



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
PHONE 661-821-4428 • FAX 661-821-0180

REGULAR BOARD MEETING AGENDA

DATE OF MEETING: April 27, 2017
PLACE OPEN & CLOSED SESSION MEETINGS: 28999 South Lower Valley Road
TIME OF OPEN SESSION MEETING: 6:00 pm

1. **Call to Order**

2. **Attendance**

3. **Approval of Agenda**

4. **Pledge of Allegiance**

5. **Presentations**

A. Volunteers in Police Service (VIPS) Service Awards (Chief Kermode)

6. **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.

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.

8. **Action Items:**

A. ADOPT Resolution 16/17-33 Rescinding the Declaration of Stage Two Water Supply Condition Applicable to Water Usage Throughout the District under Bear Valley Community Services District Code Chapter 7-4 (Mr. Davis)

B. Initiation of Discussions with Kern County Regarding Financial Assistance with District Road Projects (Mr. Davis)

i. DIRECT Staff and Legal Counsel to Initiate Discussions

ii. ESTABLISH an Ad-hoc Committee of the Board of Directors or ASSIGN a Standing Committee of the Board of Directors to Participate in Discussions

April 27, 2017 Regular Board Meeting

9. Information and Discussion Items:

- A. Dispatch Services (Mr. Edmonds)
- B. Board of Directors Vacancy (Ms. McEwen)
- C. Bear Valley & Cumberland Road Rehabilitation (Mr. Edmonds)
- D. Upper Elevation Striping (Mr. Edmonds)
- E. Mailbox Project (Mr. Edmonds)
- F. Board Comments
 - i. Director Baron
 - ii. Director Muell
 - iii. Vice-President Grace
 - iv. President Carlyn
- G. Staff Comments
 - i. Chief of Police
 - ii. General Counsel
 - iii. General Manager

10. Future Agenda Items:

- A. APPOINT a Member to the Board of Directors for the Term Ending December, 2018 (Tentative: May 11, 2017)
- B. Presentation and Acceptance of Annual Financial Report (External Audit) as Prepared and Presented by Fedak & Brown, LLP (Tentative: May 11, 2017)
- C. APPOINT Citizen Volunteers to Committees (After Each Committee Meets & Makes Recommendations)
- D. APPROVE Agreement for Entry Gate Project (Tentative: May 11, 2017)
- E. APPROVE Agreement for Guardrail Plan (Tentative: May 11, 2017 if proposal exceeds \$25,000)
- F. APPROVE Agreement for Traffic & Speed Survey (Tentative: May 11, 2017, if proposal exceeds \$25,000)

11. Adjournment:

The next regularly scheduled meeting of the Board of Directors is May 11, 2017.

INFORMATION REGARDING AGENDA ITEMS: Copies of the staff reports and other disclosable public records related to each open session item of business referred to on the agenda are on file in the office of the District Secretary and are available for public information during regular business hours. Any person who has a question concerning any of the agenda items may call the District Secretary at 661.821.4428.

ADA Compliance Statement: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Secretary to the Board of Directors, Kristy McEwen, at 661.821.4428. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Signed, April 24, 2017

Kristy McEwen, Secretary of the Board

April 27, 2017 Regular Board Meeting

STAFF REPORT

AGENDA ITEM #5A
VIPS Service Awards

MEETING DATE: April 27, 2017
PREPARED BY: Jeff Kermode
Director of Public Safety/Chief of Police
AGENDA TITLE: President's Volunteer Service Awards



RECOMMENDATION

No action. Award recognition only.

BACKGROUND

About VIPS

The International Association of Chiefs of Police (IACP) www.theiacp.org manages and implements the Volunteers in Police Service (VIPS) Program in partnership with the Bureau of Justice Assistance, Office of Justice Programs, and U.S. Department of Justice.

The VIPS Program provides support and resources for agencies interested in developing or enhancing a volunteer program and for citizens who wish to volunteer their time and skills with a community law enforcement agency. The program's ultimate goal is to enhance the capacity of state, local, campus, tribal, and territorial law enforcement to utilize volunteers. The VIPS staff shares information and resources with law enforcement agencies that want to expand their programs, increase the use of volunteers in existing programs, help citizens learn about and become involved in VIPS program.

