



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: June 13, 2013
PLACE OF OPEN SESSION MEETING: BVCSO 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 Legal Counsel Kristin Hagan, General Manager Jeff Hodge, Assistant General Manager/Board Secretary Sandy Janzen, Finance Director/Treasurer Rudy Hernandez, Chief of Police Rod Walthers and Public Works Superintendent Larry Tuma.**

3. PLEDGE OF ALLEGIANCE

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

4. 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 H BE ADOPTED EXCEPT FOR A, B, F: MASON. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. President Zanutto opened Board and Public Comments. Resident Jim Nelson asked for clarification regarding the Board Minutes. Staff provided details. Vice President Mason requested additions to the Public Safety notes. Vice President Mason also requested modifications to the Financial Statements. MOTION TO APPROVE CONSENT CALENDAR ITEMS A, B, AND F: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.

- A. Board Minutes – that the minutes of the two special board meetings on May 16, 2013 as submitted.
- 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 April 2013 as submitted

- E. Treasurer's Report – that the monthly Treasurer's report for April 2013 be accepted as submitted
- F. Financial Statements for April 2013 as submitted
- G. Cast Ballot for California Special Districts Association (CSDA) Board of Directors 2013 as submit

5. 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.

- **THERE WERE NO PUBLIC COMMENTS.**

6. BOARD COMMENTS

- **THERE WERE NO BOARD COMMENTS.**

7. STAFF REPORTS

Financial Report – **MR. HERNANDEZ PROVIDED A WRITTEN REPORT. Vice President Mason made several comments. Resident Jim Nelson asked for clarification regarding “pass-through” terminology.**

Public Works Status Report- **MR. TUMA PROVIDED A WRITTEN REPORT. Board Comments were made by President Zanutto: lake- fill and Vice President Mason: road repairs, request for crack seal mileage records, and a pumping report to the Infrastructure Committee. Public Comments were heard from Jim Nelson: dip tanks and Linda LeLievre: dip tanks and road repairs.**

Public Safety Report- **CHIEF WALTHERS PROVIDED A WRITTEN REPORT. Vice President Mason requested details regarding the transportation of VIPS to the DUI checkpoints, he also requested Mail Theft reports and details regarding Burglary reports.**

8. DISCUSSION/APPROVAL OF BVSA PROJECT AS RECOMMENDED BY THE LIAISON COMMITTEE FOR: REPLACEMENT OF OAK TREE COUNTRY CLUB (OTCC) GOLF COURSE HOLE #7 WALKING BRIDGE (Mr. Hodge)

- **MOTION FOR MANAGEMENT STAFF AND LEGAL COUNSEL FROM BOTH THE CSD AND BVSA TO MEET FACE TO FACE TO REMEDY THE CURRENT ISSUE WITH CODE COMPLIANCE: LACLAIRE. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. Board Comments were made by: Mason, LaClaire, Zanutto and Romano. Committee Comments were heard from: Linda LeLievre, Steve Miles, and Jim Nelson. Legal Counsel Ms. Hagan clarified that Section 16 of the BVSA Lease states that the Association must meet all state, federal, and county laws. Mr. Kirk Wooldridge (BVSA GM) stated that the BVSA was working to pull permits for the newly constructed bridge at Hole #7. Public Comments were heard from Ms. LeLievre.**

DIRECTOR ROMANO MADE A REQUEST THAT ITEM 16 BE MOVED TO FOLLOW AGENDA ITEM 8. DIRECTOR SHEA AGREED. DIRECTORS ZANUTTO, MASON AND LACLAIRE DID NOT AGREE WITH SAID SUGGESTION. THE ITEM 16 WAS NOT MOVED.

9. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF STAR THISTLE (Mr. Hodge)

