



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road - Tehachapi, CA 93561-9637
661-821-4428 - FAX 661-821-0180

BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: October 11, 2012
TIME OF CLOSED SESSION MEETING: 4 p.m.
PLACE OF CLOSED SESSION MEETING: BVCSD 28999 S. Lower Valley Rd
TIME OF OPEN SESSION MEETING: 6 p.m.

1. CALL TO ORDER

- **PRESIDENT ZANUTTO CALLED THE MEETING TO ORDER AT 4:00PM**

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 of Police Joe Pilkington, Finance Director/Treasurer Rudy Hernandez, Superintendent of Public Works Larry Tuma, and Secretary to the Board of Directors Jessica Mattinson.**

3. ADJOURN TO CLOSED SESSION

- **PRESIDENT ZANUTTO ADJOURNED THE MEETING TO CLOSED SESSION AT 4:01PM**

4. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION; SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO §54956.9(b)
- **No Reportable Action.**
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Hutchinson v. BVPD et al.; Kern County Superior Court Case no. 276185)
- **Case has been settled - Dismissal of Action.**
- C. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYMENT APPOINTMENT §54957
TITLE: GENERAL MANAGER
- **No Reportable Action.**

5. ADJOURN CLOSED SESSION

- **PRESIDENT ZANUTTO ADJOURNED CLOSED SESSION AT 4:34 PM**
- **PRESIDENT ZANUTTO RECONVENED OPEN SESSION AT 6:00 PM**

6. PLEDGE OF ALLEGIANCE

- **President Zanutto led the Pledge of Allegiance.**

7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION (President Zanutto)

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

8. CONSENT CALENDAR

- **THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH K BE ADOPTED EXCEPT 8-E, 8-G AND 8-I: MASON. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**
- **Discussion ensued regarding Items 8-E, 8-G and 8-I. Mr. Hernandez, Ms. Janzen and Chief Pilkington answered all of President Zanutto and Director Mason's questions.**
- **MOTION TO ACCEPT 8-E, 8-G AND 8-I: MASON. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**

9. PUBLIC COMMENTS

- **John Mihelich (3557-174) requested Mr. Hernandez re-review the Wastewater Fund's financial situation. Mr. Mihelich also stated he believed under Proposition 218, property owners should have been given the right to protest the severance pay for the previous General Manager.**
- **Ralph Kermode (3417-177) stated that he upset by a recent politically driven letter that was mailed to Bear Valley residents, which implied that the information within was coming from the CSD. Mr. Kermode stated that he was concerned that this letter was going to be very divisive for the community.**
- **Gil Grace (3430-450) asked specifically how Closed Session Item B was settled. Ms. Hagan responded to all questions and stated that the terms of the settlement are not public record.**
- **Sandy Williams (3440-338) asked for clarification concerning the minutes from the September 13, 2012 Regular Board Meeting in regards to the appointment of the Chief of Police. Ms. Janzen addressed all questions. Mr. Williams also had questions regarding a past audit of Police Explorer funds. Mr. Hernandez, Ms. Hagan and Ms. Janzen responded.**

10. BOARD COMMENTS

- **Director Mason asked staff if the Lobbyist can be hired on an as needed or per hour basis. Ms. Janzen responded that it is not possible, as they provide preventative lobbying maintenance in the interest of special districts.**
- **President Zanutto wished to express appreciation for facilities maintenance for fixing all of the mailbox kiosks. He also advised that the GFOA Certificate of Achievement was presented to Mr. Hernandez and stated that Mr. John Yeakley deserved a lot of credit for this award.**

11. STAFF REPORTS

Financial Report

- **Mr. Hernandez provided a written report.**

Public Works Status Report

- **Mr. Tuma provided a written report.**

12. DISCUSSION AND DIRECTION TO STAFF REGARDING PROPOSAL FROM HIWAY MOTORS FOR CSD PURCHASE OF GAS STATION OWNED BY MIKE AND CATHY BECKWITH (Ms. Janzen)