Origin of VIPS

President George W. Bush created USA Freedom Corps (USAFC) to build on the countless acts of service, sacrifice, and generosity that followed September 11. When he announced USAFC in his 2002 State of the Union address, he called on all Americans to serve a cause greater than themselves. Citizen Corps was created to help coordinate volunteer activities to make communities safer, stronger, and better prepared to respond to any emergency situation. It provides opportunities for people to participate in a range of measures to make their families, their homes, and their communities safer from threats of crime, terrorism, and disasters of all kinds. Citizen Corps partner programs build on the successful efforts in place in many communities around the country to prevent crime and respond to emergencies.

President's Volunteer Service Awards

Presidential recognition sets one apart from his or her peers. It is a tremendous honor. Even though someone may not seek recognition, his or her example can deliver a powerful message that encourages others to take action.

STAFF REPORT

AGENDA ITEM #5A *VIPS Service Awards*

The President's Volunteer Service Award recognizes United States citizens and lawfully admitted, permanent residents of the United States who have achieved the required number of hours of service over a 12-month time period or cumulative hours over the course of a lifetime.

Award Criteria

Individuals, families and groups that meet the criteria are eligible for the PVSA.

- Recipient(s) must be a United States citizen or a lawfully admitted permanent resident of the United States.
- Awards are issued for service hours served within a 12-month period or over the course of a lifetime.
- Awards are issued for volunteer service only; additional levels of participation with the organization (i.e., charitable support) are not a factor considered for the award.
- Court-ordered community service does not qualify for the award.
- Awards are issued by approved Certifying Organizations.
- Service must be with an approved Certifying Organization that is legally established in the United States, the Commonwealth of Puerto Rico or one of the U.S. territories.

Eligibility

Hours are measured over a 12-month period and awards are designated based on cumulative hours. The awards are offered in multiple levels and are designed to recognize each milestone of your service achievement. Levels include bronze, silver, gold and the highest honor, the President's Lifetime Achievement Award for those who contribute more than 4,000 hours of service in their lifetime.

Hours by Award	Bronze	Silver	Gold
Kids (5-10)	26 – 49	50 – 74	75 +
Teens (11–15)	50 – 74	75 – 99	100 +
Young Adults (16-25)	100 – 174	175 – 249	250 +
Adults (26 and older)	100 – 249	250 – 499	500+
Families and Groups*	200 – 499	500 – 999	1,000+
President's Lifetime Achievement Award: Individuals who have completed 4,000 or more hours in their lifetime			
<i>* Two or more people, with each member contributing at least 25 hours toward the total</i>			

Along with the ultimate honor of presidential recognition, recipients will receive a personalized certificate, an official pin, medallion or coin and a congratulatory letter from the President of the United States.

STAFF REPORT

AGENDA ITEM #5A
VIPS Service Awards

ANALYSIS

The following table shows the Bear Valley VIPS that qualified for service awards for years 2015 and 2016:

<u>Individual</u>	<u>Hours</u>	<u>Award</u>	<u>Year</u>
Jay Carlyn	352	Silver	2015
Jay Carlyn	276.5	Silver	2016
Patti Stevens	254	Silver	2015
Patti Stevens	287.5	Silver	2016
Karen Rathbun	210.5	Bronze	2015
Karen Rathbun	185	Bronze	2016
Carol Fenwick	180.5	Bronze	2015
Ken Short	139.75	Bronze	2016
Lorrie Carlyn	134	Bronze	2016
Lorrie Carlyn	104.5	Bronze	2015
Michele Alexander	118	Bronze	2016
Tom Perino	112.25	Bronze	2016

As this is the last regular Board meeting with Jeff Kermode serving as Chief of Police, it is appropriate for the recognition to occur now, rather than waiting until the end of the calendar year when other service awards are acknowledged, so Chief Kermode may participate and show his appreciation for the many hours of volunteer service.

RECOMMENDED MOTION

None.

STAFF REPORT

AGENDA ITEM #8A *Rescind Stage Two Declaration*



MEETING DATE: April 27, 2017

PREPARED BY: Donald M. Davis
General Counsel

AGENDA TITLE: ADOPT Resolution 16/17-33 Rescinding the Declaration of Stage Two Water Supply Condition Applicable to Water Usage Throughout the District under Bear Valley Community Services District Code Chapter 7-4 (Water Conservation)

RECOMMENDATION

Staff recommends that the Board ADOPT Resolution 16/17-33 rescinding the Stage Two water supply condition under District Code Chapter 7-4 (Water Conservation).

