



## BEAR VALLEY COMMUNITY SERVICES DISTRICT

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### BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: October 10, 2013  
PLACE OPEN & CLOSED SESSION MEETINGS: 28999 South Lower Valley Road  
TIME OF CLOSED SESSION MEETING: 4 p.m.  
TIME OF OPEN SESSION MEETING: 6 p.m.

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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

- **All directors were present. Also present: Kristin Hagan, Legal Counsel; Jeff Hodge, General Manager; Sandy Janzen, Assistant General Manager/Board Secretary.**
- **Also present at 6 p.m. Open Session: Chief Rod Walthers, Finance Director/Treasurer Rudy Hernandez and Public Works Superintendent Larry Tuma 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 DESIGNATED LABOR NEGOTIATORS, RICK ZANUTTO AND JEFF HODGE, REGARDING NEGOTIATIONS WITH POLICE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC) (Govt. Code, §54957.6)
- **The Board received, reviewed and sent the contract back to the union for further review. No agreement was reached.**
- B. CONSIDERATION OF A CLAIM AGAINST THE DISTRICT ICO: MS. LINDA LELIEVRE (3431-391) [Govt. Code, §54956.9(d)(2)]
- **The claim was denied.**
- C. REQUEST FOR CLOSED SESSION REGARDING PUBLIC EMPLOYEE PERFORMANCE REVIEW §54957
- TITLE: GENERAL MANAGER
- **There was no reportable action.**

5. ADJOURN CLOSED SESSION
  - **President Zanutto adjourned Closed Session at 5:55 p.m. and reconvened Open Session at 6:04 p.m.**
6. PLEDGE OF ALLEGIANCE
  - **President Zanutto led the Pledge of Allegiance.**
7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION
  - **President Zanutto reported as recorded above.**
8. CONSENT CALENDAR
  - **THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH J BE ADOPTED EXCEPT FOR A, B, D, I, J: MASON. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY. 4:0**
  - **PRESIDENT ZANUTTO OPENED BOARD COMMENTS.**
  - **Director Laclaire requested changes to the minutes.**
  - **Director Romano requested that Park and Recreation Funds paid to the BVSA be listed on the district website.**
  - **President Zanutto requested clearer descriptions for bankcard payments.**
  - **Vice President Mason opened a discussion regarding items 8-I and 8-J pending further resolution. The Board directed Legal Counsel to determine a resolution for the approval of BVSA projects within 30 days or the Board would look into hiring independent counsel to settle prevailing wage and environmental concerns.**
  - **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.**
  - **Kirk Wooldridge, BVSA General Manager stated that there were design changes to the backstop project that had been approved previously and that BVSA Legal Counsel had placed a letter in the mail to CSD Counsel. Ms. Hagan confirmed that she had received an email from BVSA counsel at 3:47 p.m.**
  - **MOTION TO APPROVE CONSENT CALENDAR ITEMS A, B, D, I, J: ROMANO. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY.**
9. PUBLIC COMMENTS
  - **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.**
  - **Linda Lelievre stated the district's infrastructure should take a higher priority than solar and gate changes.**
  - **Shirley Fuller asked questions regarding the current GIS mapping vehicles in the valley.**
  - **Jim Nelson commented on the Administration committee, board actions, and lawsuits.**
  - **PRESIDENT ZANUTTO CLOSED PUBLIC COMMENTS.**
10. BOARD COMMENTS
  - **PRESIDENT ZANUTTO OPENED BOARD COMMENTS.**
  - **President Zanutto stated that Item 14 would be addressed prior to Item 12.**
  - **Vice President Mason provided an oral report regarding attendance at the CSDA conference. Director Laclaire provided and written report regarding the same conference. President Zanutto thanked both directors for their attendance at the conference and the reports.**
  - **Director Romano provided an oral report regarding his attendance at the TWAPC meeting.**

- **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.**
- **Sandy Williams asked questions regarding a water study under consideration by Tehachapi Cummings County Water District. President Zanutto and Mr. Tuma answered Mr. William's questions.**
- **PRESIDENT ZANUTTO CLOSED BOARD AND PUBLIC COMMENTS.**

11. STAFF REPORTS

Financial Report – Mr. Hernandez provided a written report. Discussion ensued.

Public Works Status Report – Mr. Tuma provided a written report. Discussion ensued. The Board directed staff to place the mailboxes at Cumberland and Saddleback on the next Infrastructure Committee agenda.

Public Safety Report – Chief Walthers provided a written report. Discussion ensued.

