



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: July 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.**

2. ROLL CALL

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

- **All directors were present with the exception of Director Shea. Also present: Legal Counsel Kristin Hagan; General Manager Jeff Hodge; Assistant GM/Board Secretary Sandy Janzen; Finance Director/Treasurer Rudy Hernandez; Public Works Superintendent Larry Tuma; Chief of Police Rod Walthers.**

3. PLEDGE OF ALLEGIANCE

- **Mr. Hodge led the Pledge of Allegiance.**

4. ADJOURN TO CLOSED SESSION

- **Meeting adjourned to Closed Session at 4:01 PM.**

5. CLOSED SESSION

A. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYEE
PERFORMANCE REVIEW §54957

TITLE: GENERAL MANAGER

- **No reportable action.**

B. CONFERENCE WITH DESIGNATED LABOR NEGOTIATORS, RICK ZANUTTO AND
JEFF HODGE, REGARDING NEGOTIATIONS WITH SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 521 (SEIU) (Govt. Code, §54957.6)

- **Negotiations Continued.**

6. ADJOURN CLOSED SESSION

- **Closed Session adjourned at 5:30 PM.**

7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION

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

8. CONSENT CALENDAR

- **THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH H BE ADOPTED EXCEPT FOR ITEMS D, G AND H: MASON. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED.**
- **On Item D, President Zanutto asked about the warrant for URS final billing. Mr. Hernandez confirmed that it was for balance remaining from 2012 work.**
- **Director Romano requested that Items G and H be put on hold until confirmation that all preparation work/permits are complete; Mr. Tuma confirmed no permits were needed. Public comments were made by: Linda LeLievre.**
- **MOTION TO APPROVE ITEMS D, G AND H: ROMANO. SECONDED: MASON. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED.**

9. PUBLIC COMMENTS

- **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS. Comments were made by Linda LeLievre about Board conduct and the right as a citizen to attend meetings.**

10. BOARD COMMENTS

- **President Zanutto spoke about a question asked at the Public Safety Meeting as to why the Police Department had to come to the Board about the Neighborhood Watch program if it's a citizen volunteer program; President Zanutto stated that since the Police Department is involved, the Board wants to hear about it.**
- **President Zanutto suggested that the staff take future requests to the Board to "go dark" regarding Committee meetings.**
- **President Zanutto announced that a dear friend was lost, with the passing of Bob Lefler, who served on the Communications and Administrative Committees. A moment of silence was shared. A tentative memorial has been scheduled for July 27, 11 AM at the Oak Tree Country Club**

11. STAFF REPORTS

Financial Report: **Mr. Hernandez provided a written report. Board Comments made by Mason. Public Comments made by Linda LeLievre.**

Public Works Status Report: **Mr. Tuma provided a written report. Board Comments were made by Directors Romano, Mason and Zanutto. Public Comments were made by Linda LeLievre.**

Public Safety Report: **Chief Walthers provided a written report. Board Comments were made by Directors Mason, Romano, LaClaire and Zanutto. Public Comments were made by Gil Grace.**

12. APPROVAL OF THE INFRASTRUCTURE COMMITTEE'S RECOMMENDATION TO ENTER INTO SUCCESSIVE NEGOTIATIONS (AS NEEDED) WITH THE TOP RANKED FIRMS FROM THE REQUEST FOR QUALIFICATIONS (RFQ) FOR A PROPOSED GATE PROJECT (Mr. Hodge)

- **President Zanutto asked for clarification that the funds were coming from the "Gate Fund," which Mr. Hernandez said was part of the General Fund.**