BACKGROUND/DISCUSSION

Water suppliers such as the District and their customers have been subject to statewide “Emergency Regulations” imposed by the State Water Resources Control Board since Governor Brown declared a drought emergency in 2014. The District has, in response to the drought declaration and Emergency Regulations, declared the existence of certain water supply conditions from time to time in order to reduce demand for water by District customers. At present, the District is operating under a Stage Two water supply condition declared under Resolution 16/17-27 that was adopted on November 10, 2016.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which lifted the declaration of a drought emergency for the State. In light of the Governor’s recent Executive Order, the above average rainfalls that have improved the District’s ground water supplies, as well as the improved outlook for the delivery of imported State Water Project water to the Tehachapi Cummings County Water District which serves a significant portion of the District’s water demand, the District no longer needs to impose the conservation measures of its Stage Two water supply condition (limiting watering to three days a week and precluding contractors from using District potable work for certain construction work). The proposed resolution would rescind the Stage Two declaration although all of the permanent water conservation measures recently adopted by the District as part of its amendments to Code Chapter 7-4 would remain in effect.

FISCAL IMPACT

Undetermined. Lifting of the Stage Two condition will lift the current 20% surcharge. However, the surcharge has not resulted in significant revenue, as it only applies to consumption in excess of 10 units per month. Additionally, customer demand (use) has increased, especially in the last few months.

STAFF REPORT

AGENDA ITEM #8A
Rescind Stage Two Declaration

RESULT OF RECOMMENDED ACTION

The adoption of the proposed resolution rescinding the Stage Two water supply condition will remove the imposition of the water conservation measures set forth in District Code section 7-4-5(C), as well as a 20% surcharge imposed on water use above 10 units; however, the permanent water conservation measures under Code section 7-4-5(A) will remain in effect.

REQUESTED MOTIONS

“I move the Board of Directors ADOPT Resolution 16/17-33 rescinding the Stage Two water supply condition under District Code Chapter 7-4 (Water Conservation).”

Attachment:

Draft Resolution 16/17-33



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
PHONE 661-821-4428 • FAX 661-821-0180

RESOLUTION 16/17-33

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAR VALLEY COMMUNITY SERVICES DISTRICT
RESCINDING THE DECLARATION OF A STAGE TWO WATER SUPPLY CONDITION
APPLICABLE TO WATER USAGE THROUGHOUT THE DISTRICT
UNDER BEAR VALLEY COMMUNITY SERVICES DISTRICT CODE
CHAPTER 7-4 (WATER CONSERVATION)**

The Board of Directors of the Bear Valley Community Services District resolves as follows:

Section 1. Findings. The Board finds as follows:

- A. In response to the State of California's drought conditions, Governor Brown and the State Water Resources Control Board ("State Water Board") declared a drought emergency and imposed water conservation regulations ("Emergency Regulations") throughout the State. These Emergency Regulations have been in effect since July 2014.
- B. The District has, in response to the drought declaration and Emergency Regulations, declared the existence of certain water supply conditions in order to reduce demand for water by District customers. At present, the District is operating under a Stage Two water supply condition declared under Resolution 16/17-27 that was adopted on November 10, 2016
- C. On April 7, 2017, Governor Brown issued Executive Order B-40-17, which lifted the Governor's declaration of a drought emergency for the State,
- D. In light of the Governor's recent Executive Order, the above average rainfalls that have improved the District's ground water supplies, and the improved outlook for the delivery of imported State Water Project water to the Tehachapi Cummings County Water District which serves a significant portion of the District's water demand, the Board desires to rescind the District's declaration of its Stage Two water supply condition.

Section 2. Rescission of the Stage Two Condition; Continuation of Permanent Conservation Measures. Based on the above findings, the Board hereby rescinds the declaration of the Stage Two water supply condition. However, the permanent water conservation measures set forth in Section 7-4-5.A of the District Code will remain in effect throughout the District.

Section 3. Effective Date. This resolution will become effective on May 1, 2017, at which time the special water conservation rates and surcharges applicable during the Stage Two Condition will cease to be imposed.

PASSED, APPROVED AND ADOPTED on April 27, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jay Carlyn, Board President
Bear Valley Community Services District

ATTEST:

I hereby certify that the above Resolution No. 16/17-33 was duly introduced, read, and adopted by the District at a regularly noticed meeting held on April 27, 2017.

