



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road - Tehachapi, CA 93561-9637
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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: March 14, 2013
TIME OF CLOSED SESSION MEETING: 4 p.m.
PLACE OF CLOSED & OPEN SESSION MEETINGS: BVCSD 28999 South Lower Valley Road
TIME OF OPEN SESSION MEETING: 6 p.m.

1. CALL TO ORDER

- **President Zanutto called the meeting to order.**

2. ROLL CALL

President Rick Zanutto
Vice President Bill Mason
Director Charlene LaClaire
Director Al Romano
Director Bonnie Shea

- **All Directors were present. Also present were: District Counsel Kristin Hagan; General Manager Jeffrey Hodge; Assistant General Manager/Secretary to the Board of Directors Sandy Janzen; (At 6 p.m.): Sergeant Rod Walthers and Public Works Superintendent Larry Tuma, III.**

3. ADJOURN TO CLOSED SESSION

- **President Zanutto adjourned the meeting to Closed Session at 4:01 p.m.**

4. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION; (Harris v. Bear Valley Community Services District et al.; United States District Court Case No. 1:12-CV-01664-LJO-JLT) Govt. Code §54956.9(a)

- **Item discussed with Legal Counsel. No reportable action.**

B. PUBLIC EMPLOYMENT: CHIEF OF POLICE (Govt. Code, §54957)

- **Item discussed. No reportable action.**

C. CONSIDERATION OF A CLAIM AGAINST THE DISTRICT ICO: KENNETH DODSON (3431-073) §54956.9 (d)(2)

- **Claim denied.**

D. CONFERENCE WITH DESIGNATED LABOR NEGOTIATORS, RICK ZANUTTO AND JEFF HODGE, REGARDING NEGOTIATIONS WITH POLICE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC) AND SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521 (SEIU) (Govt. Code, §54957.6)

- **Direction provide by the Board of Directors to the negotiators.**

5. ADJOURN CLOSED SESSION

- **President Zanutto adjourned Closed Session at 5:43 p.m.**

6. PLEDGE OF ALLEGIANCE

- **Sergeant Walthers led the Pledge of Allegiance.**

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

- **President Zanutto summarized the Closed Session items as stated above. President Zanutto opened Public Comments. Public Comments were made by: Robert Williams (3440-348); requested a copy of the documents regarding Karen Harris; Jim Nelson (Stated that residents were not required to give their tract and lot information and warned against the procedure due to Gate security); Stated the Police Department was short staffed and objected to no reportable action regarding Item 4-B; Debbie Dunlop asked Sgt. Walthers if the police department was running effectively. Mr. Hodge commented. Linda LeLierve commented on Item 4-C and was asked to wait until Public Comments. President Zanutto closed Public Comments regarding the Closed Session items.**

8. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and noncontroversial by staff. However, if discussion is required, the item will be removed from the consent agenda and will be discussed after the consent agenda is approved.

CONSENT CALENDAR MOTION:

THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH J BE ADOPTED EXCEPT FOR E and J: MASON. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY.

- A. Board Minutes – that the minutes of the February 14, 2013 regular board meeting.
- B. Committee Reports – that the notes from the committee meetings be accepted as submitted
- C. Monthly report of Strategic Planning Objectives
- D. Disclosure of Expenses as submitted
- E. Register of Warrants for February 2013
- F. Treasurer’s Report – that the monthly Treasurer’s report for January 2013 be accepted as submitted
- G. Financial Statements for January and February 2013 as submitted
- H. Acceptance of Annual Report from the Public Safety Committee Concerning Complaints against the Police Department.
- I. Forfeiture of Deposits for Recurring Contractor Gate Permits
- J. Approval of BVSA project as recommended by the Liaison Committee for: Mulligan Room BBQ Patio Replacement
- **Resident Ralph Kermode to remove Item 8-E for discussion. Mr. Kermode requested clarification regarding the monthly warrant for water tank maintenance. Clarification was provided by Vice President Mason. Ms. Shea discussed workers compensation issues in regards to Item 8-J. BVSA General Manager Kirk Wooldridge was asked to speak by President Zanutto.**
- **MOTION TO APPROVE ITEMS 8-E & 8-J: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.**

9. PUBLIC COMMENTS

This is the time set aside for those wishing to address the Board on matters not on the Agenda which fall under the authority of the Board. No action may be taken by the Board except to set the matter presented for the next regular Board Meeting. Please state your name and address and provide the Secretary with the Public Comments Information Form so you can be properly included in the consideration of the item. Please limit your comments to three minutes so that all who wish to speak can be heard.

