



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: January 11, 2018
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**

The meeting was called to order at 5:05 pm.

2. **Attendance**

3. All Directors were in attendance. Also present were General Manager David Edmonds and General Counsel Don Davis. Secretary of the Board Kristy McEwen arrived at 6:00 pm.

4. **Closed Session**

A. Conference with Real Property Negotiators

Government Code Section 54956.9

Property: 28900 Skyline Drive; APN: 313-410-6

Agency Negotiator: General Manager and General Counsel

Negotiating Parties: Verizon

Under negotiation: Price and Terms of Lease Renewal

- No Reportable Action

B. Conference with Legal Counsel - Anticipated Litigation (Liability Claims)

Government Code Section 54956.9(d)(2)

Claimants: Tom & Linda Gahagan

- No Reportable Action

C. Public Employment

Government Code Section 54957

- Administrative Services or Finance Director
- Chief of Police

- No Reportable Action

5. **Convene Open Session**

Open Session was convened at 6:09 pm.

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

Mr. Davis reported as above.

7. Approval of Agenda

The Agenda was approved unanimously by the Board.

8. Pledge of Allegiance

9. 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.

- None

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 November 17, 2017 Special Board Meeting
- B. APPROVE Minutes of the December 14, 2017 Regular Board Meeting
- C. ACCEPT Minutes from the November 7, 2017 Communications Committee Meeting
- D. ACCEPT Minutes from the October 10, 2017 Administration Committee Meeting
- E. APPROVE Register of Warrants for December 2017.

Motion: APPROVE Consent Calendar Items A – E: Roberts. Second: Carlyn.

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

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. Procedural Items

- A. APPOINT 2018 Board Member Committee Assignments by President of the Board of Directors (President Grace)

President Grace made the following Committee assignments:

- Administration – Chair J. Carlyn; Vice-Chair S. Roberts
- Communication – Chair S. Roberts; Vice-Chair J. Baron
- Finance – Chair J. Carlyn; Vice-Chair L. Muell
- Infrastructure – Chair J. Baron; Vice-Chair G. Grace

- Public Safety – Chair S. Roberts; Vice-Chair L. Muell
- Liaison – President Grace, Vice-President Baron

B. 2018 Committee Meeting Schedule – Staff will poll committee chairs for their meeting preferences. BVSA General Manager relayed a BVSA Board request to schedule Liaison Committee meetings on the 2nd Tuesday at 9:00 am.

13. Action Items:

A. ADOPT Resolution 17/18-20 Declaring District Volunteers & Board Members to be Employees of the District for the Purpose of Providing Worker’s Compensation Coverage for such Individuals while Providing Services to the District (Mr. Davis)

Motion: The Board of Directors ADOPT Resolution 17/18-20 Declaring District Volunteers & Board Members to be Employees of the District for the Purpose of Providing Worker’s Compensation Coverage for such Individuals while Providing Services to the District: Carlyn. Second: Baron

Roll Call Vote:

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

B. DIRECT staff to prepare amendments to the following District Code Chapters: Title 5, Chapter 1 (Solid Waste Management); Title 7, Chapter 2 (Water Rates and Charges); Title 1, Chapter 8 (Finance). (Mr. Davis)

Motion: The Board of Directors DIRECT staff to prepare amendments to the following District Code Chapters: Title 5, Chapter 1 (Solid Waste Management); Title 7, Chapter 2 (Water Rates and Charges); Title 1, Chapter 8 (Finance): Roberts. Second: Baron

Roll Call Vote:

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

C. APPROVE Board Member Attendance at California Special Districts Association (CSDA) Training (Ms. McEwen)

A staff report was presented and discussion followed. Director Roberts requested to attend the Feb 4-7, 2018 session. Director Baron will attend the April 15-18, 2018 session and Directors Carlyn and Grace will attend July 8-11, 2018 session. Director Muell declined to attend a session.

Motion: The Board of Directors APPROVE Board Member Attendance at California Special Districts Association (CSDA) Training: Carlyn. Second: Baron

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

D. NOMINATE a Candidate for Special District Representative to Serve on the Kern County Redevelopment Board. (Ms. McEwen)

A staff report was presented. Director Muell expressed interest in seeking the nomination.