Kristy McEwen
Secretary of the Board of Directors

STAFF REPORT

AGENDA ITEM #8B
County Assistance with Road Projects



MEETING DATE: April 27, 2017

PREPARED BY: Donald M. Davis, General Counsel

AGENDA TITLE: Initiation of Discussions with Kern County Regarding Financial Assistance with District Road Projects

RECOMMENDATION

That the Board: DIRECT Staff and Legal Counsel to Initiate Discussions with Kern County Regarding Financial Assistance with District Road Projects; and consider ESTABLISHING an Ad-hoc Committee of the Board of Directors or ASSIGNING the Board Members from a Standing Committee to Participate in Discussions with Kern County Regarding Financial Assistance with District Road Projects.

BACKGROUND

One of the major sources of revenue to fund road projects for local agencies is the State’s “Gas Tax,” which the Legislature has recently voted to increase by 12 cents a gallon starting later this year – the first such increase in over 20 years. Although District residents collectively pay tens of thousands of dollars in Gas Tax each year, none of that money comes back directly to the District because the State only apportions the Gas Tax among counties and cities. This historic oversight is likely due to the fact that very few special districts maintain roads, despite the authorization to do so under the Special District Law (see GC §§ 61100(l) and 61103(a)) below). As such, the District’s only sources of revenue to fund the projects needed to repair and maintain the approximately 110 miles of roads within the District are the small portion of general property taxes the District receives and the District’s Road Assessment, which is \$340/parcel/year and has likely not been increased since the passage of Proposition 218 in 1996 because any increase would require an election.

The Gas Tax apportionment statutes in the Streets & Highway Code (See SHC §2100 following) and in the State Constitution (Article XIX) are rather lengthy and it would be a complicated undertaking to pass legislation that would add apportionment rights to special districts that maintain public roads. However, the Streets & Highway Code does authorize counties to provide aid to cities for road maintenance and improvements. (See SHC §1680 and following.) Similar to the exclusion from any apportionment of Gas Tax revenues, special districts were likely also not included in this statutory scheme because of the limited number of special districts that maintain roads. Nevertheless, these statutes clearly recognize that maintaining streets within an agency located in a county is “of general county interest.” (See SHC §1686.)

In light of the fact that the County has never historically apportioned any of its share of the State’s Gas Tax to the District, despite the thousands of District residents that pay such tax each year, and given that counties are expressly authorized under the Streets and Highway Code to provide aid for road projects that are of “general county interest,” representatives of the District should consider initiating discussions with Supervisor Scrivner’s office and Kern County staff to see if the County would be willing to provide such assistance under the authority of the Streets and

STAFF REPORT

AGENDA ITEM #8B
County Assistance with Road Projects

Highway Code or its general police powers in an amount consistent with the District's population and the number of miles of roads maintained.

RELEVANT CODE SECTIONS

GOVERNMENT CODE

61100.

Within its boundaries, a district may do any of the following:

...

(1) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

61103.

(a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works pursuant to subdivision (1) of Section 61100 shall have the powers, duties, and authority of a county for those works, including, but not limited to, the following:

- (1) Chapter 2 (commencing with Section 940), Chapter 5.5 (commencing with Section 1450), and Chapter 6 (commencing with Section 1480) of Division 2 of the Streets and Highways Code.
- (2) Part 3 (commencing with Section 8300) of the Streets and Highways Code.
- (3) Division 11 (commencing with Section 21000) of the Vehicle Code.
- (4) Article 4 (commencing with Section 35700) of Chapter 5 of Division 15 of the Vehicle Code.

61105

(g) The Bear Valley Community Services District, the Bell Canyon Community Services District, the Cameron Estates Community Services District, the Lake Sherwood Community Services District, the Saddle Creek Community Services District, the Wallace Community Services District, and the Santa Rita Hills Community Services District may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district.

STREETS & HIGHWAY CODE

ARTICLE 2. Cooperation with Cities [1680 - 1686]

1680.

The board of supervisors of any county may, by a resolution adopted by a four-fifths vote of its members, determine that any of the following activities are of general county interest and that county aid shall be extended therefor:

- (a) The laying out, opening, construction, improvement, maintenance, repair, or altering of all or any part of any street within a city or extending along or across the boundary of a city.
- (b) The establishing, modifying or changing the grade of any such street.
- (c) The separation of the grades of any two or more such streets which intersect.
- (d) The separation of the grade of any such street from the grade of any steam, electric or street railroad crossing such street.
- (e) The construction of the necessary pavements, curbs, culverts, bridges, tunnels, subways,

STAFF REPORT

AGENDA ITEM #8B *County Assistance with Road Projects*

viaducts, drainage facilities or structures incident to or a part of such street.

(f) The acquisition of any real property or interest therein, rights of way or other property necessary for any of the purposes mentioned in this section.

1681.

