



# Phelan Piñon Hills Community Services District

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**PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT  
REGULAR BOARD MEETING  
November 4, 2009 – 7:00 p.m.  
Phelan Community Center  
4128 Warbler Road, Phelan, CA 92371**

## MINUTES

**Board Members Present:** Ken Anderson, Vice President  
Joe Fahrlander, Director  
Charlie Johnson, Director

**Board Members Absent:** Al Morrissette, President  
Mark Roberts, Director

**Staff Present:** Don Bartz, General Manager  
Chris Bishop, Operations Manager  
Debbie Bishop, Board Secretary

### Call to Order

Vice President Anderson called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was conducted.

### Roll Call

All Board Members were present except Al Morrissette and Mark Roberts.

### 1. Approval of Agenda

Mr. Bartz asked to remove the Closed Sessions for the Antelope Valley Adjudication. Mrs. Bishop clarified that Item 6f should be "Discussion and Possible Approval." Director Fahrlander moved the approval of the agenda, Director Johnson seconded the motion and all were in.

### 2. Public Comment

Ken Bender asked the Board how much of the taxes received by the District are going to the District for water services. Vice President Anderson suggested Mr. Bender submit a request in writing to the District and Mr. Bartz will provide the information to him. Director Johnson offered to meet with him after the meeting if he preferred.

Luice Ontiveros, Superintendent of the Snowline School District announced a Veterans Luncheon November 12, 2009 at Serrano High School. Sean Premos, Principal of Piñon Hills Elementary School brought the schools Accountability Report for the Board. He also invited the Board to an Author Assembly on Friday at 8:30 and 1:30 at Piñon Hills Elementary School.

JoAnne Tidwell informed the Board that it is time of the year that the Phelan Chamber of Commerce does the Angel Tree. She asked the District to donate to the Angel Tree. Vice President Anderson asked Ms. Tidwell to submit a written request to the District.

3. **Consent Items**

Mrs. Bishop stated she received a clarification from Director Johnson for the minutes dated October 21, 2009, on page two, item 6b needs to clarify that that “P4 is an old CSA which was dissolved by LAFCO Resolution.” Director Johnson briefed the Board on the changes made to the two Contractor Bills as well as the change to the Profit/Loss Summary. Director Fahrlander moved to approve the Consent Items. Vice President Anderson seconded the motion. All were in favor.

4. **Matters Removed from Consent Items**

None

5. **Presentations/Appointments**

a. None

6. **Continued/New Agenda Items – Action Items**

a. **Approval of Resolution #2009-15 Accepting the Transfer of Proposition 40 Grant Funds in the Amount of \$600,000 from the County of San Bernardino**

Mr. Bartz briefed the Board on Resolution 2009-15. He stated he spoke to the State of California today and the changes the Board made to the Resolution are acceptable to them. Mr. Kennedy stated the major change was item three of the Resolution regarding the provisions of the contract. Mr. Kennedy briefed the Board on several of the provisions he wanted the Board to be aware of. One of those provisions is that the District will have to go through CEQA in order to move forward with the project. Mr. Kennedy stated the District will be prohibited from changing the use of the land as well. Mr. Kennedy stated in his view the provisions were not so onerous to prevent adoption of the Resolution, so if the Board was so inclined, he would Recommend adoption of the Resolution. Vice President Anderson asked Mr. Kennedy if he could provide his comments on the provisions in writing. Director Johnson asked for the CEQA Requirement to be listed as an action item. Director Johnson moved to approve the item. Vice President Anderson seconded the motion and all were in favor.

**ACTION ITEM:** Mr. Kennedy to provide his comments on the provisions in writing to the Board.

**ACTION ITEM:** CEQA Requirement for Proposition 40 Grant Funds

b. **Approval of Resolution #2009-16 Authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self Insure Workers' Compensation Liabilities**

Mr. Bartz briefed the Board on Resolution #2009-16. Director Johnson moved approval of the item. Director Fahrlander seconded the motion and all were in favor.

c. **Approval of Resolution #2009-17 Authorizing a Contract with CalPERS**

Mr. Bartz briefed the Board on Resolution #2009-17. A discussion took place regarding the Prior Service Agreement. Director Fahrlander asked where in the contract it states the Board agreed to join CalPERS' Non-pooled fund. Mr. Kennedy stated the CalPERS Resolutions and Agreements don't lend themselves to modification. Mr. Bartz suggested staff submit a cover letter with the Resolution and Contract stating that the Board approves CalPERS 2.5% at 55 with the non pooled option. Mr. Kennedy suggested the Board approve the item if so inclined and instruct staff to take whatever administrative actions necessary to insure that the intent of the Board is carried out through whatever contractual options necessary.

