



## BEAR VALLEY COMMUNITY SERVICES DISTRICT

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28999 South Lower Valley Road • Tehachapi, CA 93561-7460  
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### REGULAR BOARD MEETING MINUTES

DATE OF MEETING: March 23, 2017  
PLACE OPEN & CLOSED SESSION MEETINGS: 28999 South Lower Valley Road  
TIME OF OPEN SESSION MEETING: 6:00 pm  
TIME OF CLOSED SESSION MEETING: After Open Session

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1. **Call to Order**

The meeting was called to order at 6:05 pm.

2. **Attendance**

Directors Baron, Carlyn, Grace and Muell were in attendance. Director Ritchie was absent. Also present were General Manager David Edmonds, Chief of Police Jeff Kermode and Secretary of the Board Kristy McEwen.

3. **Approval of Agenda**

- President Carlyn requested that Item #6 be heard prior to Item #5.
- Mr. Davis requested an urgency item be added to the Action Items of this Agenda to accept the letter of resignation submitted by Director Ritchie on the morning of March 23, 2017.

The Agenda, as amended, was approved unanimously by those Directors present.

4. **Pledge of Allegiance**

President Carlyn led the Pledge of Allegiance.

5. **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.

- Laurie Hamilton addressed the Board on the disposal of wild animals
- Jim Nelson asked about the timeline for implementation of AM530
- Kathy Underwood asked about the Adopt-a-Road sign on Bear Valley Rd past the gate

6. **Presentations:**

*This Item was heard prior to Agenda Item #5.*

A. Status of Solar Project (Mr. Davis; Mike Murray, Heliopower)

Mike Murray and Tom Selden of Heliopower provided an update on the project and the construction timeline.

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**7. 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

**8. Action Items:**

Added Agenda Item

ACCEPT Letter Submitted by Director Walter Ritchie, Resigning from the Board of Directors, Effective March 23, 2017.

Mr. Davis informed the Board and public that Director Ritchie had submitted a letter of resignation from the Board of Directors that morning and reviewed the options for filling the vacancy. Staff will present options and request direction or action at the April 13, 2016 Regular Board Meeting.

**Motion:** The Board of Directors ACCEPT the resignation of Director Ritchie from the Board of Directors, effective immediately on March 23, 2017: Grace. Second: Carlyn

**Roll Call Vote:**      AYE:            Baron, Grace, Muell, Carlyn  
                                 NO:                None  
                                 ABSTAIN:      None  
                                 ABSENT:        None

- A. APPOINT Citizen Volunteers to Standing Committees of the Board  
    i. Finance Committee (Directors Muell & Carlyn)

**Motion:** The Board of Directors APPOINT Kathy Carey, Kim Cohagen and Kathy Underwood to serve on the Finance Committee until March 2019 or until a successor is named: Muell. Second: Carlyn.

**Roll Call Vote:**      AYE:            Baron, Grace, Muell, Carlyn  
                                 NO:                None  
                                 ABSTAIN:      None  
                                 ABSENT:        None

- ii. Infrastructure Committee (Directors Grace & Baron)

**Motion:** The Board of Directors APPOINT John Bryant, Kathy Carey and Matthew True to serve on the Infrastructure Committee until March 2019 or until a successor is named: Grace. Second: Carlyn.

**Roll Call Vote:**      AYE:            Baron, Grace, Muell, Carlyn  
                                 NO:                None  
                                 ABSTAIN:      None  
                                 ABSENT:        None

- B. ADOPT Ordinance 17-245 Amending District Code Chapter 7-4 (Water Conservation) (Mr. Davis)

A staff report was presented.

**Motion:** The Board of Directors ADOPT Ordinance 17-245 Amending and Restating District Code Chapter 7-4 (Water Conservation): Grace. Second: Baron.

**Roll Call Vote:** AYE: Baron, Grace, Muell, Carlyn  
NO: None  
ABSTAIN: None  
ABSENT: None

- C. AUTHORIZE the General Manager to Execute a Construction Contract in the amount of \$25,200 and Change Orders Not to Exceed an Additional 10% (\$2,520) with the Apparent Lowest Responsible Bidder, W.M. Lyles Co., for the Wastewater Treatment Plant Flowmeter Replacement Project – Project No. 16/17-5, Pending Legal Review and Revision (Mr. Edmonds)

A staff report was presented.

