

## BEAR VALLEY COMMUNITY SERVICES DISTRICT

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

DATE OF MEETING:	April 10, 2014
PLACE OPEN & CLOSED SESSION MEETINGS:	28999 South Lower Valley Road
TIME OF CLOSED SESSION MEETING:	4:00 pm
TIME OF OPEN SESSION MEETING:	6:00 pm

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#### 1. CALL TO ORDER

- **President Mason called the meeting to order at 4:00 pm.**

#### 2. ROLL CALL

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

- **All Directors were present with the exception of Director VoVilla. Also present: Legal Counsel Don Davis and Interim General Manager Larry Pennell. At 6:00 pm the following staff arrived: Interim Financial Consultant David Powell, Superintendent of Public Works Larry Tuma, Police Chief Rod Walthers and Board Secretary Kristy McEwen.**

#### 3. CLOSED SESSION

- **President Mason adjourned the meeting to closed session at 4:01 pm.**

##### A. CONFERENCE WITH LABOR NEGOTIATORS

Government Code § 54957.6

Agency representative: General Manager

Unrepresented employee: Board Clerk/Secretary

- **No reportable action**

##### B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2): One case

- **No reportable action**

##### C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code § 54957

- **No reportable action**

4. SUMMARY OF ACTIONS TAKEN DURING CLOSED SESSION

- **President Mason reported as above.**

5. PLEDGE OF ALLEGIENCE

- **Chief Walthers led the Pledge of Allegiance**

6. CONSENT CALENDAR

- **CONSENT CALENDAR MOTION: THAT ALL MOTIONS INDICATED BY CONSENT CALENDAR ITEMS A THROUGH H BE ADOPTED: ZANUTTO. SECOND: GRACE. AFTER A ROLL CALL VOTE THE MOTION PASSED 4:0.**
- A. Board Minutes – that the minutes of the March 13, 2014 Regular Board Meeting be accepted as submitted.
- B. Committee Reports – that the notes from the March, 2014 committee meetings be accepted as submitted.
- C. Disclosure of Expenses as submitted.
- D. Register of Warrants – that the register for March, 2014 be accepted as submitted.
- E. Financial Statements – that the statement for February, 2014 be accepted as submitted.
- F. Uncollectible Debt Report as submitted.
- G. 2013-14 Audit – that the contract with accounting firm Charles Z Fedak & Co for Independent Audit services be approved as submitted.
- H. Approval of BVSA gas line replacement project at Oak Tree Country Club

7. PUBLIC COMMENTS

- **Sharon Huyck challenged the Board to deal with mistletoe as well as Pine Bark beetle.**
- **Ken Guenzi spoke about infected trees on District-owned property**

8. BOARD COMMENTS

- **Director Zanutto reported on the WAPC Committee meeting.**

9. STAFF REPORTS

**General Manager's Report** – Mr Pennell reported on his attendance at the TAAR Water Conservation Round Table and the Common Good meeting of Tehachapi area municipal leaders. He also notified the Board that he would not be in attendance for the May 8, 2014 Regular Board Meeting.

**Financial Report** – Mr Powell presented a written report of investments and notified the Board of a significant under-billing issue for BVSA Lake-fill water.

**Public Works Status Report** – Mr Tuma presented a written report. Director Grace questioned whether the District has taken possession of the previously approved trucks. Mr Tuma informed him he is awaiting bids. Director Zanutto noted that water use is up 15%, even though the Board has requested a voluntary 20% reduction. President Mason reminded Mr Tuma of previous requests for a running total for prior years in the

production history report. Director Grace asked what triggers the CV wells to begin operation. Mr Tuma explained the process.

**Public Safety Report** – Chief Walthers provided a written report. Director Grace asked how the new police vehicles were working out. Chief Walthers noted improved gas mileage. Director Zanutto mentioned the PD Open House on May 13, 2013 from 1 – 6pm. President Mason asked about 911 calls from cell phones and the ratio of traffic stops to citations issued. Chief Walthers replied out of 240 stops, 40 citations were issued. Public comments focused on police man hours for mail theft surveillance and Vice-President LaClaire assured the public that the issue is a priority for the Board.

**General Counsel Report** – Mr Davis reported on the progress of lease negotiations with Valley Sod Farms and Tehachapi Turf. He informed the Board and public that the amended license agreement with Bear Mountain Ranch has been delivered and he is awaiting a response.

10. PRESENTATION BY GRANICUS – GOVERNMENT INFORMATION TECHNOLOGY—VIDEO STREAMING. (Mr Pennell)

- **The Board was given a demonstration of the capabilities of the system. A cost proposal will be given to Mr Pennell and he will follow up.**

11. REVIEW AND UPDATE BUDGET AND FISCAL POLICIES FOR FY 2014-15 BUDGET AND BUDGET ASSUMPTIONS PRESENTED TO BOARD. (Mr Powell)

