



# BEAR VALLEY COMMUNITY SERVICES DISTRICT

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## BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING: September 12, 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 at 4 p.m.**

2. ROLL CALL

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

- **All directors were present. Also present for the Closed Session District Counsel Kristin Hagan; General Manager Jeff Hodge and Assistant General Manager/Board Secretary Sandy Janzen. For Open Session: all of the above with the addition of Chief of Police Rod Walthers; Finance Director Rudy Hernandez; Public Works Superintendent Larry Tuma.**

3. PLEDGE OF ALLEGIANCE

- **President Zanutto requested that Director Romano led the Pledge of Allegiance during the 6 p.m. Open Session.**

4. ADJOURN TO CLOSED SESSION

- **President Zanutto adjourned the meeting to Closed Session at 4:02 p.m.**

5. CLOSED SESSION

- A. CONSIDERATION OF A CLAIM AGAINST THE DISTRICT ICO: ENCOMPASS INSURANCE [Govt. Code, §54956.9(d)(2)]
- **President Zanutto reported that the Board of Directors denied the claim.**
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (KAREN JANE HARRIS V. BVCSO; EASTERN DISTRICT OF CALIFORNIA CASE NO. 12-CV-01669) [Govt. Code, §54956.9(d)(3)]
- **President Zanutto reported that no reportable action was taken.**
- C. CONFERENCE WITH DESIGNATED LABOR NEGOTIATORS, RICK ZANUTTO AND JEFF HODGE, REGARDING NEGOTIATIONS WITH POLICE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC) (Govt. Code, §54957.6)
- **President Zanutto stated that there was no reportable action taken.**

- D. CONFERENCE WITH DESIGNATED LABOR NEGOTIATORS, RICK ZANUTTO AND JEFF HODGE, REGARDING NEGOTIATIONS WITH SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521 (SEIU) (Govt. Code, §54957.6)
- **President Zanutto reported that negotiations have been concluded with SEIU and that the new Memorandum of Understanding was being circulated for signatures.**
- E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (ONE POTENTIAL CASE) [Govt. Code, §54956.9(d)(2)]
- **President Zanutto stated that there was no reportable action taken.**
6. ADJOURN CLOSED SESSION
- **President Zanutto adjourned Closed Session at 5:54 p.m. and reconvened Open Session at 6 p.m.**
7. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION
- **Reported above.**
8. CONSENT CALENDAR
- **THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH G BE ADOPTED EXCEPT FOR D, E, F AND G: MASON. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. There were no Public Comments. President Zanutto opened Board Comments.**
  - **Vice President Mason requested information regarding warrants (8D) 3238, 3176, 3152, 3178, 3098. Director LaClaire requested clarification regarding the High Desert Wireless warrant. Staff responded to all questions.**
  - **Item E: Vice President Mason asked for clarification in regards to the timing of bank reconciliations, the cash balance sheet, and requested governmental and enterprise totals.**
  - **Item F: Vice President Mason requested up-to-date financial reporting. Staff responded to all questions.**
  - **Item G: Director Romano stated that phase one should have come before the CSD Board of Directors to save money through planning. President Zanutto stated that the item should be pulled from the current agenda until prevailing wage and other concerns can be agreed upon.**
  - **MOTION TO PULL ITEM 8-G FROM THE AGENDA: ROMANO. SECONDED: ZANUTTO. AYES: ZANUTTO, LACLAIRE, ROMANO. NOES: MASON. THE MOTION PASSED 3:1.**
  - **MOTION TO APPROVE CONSENT CALENDAR ITEMS D, E AND F: MASON. SECONDED: ROMANO. THE MOTION PASSED UNANIMOUSLY. There were no additional Board Comments. There were no Public Comments.**
9. PUBLIC COMMENTS
- **PRESIDENT ZANUTTO OPENED PUBLIC COMMENTS.**
  - **MELINDA HOPPER-BENZIE (3440-170) spoke about a water bill and requested the water be turned on. Mr. Tuma was directed to address Ms. Benzie's concerns**
  - **STEVE MILES (3455-074) requested CSD Common areas be mowed ten feet from all property owner's fence lines. Mr. Tuma was directed to address this concern.**
  - **LINDA LELIEVRE read a written statement to the Board of Directors regarding CSD responsibilities, Conflict of Interest, Form 700 and the State Auditor.**

10. BOARD COMMENTS

- **Vice President Mason stated that he watches the Committee meetings from the District's website and was disappointed by a citizen volunteer. Director LaClaire stated that the citizen volunteer obstructed business during the Administration Committee and that she would like added to the District Code a method to remove volunteers from a committee that are unwilling to serve.**

