



## **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 MINUTES**

DATE OF MEETING: May 11, 2017  
PLACE OPEN & CLOSED SESSION MEETINGS: 28999 South Lower Valley Road  
TIME OF OPEN SESSION MEETING: 6:00 pm  
TIME OF CLOSED SESSION MEETING: Following Open Session

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**1. Call to Order**

The meeting was called to order at 6:04 pm.

**2. Attendance**

Directors Carlyn, Grace, Baron and Muell were in attendance. Also present were General Manager David Edmonds, General Counsel Don Davis, Public Safety Consultant Jeff Kermode, and Secretary of the Board Kristy McEwen.

**3. Approval of Agenda**

The Agenda was approved unanimously by the Board.

**4. Pledge of Allegiance**

Director Grace 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.

- Janet Yarlot spoke on issues with Race Communications. She was advised to take her concerns to the company as the District has no connection with their operations.
- Steve Roberts expressed his appreciation for the road project

**6. 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 April 13, 2017 Regular Board Meeting
- B. APPROVE Minutes of the April 27, 2017 Regular Board Meeting
- C. ACCEPT Minutes from the February 28, 2017 Liaison Committee Meeting
- D. ACCEPT Minutes from the March 9, 2017 Finance Committee Meeting

May 11, 2017 Regular Board Meeting

- E. ACCEPT Minutes from the March 14, 2017 Infrastructure Committee Meeting
- F. APPROVE Register of Warrants for April 2017

**Motion:** APPROVE Consent Calendar Items A – F: Grace. Second: Carlyn.

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

**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:**

- A. Board of Directors Vacancy: (Mr. Edmonds & Mr. Davis)

APPOINT a Member to the Board of Directors for the Term Ending December, 2018 and ADOPT Resolution 16/17-34 Confirming the Appointment  
Candidates Al Dameron and Steve Roberts addressed the Board and public and answered questions. The floor was opened for nominations.

**Motion:** NOMINATE Al Dameron to the Board of Directors for the Term Ending December 2018: Muell. Second: Carlyn.

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

The motion did not pass.

**Motion:** NOMINATE Steve Roberts to the Board of Directors for the Term Ending December 2018: Grace. Second: Baron.

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

The motion passed.

**Motion:** ADOPT Resolution 16/17-34 Confirming the Appointment of Steve Roberts to the Board of Directors for the Term Ending December 2018: Carlyn. Second: Grace.

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

The Oath of Office was administered by Secretary of the Board, Kristy McEwen.

- B. APPOINT Citizen Volunteers to Committees (Mr. Edmonds)  
i. Public Safety Committee

**Motion:** The Board of Directors APPOINT Al Dameron and Peter Fulks to serve on the Public Safety Committee until March 2019 or until a successor is named: Carlyn. Second: Grace.

**Roll Call Vote:**

AYE:	Baron, Muell, Roberts, Grace, Carlyn
NO:	None
ABSTAIN:	None
ABSENT:	None

- C. ACCEPT Annual Financial Report (External Audit) as Prepared and Presented by Fedak & Brown, LLP (Mr. Edmonds)  
A staff report was presented.

**Motion:** The Board of Directors ACCEPT Annual Financial Report (External Audit) as Prepared and Presented by Fedak & Brown, LLP and AUTHORIZE Staff to File as Required: Muell. Second: Roberts

**Roll Call Vote:**

AYE:	Baron, Muell, Roberts, Grace, Carlyn
NO:	None
ABSTAIN:	None
ABSENT:	None

- D. APPROVE Job Descriptions: (Mr. Edmonds)  
i. Chief of Police  
ii. Road Supervisor  
iii. Road Crew Lead

A staff report was presented.

**Motion:** The Board of Directors APPROVE the Job Descriptions: Chief of Police, Roads Supervisor and Roads Crew Lead, subject to minor revision by the General Manager: Grace. Second: Carlyn

**Roll Call Vote:**

AYE:	Baron, Muell, Roberts, Grace, Carlyn
NO:	None
ABSTAIN:	None
ABSENT:	None

- E. AUTHORIZE the General Manager to Execute a Professional Services Agreement with Willdan for the Entry Gate Project (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 Entry Gate Project in an amount of \$179,400 plus an additional preauthorized contingency of 10% (\$17,940) for a total not to exceed \$197,340: Muell. Second: Carlyn.

<b>Roll Call Vote:</b>	AYE:	Baron, Muell, Roberts, Grace, Carlyn
	NO:	None
	ABSTAIN:	None
	ABSENT:	None

**9. Procedural Items:**

- A. Committee Assignments by President of the Board of Directors (Ms. McEwen)  
 President Carlyn made the following committee assignments:
- Public Safety – Director Muell, Vice-Chair
  - Administration – Director Roberts, Chair
  - Communication – Director Roberts, Vice-Chair