Motion: The Board of Directors NOMINATE Director Larry Muell as Candidate for Special District Representative to Serve on the Kern County Redevelopment Board: Roberts. Second: Carlyn

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

14. Information and Discussion Items:

A. Parks & Recreation Fund – Discussion on the possible use of Fund money to repair lakefill wells took place. By unanimous consensus, the Board directed Mr. Edmonds to provide a conceptual letter to the BVSA Board for consideration. With Directors Baron and Muell dissenting, the Board directed staff to explore dates for a joint meeting of Boards.

B. Bear Valley & Cumberland Road Rehabilitation Project – Mr. Edmonds provided an update. Grinding and pavement work will take place in Spring 2018.

C. Capital Replacement Plan & Rate Studies – Mr. Edmonds provided an update. A contract for Phase II of the project will come before the Board in February 2018.

D. Solid Waste Transfer Station & Operations – Mr. Edmonds provided an update. Review of permit requirements with Kern County is pending.

E. December Committee Reports

i. Administration Committee – Director Roberts reported on the December 14, 2017 meeting.

ii. Communications Committee – Director Baron reported on the December 5, 2017 meeting.

iii. Finance Committee – No December Meeting

iv. Infrastructure Committee – No December Meeting

v. Liaison Committee – No December Meeting

vi. Public Safety Committee – No December Meeting

F. Board Comments

i. Director Carlyn presented data for the Jacaranda guardrail damage restitution claim.

- ii. Director Muell asked about legal costs related to Police personnel issues.
- iii. Director Roberts requested Kern County gas tax item be placed on the next agenda; he requested Director portraits be removed from Police Department lobby.
- iv. Directors Roberts and Carlyn spoke on election signage issues, requesting it be included as a topic at the joint meeting with BVSA Board of Directors.
- v. Vice-President Baron read a statement for the record, which is attached herein, regarding false rumors that she and Director Grace wish to close the Police Department.
- vi. President Grace – Upon statements made by Director Muell, in response to the above statement, President Grace also disputed allegations that he is in favor of closing the Police Department. He also spoke on the need for an informational committee in advance of proposed bond measures and utility rate changes.

G. Staff Reports

i. Department Head Reports

1. Finance Report – Mr. Edmonds reviewed Period 4 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. Director Baron requested a follow-up on RWQCB meeting on Wastewater Salinity Management Plan.
 3. Public Safety Report – Statistics from December 2017 were submitted in the Board Package. Mr. Edmonds updated the Board on delays in delivery of new police vehicles due to a massive recall. Director Carlyn stated that in 2017, VIPs donated 1599 hours, worth more than \$45,000.
- ii. General Counsel Report – Mr. Davis will follow up with CSDA re: road tax issue, to clear confusion.
 - iii. General Manager Report – Mr. Edmonds had nothing further.

H. Media / Public Outreach / Communications / Correspondence (Ms. McEwen)

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

15. Future Agenda Items:

- A. Presentation and Acceptance of Annual Financial Report (External Audit) as Prepared and Presented by Fedak & Brown, LLP
Mr. Edmonds reviewed the above and added:
- B. Update on RWQCB meeting
- C. Gas Tax Update
- D. Park & Recreation Fund

16. Adjournment: The meeting was adjourned at 8:52 pm. The next regularly scheduled meeting of the Board of Directors is January 25, 2018.



Gil Grace, President of the Board

ATTEST



Kristy McEwen, Secretary of the Board

Statement of Director Jane Baron:

I would like to make a statement on and for the record.

I have never declared or intimated that the BVPD be eliminated. In 2016 I unequivocally supported Measure G to increase the police services tax in order to maintain the current level of service. I reluctantly supported the outsourcing of dispatch services in order to maintain police services. I continue to support our PD.

The misinformation and disinformation on social media and in local publications damages our ability to hire capable candidates not only for police department positions, but for other departments needing leadership.

I have learned first-hand that the rumors of non-support of the PD by me (and by President Grace) have damaged the morale of currently serving personnel. I truly regret this unnecessary demoralization and sense of insecurity caused by a poison pen.