11. STAFF REPORTS

Financial Report: **Mr. Hernandez provided a written report. Board Comments: Vice President Mason thanked Mr. Hernandez for his report. Public Comments: Melody Wong asked for clarification regarding page 1 of the report.**

Public Works Status Report: **Mr. Tuma provided a written report. Board Comments: Vice President Mason referred to Bear Valley verses Cumming's Valley pumping and asked for calendar and fiscal year totals. Vice President Mason asked for a simplification of the reporting and stated he would help Mr. Tuma with the simplification. Vice President Mason asked questions regarding Wells 3 and 4; for a resolution to the mailboxes at Saddleback and Cumberland; and stripping of Cumberland road. Director LaClaire thanked Mr. Tuma for his report and stated that the BVSA was removing reeds from the lakes. President Zanutto stated that Well 13A was now potable and asked for an estimate regarding water flow at Fairway #6 and Jamaica Dunes. Mr. Tuma responded that he was looking into ways to improve flow. Director Romano asked questions regarding the service leaks. President Zanutto opened Public Comments. Linda LeLievre stated that the BVSA should remove reeds from the lakes.**

Public Safety Report: **Chief Walthers provided a written report and stated that a Neighborhood Watch meeting would be held on September 28 at 10 a.m. at the Oak Tree Country Club. He also added to his report that a Grant for \$75,000 had been received for early release prisoners. The money will be divided between the City of Tehachapi Police Department, Stallion Springs' Police Department and the BVPD. Director LaClaire requested a report regarding the number of early release prisoners arrested within Bear Valley. Vice President Mason stated that the mean of the Quarterly Arrest Statistics looked wrong. He also requested the nature of the misdemeanor arrests and the conviction rate of the BVPD. Vice President Mason requested that the report be changed removing the VIPS from the front page and replacing those stats with graphics. President Zanutto opened Public Comments. Linda LeLievre mentioned Gate Security given the early release program. Melinda Hopper-Benzie stated that gate pass procedures need to be tightened and suggested a thumbprint be taken from guests. Steve Miles stated that Gate employees did not handle a church function correctly.**

**Director Romano gave an oral Tehachapi Water Preservation Council Report.**

12. PRESENTATION BY MATT YOUNG, DISTRICT MANAGER OF THE TEHACHAPI VALLEY PARK AND RECREATION DISTRICT REGARDING A PROPOSED BIKE RIDE THROUGH THE GREATER TEHACHAPI AREA TO POTENTIALLY INCLUDE BEAR VALLEY SPRINGS (Mr. Hodge)

- **Mr. Matt Young and Charles White presented a report regarding a proposed Bike Tour of the Greater Tehachapi area to potentially include Bear Valley Springs. Directors Romano and Mason asked questions. The date of the Gran Fondo is scheduled for September 14, 2014. Staff was directed to place the item on the next regular board meeting with an evaluation of the implications to our community. Public Comments were made by: Dennis Taylor, Melody Wong, and Linda LeLievre.**

13. ADOPTION OF A RESOLUTION COMMENDING BONNIE SHEA FOR HER SERVICE AS A MEMBER OF THE BOARD OF DIRECTORS (Mr. Hodge)

- **MOTION TO ADOPT A RESOLUTION COMMENDING MS. BONNIE SHEA FOR HER SERVICE AS A MEMBER OF THE BOARD OF DIRECTORS: ROMANO. SECONDED: LACLAIRE. THE MOTION PASSED**

**UNANIMOUSLY. President Zanutto and Director Romano thanked Ms. Shea for her service and wished her luck. Public Comments: Linda LeLievre stated that Ms. Shea was a kind and intelligent woman.**