- President Zanutto opened and closed the Public Hearing. No one in attendance was there for the hearing. Ms. LeLievre did comment.
10. ADOPTION OF A RESOLUTION APPROVING 2013-14 PRELIMINARY BUDGET AND SETTING A PUBLIC HEARING FOR ADOPTION OF 2013-14 FINAL BUDGET (Mr. Hodge)
 - **MOTION TO ADOPT THE RESOLUTION APPROVING THE 2013-14 PRELIMINARY BUDGET AND SET A PUBLIC HEARING FOR THE ADOPTION OF THE FINAL BUDGET ON JULY 11, 2013: MASON. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY.** President Zanutto, Vice President Mason and Mr. Hernandez thanked everyone for their work regarding the preliminary budget.
 11. RATIFICATION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE BEAR VALLEY CSD AND THE PEACE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC) (Mr. Hodge)
 - **MOTION TO ADOPT THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AND THE PEACE OFFICERS ASSOCIATION OF CALIFORNIA (PORAC): ROMANO. SECONDED: SHEA. THE MOTION PASSED UNANIMOUSLY.** Board Comments were made by Vice President Mason regarding the Employee Handbook revisions currently at the Administration Committee level. Staff clarified the process.
 12. DISCUSSION REGARDING BEAR VALLEY POLICE DEPARTMENT NEIGHBORHOOD WATCH PROGRAM SCHEDULED FOR 10 A.M. JUNE 15, 2013 AT THE OAK TREE COUNTRY CLUB (Mr. Hodge)
 - **PRESIDENT ZANUTTO OPENED BOARD COMMENTS.** Discussion ensued. Board comments were made by all directors. **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.** Public Comments were made by Steve Miles, Kirk Wooldridge, Jim Nelson and "Helen". The Board of Directors decided that the meeting could be held to determine the public's level of interest in a Neighborhood Watch Program and directed staff to carry on with the planned meeting and report back to the Board of Directors in July before moving forward. As part of the discussion it was determined that no items are to be placed on a committee agenda unless they are directed by the Board of Directors.
 13. PRESENTATION OF CITIZEN RECORDS INFORMATION MANAGEMENT SYSTEM (RIMS) (Mr. Hodge)
 - Mr. Hodge and Chief Walthers introduced Supervising Dispatcher Karolyn Hartmann. Ms. Hartmann provided a presentation of Citizen RIMS. Interested residents were told to sign up for notifications at hvpcrimegraphics.com. **PRESIDENT ZANUTTO OPENED BOARD COMMENTS.** Directors LaClaire and Mason made comments. **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.** Sandy Williams and Jane Baron asked clarifying questions that were answered by staff.
 14. ADOPTION OF A RESOLUTION FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS (SDRMA) AND CASTING OF THE BALLOT (Mr. Hodge)
 - **MOTION TO ADOPT A RESOLUTION FOR THE ELECTION OF DIRECTORS TO THE SDRMA BOARD OF DIRECTORS SELECTING MURIL CLIFT, TIM UNRUH, JEAN BRACY AND DAVID ARANDA: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.** Public Comments were made by: Linda LeLievre.
 15. APPROVAL OF ATTENDANCE AT THE 2013 ANNUAL CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) CONFERENCE AND APPROVAL OF ATTENDANCE AT THE 2013 ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) FALL CONFERENCE AND EXHIBITION (Mr. Hodge)

- MOTION TO APPROVE THE ATTENDANCE AND EXPENDITURES OF DIRECTORS MASON, LACLAIRE, ROMANO AND SHEA AT THE CSDA CONFERENCE IN SEPTEMBER 2013: ROMANO. SECONDED: ZANUTTO. THE MOTION PASSED UNANIMOUSLY. BOARD COMMENTS WERE MADE BY EACH DIRECTOR.
- MOTION TO APPROVE THE ATTENDANCE AND EXPENDITURES OF DIRECTORS ZANUTTO AND LACLAIRE AT THE ACWA CONFERENCE IN DECEMBER 2013: ROMANO. SECONDED: MASON. THERE WERE NO BOARD COMMENTS. THE MOTION PASSED UNANIMOUSLY. PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS. Public Comments were made by: Steve Miles, Jim Nelson, and Linda LeLievre.

16. DISCUSSION AND PREPARATION OF RESPONSE TO THE RECOMMENDATIONS OF THE KERN COUNTY GRAND JURY AS OUTLINED IN THEIR REPORT DATED MAY 16, 2013 (Mr. Hodge)