**Motion:** The Board of Directors AUTHORIZE the General Manager to Execute a Construction Contract in the amount of \$25,200 and Change Orders Not to Exceed an Additional 10% (\$2,520) with the Lowest Responsible Bidder, W.M. Lyles Co., for the Wastewater Treatment Plant Flowmeter Replacement Project – Project No. 16/17-5, Pending Legal Review and Revision: Baron. Second: Grace.

**Roll Call Vote:** AYE: Baron, Grace, Muell, Carlyn  
NO: None  
ABSTAIN: None  
ABSENT: None

- D. AUTHORIZE the General Manager to Execute a Professional Services Agreement with Willdan for the Mailbox Project, Pending Legal Review and Revision (Mr. Edmonds)

A staff report was presented.

**Motion:** The Board of Directors AUTHORIZE the General Manager to Execute a Professional Services Agreement with Willdan for the Mailbox Project in an amount not to exceed \$159,100: Muell. Second: Grace

**Roll Call Vote:** AYE: Baron, Grace, Muell, Carlyn  
NO: None  
ABSTAIN: None  
ABSENT: None

## 9. Information and Discussion Items:

- A. Bear Valley & Cumberland Road Rehabilitation Project (Mr. Edmonds)

- Mr. Edmonds provided a verbal update.

- B. Board Comments

- i. Director Baron: None
- ii. Director Grace: None
- iii. Director Muell: Requested project updates on Mailboxes; Upper Elevation Road Striping; BV Cumberland Road; Entry Gate; Guardrail Replacement

- iv. Vice-President Ritchie:
- v. President Carlyn: None

C. Staff Comments

- i. Chief of Police – Chief Kermode assured the Board that news reports of a Tehachapi ‘crime wave’ did not affect Bear Valley.
- ii. General Counsel – Mr. Davis had nothing further
- iii. General Manager – Mr. Edmonds inquired if any Directors wished to attend the April 4, 2017 BVSA/BVCSD Town Hall meeting. Directors Grace and Muell agreed to attend. He reported on upcoming Bear Tracks articles, IT upgrades and weather related road damage Medicine Bow and Deertrail.

10. **Future Agenda Items:**

- A. APPOINT Citizen Volunteers to Committees (Tentative: After Each Committee Meets & Makes Recommendations)
- B. APPROVE Contract for Entry Gate Project Design (Tentative: April 13, 2017)
- C. Presentation and Acceptance of Annual Financial Report (External Audit) as Prepared and Presented by Fedak & Brown, LLP (Tentative: April 13, 2017)  
Mr. Edmonds reviewed the above and added:
- D. Guardrail and Speed Study Proposal
- E. Board of Directors Vacancy
- F. Job Description – Chief of Police

11. **Adjourn to Closed Session**

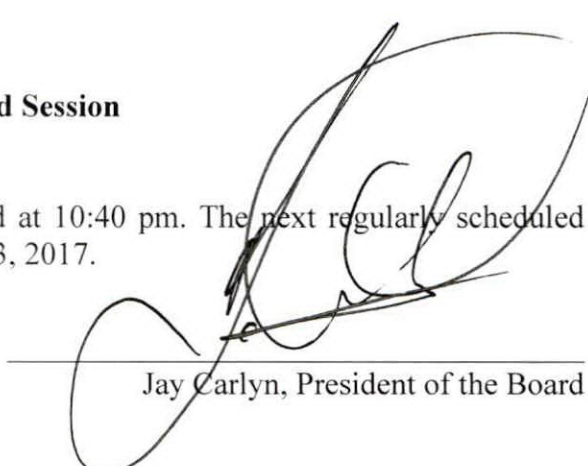
- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
*Government Code Section 54956.9(d)(1)*  
Laura Hutchinson v. Bear Valley Community Services District et al., United States District Court, Eastern District of California, Case No. 1:15 - CV- 01047- JLT
  - **No Reportable Action**

12. **Reconvene Open Session**

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

President Carlyn reported as above.

14. **Adjournment:** The meeting was adjourned at 10:40 pm. The next regularly scheduled meeting of the Board of Directors is April 13, 2017.



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Jay Carlyn, President of the Board

ATTEST



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Kristy McEwen, Secretary of the Board