



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: April 11, 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 at 4 p.m.**

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: Legal Counsel Kristin Hagan; General Manager Jeffrey Hodge; Assistant GM/District Secretary Sandy Janzen for Closed Session. During Open Session Chief of Police Rod Walthers, Finance Director Rudy Hernandez and Public Works Superintendent Larry Tuma, III joined the meeting.**

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)

- **President Zanutto reported that the District will enter mediation on May 3, 2013 at 9 a.m.**

B. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYEE APPOINTMENT AND HIRING PURSUANT TO PUBLIC EMPLOYMENT - Govt. Code, §54957

TITLE: CHIEF OF POLICE

- **President Zanutto reported that the Board of Directors unanimously voted to offer Sergeant Rod Walthers a contract for Chief of Police. Sergeant Walthers accepted the contract.**

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Govt. Code, §54957

TITLE: ASSISTANT GENERAL MANAGER

- **No reportable action.**

D. CONSIDERATION OF A CLAIM AGAINST THE DISTRICT ICO: MS, LINDA LELIERVE (3431-391) §54956.9 (d)(2)

- **President Zanutto reported that the claim was denied by the Board of Directors.**

5. ADJOURN CLOSED SESSION

- **President Zanutto adjourned Closed Session and reconvened Open Session at 6 p.m.**

6. PLEDGE OF ALLEGIANCE

- **Mr. Hodge led the Pledge of Allegiance at the request of President Zanutto.**
7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION (President Zanutto)
- **Actions from Closed Session are stated above.**

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 A, D, AND J.: MASON. SECONDED: ROMANO. The motion passed unanimously. Vice President Mason requested that Items 8-A and 8-D be removed from the Consent Calendar. Items 8-A and 8-D were discussed. MOTION TO APPROVE 8-A WITH CHANGES TO THE REGULAR BOARD MEETING MINUTES FOR MARCH 14, 2013: LACLAIRE. SECONDED: ZANUTTO. Public Comments: Ms. Linda LeLievre objected to the change to the minutes. THE MOTION PASSED UNANIMOUSLY. MOTION TO APPROVE ITEM 8-D: ROMANO. SECONDED: MASON. There were no Public Comments. THE MOTION PASSED UNANIMOUSLY. Director Romano requested 8-J be removed. Discussion ensued. MOTION TO APPROVE ITEM 8-J: MASON. SECONDED: ZANUTTO. Public Comments were made by: Jim Nelson, Linda LeLievre, Kirk Wooldridge, Dr. Michael St. Louis, and Helen Santiago. THE MOTION PASSED 3:2. AYES: ZANUTTO, MASON, LACLAIRE. NOES: ROMANO, SHEA.

- A. Board Minutes – that the minutes of the March 14, 2013 regular board meeting, minutes for both special board meetings on March 27, 2013 and the minutes for the special board meeting on March 28, 2013.
 - B. Committee Reports – that the notes from the committee meetings be accepted as submitted
 - C. Disclosure of Expenses as submitted
 - D. Register of Warrants for March 2013 as submitted
 - E. Treasurer’s Report – that the monthly Treasurer’s report for March 2013 be accepted as submitted
 - F. Financial Statements for March 2013 as submitted
 - G. Quarterly Overtime Report as submitted
 - H. Uncollectable Debt Report as submitted
 - I. Board Appointment of Phill Turock to Replace Traci Miller on the Disaster Council
 - J. Approval of BVSA Request for \$95,000 in Park and Recreation Funding for Recurring BVSA Expenses
- **District Secretary Sandy Janzen administered the Loyalty Oath to Chief of Police Rod Walthers. Chief Walthers requested that Ms. Janzen pin the Chief’s badge on him. Chief Walthers requested that President Zanutto place the stars on Chief Walther’s uniform. The Loyalty Oath was signed by the Chief of Police and witnessed by General Manager Jeff Hodge and Assistant GM Sandy Janzen. Chief Walthers was congratulated by all.**

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.** Comments were made by: Linda LeLievre regarding budgeting for spending and Helen Santiago regarding the price charged for refuse services.

10. BOARD COMMENTS

- **ROMANO:** Stated he is glad to have a Chief of Police in place.
- **LACLAIRE:** State that Benz controls the cost of the transfer station.
- **MASON:** Clarified that there had not been an increase in refuse charges for years and apologized to Ms. LeLievre for a comment made to her at the March 14, 2013 meeting. Vice President Mason also made a comment to Jim Nelson regarding Nixle.

11. STAFF REPORTS

Financial Report – Mr. Hernandez provided a written report. Board Comments made by Mason. Public Comments made by Dr. Michael St. Louis.


Public Works Status Report – Mr. Tuma provided a written report. Board Comments were made by Directors Mason and Romano. Striping at Cumberland and Skyline was referred to the Infrastructure Committee. Public Comments were made by Linda LeLievre.

Public Safety Report – Written report provided by Chief of Police Rod Walthers. Board Comments were made by Directors Mason, LaClaire and Romano regarding mail thefts/mail theft reports and mail boxes.