12. APPOINTMENT OF A DIRECTOR TO FILL VACANT SEAT ON THE DISTRICT BOARD THROUGH THE END OF THE TERM ENDING DECEMBER 2014 (Mr. Hodge)

- **President Zanutto provided each candidate three minutes to address the board. James Clark, Gil Grace, Ralph Kermode, Linda LeLievre (no letter submitted), Steve Miles, Jim Nelson, Sheridan Nicholas, Dan Pike, Walter Ritchie, Ann Tavormina and Jack Wildermuth addressed the Board. Norwin Huckabay was not in attendance.**
- **PRESIDENT ZANUTTO TURNED THE MEETING OVER TO MR. HODGE. Mr. Hodge asked for a motion. MOTION TO APPOINT WALT RITCHIE TO THE BOARD OF DIRECTORS: ROMANO. The motion was not seconded. The motion failed.**
- **MOTION TO APPOINT RALPH KERMODE TO THE BOARD OF DIRECTORS: ROMANO. SECONDED: ZANUTTO. Board Comments were made by LaClaire, Romano, Zanutto. Public Comments were made by Jack Wildermuth, Michelle Vance, Linda LeLievre, and Jeff Kermode. ROLL CALL VOTE: LACLAIRE: NO. MASON: NO. ZANUTTO: YES. ROMANO: YES. The motion failed.**
- **MOTION TO APPOINT DAN PIKE TO THE BOARD OF DIRECTORS: ROMANO. The motion was not seconded. The motion failed.**
- **MOTION TO APPOINT SHERIDAN NICHOLAS TO THE BOARD OF DIRECTORS: ROMANO. The motion was not seconded. The motion failed.**
- **MOTION TO APPOINT GIL GRACE TO THE BOARD OF DIRECTORS: MASON. SECONDED: LACLAIRE. Board Comments were made by LaClaire, Zanutto, Romano. Public Comments were made by Art Ottinger, Jack Wildermuth, Ralph Kermode. ROLL CALL VOTE: LACLAIRE: YES. MASON: YES. ZANUTTO: YES. ROMANO: YES. THE MOTION PASSED UNANIMOUSLY. 4:0.**

13. ADMINISTRATION OF OATH OF OFFICE TO NEWLY APPOINTED DIRECTOR (Mr. Hodge)

- **Ms. Janzen administered the Oath of Office to Gilbert M. Grace.**

14. PRESENTATION OF "WELL FIELD ANALYSIS AND WATER SUPPLY ASSESSMENT" REPORT BY PAUL SORENSEN OF FUGRO (Mr. Hodge)

- **Fugro Consultant Paul Sorensen provided a summary of the Well Field Analysis and Water Supply Assessment to the Board. All Directors Commented.**
- **Public Comments were made by John McGuffey, Jack Wildermuth, Shirley Fuller and Linda LeLievre.**
- **The report was received and filed.**

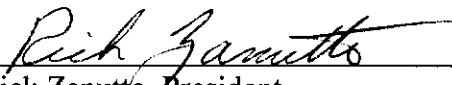
Legal Counsel left the meeting at 8:55 p.m.

