



Phelan Piñon Hills Community Services District

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**PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
REGULAR BOARD MEETING
May 5, 2010 – 7:00 p.m.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371**

MINUTES

Board Members Present: Charlie Johnson, President
Joe Fahrlander, Vice President
Ken Anderson, Director
Mark Roberts, Director
Al Morrissette, Director

Board Member Absent: None

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

Call to Order

President Johnson called the meeting to order at 7:02 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Board Members were present.

1. **Approval of Agenda**

Mr. Bartz stated there is no need for the Antelope Valley Adjudication Closed Session. Director Roberts moved to approve the Agenda. Director Anderson seconded the motion. All were in favor.

2. **Public Comment**

None

3. **Consent Items**

Director Roberts motioned to approve the consent items. Director Morrissette seconded the motion. All were in favor.

4. **Matters Removed from Consent Items**

None

5. **Presentations/Appointments**

None

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

a. **Discussion and Possible Action regarding Claim Against the District; Brown**

Mr. Bartz briefed the Board regarding the claim Mr. Brown submitted against the District. Mr. Brown stated the bottom line with this claim is, if he did something to cost the District time and money, the District would request to be compensated. He is asking for the same and stated he spent four months on this issue.

Vice President Fahrlander asked Mr. Brown what amount he is asking for. Mr. Brown stated \$150 is what the District would have charged him to check out the meter, so he would accept that.

Director Roberts suggested that in cases like this a diary would be a logical thing to submit to someone.

Vice President Fahrlander stated he would have no problem compensating him \$150.00. Mr. Kennedy stated generally he would recommend referring this item to the insurance; however, he stated this may not be covered by the insurance. He stated he was alright with the recommendation; however, he recommended Mr. Brown sign a release to the District.

Vice President Fahrlander motioned to pay Mr. Brown \$150 for his time and labor with a signed release to the District. Director Morrissette seconded the motion. All were in favor.

b. Discussion and Possible Action Regarding Draft Fees for the Community Centers

Mr. Bartz briefed the Board on the recommended Fee Schedule for the Community Centers. He stated a resident and non-resident fee was recommended because residents pay taxes that go towards Park and Recreation.

Director Anderson inquired about posting the fees before the fees begin. He suggested posting them effective July 1, 2010.

Director Anderson motioned approval of the Fee Schedule for the Community Centers and posting the rate changes as effective July 1, 2010 as well as anyone who has a current reservation to keep the lower fees. Vice President Fahrlander seconded the motion. All were in favor.

c. Discussion and Possible Action Regarding the Board of Directors using Laptops for Meetings

Mr. Bartz briefed the Board regarding the information provided to the Board regarding costs for Laptops, software, etc.

Board consensus was to table this item until staff presents a cost analysis for staff to prepare, print & deliver the Board packets.

ACTION ITEM: Staff to present a cost analysis to the Board for staff to prepare, print & deliver the Board packets.

d. Discussion and Possible Action Regarding CSDA Site Proposition on Proposition re: Safe, Clean & Reliable Drinking Water Act in November Election

Mr. Bartz briefed the Board regarding the Proposition re: Safe, Clean & Reliable Drinking Water Act that is on the November Election Ballot.

Director Roberts noted there have been multiple water bond issues.

Director Morrissette stated he attended a meeting a couple weeks ago regarding this issue. He stated he asked what type of jobs this would create. He stated they indicated it would increase jobs in our industry.

Director Anderson stated he has spent a lot of time thinking about this issue and stated he sees a lot of benefits as well as conflicting concepts.

Vice President Fahrlander stated he didn't see how the State of California can afford to do this. He also noted the District will not benefit from this.

President Johnson stated he felt this was a good idea in the long term for the State of California. He stated he has heard stories that 80% of the population receives water that comes from the Delta.

Director Morrissette stated indirectly if the State Water Resources Board raised the amount to distribute water, then it would have a financial impact to the District through the District's water replacement obligation.

Vice President Fahrlander stated there is funding that the District may be able to obtain for above ground storage of water; however, he didn't believe that was a large part of the bond.