14. DISCUSSION AND DIRECTION TO STAFF REGARDING HOW TO PROCEED WITH FILLING THE VACANT SEAT ON THE BOARD OF DIRECTORS (Mr. Hodge)
  - **MOTION TO FOR THE BOARD OF DIRECTORS TO APPOINT A NEW DIRECTOR AND DIRECT STAFF TO ADVERTISE THE OPENING: ROMANO. SECONDED: ZANUTTO. THE MOTION PASSED UNANIMOUSLY. Board Comments were made by: Mason, LaClaire, and Romano. Public Comments were made by: Steve Miles.**
15. RESULTS FROM STAFF MEETING WITH CSD/BVSA AND BEAR TRACKS PUBLISHER MAURICE GUBLER FOLLOWING THE PRESENTATION OF A MODIFIED RECOMMENDATION LIST FROM THE BOARD OF DIRECTORS (Mr. Hodge)
  - **Staff presented an overview of Management's meeting with Mr. Gubler and the BVSA's General Manager. President Zanutto opened Board Comments. Comments were made by: President Zanutto, Vice President Mason, Directors LaClaire and Romano. The Communications Committee is to continue working with publisher Maurice Gubler.**
16. 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 A REQUEST FOR THE USE OF COPS PROGRAM FUNDS: ROMANO. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY. President Zanutto opened Board Comments. BOARD COMMENTS: Director LaClaire requested more detail. Vice President Mason requested detail regarding Phase I and Phase II Dispatcher expenditures and requested consideration for fuel efficiency when looking into a new vehicle. President Zanutto opened Public Comments. Public Comments: Linda LeLievre stated that the COPS grant is for the Police Department.**
17. INTRODUCTION OF NEW WATER RATES AND TIER SYSTEM STRUCTURE (Mr. Hodge)
  - **Vice President Mason provided an explanation of the proposed water rate structure. Board Comments were made by all directors. Staff was directed to provide the Proposition 218 Notice at the October Board meeting for approval. No action was taken.**
18. REQUEST FROM WILLIAM TWINEM FOR CONSIDERATION BY THE BOARD OF DIRECTORS FOR WATER BILL IN THE AMOUNT OF \$52.49 TO BE FORGIVEN (Mr. Hodge)
  - **Mr. Twinem made a presentation to the Board of Directors regarding his water bill in the amount of \$52.49. Director LaClaire stated that others have been having water bill troubles as well. Mr. Hodge stated this was not the same concern. Director LaClaire stated that she would personally look at Mr. Twinem's bill and resolve the issue. No action was taken.**
19. BVSA REQUEST FOR DISCUSSION: LETTER TO CSD BOARD PRESIDENT RICK ZANUTTO FROM BVSA BOARD PRESIDENT TERRY QUINN IN REGARDS TO EASEMENTS (Mr. Hodge)
  - **MOTION TO DENY THE LETTER FROM BVSA PRESIDENT TERRY QUINN TO CSD PRESIDENT RICK ZANUTTO REGARDING DUAL USE EASEMENTS: ROMANO. SECONDED MASON. AYES: ZANUTTO, MASON, ROMANO.**

**ABSENT: LACLAIRE. THE LETTER WAS DENIED.** President Zanutto opened Board Comments. Vice President Mason stated that the first sentence of the letter refers to common areas. During Director LaClaire's comments it was recommended by the Board that she recuse herself from further discussion, as she has an equestrian easement on her property. Director LaClaire left the room for the rest of the discussion. Director Romano stated that the CSD does not have a problem with the easement. President Zanutto stated that he does not concur with the letter because the property described is not common area. President Zanutto continued that the areas in question are easements. President Zanutto opened Public Comments. Public Comments were heard from: Melody Wong, Claudia Robinson, Dennis Taylor, Kathy Bradshaw, Linda LeLievre, Mr. Hemeni, and Carol Duval. Legal Counsel Kristin Hagan stated the Board has the power to take affirmative action to abandon and relinquish the areas not utilized for equestrian purposes.

20. APPROVAL OF LIAISON COMMITTEE RECOMMENDATION TO UTILIZE PARK AND RECREATION FUNDS TO PAY FOR LAKE FILL WATER (Mr. Hodge)

- **MOTION TO APPROVE THE LIAISON COMMITTEE'S RECOMMENDATION TO UTILIZE PARK AND RECREATION FUNDS TO PAY FOR LAKE FILL WATER (NON -POTABLE ONLY) AND THAT THE PROPOSED LANGUAGE BE APPROVED AND ADDED TO THE CSD/BVSA LEASE: MASON. SECONDED: LACLAIRE. PRESIDENT ZANUTTO REQUESTED A ROLL CALL VOTE. LACLAIRE: YES. MASON: YES. ZANUTTO: YES. ROMANO: NO. THE MOTION PASSED 3:1.** President Zanutto opened Board Comments. Director Romano stated that the BVSA already billed property owners for lake fill water and that there is not enough non-potable water to fill the lakes. Director Romano also stated that the CSD would be subsidizing the BVSA and that a survey is not a vote. Vice President Mason stated that the lease change would not take effect until July 1, 2014. President Zanutto asked BVSA GM Kirk Wooldridge for the results of the recent Park and Recreation survey. President Zanutto opened Public Comments. Public Comments: Jim Nelson read a written statement objecting to tax dollars being given to a private corporation and stated that the CSD Directors' first responsibility is to the CSD. Linda LeLievre stated that the BVSA should come to the CSD for project approval as part of due diligence. Kirk Wooldridge stated that all funds are reported in the BVSA's Annual Disclosure of how tax dollars are spent, the funds are reported to the BVSA Board monthly, and articles appear in the Bear Tracks and information posted on the BVSA website.

