



A. 4176 Warbler Road  
P.O. Box 294049  
Phelan, CA 92329  
P. (760) 868-1212  
F. (760) 868-2323  
W. [www.pphcsd.org](http://www.pphcsd.org)

## **SPECIAL & REGULAR BOARD MEETING MINUTES**

January 4, 2023  
Phelan Community Center  
4128 Warbler Road, Phelan, CA 92371  
& Remotely Via Zoom or Conference Call

**Board Members Present:** Rebecca Kujawa, President  
Mark Roberts, Vice President  
Kathy Hoffman, Director  
Chuck Hays, Director  
Greg Snyder, Director

**Board Members Absent:** None

**Staff Present:** Don Bartz, General Manager  
Kim Sevy, HR & Solid Waste Manager/District Clerk  
George Cardenas, Engineering Manager  
Sean Wright, Water Operations Manager  
Chris Cummings, Assistant Water Operations Manager

**District Counsel:** Steve Kennedy, General Counsel (Zoom)

### **SPECIAL BOARD MEETING – 5:00 P.M.**

#### **Call to Order**

President Kujawa called the meeting to order at 5:00 p.m. and the Pledge of Allegiance was conducted.

#### **Roll Call**

All Directors were present at roll call.

#### **1) Approval of Agenda**

Director Hoffman moved to approve the Agenda. Director Hays seconded the motion. Motion carried 5-0.

#### **2) Public Comment**

None

#### **3) Recess to Closed Session**

The Board recessed to closed session at 5:02 p.m.

**Closed Session:** Conference with Real Property Negotiators  
(Government Code Section 54956.8)  
Property: 9535 Sheep Creek Road, Phelan, California

District Negotiator: Donald J. Bartz, General Manager  
Negotiating Parties: Municipal Finance Corporation  
Under Negotiation: Site Lease and Lease Agreement

**4) Return to Open Session – Announcement of Reportable Action**

The Board returned to open session at 5:52 p.m. There was no reportable action.

**5) Adjournment**

With no further business before the Board, the meeting was adjourned at 5:52 p.m.

**REGULAR BOARD MEETING – 6:00 P.M.**

**Call to Order**

President Kujawa called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was conducted.

**Roll Call**

All Directors were present at roll call.

**1) Approval of Agenda**

Mr. Bartz requested to remove Item 6e from the Agenda. President Hoffman moved to approve the Agenda as amended. Vice President Roberts seconded the motion. Motion carried 5-0.

**2) Public Comment**

**a) General Public**

None

**b) Community Reports**

- **Sheriff** – Sargent Solario provided the call statistic for November and December.
- **School District** – Dr. Holman, Superintendent of Snowline JUSD, provided an update on school district activities and programs.
- **County Supervisor** – Sam Shoup, Field Representative for Supervisor Cook, noted the new member on the Board of Supervisors and that they are getting ready for the new year.

**3) Consent Items**

Director Snyder moved to approve the Consent Items. Vice President Roberts seconded the motion. Motion carried 5-0.

**4) Matters Removed from Consent Items**

None

**5) Presentations/Appointments**

None

**6) Continued/New Agenda Items**



a) **Second Reading of Ordinance No. 2023-01; Establishing Regulations for Custody and Use of the District Seal, District Logo, and District Insignia**

Staff Recommendation: For the Board to waive the second reading of the Ordinance 2023-01; Establishing Regulations for Custody & Use of the District Seal, District Logo, and District Insignia.

Mr. Bartz presented this item.

Vice President Roberts moved to approve the staff recommendation. Director Hoffman seconded the motion. Motion carried 5-0.

b) **Public Hearing on Ordinance No. 2023-01; Establishing Regulations for Custody and Use of the District Seal, District Logo, and District Insignia**

President Kujawa declared the Public hearing open at 6:11 pm.

1) **Secretary's Report**

Ms. Sevy reported that the District received zero written protests, objections, or comments relating to Resolution No. 2023-01; Establishing Regulations for Custody and Use of the District Seal, District Logo, and District Insignia.

2) **Attorney's Report on Action Taken Prior to this Hearing**

Mr. Kennedy reported that this Ordinance was introduced and discussed at the Board meeting on November 16, 2022. The first reading was waived by the Board on December 14, 2022. The second reading was waived earlier this evening. Notice of public hearing was posted in the District office on December 14, 2022, and on the District website on December 22, 2022. Notice of public hearing was published in the Daily Press on December 21 & December 29, 2022. A summary of the Ordinance and notice of public hearing was also published in the Mountaineer Progress on December 29, 2022. Compliance with all legal requirements for this hearing are within the manner and time specified in the Government Code.

3) **Staff's Report**

Mr. Bartz reported as follows:

The District seal, District logo, and District insignia are personal property of the District and the District can control their use as well as prevent other parties from unauthorized use. Misuse or unauthorized use of the District's official seal, District logo, and other District insignia can cause confusion or misrepresentation that a statement, event, or organization is supported or endorsed by the District. Although a person may be criminally prosecuted for the improper use of the District's official seal if it is used in the context of campaign literature or mass mailings, there are no other statutory prohibitions on the use of the District's official seal or District logo. Therefore, staff is recommending adoption of regulations governing the use of the official District seal, District logo, and other insignia as a preventative measure to address potential fraud, deception, and misuse.

The proposed ordinance establishes and authorizes uses for the District seal, District logo, and other insignia and will empower the District's General Manager to enforce

the Ordinance regarding the use of the District seal, District logo, and other insignia by District staff. The proposed ordinance will also establish civil fines of up to \$500 and a misdemeanor offense for malicious or commercial uses which are inconsistent with the public good.