- Director LaClaire asked for clarification regarding the process. Ms. Hagan stated the nature of RFQs and RFPs and the need to know what type of request you need before soliciting.
 - **MOTION TO ENTER INTO SUCCESSIVE NEGOTIATIONS (AS NEEDED) FOR A CONTRACT WITH THE TOP RANKED FIRM FOR THE RFQ FOR GATE IMPROVEMENT FEASIBILITY, WHICH IS CORNERSTONE ENGINEERING/ RUETTIGERS & SCHULER: LACLAIRE. SECONDED: MASON. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Board Comments were made by Director Romano, Zanutto and Mason. Public Comments were made by Kathy Bradshaw, Linda LeLievre and Ms. Hagan.**
13. APPROVAL OF THE INFRASTRUCTURE COMMITTEE'S RECOMMENDATION TO ENTER INTO A CONTRACT WITH QUAD KNOPF FOR GEOGRAPHICAL INFORMATION SYSTEM (GIS) SERVICES (Mr. Hodge)
- **MOTION TO ENTER INTO A CONTRACT WITH QUAD KNOPF FOR GEOGRAPHICAL INFORMATION SYSTEM (GIS) NOT TO EXCEED \$113,755: LACLAIRE. SECONDED: MASON. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Board Comments were made by Directors LaClaire, Mason and Romano. Public Comments were made by Anna Maria Tavormina, Bud Rice of Quad Knopf, Ralph Kermodé and Linda LeLievre.**
14. 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 (Mr. Hodge)
- **MOTION TO ADOPT RESOLUTION IDENTIFYING PROPERTIES WITH HAZARDOUS WEEDS AND DEBRIS AND SET A PUBLIC HEARING ON AUGUST 8, 2013: ROMANO. SECONDED: MASON. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments**
15. PRESENTATION OF COMMUNICATION COMMITTEE'S LETTER OF DEMAND FOR SUBMITTAL TO THE BEAR TRACKS PUBLISHER FOLLOWING THE APPROVAL OF THE BOARD OF DIRECTORS (Mr. Hodge)
- **Board determined to go through the line items individually:**
 - **A minimum of four pages of copy for CSD information. ACCEPTABLE DEMAND**
 - **No articles to be issued directly to the publisher without either going through staff at the CSD or BVSA. ACCEPTABLE DEMAND**
 - **The first three to four pages of full page advertisements to be moved back in the publication to allow easy access to articles. President Zanutto prefers it be a SUGGESTION, not a DEMAND; Asst GM/Board Secretary Janzen commented that suggestions will likely be ignored. ACCEPTABLE SUGGESTION**
 - **Every other issue to start with the General Manager's Column from the BVSA followed the next month by the CSD on a rotating basis. ACCEPTABLE SUGGESTION**
 - **Identification by the authors' name of each and every article stating if they are from the CSD or the BVSA. ACCEPTABLE DEMAND**

- At the top of the contact page (page 2) include a brief description of each entity to be provided by the committee for the CSD. Director Mason commented that Police Department not often associated with the CSD, would like more integration and this is a good location for clarification. **ACCEPTABLE DEMAND**
- BVSA advertisements to be included in the advertisement percentage stated in the contract - even if they are not paid for. **DEMAND NOT ACCEPTED**
- Review the Whiting Center Spreadsheet - if private businesses are included on the sheet charge them for the listing. Director LaClaire suggested eliminating the instructor names; Legal Counsel asked for clarity about the relationship with these vendors and will need to be part of any ensuing dialogue so **DEMAND NOT ACCEPTED**
- The CSD requires the Bear Tracks provide content and better balance of advertisements. **DEMAND NOT NEEDED WITH ITEM 1 DEMAND**
- No full page ads. A 1/2 page of copy is required on each page as a minimum requirement. **DEMAND NOT ACCEPTED**
- Articles are to be included in their entirety. If copy states the article is continued on another page - it must be continued. **ACCEPTABLE DEMAND**
- Articles need to look like articles - not like advertisements. **ACCEPTABLE DEMAND**
- Staff/Committee to receive draft one week prior to printing for proper proofing. **ACCEPTABLE DEMAND FOR “THREE DAYS PRIOR”**
- Return to magazine type cover to capture the reader's eye. No articles on the front cover. **ACCEPTABLE DEMAND**
- Board dialogued about alternative of sending out 11x17 foldout of articles inserted with water bill. Director LaClaire pointed out that communication through Bear Tracks is free to the CSD.
- **MOTION TO APPROVE A MODIFIED LIST OF DEMANDS: ZANUTTO. SECONDED: ROMANO. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED.** There were no additional Board Comments. Public Comments were made by Kathy Bradshaw, Linda LeLievre, Ralph Kermode, BVSA General Manager Kirk Wooldridge and John McGuffey.

16. REPORT REGARDING THE ORGANIZATION OF A RESIDENT-OPERATED NEIGHBORHOOD WATCH PROGRAM (Mr. Hodge)

- Chief Walthers provided an oral report. Board Comments were made by Directors Mason, Zanutto, Romano and LaClaire. Public Comments were made by Linda LeLievre.
- Director Mason requested Chief Walthers report back regarding the progress and the amount of time the Police Department invests.

17. DISCUSSION AND APPROVAL OF DRAFT RESPONSE TO THE GRAND JURY’S LETTER DATED MAY 16, 2013 (Mr. Hodge)

- Legal Counsel Kristin Hagan read letter and Board commented on individual items:
 - F1: Directors Mason, LaClaire, Romano and Zanutto agreed.
 - F2: Directors Mason, LaClaire, Romano and Zanutto agreed.
 - F3: Directors Mason, LaClaire and Zanutto agreed; Director Romano disagreed – spoke of incident when he removed himself from meeting to avoid a quorum, but others in audience did not.