Director Johnson asked that staff report back to the Board on the results of this item at the next meeting.

Director Fahrlander moved item 6c with the intent of the Board on October 7, 2009 to join CalPERS non-pooled. Director Johnson seconded the motion and all were in favor.

**Action Item:** Staff to report to the Board on CalPERS Non Pooled Resolution and Contract.

d. **Report on Hydrant Valve Maintenance Crew**

Mr. Bartz briefed the Board on the Hydrant Valve Maintenance Crew. Mr. Bartz stated the Hydrant Valve Maintenance Crew is approximately 70% complete. Mr. Bishop reviewed the District map with the Board and showed them the areas that have been completed. Mr. Bartz stated good progress is being made and the District would like to keep this program going.

Director Johnson clarified that this item came up because the District has completed the dollar value that was approved for this contract. He stated the impact of this is to transfer \$78,611.00 to where the General Manager has the discretion to supplement additional labor and which relieves additional funds to continue on the contract. Director Fahrlander asked if the 15% for mapping and research was included in the original contract. Mr. Sandwick stated it had never been broken out before. Director Fahrlander stated that was a part of the original contract and didn't believe that should be broken out. Vice President Anderson stated he agreed with Director Fahrlander and asked Mr. Kennedy for guidance. Mr. Kennedy stated that is a discretionary call with the Purchasing Policy. Director Johnson felt it is clearly an administrative action. A discussion took place regarding the original contract specifying the mapping. Vice President Anderson agreed with Director Fahrlander and Mr. Bartz stated staff could move forward in that direction.

Mr. Sandwick asked for direction regarding Mr. Bishop's use of HDU's crew. Mr. Bartz stated Mr. Sandwick will need to bill to the District accordingly.

e. **Discussion of Filling any Open Positions and the Implication to the District Pension**

Director Fahrlander stated he felt before going forward with new hires, the Board needed to agree on an alternative retirement for new hires. Mr. Bartz stated this item is not on the agenda for action at this time, so it would need to be agendaized in the future to address the retirement. Mr. Kennedy explained the general understanding was that there would be no hiring by staff until the retirement issue is addressed by the Board.

f. **Discussion and Possible Approval on forming a Citizen's Advisory Committee for Parks, Recreation and Street Lighting**

Mr. Bartz briefed the Board on the formation, responsibilities, expectations, goals, deliverables and financial impact of a Citizen's Advisory Committee for Parks, Recreation and Street Lighting. Director Johnson clarified the Grant Application is due April 1, 2010 and it is really a \$6,800 investment for the District. Vice President Anderson felt it would be very optimistic to get this done in a three month period of time. Mr. Bartz stated if the District is unable to get this done in the three month period then the District would at least have the information for the next application date. Vice President Anderson asked how and who will be picked for the Committee. A discussion took place regarding how the Committee would be selected. Mr. Kennedy stated the Committee would have to comply with the Brown Act but was unclear as to how the Board could determine the Committee members. A discussion took place regarding available staff time for this Committee and the current need to use HDU staff or overtime to cover the staff's time. Mr. Lowrance was asked if he felt the

District could meet the April deadline for the grant. Mr. Lowrance felt the District could not meet the deadline.

Mr. Bender spoke to the Board regarding the need to have a Parks and Recreation Program in the District. He volunteered his services for the Citizen's Advisory Committee.

Tara Matthews stated, on behalf of THC, the THC would like to support the Citizens Advisory Committee. She stated she really appreciates the Board's consideration of this Committee.

Richard Sailor complimented the Board on the seating arrangement of the Board and Staff at this Board Meeting after the training session a few Saturdays ago. He felt the Board is on the right track with the parks. He felt the Board should still consider using professional help for the Grant process.

Joanne Tidwell expressed her support for the District and volunteered for the Citizens Advisory Committee.

Mr. Lowrance clarified his comment earlier about not being able to meet the April deadline for the Grant, and stated what he meant was that he planned to have more than five Citizens Advisory Committee Members working on this in order to meet the deadline.

Director Johnson expressed the importance of moving forward with this item. Director Johnson stated he felt the Board needs to make sure the District can support the decisions the Board makes regarding the Parks, Recreation and Street Lighting.

Vice President Anderson stated he didn't understand the urgency of this item and didn't feel it would be able to make the April deadline for the grant; however, he felt the work of the Committee would be worthwhile. He also stated his concern regarding the burden being placed on staff.

Director Johnson stated the objections that both Board members addressed was addressed in the proposal.

