Janzen stated that there is a new charter vocational school that will be starting up that will provide vocational training, and that this might be something to consider to assist with the labor and funding.

- Directors Morgan and Mason recommended this item be continued to next month's meeting.

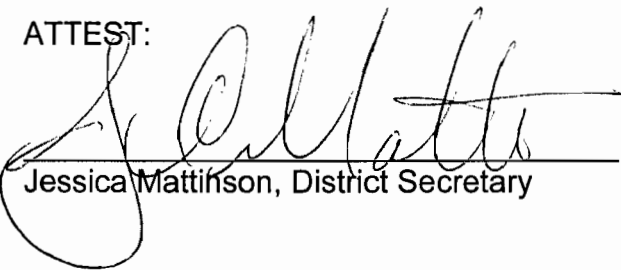
30. ADJOURNMENT

- PRESIDENT ZANUTTO ADJOURNED THE MEETING AT 9:00 P.M.



Rick Zanutto, Board President
Bear Valley Community Services District

ATTEST:



Jessica Mattinson, District Secretary