



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
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BEAR VALLEY COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

DATE OF MEETING:	October 9, 2014
PLACE OPEN & CLOSED SESSION MEETINGS:	28999 South Lower Valley Road
TIME OF CLOSED SESSION MEETING:	5:00 pm
TIME OF OPEN SESSION MEETING:	6:00 pm

1. **Call to Order**

A. President Mason called the meeting to order at 5:02 pm.

2. **Roll Call Attendance**

President Bill Mason
Vice President Charlene LaClaire
Director Gil Grace
Director Matt VoVilla
Director Rick Zanutto

All Directors were present. Director VoVilla arrived at XX pm. Also present was General Manager David Edmonds and District Counsel Don Davis. Arriving at 6:00 pm were: Interim Financial Consultant David Powell; Chief of Police Rod Walthers; Public Works Superintendent Larry Tuma and Board Secretary Kristy McEwen.

3. **Closed Session**

Conference with Legal Counsel: Anticipated Litigation

Government Code section 54956.9(d)(2): one potential case

- No reportable action

4. **Convene Open Session**

President Mason convened Open Session at 6:14 pm.

5. **Summary of Actions Taken During Closed Session**

President Mason reported as above

6. **Approval of Agenda – Roll Call**

- A. Action: APPROVE Agenda as presented.
B. Vote: Ayes—5, No—0

7. **Pledge of Allegiance**

Larry Tuma led the Pledge of Allegiance

October 9, 2014 Regular Board Meeting

8. Public Comments on Non-Agenda Items

Members of the public may address the Board on matters not listed on this Agenda. The Board cannot take action on any item that is not on the Agenda. The Board or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

- Steve Miles spoke on conservation surcharges
- BVSA President Terry Quinn spoke about coordinating a Candidate Forum for the upcoming election. He also announced the hiring of a new BVSA General Manager, Edward Simpkins.
- Gina Haun spoke on the water conservation code and conservation surcharges
- Jerry Hildreth spoke on conservation surcharges and due process.
- Sandy Williams spoke on the election and potential employee/director conflict of interest
- Christine Froelich spoke on conservation surcharges

9. Presentations

- A. Race Communications gave a brief presentation on the work being done in Bear Valley.

10. Consent Calendar

Consent items are considered routine and are intended to be acted upon in one motion, without discussion. During this portion of the meeting, the Consent Calendar will be read aloud. Prior to approval, the President will give the Board, staff, and public the opportunity to pull any item for discussion. The remaining Calendar will be acted upon. Any pulled items will then be heard and acted upon individually.

- A. APPROVE Minutes of the September 11, 2014 Regular Board Meeting.
- B. APPROVE Minutes of the September 25, 2014 Regular Board Meeting.
Abstain - Directors LaClaire and VoVilla due to absence.
- C. ACCEPT Notes from the September 2, 2014 Communications Committee Meeting.
Abstain - Director VoVilla due to absence.
- D. ACCEPT Notes from the September 3, 2014 Administration Committee Meeting.
- E. ACCEPT Notes from the September 23, 2014 Liaison Committee Meeting.
- F. ACCEPT Notes from the September 23, 2014 Public Safety Committee Meeting.
- G. APPROVE Register of Warrants for September, 2014.
- H. APPROVE Treasurer's Reports for July and August, 2014.
 - The Consent Calendar was read. Items B & C were pulled. Directors Grace and Zanutto asked that Item G be pulled. Member of the public Sandy Williams asked that Items E & G be pulled.
 - **Motion:** APPROVE Consent Calendar Items A, D, F, H: LaClaire. Second: Grace.
 - **Roll Call Vote:** AYE: Grace, VoVilla, Zanutto, Mason, LaClaire
NO:
ABSTAIN:
ABSENT:
 - Item G was discussed. Directors Grace and Zanutto and Mr. Williams asked for clarification of legal costs. Mr. Edmonds explained that he has directed

financial staff to allocate the legal bills to the proper department at the time of payment, rather than follow previous practices of an end-of-year, percentage based allocation. He explained that while \$117,000 was included in the Board approved FY 2014/15 budget, \$134,635 in legal expenses has been paid out so far this fiscal year: 70% (\$93957) Police related, 29% (\$38202) Administrative, and 1% (\$2476) allocated to other miscellaneous departments.