Staff is recommending adoption of regulations governing the use of the official District seal, District logo, and other insignia as a preventative measure to address potential fraud, deception, and misuse.

#### **4) Public Comment, Protests, and Objections**

There were no public comments, protests, or objections.

Director Hoffman moved to close the Public Hearing. Director Hays seconded the motion. Motion carried 5-0.

The Public Hearing was declared closed at 6:15 p.m.

- c) **Discussion & Possible Adoption of Ordinance No. 2023-01; Establishing Regulations for Custody and Use of the District Seal, District Logo, and District Insignia**  
Staff Recommendation: For the Board to adopt Ordinance 2023-01; Establishing Regulations for Custody & Use of the District Seal, District Logo, and District Insignia.

Mr. Bartz presented this item.

Vice President Roberts moved to approve the staff recommendation. Director Hoffman seconded the motion. Motion carried 5-0.

- d) **Discussion & Possible Action Regarding 2023/2024 Budget Process Schedule**  
Staff Recommendation: For the Board to review the attached draft 2023/2024 budget timeline and determine if modifications are necessary.

Ms. Lowrance presented this item.

Director Snyder moved to approve the staff recommendation. President Kujawa seconded the motion. Motion carried 5-0.

- e) **Discussion & Possible Action Regarding Resolution No. 2023-02; Approving a Site Lease and a Lease Agreement; Making Certain Determinations Relating Thereto; and Authorizing Certain Other Actions In Connection Therewith for the Financing of the Civic Center Building**

This Item was removed from the Agenda.

- f) **Discussion & Possible Action Regarding Participation in the California CLASS Investment Pool**

Staff Recommendation: For the Board to authorize the enrollment of the District into an agreement to participate in the California Cooperative Liquid Assets Securities System (CLASS).



Mr. Bartz introduced this item.

Director Hoffman moved to approve the staff recommendation. Director Hays seconded the motion. Motion carried 5-0.

- g) **Discussion & Possible Action Regarding Cost-of-Living Adjustment for Employees**  
Staff Recommendation: For the Board to implement a Cost-of-Living Adjustment (COLA) increase of 4% to employees' wages effective January 1, 2023.

Mr. Bartz introduced this item.

President Kujawa moved to approve the staff recommendation. Director Hoffman seconded the motion. Motion carried 5-0.

- h) **Review of Ordinance No. 2022-01; Establishing Guidelines for the Conduct of District Public Meetings and Activities**

Staff Recommendation: For the Board to review Ordinance No. 2022-01; Establishing Guidelines for the Conduct of District Public Meetings and Activities.

Mr. Bartz introduced this item.

No action taken; not an action item.

- i) **Discussion & Possible Action Regarding Nominations for the Board of Directors for the Association of San Bernardino County Special Districts Board**

Staff Recommendation: Should the Board desire to nominate a Director for the position of Director on the Association of San Bernardino County Special Districts' ("ASBCSD") Board of Directors, staff recommends for the Board to nominate a Director and authorize the Board President to execute a letter of support.

Mr. Bartz introduced this item.

Consensus of the Board was to nominate President Kujawa for the ASBCSD Board of Directors.

- j) **Update on the Proposed Civic Center & Phelan Park Expansion Projects**

Staff Recommendation: None

Mr. Cardenas provided an update on CEQA and on the contract for services to develop the RFP/RFQ which will be brought to the Board for approval. He also updated the Board on the plan check process and SCE status.

No action taken; not an action item.

## 7) **Committee Reports/Comments**

- a) **Engineering Committee (Standing)** – Meets next week.
- b) **Finance Committee (Standing)** – Meets January 17th.
- c) **Legislative Committee (Standing)** – Meets in March.



- d) **Parks, Recreation & Street Lighting Committee (Standing)** – Meets next week.
- e) **Waste & Recycling Committee (Standing)** – Meets this month.

8) **Staff and General Manager's Report**

Mr. Bartz stated staff will be sending out upcoming training opportunities to the Board, and that staff will be providing information about District projects. Mr. Wright provided an update on the new well.

9) **Reports**

a) **Director's Report**

- Hoffman** – Nothing to report.
- Roberts** – Attended the ACWA conference in December.
- Hays** – Nothing to report.
- Snyder** – Wished everyone a Happy New Year.

b) **President's Report** – Nothing further to report.

10) **Correspondence/Information** – The items in the packet were noted.

11) **Review of Action Items**

- a) **Prior Meeting Action Items** – None
- b) **Current Meeting Action Items** – Schedule budget meetings

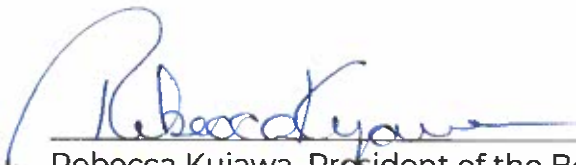
12) **Set Agenda for Next Meeting**

- Regular Board Meeting – January 18, 2023

13) **Adjournment**

With no further business before the Board, the meeting was adjourned at 7:04 p.m.

Agenda materials can be viewed online at [www.pphcsd.org](http://www.pphcsd.org)

  
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Rebecca Kujawa, President of the Board

  
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Date

  
\_\_\_\_\_  
Kim Sevy, HR & Solid Waste Manager/District Clerk

  
\_\_\_\_\_  
Date