- **F4: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F5: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F6: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F7: Directors Mason, LaClaire and Zanutto agreed; Director Romano disagreed.**
- **F8: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F9: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F10: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F11: Directors Mason, LaClaire, Romano and Zanutto agreed. with Legal Counsel correction added that BVSA is a 501(c)(7)**
- **F12: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F13: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F14: Directors Mason, LaClaire, Romano and Zanutto agreed. with correction that “no longer true.”**
- **F15: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F16: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F17: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F18: Director Mason requests that it read “all improvements” Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **F19: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R1: Director Mason asked that it refer to District Code instead of Policy. Directors Mason, LaClaire and Zanutto agreed with proposed change; Director Romano agreed in part.**
- **R2: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R3: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R4: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R5: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R6: Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **R7: Director LaClaire disagreed with sentence “The District recently explored this option...”. Director Mason discussed with Director LaClaire, indicating that quotes were obtained thus there was exploration. Directors Mason, LaClaire, Romano and Zanutto agreed.**
- **MOTION TO APPROVE THE DRAFT RESPONSE TO THE GRAND JURY C/O THE HONORABLE COLETTE HUMPHREY: LACLAIRE. SECONDED: ROMANO. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Public Comments were made by Linda LeLievre, John McGuffey, Ralph Kermode, Gil Grace and Kathy Bradshaw. Board Comments were made by President Zanutto.**

18. ADOPTION OF A RESOLUTION SETTING SPECIAL TAX FOR GATE OPERATIONS FOR FISCAL YEAR 2013-14 (Mr. Hodge)

- **MOTION TO SET SPECIAL TAX FOR GATE OPERATIONS FOR FISCAL YEAR 2013-14 AT \$75 PER LOT OR PARCEL: MASON. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments.**

19. ADOPTION OF A RESOLUTION SETTING THE SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR FISCAL YEAR 2013-14 (Mr. Hodge)
 - **MOTION TO SET THE SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR FISCAL YEAR 2013-14 AT \$80 PER LOT OR PARCEL: ROMANO. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments.**
20. PUBLIC HEARING AND ADOPTION OF A RESOLUTION SETTING THE ROAD ASSESSMENT FOR FISCAL YEAR 2013-14 (Mr. Hodge)
 - **MOTION TO SET THE ROAD ASSESSMENT FOR FISCAL YEAR 2013-14 AT \$340 PER LOT OR PARCEL: ROMANO. SECONDED: ZANUTTO. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments.**
21. ADOPTION OF A RESOLUTION SETTING THE TAX RATE FOR FISCAL YEAR 2013-14 FOR IMPROVEMENT DISTRICT #2 BONDS (Mr. Hodge)
 - **MOTION THE TAX RATE FOR FISCAL YEAR 2013-14 FOR IMPROVEMENT DISTRICT #2 BONDS AT 0.055383%: MASON. SECONDED: ROMANO. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments.**
22. ADOPTION OF A RESOLUTION SETTING PUBLIC HEARING FOR COLLECTION OF DELINQUENT WATER, SEWER AND REFUSE CHARGES ON PROPERTY TAX BILLS (Mr. Hodge)
 - **MOTION TO SET A PUBLIC HEARING FOR COLLECTION OF DELINQUENT WATER, SEWER AND REFUSE CHARGES ON PROPERTY TAX BILLS: ROMANO. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments.**
23. PUBLIC HEARING AND ADOPTION OF A RESOLUTION SETTING WATER AND SEWER STANDBY CHARGES FOR FISCAL YEAR 2013-14 (Mr. Hodge)
 - **MOTION TO SET WATER STANDBY CHARGE AT \$40.28 AND THE SEWER STANDBY CHARGE AT \$59.96 FOR FISCAL YEAR 2013-14: ROMANO. SECONDED: MASON. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Board Comments were made by Directors Zanutto and Mason. There were no Public Comments.**
24. ADOPTION OF A RESOLUTION APPROVING THE FISCAL YEAR 2013-14 INVESTMENT POLICY (Mr. Hodge)
 - **MOTION TO APPROVE THE FISCAL YEAR 2013-14 INVESTMENT POLICY: ZANUTTO. SECONDED: ROMANO. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Board Comments were made by Director Mason. There were no Public Comments.**
25. APPROVAL OF THE APPROPRIATION LIMIT FOR FISCAL YEAR 2013-14 (Mr. Hodge)
 - **MOTION TO APPROVE THE APPROPRIATION LIMIT FOR FISCAL YEAR 2013-14: MASON. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. There were no Board or Public Comments**

26. ADOPTION OF A RESOLUTION APPROVING THE FINAL FISCAL YEAR 2013-14 BUDGET (Mr. Hodge)

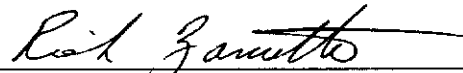
- **MOTION TO APPROVE THE FINAL FISCAL YEAR 2013-14 BUDGET: ROMANO. SECONDED: LACLAIRE. AYES: ZANUTTO, ROMANO, MASON, LACLAIRE. ABSENT: SHEA. THE MOTION PASSED. Board Comments were made by Director Mason. There were no Public Comments.**

27. INFORMATIONAL ITEM: STATEMENT OF AUDITING STANDARDS (SAS) No. 114 LETTER (Mr. Hodge)

- **No Action required.**


28. ADJOURNMENT

- **President Zanutto adjourned the meeting at 9:59 PM.**



Rick Zanutto, President
Board of Directors

ATTEST



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