- **Motion:** APPROVE Consent Calendar Item G: LaClaire. Second: Grace.
- **Roll Call Vote:** AYE: Grace, VoVilla, Zanutto, Mason, LaClaire
NO:
ABSTAIN:
ABSENT:

- **Motion:** APPROVE Consent Calendar Item B: Mason. Second: Zanutto.
- **Roll Call Vote:** AYE: Grace, Zanutto, Mason
NO:
ABSTAIN: VoVilla, LaClaire
ABSENT:

- **Motion:** APPROVE Consent Calendar Item C: Mason. Second: Zanutto.
- **Roll Call Vote:** AYE: Grace, Zanutto, Mason, LaClaire
NO:
ABSTAIN: VoVilla
ABSENT:

- Item E was discussed.
- **Motion:** APPROVE Consent Calendar Item E: Zanutto. Second: Grace.
- **Roll Call Vote:** AYE: Grace, VoVilla, Zanutto, Mason, LaClaire
NO:
ABSTAIN:
ABSENT:

11. Disclosures by the Board of Directors

Board Members are asked to disclose any outside communications with individuals and organizations that have an action item on this Agenda that pertains directly to them or their specific personal or private interests and which communication is not included or disclosed in the agenda package, so that all interested persons have an equal opportunity to express and represent their interests.

- None

12. Public Hearings:

A. Ordering the Control, Removal and Eradication of Pine Bark Beetle Infestation (Mr. Davis)

- President Mason opened the hearing at 7:42 pm. District Council introduced a letter from property owner John Preston requesting a 30 day extension. There were no further comments from the public. The public hearing was closed at 7:43 pm.

- **Motion:** ORDER the General Manager to proceed with abatement of the public nuisances identified in Resolution 14/15-7, granting a 30 day extension to property owner John Preston: Zanutto. Second: LaClaire.
- **Vote:** Aye – 5; No – 0

B. ADOPT Ordinance No. 14-239 AMENDING Chapter 8 (Pine Bark Beetle Infestation and Abatement) of Title 3 (Public Safety) of the Bear Valley Community Services District Code (Mr. Davis)

- President Mason opened the hearing at 7:46 pm. There were no comments from the public. The public hearing was closed at 7:47 pm.
- **Motion:** ADOPT Ordinance No. 14-239 AMENDING Chapter 8 (Pine Bark Beetle Infestation and Abatement) of Title 3 (Public Safety) of the Bear Valley Community Services District Code: LaClaire. Second: Mason.
- **Vote:** Aye – 5; No – 0

13. Action Items:

A. ELECT a candidate for Special District Representative Alternate to serve on the Kern County Local Agency Formation Commission (LAFCo). (Mr. Edmonds)

- A staff report was presented and discussion followed.
- **Motion:** the Board of Directors ELECT Don McKernan for Special District Representative Alternate to serve on the Kern County Local Agency Formation Commission (LAFCo): Zanutto. Second: Grace
- **Vote:** Aye – 5; No – 0

B. APPOINT Directors Grace and LaClaire as representative to October 14, 2014 BVCS D/BVSA Town Hall Meeting. (Mr. Edmonds)

- A staff report was presented. Board discussion followed: Director Zanutto opposed calling a Special Board Meeting, Director VoVilla questioned if attendance of the full board would be a violation of the Brown Act, Mr Davis explained that as long as no District business was discussed among the attending Directors, and no action was taken, there would be no violation. Vice-President LaClaire stated her belief that Town Hall attendance should constitute a day of service. Director Zanutto pointed out that a director can decline the stipend if he or she so wishes.
- **Motion:** the Board of Directors APPOINT Directors Grace and LaClaire to represent the District at the October 14, 2014 BVCS D/BVSA Town Hall forum, and further that the Board hereafter designate attendance at the BVCS D/BVSA Town Hall forum as a ‘day of service’ rendered to the District: VoVilla. Second: Mason.
- **Vote:** Aye – 5; No – 0