- **President Zanutto opened Public Comments.**
- **Steve Miles (3455-074): read a statement regarding the selection of Citizen Volunteers to serve on the Public Safety Committee. Mr. Miles did not agree with the decision and comments made by Director Romano during the selection process.**

- **Mary Cunningham:** requested information regarding the Volunteers in Police Service (VIPS) fundraising bike ride and liability concerns. President Zanutto directed Ms. Janzen to provide clarification.
- **Linda LeLierve:** asked for additional information regarding the fundraiser. Ms. Janzen responded.
- **Gil Grace:** requested information regarding the Gate pass procedures for the bike riders. Sgt. Walthers and Ms. Janzen responded.
- **Jim Nelson:** Stated that all district meetings are recorded and videotaped and that as a matter of Gate security residents should not state their names, tract and lots. Sgt. Walthers stated he would look into a modification of Gate procedures.
- **President Zanutto** closed Public Comments.

10. BOARD COMMENTS

- **There were no additional Board Comments.**

11. STAFF REPORTS

Financial Report- Mr. Hodge presented the Finance Director's written report. President Zanutto commented on the pass-through rate in correlation to 10 units and water breaks. Vice President Mason discussed water breaks and asked staff to thank Mr. Hernandez for bringing the Financial Reports up to the past month's information. President Zanutto opened Public Comments. Gil Grace: complimented the financial graphs but requested clarification. Linda LeLierve made statements regarding the water rates. President Zanutto, Vice President Mason, Ms. LaClaire and Mr. Hodge provided clarification regarding Ms. LeLievre's comments.

Public Works Status Report – Mr. Tuma presented a written report. Director Romano provided additional information regarding the Tehachapi Water Availability Preservation Committee meeting. Vice President Mason commented on Director Romano's statements and requested that staff report back on the following items next month: Cumberland centerline markings; mailbox stands at Cumberland and Saddleback and the status of the pump for Jack's Hole. President Zanutto opened Public Comments. Gil Grace asked questions regarding crack sealing. Staff answered. Ralph Kermode thanks Vice President Mason for requesting staff to report back next month on the three items mentioned above.

Public Safety Report – Sgt. Walthers provided a written report. President Zanutto opened Public Comments. Jim Nelson asked why the Board of Directors has approved the use of CodeRED when Stallion Springs uses "Nixle" - a similar system for less money. Vice President Mason referred to the positives of the Code RED System and the demonstration presented to the Communications by City of Tehachapi Chief of Police Jeff Kermode. Linda LeLierve requested details regarding an assault and battery case.

12. ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER REQUEST FOR USE OF COPS PROGRAM FUNDS (Mr. Hodge)

- **MOTION TO ADOPT A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER REQUEST FOR USE OF COPS PROGRAM FUNDS: ROMANO. SECONDED: SHEA.** President Zanutto opened Board Comments. Director LaClaire requested the item be referred to the Finance Committee for further review. Director Romano mentioned the article in the Tehachapi News regarding the Grand Jury and the comment that the City of Tehachapi should have their own Dispatch Communications Center. President Zanutto opened Public Comments. Gil Grace referred to police vehicles and the budget. Linda LeLierve stated that COPS grant funding would be used to cover police overtime expenses. Both Board and Public Comments were closed. **THE MOTION PASSED UNANIMOUSLY.**