- **Ms. Janzen provided a written report. Discussion ensued.**
- **Board Comments: Director Mason stated that if it wouldn't benefit the District from an investment standpoint, it wouldn't make sense to purchase the gas station. Director Morgan felt that there was no benefit to the community to own the gas station. Director Shea also saw no benefit to the District.**
- **Public Comments: Ralph Kermode (3417-177) advised against purchasing the gas station; Steve Miles (3455-074) cautioned the Board regarding the regulations associated with gasoline tanks, along with the possible hazards.**
- **President Zanutto advised that the Board would pass on this proposal. Director Morgan wished to thank the Beckwiths for the offer, but that the Board would like to respectfully decline.**

13. PUBLIC EMPLOYEE CONTRACT NEGOTIATIONS: TITLE – PUBLIC WORKS SUPERINTENDENT (Ms. Janzen)

- **Ms. Janzen provided a written report. Discussion ensued.**
- **It was determined by the Board to amend the contract to reflect the following changes: No monthly vehicle allowance; Use of a District vehicle would be limited to District business only, during regular District hours; and the \$4,800 vehicle allowance would rolled into the total salary, increasing the position's salary range, effective immediately.**
- **MOTION TO HAVE THE INTERIM GENERAL MANAGER APPLY THE RENEGOTIATED CONTRACT FOR MR. TUMA: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
- **Public Comments: Sandy Williams (3440-338) voiced his opinion that the management contracts should not include the benefit of COLA to maintain the salary gap.**

14. PUBLIC EMPLOYEE CONTRACT NEGOTIATIONS: TITLE – CHIEF OF POLICE (Ms. Janzen)

- **Ms. Janzen provided a written report. Discussion ensued.**
- **It was determined by the Board to amend the contract to reflect the following changes: Chief Pilkington would contribute \$25 each pay period toward the cost of fuel for his District vehicle; Severance pay was increased from three to four months; Salary change would be retroactive to July 1, 2012.**
- **MOTION TO AUTHORIZE THE INTERIM GENERAL MANAGER TO EXECUTE THE CHANGES THAT MR. PILKINGTON AND THE BOARD HAVE AGREED TO: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**

15. REQUEST FOR DISCUSSION BY LINDA LELIEVRE (3431-391) FOR ANY CSD PROJECT OVER \$100,000 TO FOLLOW THE STANDARDS OF A PROPOSITION 218 PROTEST HEARING (Ms. Janzen)

- **Ms. Janzen provided a written report. Ms. Lievre addressed the Board regarding her concerns. Discussion ensued.**

- **President Zanutto advised staff to remove the item from the agenda, and should Ms. LeLievre like to bring the item back with a little more clarity, it would be addressed at that time. No action.**
16. APPROVAL OF PROPOSAL FOR LEGAL SERVICES AGREEMENT WITH CAMERON WEIST REGARDING LEGAL AND FINANCIAL IMPLICATIONS PERTAINING TO THE REQUEST BY SUNSELECT TO PURCHASE PROPERTIES LOCATED AT CUMMINGS VALLEY AND SCHATZ ROADS (Mr. Hernandez)
 - **Mr. Hernandez provided a written report. Discussion ensued.**
 - **Board Comments: Mason, Morgan, Shea.**
 - **President Zanutto advised staff to remove this item from the agenda. Ms. Janzen would prepare a formal response to SunSelect.**
 - **Public Comments: Ralph Kermode (3417-177) believes the District should hold onto the property.**
 17. DISCUSSION AND FIRST READING OF AN ORDINANCE REGARDING REVISION OF DISTRICT CODE 1-5-8 AS IT PERTAINS TO THE PREPARATION AND CIRCULATION OF REGULAR BOARD MEETING AGENDAS (Ms. Janzen)
 - **Ms. Janzen provided a written report.**
 - **MOTION TO APPROVE AND CONDUCT THE FIRST READING OF THE REVISION OF DISTRICT CODE 1-5-8 AS IT PERTAINS TO THE CIRCULATION OF REGULAR BOARD MEETING AGENDAS BY TITLE ONLY: MASON. SECONDED: MORGAN. AYES: ALL. THE MOTION PASSED.**
 - **There were no Board or Public Comments.**
 18. APPROVAL OF BVSA REQUEST FOR CHURCH TRAIL ENCROACHMENTS TO BE REMOVED AND DIRECTION TO STAFF TO NOTIFY PROPERTY OWNERS AND BEGIN ENCROACHMENT PROCEDURES (Ms. Janzen)
 - **Ms. Janzen provided a written report.**
 - **Item continued to the November 8, 2012 Regular Board Meeting.**
 - **Public Comments: Dottie Aten (3430-050) asked why only the lots at the center of the trail are being affected, and not the entire trail. Ms. Janzen responded; Ralph Kermode (3417-177) asked if this situation is similar to that of the properties affected by the encroachments of Four Island Lake. Ms. Janzen responded; Linda LeLievre (3431-391) stated that she believes that the fences should be grandfathered in, since some of them have been in place for thirty years. President Zanutto stated that the District is not willing to give up any of its easements.**
 19. DISCUSSION AND APPROVAL OF GEOGRAPHIC INFORMATION SYSTEM (GIS) PROPOSAL (Ms. Janzen)
 - **Ms. Janzen provided a written report. Discussion ensued.**
 - **Mr. Tuma provided his recommendation in favor of the GIS software.**
 - **The Board decided unanimously to direct staff to advise Quad Knopf that the District will not be moving forward at this time. It was the Board's desire to re-open negotiations, and refer this item back to the Infrastructure Committee.**
 20. ANNUAL APPOINTMENT OF MEMBERS TO THE DISASTER COUNCIL (Ms. Janzen)
 - **Ms. Janzen provided a written report and letters of interest submitted by seven individuals.**