Director Roberts noted the problem with this is that they have filled this Act with much more than what is needed.

President Johnson summarized the issues addressed by the Act for the audience.

Director Morrisette motioned to approve the Resolution. President Johnson seconded the motion. Directors Morrisette and Johnson voted to approve the Resolution. Directors Fahlender, Anderson and Roberts voted against the Resolution. The motion was denied.

e. **Discussion and Possible Action Regarding Duncan Road Water Line Relocation**

Mr. Bartz briefed the Board regarding the Duncan Road Water Line Relocation Project. He noted the District has prior rights with the water lines. The County will pay for the relocation of the lines.

Due to the short timeframe, an alternative bidding process was used whereas the staff sent out bid requests to six different local contractors and received bids back from five of them. The County is required to go with the low bidder. Staff is asking that the Board approve the alternative bidding procedures and award the lowest bidder the contract per the County's requirements.

Director Anderson noted there were some items that would not be paid by the County. Mr. Bishop stated there are five meter moves that the County will not pay for. The contractor will bill the District for the entire project and the District will bill the County for their portion of the bill. Mr. Bishop stated the County has recently asked for a separate bill for their portion so they can issue a check to the District prior to the work being completed.

Director Anderson asked if the District is going to be obligated for extra charges when the County decides to do road improvements. Mr. Bartz explained that, in some cases, the District has the right of way on the roads; therefore, the District is not responsible for the fees.

Director Anderson motioned to approve the lowest bidder, Southwest Underground. Mr. Kennedy noted there is an exemption to the Competitive Bidding Process Section 6(d) 4 and suggested adding this to the motion. Director Anderson's motion was revised to include Mr. Kennedy's suggestion of approving the exemption to the Competitive Bidding Process Section 6 (d) 4. Vice President Fahlender seconded the motion. All were in favor.

f. **Discussion and Possible Action from Legislative Committee Regarding District Assets and Possible use for Mitigation**

Mr. Bartz stated the Board has talked to Transition Habitat Conservancy (THC) regarding possible mitigation. THC approached the Board regarding obtaining a quote for Smithson Springs.

Vice President Fahlender stated his goal was to inform the Board that this is something the District is looking into. He hoped to obtain consensus from the Board regarding looking into this item.

Director Morrisette stated he has looked into Nature Education Projects. He stated part of the grant for the Nature Education Projects deals with the nature portion that the biological study would help him with.

President Johnson asked if the mitigation would prohibit the District from use of the land for Nature Education Projects. Vice President Fahlender stated it would depend on the different mitigation requirements.

Director Morrisette stated he would like to get a consensus from the Board to move forward with the study in the amount of \$4,000.00.

Director Roberts asked how this would affect forming water rights. Vice President Fahlender stated this is an adjudication issue.

Director Roberts recommended not moving forward at this time.

Board consensus is that the mitigation is a good idea; however, not at this time due to the adjudication.

Mr. Kennedy stated there are provisions that he does not recommend the District enter into such as the Indemnification, limitation of liability clause, and being subject to litigation in Riverside County.

The Board agreed this was a good idea; however, it is not ready to move forward with this item. The Board agreed to refer the adjudication portion to the Adjudication Committee.

Director Anderson suggested the grant writing portion be forwarded to the Park, Recreation and Street Lighting Committee. Mr. Kennedy concurred with Director Anderson.

7. Review of Action Items

Mr. Bartz reviewed the Action Items with the Board.

8. Committee Reports

- a. **Engineering Committee (Standing)** – Director Roberts stated the Engineering Committee will need to be rescheduled.
- b. **Parks, Recreation & Street Lighting Committee (Standing)** – Director Morrissette stated they met yesterday and stated the primary discussion was in regards to some adjustments to the Piñon Hills Park to fit into the current budget for the park. He stated they also discussed concepts regarding putting in a stage/amphitheater at the Phelan Park. A couple of options will be brought to the Board.
- c. **Finance Committee (Standing)** – President Johnson stated the Finance Committee will need to be rescheduled.
- d. **Building Committee (Standing)** – Mr. Bartz stated he would like to schedule a workshop with the Board and the Architect for four hours to go over the Boards wishes for the building.