14. Information & Discussion Items:

A. Discuss Proposed Schedule for Payment of Outstanding Balance of \$165,568.64, from 2013 Lake Fill Sales Underbilling to Bear Valley Springs Association

B. Discuss Cancellation of Outstanding Balance of \$3238 from 2012 Lake Fill Sales Underbilling to Bear Valley Springs Association

- **Motion:** TABLE Agenda Items 14A & 14B until a subsequent Board meeting; LaClaire. Second: Zanutto
- **Vote:** Aye – 5; No – 0

C. September Committee Reports

- Administration Committee – Vice President LaClaire; Director Zanutto
 - Vice-President LaClaire reported that the committee will review Title 1 of the District Code and present a list of thoughts and concerns to District Counsel and Staff.
- Communications Committee – Vice President LaClaire; Director VoVilla
 - Vice-President LaClaire reported on current and upcoming Bear Tracks articles
- Finance Committee – President Mason; Director Grace
 - President Mason reported no September meeting but the committee met in October and is back on schedule.
- Infrastructure Committee – President Mason; Director VoVilla
 - President Mason reported no September meeting but the committee will meet October 10
- Liaison Committee – President Mason; Vice President LaClaire
 - President Mason reported on the topics covered at the September Liaison Committee meeting.
- Public Safety Committee – Director Grace; Director Zanutto
 - Director Grace reported on efforts to track and control feral pigs in Bear Valley and on the Disaster Preparedness Advisory Council desire to schedule training for District staff

D. Board Comments

- Director Grace Anticipated Topics: CSDA Conference
 - Director Grace gave a verbal report on the CSDA Conference and spoke about SB 785-Design Build
- Director VoVilla Anticipated Topics: None Submitted
- Director Zanutto Anticipated Topics: CSDA Conference
 - Director Zanutto gave a verbal report on the CSDA Conference and requested that the Board soon discuss available options stemming from the reduction of the cost of purchased water
- Vice-President LaClaire Anticipated Topics: None Submitted
 - Vice-President LaClaire stated that she would like the District to adopt a policy for outside water sales by April, 2015
- President Mason Anticipated Topics: None Submitted
 - None

E. Staff Reports

- **Department Head Reports**
 1. Finance Report

- Mr. Powell presented a verbal report.
- 2. Public Works Status Report
 - Mr Tuma presented a written report
- 3. Public Safety Report
 - Chief Walthers presented written Police Activity statistics for September, 2014

ii. General Counsel Report

- Mr. Davis spoke about the CSDA conference, and confirmed he would investigate the conflict of interest concerns expressed by Mr. Williams

iii. General Manager Report

- Mr. Edmonds reported that a Consulting Agreement with AECOM has been signed. He also mentioned that though a great deal of his time to date has been taken up with HR, Personnel and Administrative issues, he is anxious to begin work on much needed projects for the District


F. Media / Public Outreach / Communications / Correspondence

- A staff report was presented.

15. Future Agenda Items:

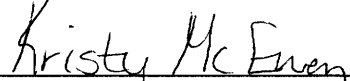
- A. Acceptance of Kordes Equestrian Easement (*Tentative: October 23, 2014*)
- B. Resolution Honoring Mr. Ralph Kermode (TBD)
- C. Cash Flow Analysis of BVCSD/BVSA Lease Addendum for Lake Fill Costs (*Tentative: October 23, 2014*)
- D. Review BVSA Lease Addendum #5 Language (*Tentative: October 23, 2014*)
- E. Disaster Preparedness Advisory Council Presentation (*Tentative: October 23, 2014*)
- F. Mailboxes (TBD)
The following items were added:
- G. Tabled Items #14A and #14B
- H. Director Zanutto's above stated request to discuss available options stemming from the reduction of the cost of purchased water
- I. BVSA request for Golf Cart path extensions from the September 28, 2014 Liaison Committee.

16. Adjournment: The next regularly scheduled meeting of the Board of Directors is October 23, 2014 at 6:00 pm.



William T Mason Jr, President
Bear Valley Community Services District

ATTESTED:



Kristy McEwen
Clerk of the Board