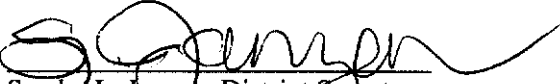
12. PRESENTATION BY MS. DONNA GREER REGARDING STAR THISTLE AND ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF STAR THISTLE (Mr. Hodge)

- Ms. Donna Greer and Ms. Lorie Rude-Bets provided a star thistle presentation. Questions were asked by Directors LaClaire and Romano. Public Comments were made by Linda LeLievre, Tom McMullen and Jim Nelson. **MOTION TO APPROVE A RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL AND ERADICATION OF STAR THISTLE FOR MAY 9, 2013 AT 6 PM: ROMANO. SECONDED: SHEA. THE MOTION WAS UNANIMOUSLY APPROVED.**
13. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Mr. Hodge)
- **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING.** Mr. Tony Watson stated that he would remove his pine bark beetle infested tree within thirty days. **PRESIDENT ZANUTTO CLOSED THE PUBLIC HEARING.**
14. PUBLIC HEARING TO CONSIDER REQUEST FOR USE OF COPS PROGRAM FUNDS (Mr. Hodge)
- **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING.** Public Comments were made by: Jackie Burkholder, Helen Santiago, Ralph Kermode, and Linda LeLievre. Board Comments were made by: all Directors. Chief Walthers agreed to reduce Item 1 – Police Dispatch and Radio Upgrades from \$70,000 to \$65,000 and increase Item 5 – Police Overtime to \$25,000. **MOTION TO APPROVE THE REVISED COPS GRANT EXPENDITURE FOR FY 2012-13: ZANUTTO. THE MOTION FAILED. MOTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR COPS GRANT: ROMANO. SECONDED: SHEA. ROLL CALL VOTE: ZANUTTO – YES; MASON – NO; LACLAIRE – NO; ROMANO – YES; SHEA – YES. THE MOTION PASSED 3:2.**
15. APPROVAL OF CONTRACT FOR CHIEF OF POLICE (Mr. Hodge)
- **MOTION TO REMOVE ITEM 15 FROM THE AGENDA: ROMANO. SECONDED: MASON. THE MOTION WAS APPROVED UNANIMOUSLY.**
16. REQUEST FOR APPROVAL OF A POLICE DEPARTMENT SENIOR OFFICER POSITION TO SERVE IN PLACE OF THE SECOND SERGEANT POSITION (Mr. Hodge)

- **MOTION TO APPROVE A POLICE DEPARTMENT SENIOR OFFICER POSITION TO SERVE IN PLACE OF THE SECOND SERGEANT POSITION: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.**
17. REQUEST FOR APPROVAL OF A EXECUTIVE ASSISTANT POSITION TO SERVE AT THE DISTRICT OFFICE (Mr. Hodge)
 - **MOTION TO APPROVE AN EXECUTIVE ASSISTANT POSITION TO SERVE AT THE DISTRICT OFFICE: ROMANO. SECONDED: SHEA. Board Comments: Director LaClaire asked for clarification. Director Mason requested the job description be returned to the next meeting with an overall plan for restructuring the front office. THE MOTION WAS APPROVED UNANIMOUSLY.**
 18. ADOPTION OF A RESOLUTION TO PURCHASE SURPLUS GOVERNMENT EQUIPMENT (Mr. Hodge)
 - **MOTION TO ADOPT A RESOLUTION TO PURCHASE SURPLUS GOVERNMENT EQUIPMENT: ROMANO. SECONDED: SHEA. Board Comments were made by Mason and Romano. THE MOTION PASSED UNANIMOUSLY.**
 19. REQUEST FOR RELIEF FROM HIGH WATER BILL: ICO MR. & MRS. JOHN NORIEGA (3471-646) (Mr. Hodge)
 - **MOTION TO DENY THE REQUEST FOR RELIEF FROM A HIGH WATER BILL: LACLAIRE. SECONDED: ROMANO. Mr. Hodge stated that staff action would be taken to make sure these types of request no longer came to the board of directors based on the government code. Board Comments: Vice President Mason requested the Communications Committee place an article in the Bear Tracks regarding water shut offs. THE MOTION PASSED UNANIMOUSLY.**
 20. REQUEST FOR RELIEF FROM HIGH WATER BILL: ICO MR. MOURICE PENHASIAN (3455-116) (Mr. Hodge)
 - **MOTION TO DENY THE REQUEST FOR RELIEF FROM A HIGH WATER BILL: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.**
 21. APPROVAL OF FY 2013-14 BUDGET ASSUMPTIONS (Mr. Hodge)
 - **MOTION TO APPROVE THE BUDGET ASSUMPTIONS: ROMANO. SECONDED: MASON. Board Comments were made by Vice President Mason. Mr. Hernandez requested clarification. THE MOTION PASSED UNANIMOUSLY.**
 22. APPROVAL OF REQUEST FOR PROPOSAL (RFP) FOR GATE IMPROVEMENTS (Mr. Hodge)
 - **MOTION REQUESTING STAFF TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS REGARDING A GATE FEASIBILITY STUDY: LACLAIRE. SECONDED: MASON. Board Comments were made by Directors Mason and Romano. Public Comments were made by: Ralph Kermode and Linda LeLievre. THE MOTION PASSED UNANIMOUSLY.**
 23. APPROVAL OF REQUEST FOR PROPOSAL (RFP) FOR SOLAR PROJECT (Mr. Hodge)
 - **MOTION REQUESTING STAFF TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS REGARDING SOLAR PROJECT(S): LACLAIRE. SECONDED: MASON. Board Comments: Director LaClaire thanked staff for their work. THE MOTION PASSED. AYES: ZANUTTO, MASON, LACLAIRE. NOES: ROMANO. ABSENT FROM THE VOTE: SHEA.**
 24. ADJOURNMENT
 - **PRESIDENT ZANUTTO REQUESTED DIRECTOR SHEA ADJOURN THE MEETING. DIRECTOR SHEA ADJOURNED THE MEETING AT 8:58 PM.**


 Rick Zanutto, President
 Board of Directors

ATTEST:



Sandra L. Janzen, District Secretary
Assistant General Manager