- **MOTION TO APPOINT JOHN ANZULIS, DAVID HADLEY, DON KORDES, PEGGY MUELLER AND JIM NELSON TO THE DISASTER COUNCIL, ALONG WITH FIONNA NELSON AND THOMAS MACE AS ALTERNATES: MORGAN. SECONDED: MASON. AYES: ALL. THE MOTION PASSED.**
 - **There were no Board or Public Comments.**
21. ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER REQUEST FOR USE OF COPS PROGRAM FUNDS (Mr. Hernandez)
- **Mr. Hernandez and Interim Chief Pilkington provided written reports.**
 - **Director Mason asked if a revision could be presented to the Board at the next Regular Board Meeting. Ms. Janzen responded in the affirmative; however, all that was needed at that time was to set the hearing.**
 - **MOTION TO APPROVE THE RESOLUTION FOR SETTING A PUBLIC HEARING ON NOVEMBER 8, 2012 TO CONSIDER REQUESTS FOR USE OF COPS PROGRAM FUNDS: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
 - **Board Comments: Mason. There were no Public Comments.**
22. CONDUCT A PUBLIC HEARING RE: PROPERTIES AFFECTED BY WEED INFESTATION CONSTITUTING A FIRE HAZARD (Ms. Janzen)
- **Ms. Janzen provided a written report.**
 - **President Zanutto opened and closed the public hearing, as there was no one in attendance for the hearing.**
 - **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 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 6:00PM ON NOVEMBER 8, 2012: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
24. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Ms. Janzen)
- **Ms. Janzen provided a written report.**
 - **President Zanutto opened and closed the public hearing, as there was no one in attendance for the hearing.**
 - **There were no Board or Public Comments.**
25. 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 NOVEMBER 8, 2012: MORGAN. SECONDED: SHEA. AYES: ALL. THE MOTION PASSED.**
 - **There were no Board or Public comments.**

26. DISCUSSION AND APPROVAL OF ATTENDANCE AND EXPENDITURES FOR BOARD OF DIRECTORS (BY NAME) AT THE ACWA 2012 FALL CONFERENCE AND EXHIBITION (Ms. Janzen)

- **Ms. Janzen provided a written report.**
- **MOTION TO APPROVE ATTENDANCE AND EXPENDITURES FOR BONNIE SHEA AND BILL MASON TO ATTEND THE 2012 ACWA CONFERENCE AND EXHIBITION: MORGAN. SECONDED: ZANUTTO. AYES: ALL. THE MOTION PASSED.**
- **There were no Board or Public comments.**

27. ADJOURNMENT

- **PRESIDENT ZANUTTO ADJOURNED THE MEETING AT 9:47 PM**

Rick Zanutto, Board President
Bear Valley Community Services District

ATTEST:

Jessica Mattinson, District Secretary