Such resolution shall specify the proposed new or existing street or portion of street, the general nature of the improvement proposed, the nature of the aid to be furnished by the county, and any funds from which the aid is to be paid.

1682.

Thereafter and in accordance with such resolution the county may give aid in one or more of the following ways:

- (a) Contribute money.
- (b) Acquire and deliver material.
- (c) Furnish labor or engineering services.
- (d) Loan its road building machinery.
- (e) Pay or contribute money to be used for the payment of interest upon, or for the payment or redemption of, bonds, the proceeds of which have been used for, or which have been issued in payment for, work mentioned in this article.

1683.

The expense of such aid may be paid from one or more of the following:

- (a) The county general fund.
- (b) The road fund.
- (c) The proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining, improving or repairing county highways or for the acquisition of any real property or interest therein, rights of way or other property necessary for such purposes.
- (d) Any other fund available for such purposes.

1684.

The city shall use all aid which it receives in the activities described in the resolution and shall return to the county any portion of such aid which is not thus used.

1685.

Boards of supervisors may enter into contracts or agreements with the legislative body of any city for the purposes specified in Section 1803.

1686.

The Legislature hereby finds that the improvement and maintenance of all city streets is of general county interest. The board of supervisors of any county may, by resolution adopted by a four-fifths vote of its members, determine that county aid shall be extended for the improvement or maintenance of streets within a city or extending along or across the boundary of a city. Such resolution shall specify the general nature of the improvement and maintenance proposed, the nature of the aid to be furnished by the county, and any funds from which the aid is to be paid. Such resolution need not specify the streets to be improved or maintained within such city but may in general terms specify the general character of the work proposed and require such reports and accounting of the expenditure of such aid funds as it may find to be necessary and convenient. The provisions of this section shall be deemed as an alternative procedure to that otherwise specified in this article.

STAFF REPORT

AGENDA ITEM #8B
County Assistance with Road Projects

FISCAL IMPACT

Discussions with County officials will only result in District staff costs and possible work days subject to compensation for Board members. If discussions lead to County aid for District roads, this could add a significant source of revenue for District road projects.

RECOMMENDED ACTION

As this is an unusual endeavor, staff is requesting the Board specifically authorizes the engagement in such discussions by staff and legal counsel.

If Board members want to also be involved, then the Board should form an Ad-hoc committee specific to this task or assign Board members from a Standing Committee (e.g., Finance or Infrastructure).

REQUESTED MOTION

“I move the Board of Directors DIRECT staff and legal counsel to initiate discussions with Kern County regarding financial assistance with District road projects.”

Additional Consideration

“I move the Board of Directors ESTABLISH an Ad-hoc Committee comprised of Directors _____ and _____ to participate in discussion with Kern County regarding financial assistance with District road projects.”

OR

“I move the Board of Directors ASSIGN the Board members from the _____ (*Finance or Infrastructure*) Standing Committee to participate in discussion with Kern County regarding financial assistance with District road projects.”

STAFF REPORT

AGENDA ITEM #9A
Dispatch Services

MEETING DATE: April 27, 2017

PREPARED BY: Kristy McEwen
Secretary of the Board of Directors

AGENDA TITLE: Dispatch Services



No staff report; a verbal update will be provided. It is anticipated the agreement will be approved by the Kern County Board of Supervisors on 4/25/17.

STAFF REPORT

AGENDA ITEM #9B
Board of Directors Vacancy

MEETING DATE: April 27, 2017
PREPARED BY: Kristy McEwen
Secretary of the Board of Directors
AGENDA TITLE: Board of Directors Vacancy



No staff report; a verbal update will be provided.

STAFF REPORT

AGENDA ITEM #9C
BV Cumberland Project

MEETING DATE: April 27, 2017

PREPARED BY: Kristy McEwen
Secretary of the Board of Directors

AGENDA TITLE: Bear Valley & Cumberland Road Rehabilitation



No staff report; a verbal update will be provided.

STAFF REPORT

AGENDA ITEM #9D
Upper Elevation Striping

MEETING DATE: April 27, 2017

PREPARED BY: Kristy McEwen
Secretary of the Board of Directors

AGENDA TITLE: Upper Elevation Striping



No staff report; a verbal update will be provided.

STAFF REPORT

AGENDA ITEM #9E
Mailbox Project

MEETING DATE: April 27, 2017

PREPARED BY: Kristy McEwen
Secretary of the Board of Directors

AGENDA TITLE: Mailbox Project



No staff report; a verbal update will be provided.