**10. Information and Discussion Items:**

- A. Dispatch (Mr. Edmonds)
- Mr. Edmonds provided an update.
- B. Recruitment (Mr. Edmonds)
- Mr. Edmonds provided an update.
- C. Bear Valley & Cumberland Road Rehabilitation (Mr. Edmonds)
- Mr. Edmonds provided an update.
- D. Upper Elevation Road Striping (Mr. Edmonds)
- Mr. Edmonds provided an update.
- E. Mailbox Project (Mr. Edmonds)
- Mr. Edmonds provided an update.
- F. April Committee Reports
- i. Administration Committee – No April Meeting
  - ii. Communications Committee – No April Meeting
  - iii. Finance Committee – Director Muell reported on the April 13, 2017 meeting
  - iv. Infrastructure Committee – Director Grace reported on the April 11, 2017 meeting
  - v. Liaison Committee – Director Carlyn reported on the April 27, 2017 meeting
  - vi. Public Safety Committee – Director Grace reported on the April 27, 2017 meeting
- G. Board Comments
- i. Director Baron asked about the well access road adjacent to the fire station
  - ii. Director Muell: None
  - iii. Vice-President Grace: None
  - iv. President Carlyn reinforced that construction materials are district property and should not be taken by the public and asked that the public be patient and courteous to contract and administration staff.

## H. Staff Reports

### i. Department Head Reports

1. Finance Report – Mr. Edmonds reviewed Period 8 financial reports as submitted in the Board Package.
2. Public Works Report – Mr. Edmonds reviewed the Public Works report as submitted in the Board Package.
3. Public Safety Report – Public Safety Consultant Jeff Kermode reviewed the Public Safety report as submitted in the Board Package.

ii. General Counsel Report – Mr. Davis stated that he would prepare the Resolution on Intent for the Mailbox Project for the May 25, 2017 Regular Board Meeting.

iii. General Manager Report – Mr. Edmonds reported that the network technology assessment has been completed.

## I. Media / Public Outreach / Communications / Correspondence (Ms. McEwen)

- A staff report was presented, with corrections and clarifications as submitted in the Board Package.

## 11. Future Agenda Items:

- A. APPOINT Citizen Volunteers to Committees (After Each Committee Meets & Makes Recommendations)
- B. APPROVE Agreement for Guardrail Plan (Tentative: May 25, 2017 if proposal exceeds \$25,000)
- C. APPROVE Agreement for Traffic & Speed Survey (Tentative: May 25, 2017, if proposal exceeds \$25,000)
- D. Fickert Cemetery Proposal, Tehachapi Heritage League (Tentative: May 25, 2017)  
Mr. Edmonds reviewed the above and added:
- E. Mailbox Project – Resolution of Intention

## 12. Adjourn to Closed Session

President Carlyn adjourned to Closed Session at 9:29 pm.

## 13. Closed Session

- A. Conference with Legal Counsel—Anticipated Litigation (Liability Claims)  
*Government Code Section 54956.9(d)(2)*

### Claimants:

- i. Gilbert Schermer  
Claim was rejected by the Board
- ii. Clark T. Davies  
Claim was rejected by the Board
- iii. Kim Burdick  
Claim was rejected by the Board
- iv. Kim Cox  
Claim was rejected by the Board
- v. Joseph Olen Cooper  
Claim was rejected by the Board

vi. John Castleberry  
Claim was rejected by the Board

B. Public Employee Release

Two (2) matters

*Government Code Section 54957*

No Reportable Action

C. Conference with Real Property Negotiators

*Government Code Section 54956.9*

Property: Cummings Valley; APN: 22-240-08-00

Agency Negotiator: General Manager and General Counsel

Negotiating Parties: HmU Holdings LLC (HelioPower)

Under negotiation: Price and Terms of Lease

No Reportable Action

D. Public Employment

*Government Code Section 54957*

i. Administrative Services Director

ii. Chief of Police

iii. Public Works Director

No Reportable Action

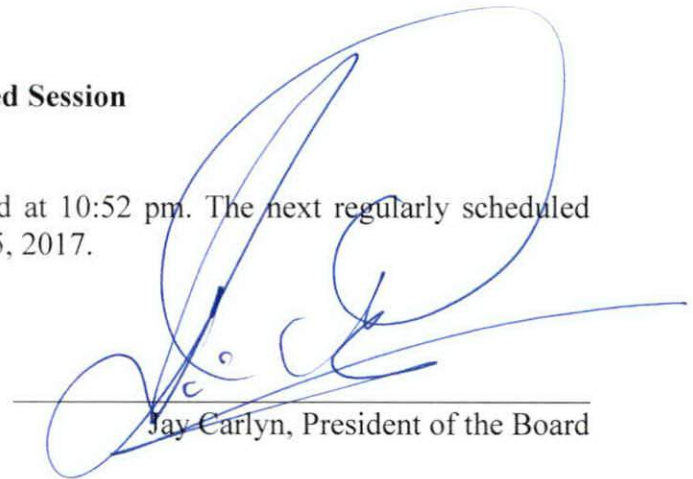
14. **Reconvene Open Session**

Open Session reconvened at 10:50 pm.

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

President Carlyn reported as above.

16. **Adjournment:** The meeting was adjourned at 10:52 pm. The next regularly scheduled meeting of the Board of Directors is May 25, 2017.



Jay Carlyn, President of the Board

ATTEST

  
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Kristy McEwen, Secretary of the Board