21. DISCUSSION REGARDING BVSA PROPOSAL TO DISPOSE OF EQUESTRIAN CENTER MANURE AT THE CSD DISPOSAL SITE (Mr. Hodge)

- **MOTION TO DENY PROPOSAL TO DISPOSE OF EQUESTRIAN MANURE AT THE CSD DISPOSAL SITE: LACLAIRE. SECONDED: MASON. THE MOTION PASSED UNANIMOUSLY.** President Zanutto opened Board Comments. Both Director LaClaire and Vice President Mason commented. Vice President Mason clarified that Mr. Klatt referred to the Equestrian Center as a business in his letter to the district. President Zanutto opened Public Comments. Linda LeLievre stated that boarders at the Equestrian Center pay for a service and are customers and then read the letter from Mr. Klatt. Gil Grace asked who brought the issue of manure disposal to the attention of Kern County Waste Management. Ms. LeLievre stated that she had. Ms. Hagan was asked by Vice President Mason if Mr. Grace could ask

questions as a member of the CSD Finance Committee. Ms. Hagan stated that Mr. Grace could ask questions as a resident. Dan Pike suggested the CSD consider adding an attendant at the transfer station.

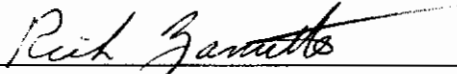
22. DISCUSSION/POSSIBLE BOARD ACTION TO RETAIN A STRUCTURAL ENGINEER TO EVALUATE THE EARTHQUAKE WORTHINESS OF ALL DISTRICT FACILITIES (Mr. Hodge)
  - **The item was discussed by the Board and staff was directed to provide at the October Board meeting the estimated cost to have a structural engineer evaluate the earthquake safety of the Whiting Center. President Zanutto opened Public Comments. Jim Nelson provided a written statement regarding the potential earthquake danger of the Whiting Center. Ralph Kermode stated that a bond could be purchased to fix any safety concerns. Linda LeLievre stated the Board's main concern should be the resident's safety. Jane Baron asked who did the original study that Mr. Nelson referred to.**
23. 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 A RESOLUTION IDENTIFYING PROPERTIES WITH HAZARDOUS WEEDS AND DEBRIS AND SETTING A PUBLIC HEARING REGARDING PROPERTIES AFFECTED BY WEED INFESTATION CONSTITUTING A FIRE HAZARD: MASON. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY.**
24. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION (Mr. Hodge)
  - **PRESIDENT ZANUTTO OPENED THE PUBLIC HEARING DECLARING AND ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION. NO PUBLIC WAS IN ATTENDANCE FOR PURPOSES OF THE 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. CANCEL THE SECOND REGULAR BOARD MEETINGS FOR THE MONTHS OF NOVEMBER AND DECEMBER 2013 DUE TO THE THANKSGIVING AND CHRISTMAS HOLIDAYS: CONSIDER CANCELLATION OF ALL DECEMBER 2013 COMMITTEE MEETINGS (Mr. Hodge)
  - **MOTION TO CANCEL THE SECOND REGULAR BOARD MEETINGS IN NOVEMBER AND DECEMBER AND ALL COMMITTEE MEETINGS IN DECEMBER: ROMANO. SECONDED: ZANUTTO. THE MOTION PASSED UNANIMOUSLY.**

27. DISCUSSION TO POTENTIALLY RESCHEDULE THE SECOND 2013 STRATEGIC PLANNING SESSION FROM SEPTEMBER 26, 2013, TO A FUTURE DATE (Mr. Hodge)

- **MOTION TO CANCEL THE STRATEGIC PLANNING SESSION SET FOR SEPTEMBER 26, 2013 AND SCHEDULE THE ANNUAL STRATEGIC PLANNING SESSION FOR JANUARY 23, 2014 AT 9.A.M. TO INCLUDE A WORKING LUNCH: MASON. SECONDED: LACLAIRE. THE MOTION PASSED UNANIMOUSLY.**

28. ADJOURNMENT

- **President Zanutto adjourned the meeting at 10:50 p.m.**

  
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Rick Zanutto, President  
Board of Directors

ATTEST

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