15. ADOPTION OF A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON RATES FOR WATER SERVICE (Mr. Hodge)
- **MOTION TO ADOPT A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON RATES FOR WATER SERVICE: MASON. SECONDED: ROMANO.**
  - **Board Comments were made by President Zanutto and Vice President Mason.**
  - **Public Comments were made by John McGuffey and Kirk Wooldridge.**
  - **THE MOTION PASSED UNANIMOUSLY.**
16. DISCUSSION AND POTENTIAL APPROVAL OF BIKE TOUR THROUGH THE GREATER TEHACHAPI AREA TO INCLUDE BEAR VALLEY SPRINGS (Mr. Hodge)
- **MOTION TO PARTICIPATE IN THE GREATER TEHACHAPI GRANFONDO BIKE RIDE: ROMANO. SECONDED: ZANUTTO.**
  - **Board Comments were made by all Directors. Public Comments were made by Ralph Kermode, Jim Nelson, Scott Ostrum, Steve Miles, Linda LeLievre and Michelle Vance.**
  - **AYES: ZANUTTO, MASON, ROMANO. NOES: LACLAIRE. THE MOTION PASSED 3:1.**
17. PUBLIC HEARING FOR THE APPROVAL OF COPS PROGRAM FUNDS (Mr. Hodge)
- **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING.**
  - **Public Comments were made by Sandy Williams and Linda LeLievre.**
  - **Board Comments were made by Mason, LaClaire and Zanutto. President Zanutto stated he would like to see a programmable sign included on this or a future list.**
  - **MOTION TO APPROVE THE COPS GRANT FUNDS AS REQUESTED BY THE CHIEF OF POLICE: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.**
18. UPDATE REGARDING COST OF RETAINING A STRUCTURAL ENGINEER TO EVALUATE THE EARTHQUAKE WORTHINESS OF DISTRICT BUILDINGS (Mr. Hodge)
- **An update was provided. Discussion ensued. No action was taken.**
19. APPROVAL OF PROPOSAL FROM CORNERSTONE ENGINEERING FOR PREPARATION OF A GATE IMPROVEMENT FEASIBILITY STUDY IN THE AMOUNT NOT TO EXCEED \$69,554 (Mr. Hodge)
- **MOTION TO APPROVE PROPOSAL FROM CORNERSTONE ENGINEERING FOR PREPARATION OF A GATE IMPROVEMENT FEASIBILITY STUDY IN THE AMOUNT NOT TO EXCEED \$69,544: LACLAIRE. SECONDED: MASON.**
  - **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS. Public Comments were made by John McGuffey, Gil Grace, and Linda LeLievre.**
  - **PRESIDENT ZANUTTO CLOSED PUBLIC COMMENTS AND OPENED BOARD COMMENTS. Board Comments were made by Directors LaClaire and Mason. Vice President Mason requested an approximate timeframe and that the ingress and egress to the post office be added.**
  - **AYES: MASON, LACLAIRE, ROMANO. NOES: ZANUTTO. THE MOTION PASSED 3:1.**

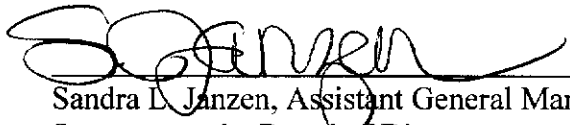
20. APPROVAL OF ADMINISTRATION COMMITTEE'S RECOMMENDATION TO SEND FOR REVIEW BY LEGAL COUNSEL THEIR PROPOSED CHANGES TO THE BOARD POLICIES OF THE DISTRICT CODE (Mr. Hodge)
- **Director LaClaire requested this item be continued until the next Regular Board Meeting due to the late hour and the need for discussion. President Zanutto directed the Board to provide their comments and suggested changes in writing for review by the Administration Committee before the next Regular Board Meeting. Director Romano stated that attention needs to be paid to the "musts" and "shalls". The item was continued.**
21. DISCUSSION/SCHEDULING OF A SPECIAL MEETING (STATE OF THE DISTRICT 2013) (Mr. Hodge)
- **Discussion ensued regarding the scheduling of a special meeting to discuss the "State of the District". A tentative date of November 20, 2013 from 9 a.m. to noon (to include a working lunch) was set dependent on the Directors' schedules. MOTION TO SCHEDULE A SPECIAL MEETING: ROMANO. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.**
  - **Public Comments were made by Linda LeLievre.**
22. APPROVAL OF EMPLOYEE APPRECIATION PARTY (Mr. Hodge)
- **MOTION TO APPROVE EMPLOYEE APPRECIATION PARTY IN THE AMOUNT OF \$4000 AT THE OAK TREE COUNTRY CLUB DECEMBER 20, 2013 AT 6 PM: ROMANO, SECONDED: MASON. The motion passed unanimously.**
  - **Board Comments were made by Mason, LaClaire, Romano. Public Comments were made by Kirk Wooldridge.**
23. PUBLIC HEARING RE: PROPERTIES AFFECTED BY WEED INFESTATION CONSTITUTING A FIRE HAZARD (Mr. Hodge)
- **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING. THERE WERE NO ATTENDEES FOR THE HEARING. PRESIDENT ZANUTTO CLOSED THE PUBLIC HEARING.**
24. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Mr. Hodge)
- **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING. THERE WERE NO ATTENDEES FOR THE HEARING. PRESIDENT ZANUTTO CLOSED THE PUBLIC HEARING.**
25. ADOPTION OF A RESOLUTION SETTING A PUBLIC HEARING AND DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Mr. Hodge)
- **MOTION TO ADOPT A RESOLUTION SETTING A PUBLIC HEARING DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION: LACLAIRE. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY.**

26. ADJOURNMENT

- **President Zanutto adjourned the meeting at 10:37 p.m.**

  
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Rick Zanutto, President  
Board of Directors

ATTEST

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