- **Mr Pennell shared his budget goals to maintain or improve levels of service, control costs, and to embrace new ideas and approaches to revenue gains.**
- **Mr Powell updated the Board on the progress of the budget calendar, stating that the District cannot continue operating as usual with flat revenues and increasing expenses.**
- **Board Comments: Director Grace – recommended clarifying the terminology in the Budget & Fiscal Policy document. President Mason – said the Finance Committee had been in the process of updating the document. Director Zanutto said flat revenues and increasing expenses has been a concern for years and is grateful someone is listening. Vice-President LaClaire mentioned concern over the Statler report warnings.**
- **Public Comments: Michel Bouchard asked for assurance that something was being done about the Statler warnings.**

12. PUBLIC HEARING ORDERING THE CONTROL, REMOVAL, AND ERADICATION OF PINE BARK BEETLE INFESTATION.

- **Continued to May 8, 2014 Regular Board Meeting**

13. CONSIDERATION OF A RESOLUTION ADOPTING THE UPDATED KERN MULTI-JURISDICTION HAZARD MITIGATION PLAN. (Mr Pennell)

- **MOTION TO APPROVE RESOLUTION ADOPTING THE UPDATED KERN MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN: ZANUTTO. SECOND: GRACE.**

- **Board and public comments followed. After a roll call vote, the motion passed 4:0.**

14. REVIEW AND DISCUSSION OF CITY OF LANCASTER RENTAL HOUSING BUSINESS LICENSE REQUIREMENTS. (President Mason)

- **MOTION TO REFER ITEM TO THE FINANCE COMMITTEE: LACLAIRE. SECOND: MASON.**
- **President Mason opened Board comments: Director Grace said he did not advocate pursuing a source of revenue that would divide the community. Director Zanutto said this is not the time to burden staff with the assignment. Legal Counsel Don Davis recommended the Board refer the matter for a legal opinion first, expressing significant reservations over the authority of the District in this matter. President Mason suggested the Board discuss it in conjunction with the Strategic Plan.**
- **THE MOTION WAS WITHDRAWN.**
- **Public comments: Kathy Carey said there are already agencies and laws in place to address safety and appearance issues. Steve Miles did not like that renters seem to be singled out. Dan Pike said that with the improving housing market the number of rentals will decrease.**

15. DISCUSSION ON SCHEDULING STRATEGIC PLANNING SESSION ON APRIL 24, 2014. (President Mason)

- **A Special Board Meeting will be convened - 9:00 am, April 24, 2014, at the Bear Valley Police Station classroom for Board members and key staff to review and update the Strategic Plan.**
- **Public Comments: Ralph Kermode confirmed that it will be an open and public meeting.**

16. APPROVAL TO SOLICIT BIDS FOR REPLACEMENT WATER METERS FOR ROUTE 584. (Mr Tuma)

- **MOTION TO APPROVE SOLICITATION OF BIDS FOR REPLACEMENT WATER METERS FOR ROUTE 584: ZANUTTO. SECOND: LACLAIRE.**
- **After a roll call vote, the motion passed 4:0.**

17. CONSIDERATION OF ABOLISHING THE POSITION OF EXECUTIVE ASSISTANT. (Mr Pennell)

- **MOTION TO ABOLISH POSITION OF EXECUTIVE ASSISTANT: LACLAIRE. SECOND: GRACE.**
- **After a roll call vote, the motion passed 4:0.**

18. CONSIDERATION OF SALARY ADJUSTMENT FOR BOARD SECRETARY/CLERK. (Mr Pennell)

- **MOTION TO AFFIRM POSITION TITLE: BOARD SECRETARY / SECRETARY TO THE GENERAL MANAGER, TO AFFIRM THE EXEMPT DESIGNATION OF THE POSITION, AND TO ADJUST SALARY TO STEP 129: ZANUTTO. SECOND: LACLAIRE.**

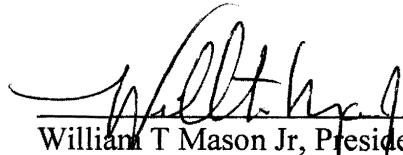
- After a roll call vote, the motion passed 4:0.

19. CONSIDERATION OF EMPLOYEE DISMISSAL HEARING PROCEDURAL REQUEST (JOSHUA MOTLEY) (District Counsel Don Davis)

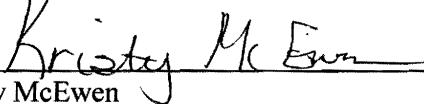
- Pursuant to a request by Mr Motley's counsel, Mr Davis polled the three members of the Board who were seated during the time of Mr Motley's termination of their availability for an appeal hearing date, and on the following questions:
  - Did you direct management staff to terminate Mr Motley:
    - LaClaire: NO; Mason: NO; Zanutto: NO
  - Were you involved in the decision to terminate Sgt Motley:
    - LaClaire: NO; Mason: NO; Zanutto: NO
  - Do you have any personal relationship or other bias that you feel would prevent you from providing a fair hearing to Sgt Motley:
    - LaClaire: NO; Mason: NO; Zanutto: NO
  - (Directed to the full Board) Do you wish to deviate from the MOU and have a hearing officer render either an advisory or a final decision in this matter:
    - LaClaire: NO; Mason: NO; Zanutto: NO; Grace: NO

20. ADJOURNMENT

- The meeting was adjourned at 8:31 pm.

  
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William T Mason Jr, President  
Bear Valley Community Services District

ATTEST:

  
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Kristy McEwen  
Board Secretary