ACTION ITEM: Mrs. Bishop to contact the Board regarding possible meeting dates for a workshop with the Architect.

A discussion took place about the Committee being bypassed. Mr. Bartz stated that was not his intent.

After discussion, President Johnson suggested putting Mr. Wahaub, Architect, on the agenda for the next Board meeting so he can tell the Board what he can and cannot do.

Director Morrissette suggested the Board members meet with Mr. Bartz and Mr. Bartz can give Mr. Wahaub a consensus of what the Board is looking for. President Johnson stated his concern that Mr. Wahaub is not listening to the Committee.

- e. **Adjudication Committee (Ad Hoc)** – Director Roberts stated the Committee continues to meet.
 - f. **Solid Waste Powers (Ad Hoc)** – Vice President Fahlender stated they need to look for a different consultant.
 - g. **Legislative & Grant Committee (Standing)** – The Committee had nothing further to report.
 - h. **Mission & Vision Statement Committee (Ad Hoc)** – Director Roberts stated they have met and are working on the statements to be presented at the May 19, 2010 Board Meeting.
- #### 9. General Manager's Report
- A written report was provided to the Board. Mr. Bartz also reported it will now take 56 man hours versus 57 man days to read the new meters. A discussion took place regarding using those man hours in other ways. Director Anderson asked for Mr. Bartz notes to be placed in the minutes to be documented.

Mr. Bartz stated the District is short a vehicle and informed the Board that the District may be moving forward with purchasing another vehicle.

10. Reports

a. Director's Report

Anderson – Director Anderson stated had nothing further to report.

Fahrlender – Vice President Fahrlender had nothing further to report.

Roberts – Director Roberts stated had nothing further to report.

Morrisette – Director Morrisette stated he went to one of the Adjudication meetings and stated Director Roberts and Vice President Fahrlender is doing a fabulous job representing the District.

- b. **President's Report** – President Johnson stated the Board is coming up to the General Manager's Anniversary date. He asked when the Board would like to start the Evaluation Process.

ACTION ITEM: Mrs. Bishop to distribute the Evaluation Instrument to Mr. Bartz and the Board on the first of July. The Evaluation Instrument will be due back to Mrs. Bishop by the 21st of July.

11. Correspondence/Information

The District received a thank you note from Sunset Little League.

Set Agenda for Next Meeting – May 19, 2010

- Public Hearing for Budget
- Discussion and Possible Action Regarding the Districts Mission and Vision Statements
- Discussion and Possible Action Regarding Claim Against the District; Elswick
- Discussion and Possible Action Regarding the Board of Directors using Laptops for Meetings
- Discussion and Possible Action Regarding the Proposal for The Amphitheater for the Phelan Park

Future Board Meeting

- Discussion regarding the three tiered rate structure
- Discussion of Reformation of the Citizen's Advisory Committee
- District Rules and Regulations

Adjourn

The Board Adjourned for Closed Session at 8:51 p.m.

Reconvene Meeting

The Board reconvened the Board meeting at 9:12 p.m.

Announcements of Any Reportable Closed Session Actions

The District has purchased property at 9505 Sheep Creek Road in Phelan, California for \$435,000.

After the agenda was posted an urgent matter come up that the Board felt needed to be discussed in a Closed Session. The Board amended the agenda to add an additional Potential Case to the Closed Session – Conference with Legal Counsel/Anticipated Litigation Significant Exposure to Litigation pursuant to Government Code 54956.9(b).

President Johnson moved the motion to add the agenda item. Director Morrisette seconded the item. All were in favor.

Adjourn

The Board Adjourned for Closed Session at 9:15 p.m.

Reconvene Meeting

The Board reconvened the Board meeting at 9:22 p.m.

Announcements of Any Reportable Closed Session Actions

There were no reportable items from the Closed Session.

Adjourn

With no further business, the meeting was adjourned at 9:23 p.m.

Board approved the above Minutes on May 19, 2010:

_____	_____
Charlie Johnson, President	Date
_____	_____
Debbie Bishop, Board Secretary	Date