13. ADOPTION OF A RESOLUTION DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION AND SETTING A PUBLIC HEARING (Mr. Hodge)
 - **MOTION TO ADOPT THE RESOLUTION: SHEA, SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. There were no comments.**
14. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Mr. Hodge)
 - **President Zanutto opened and closed the Public Hearing. No one was in attendance for the hearing.**
15. REQUEST FOR RELIEF FROM HIGH WATER BILL: ICO MR. WILLIAM B. THORN (3435-090) (Mr. Hodge)
 - **MOTION TO DENY THE REQUEST FOR RELIEF FROM A HIGH WATER BILL: ROMANO, SECONDED: MASON. President Zanutto opened Public Comments. Mr. and Mrs. Thorn addressed the Board of Directors. Broad Comments were made by President Zanutto and Vice President Mason – both expressed compassion for the Thorn’s circumstances. THE MOTION PASSED UNANIMOUSLY.**
16. REQUEST FOR RELIEF FROM HIGH WATER BILL: ICO MR. MIKE ARDESHIRI (0675-001) (Mr. Hodge)
 - **MOTION TO DENY THE REQUEST FOR RELIEF FROM A HIGH WATER BILL: LACLAIRE, SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. Vice President Mason requested that an article be placed in the Bear Tracks/Water bills regarding the \$10 fee to have water shut off. Patti Stevens (3461-288) also stated that the VIPS perform vacation checks and have report water leak in a timely manner. Linda LeLierve also commented.**
17. ADOPTION OF A RESOLUTION NAMING ASSISTANT GENERAL MANAGER SANDY JANZEN TO SERVE ON THE BOARD OF DIRECTORS FOR THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) (Mr. Hodge)
 - **MOTION TO ADOPT A RESOLUTION NAMING SANDY JANZEN TO SERVE ON THE BOARD FOR SDRMA: ROMANO, SECONDED: SHEA. President Zanutto opened Board Comments. Director Romano wished Ms. Janzen luck. Vice President stated that he was not comfortable with the timing. Director LaClaire asked several questions. President Zanutto opened Public Comments. Linda LeLierve stated Ms. Janzen’s service on the SDRMA Board of Directors could benefit the Bear Valley CSD. President Zanutto closed Board and Public Comments. THE MOTION PASSED UNANIMOUSLY.**
18. APPROVAL OF PURCHASE OF EXCHANGE SERVER IN AN AMOUNT NOT TO EXCEED \$19,000 (Mr. Hodge)
 - **MOTION TO PURCHASE MICROSOFT EXCHANGE SOFTWARE IN AN AMOUNT NOT TO EXCEED \$7,000: MASON, SECONDED: ROMANO. President Zanutto opened both Board and Public Comments. Gil Grace asked where funding would come from. Director LaClaire asked if the funding would come from the General Fund. Mr. Hodge explained that the expense would be a Capital Expenditure and would be shared by the departments benefiting from the service. THE MOTION PASSED UNANIMOUSLY.**
19. APPROVAL OF PURCHASE OF LEAK DETECTION EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$35,655 WITH BUDGET REALLOCATION FROM FY 2013-14 BUDGET (Mr. Hodge)
 - **Mr. Hodge requested that this item be pulled until staff has time to request bids. THE ITEM WAS PULLED FROM THE AGENDA.**
20. APPROVAL OF FY 2013-14 BUDGET ASSUMPTIONS (Mr. Hodge)
 - **Mr. Hodge requested that this item be pulled until staff has time to provide additional information to the Finance Committee. THE ITEM WAS PULLED FROM THE AGENDA.**
21. APPROVAL OF REVISED FY 2013-14 BUDGET CALENDAR (Mr. Hodge)

- **MOTION TO APPROVE THE REVISED BUDGET CALENDAR: ROMANO. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY. There were no Board or Public Comments.**
- 22. DECLARE EQUIPMENT SURPLUS TO THE NEEDS OF THE DISTRICT AND AUTHORIZE SALE OF SURPLUS EQUIPMENT (Mr. Hodge)
 - **MOTION TO SURPLUS EQUIPMENT: MASON. SECONDED: SHEA. President Zanutto opened Public Comments. Linda LeLierve asked if the Public could purchase any of the items. Mr. Hodge commented. THE MOTION PASSED UNANIMOUSLY.**
- 23. BOARD CONSIDERATION OF UPDATE TO DISTRICT CODE IN REGARDS TO BOARD POLICIES (Mr. Hodge)
 - **MOTION DIRECTING THE ADMINISTRATION COMMITTEE TO REVIEW BOARD POLICIES: ROMANO. SECONDED: LACLAIRE. There were no Public or Board Comments. THE MOTION PASSED UNANIMOUSLY.**
- 24. ADJOURNMENT
 - **President Zanutto requested a motion to adjourn the meeting. MOTION TO ADJOURN THE MEETING: SHEA. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY AT 8:10 P.M.**



Rick Zanutto, President
Board of Directors

ATTEST:



Sandra L. Janzen, Assistant General Manager
Secretary to the Board of Directors