Director Johnson motioned to approve the formation of the Citizens Advisory Committee as recommended by the staff. Director Fahlender clarified that this Committee is for a certain period of time. Director Johnson stated it states on the addendum that this is for a 12 week period of time. Director Fahlender seconded the motion and all were in favor.

**g. Information on Overtime Report**

Mr. Bartz briefed the Board on the overtime worked by staff. Mr. Bartz gave the Board an open invitation to go out in the field with the field staff to see what staff does.

Discussions took place regarding the different categories of overtime. Director Johnson stated the overtime hours reported in this report are skewed because outside help has been brought in to supplement staff time. He would like to see this report on a quarterly basis.

**ACTION ITEM:** Director Johnson asked for the supplemental hours by outside services to be added to the report. Vice President Anderson stated he would like to have the number of staff members included in each category as well.

A discussion took place regarding the number of hours necessary to complete the Master Plan.

**7. Committee Reports**

- a. Engineering Committee (Standing) – Nothing further to report.
- b. Parks, Recreation & Street Lighting Committee (Standing) – Director Johnson reported the meeting was canceled because President Morrissette was out of town.
- c. Finance Committee (Standing) – Director Johnson stated they are working to set up an appointment with the Auditor.
- d. Building Committee (Standing) – Nothing further to report.
- e. Adjudication Committee (Ad Hoc) – Director Fahrlender stated are continuing to meet at the every other Wednesday. They will meet with Counsel and report to the Board in the next two weeks or so.
- f. General Manager Review Committee (Ad Hoc) – Director Johnson stated the Committee will work towards forming goals for the General Manager.
- g. Emergency Preparedness Committee (Ad Hoc) – The Committee met and is working on making the adjustments to the Emergency Response Program.
- h. Solid Waste Powers (Ad Hoc) – A meeting will take place on November 19, 2009 with Kathleen Rawlings-McDonald.

**9. General Manager's Report**

Mr. Bartz briefed the Board on his written report to the Board. Mr. Bartz stated the General Manager's report will be distributed with the Board Packet. A discussion took place regarding items on the General Manager's Report showing that they have already been approved by the Board.

**10. Reports****a. Director's Report**

**Anderson** – Vice President Anderson stated his concern that the Citizen's Advisory Committee was given an impossible task to be done in three months. He envisions it taking 24 months.

**Johnson** – Director Johnson expressed his thanks to Vice President Anderson for approving the Citizen's Advisory Committee.

**Fahrlender** – Director Fahrlender thanked Director Johnson for his patience while Vice President Anderson voted on the Citizen's Advisory Committee.

**b. President's Report – None****11. Correspondence/Information**

None

**Set Agenda for Next Meeting – November 4, 2009**

- Goals and Objectives
- Approval of Golden State Water District Agreement
- Well #3 Rehabilitation & Installation

A discussion took place regarding staff's effort to tighten up the agenda. Mr. Bartz asked the Board to work with staff to give staff information for any items they would like on the agenda as early as possible.

A discussion took place regarding responding to items the public brings to the Board under Public Comments. Mr. Kennedy stated most of those items should be referred to staff during regular business hours.

Future meeting:

- Review of 5-Year Model – 1<sup>st</sup> Meeting in December

**Adjourn**

The meeting was adjourned at 9:19 p.m. for closed sessions.

**Closed Session** – Conference with Legal Counsel/Anticipated Litigation  
Significant Exposure to Litigation pursuant to government code 54956.9(b)  
One potential case

**Closed Session** – Conference with Real Property Negotiators  
(Government Code §54956.8)  
Properties: APN#3066-331-26/APN #3066-441-05, 06 & 07/APN #3066-221-29 & 33/  
APN#3066-221-25  
District Negotiators: Mr. Bartz/Mr. Kennedy  
Negotiating Parties: Lee & Associates/Kevin Anderson/Harry Marinelli/Zimbardo Realty  
Under Negotiation: Price and terms of payment

**Closed Session** – Conference with Real Property Negotiators  
(Government Code §54956.8)  
Properties: APN# 3098-081-01 & APN# 3098-071-05/APN# 3098-321-01  
District Negotiators: Mr. Bartz/Mr. Kennedy  
Negotiating Parties: Harry Marinelli/Nancy Cosgrove  
Under Negotiation: Price and terms of payment

**Announcements of Any Reportable Closed Session Actions**  
There was no reportable Closed Session Actions.

**Adjourn**

With no further business, the meeting was adjourned at 10:00 p.m.

Board approved the above Minutes on November 4, 2009:

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Al Morrisette, President Date

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Debbie Bishop, Board Secretary Date