- The Board determined that they would go through each Grand Jury finding and recommendation one director at a time. (Grand Jury Letter attached to the minutes for reference). Public Comments were taken at the beginning of the process only to allow time for thorough discussion by the Board of Directors. PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS. Comments were made by: Linda LeLievre, Sandy Williams, and Gil Grace.
- F1: All directors agreed with this finding with the exception of Director Mason. Director Mason objected to the word "podcast" suggesting "webcast" be used instead.
- F2: All directors agreed with this finding with the exception of Director Mason. Director Mason suggested the words "when possible" be added to the sentence.
- F3: Legal Counsel stated that without more facts the Board of Directors cannot confirm if a Brown Act Violation occurred. All directors agreed with Legal Counsel. Vice President Mason stated he had provided the Grand Jury information regarding CSD and BVSA Committees. Director Mason stated he mistakenly reported that Jane Baron was on the BVSA Finance Committee and forgot to list Gil Grace.
- F4: All directors agreed with this finding.
- F5: All directors agreed with F5 with the exception of Vice President Mason. Director Mason stated he only agreed partially and that the word "three" should be changed to "four".
- F6: Directors LaClaire and Mason disagreed with this finding, stating they had no knowledge of any complaints made to the Grand Jury. President Zanutto stated he disagreed with the finding until more specific information is provided. Directors Romano and Shea partially disagreed.
- F7: All directors disagreed with this finding. Director Mason stated more information was needed.
- F8: All directors agreed with this finding.
- F9: All directors agreed with this finding.
- F10: All directors agreed with this finding with the exception of Director Mason. Mason requested that the Grand Jury add clarifying language to state that the BVSA pays to lease the amenities and maintains and operates the amenities.
- F11: All directors agreed with this finding with the exception of Director Mason. Mason objected to the word "corporation" and stated that the BVSA is a "non-profit".
- F12: Directors Zanutto and LaClaire agreed with this finding. Mason, Romano, and Shea partially agreed. Mason pointed out that the word "Arvin" was wrong and should be replaced with "Bear Mountain".
- F13: All directors agreed with this finding.
- F14: All directors agreed with this finding.

- **F15:** All directors agreed with this finding with the exception of President Zanutto stating only partial agreement.
- **F16:** All directors agreed only partially with this finding stating that the service charges to the City of Tehachapi are not 20% over the contracted amount.
- **F17:** All directors agreed with this finding with the exception of Director Mason. Mason stated not enough information was provided.
- **F18:** Directors LaClaire, Zanutto, Romano and Shea partially disagreed with this finding. LaClaire stated that the CSD does not fund all of the Park and Recreation and stated that the CSD does have some control. President Zanutto stated that the property taxes used for Park and Recreation is only \$100,000 while the Association's budget is over five million dollars. Romano stated that the CSD does not fund Park and Recreation. Vice President Mason disagreed with the finding stating that the Grand Jury has a lack of understanding regarding the BVSA.
- **F19:** Director Shea agreed with the finding. Romano partially agreed. LaClaire stated partial agreement due to a shortage of staff. Mason partially agreed stating unusual circumstances. President Zanutto partially agreed and stated that some members of the public require far more time from staff than committee or board members.

UPON COMPLETION OF THE FINDINGS, THE BOARD OF DIRECTORS REVIEWED FOUR POSSIBLE ACTIONS (PROVIDED BY LEGAL COUNSEL) THAT COULD BE TAKEN. These options were read as follows:

- 1) The recommendation has been implemented, with a summary regarding the implemented action;
 - 2) The recommendation has not yet been implemented, but will be implemented in the future, with an estimated timeframe for implementation;
 - 3) The recommendation requires further analysis, with an explanation of the scope of such analysis and an estimated timeframe within which the matter will be prepared for discussion by the Board of Directors, such timeframe not to exceed six months from the date the Grand Jury Report was published; or
 - 4) The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation therefor. (See Penal Code Section 933.05(b) (1)-(4).)
- EACH DIRECTOR WAS REQUIRED TO PICK A NUMBER AND PROVIDE AN EXPLANATION IF DESIRED BEFORE TAKING A VOTE.**

- **R1:** LaClaire chose option 3 stating that the Administration Committee will be reviewing the policies. Mason chose option 4 objecting to the phrase "Policies and Procedures Manual". Mason requested clarification from Legal Counsel. Ms. Hagan stated that there are significant factual distinctions between a committee member and a director, each having their own duties. Certain facts must be taken into consideration when serving on both the CSD and BVSA committees. The courts could rule that the committee members were part of the deliberative process. Director Mason stated that this was a sensitive subject for him and that committee members are only advisory to the board of directors. Directors Romano and Shea chose option 2. **MOTION TO SELECT RESPONSE NUMBER TWO FOR RECOMMENDATION ONE: ROMANO. SECONDED: SHEA. ROLL CALL VOTE: ZANUTTO – NO; MASON- NO; LACLAIRE- NO; ROMANO – YES; SHEA-YES. THE MOTION FAILED 3:2. MOTION TO SELECT RESPONSE NUMBER THREE FOR RECOMMENDATION ONE: ZANUTTO. SECONDED: MASON. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – NO; SHEA-NO. THE MOTION PASSED 3:2.**
- **R2:** Mason selected option 4 stating the BVSA Budget should be provided as part of the response. Zanutto and LaClaire also selected option 4. Romano and Shea selected option 3. **MOTION TO SELECT OPTION 4 FOR RECOMMENDATION NUMBER 2: LACLAIRE.**

SECONDED: MASON. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – NO; SHEA-NO. THE MOTION PASSED 3:2.


- **R3: All Directors selected option 2 with the exception of Director Shea. Shea selected option 3. MOTION TO SELECT OPTION 2 IN RESPONSE TO RECOMMENDATION NUMBER THREE: MASON. SECONDED: ROMANO. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY.**
- **R4: All Directors selected option 4 stating that the district code; water code, and state statute were being followed. MOTION TO SELECT OPTION 4 FOR RECOMMENDATION FOUR: LACLAIRE. SECONDED: MASON. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY.**
- **R5: All Directors selected option two for this recommendation. MOTION TO SELECTION OPTION TWO FOR RECOMMENDATION FIVE: MASON. SECONDED: ROMANO. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY.**
- **R6: All Directors selected option three for this recommendation. MOTION TO SELECTION OPTION THREE FOR RECOMMENDATION SIX: ROMANO. SECONDED: MASON. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY.**
- **R7: Recommendation 7 was discussed. The Board determined the recommendation needed to be divided and each sentence voted on separately. The first sentence was labeled R7A. The seconded sentence was labeled R7B. Director LaClaire stated that the Grand Jury was telling the CSD to consider things that were currently being negotiated. MOTION TO SELECT OPTION 1 FOR RECOMMENDATION 7A: MASON. SECONDED: ROMANO. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY. MOTION TO SELECT OPTION FOUR FOR RECOMMENDATION 7B: ROMANO. SECONDED: MASON. ROLL CALL VOTE: ZANUTTO – YES; MASON- YES; LACLAIRE- YES; ROMANO – YES; SHEA-YES. THE MOTION PASSED UNANIMOUSLY. Director Mason stated that the CSD has a good police department that is better than in past years. President Zanutto stated that the Sheriff Department may have saved the District money and should be reviewed from a financial perspective from time to time. Director Romano stated the Board looked at this option in the past and the public was not in support of going with the Sheriff's Department for public safety.
STAFF WAS DIRECTED TO BRING A DRAFT RESPONSE LETTER BASED ON THE ABOVE BOARD DETERMINATIONS TO THE JULY BOARD MEETING FOR FURTHER DISCUSSION AND APPROVAL.**

17. DISCUSSION AND ADOPTION OF DISTRICT WORK SCHEDULE: FOUR TEN HOUR DAYS FOR DISTRICT EMPLOYEES OTHER THAN WASTEWATER AND PUBLIC SAFETY (Mr. Hodge)

- **PRESIDENT ZANUTTO OPENED BOARD COMMENTS. Board Comments were made by: Zanutto, Mason, LaClaire and Romano. PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS. Public Comments were made by: Norm Vaughn and Sandy Williams. MOTION TO APPROVE STAFF'S RECOMMENDATION FOR THE DISTRICT OFFICE HOURS TO BE CHANGED FROM FIVE EIGHT HOUR DAYS TO FOUR TEN HOUR DAYS: ROMANO. THERE WAS NO SECOND. THE MOTION DIED.**

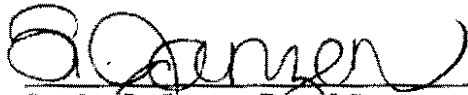
18. ADJOURNMENT

- **PRESIDENT ZANUTTO ADJOURNED THE MEETING AT 9:57 P.M.**



Rick Zanutto, President
CSD Board of Directors

ATTEST:



Sandra L. Janzen, Board Secretary
Assistant General Manager