



Phelan Piñon Hills Community Services District

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**PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
REGULAR BOARD MEETING
August 3, 2011 – 7:00 p.m.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371**

MINUTES

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

Board Member Absent: None

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

Call to Order

President Fahrlander called the meeting to order at 7:06 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Board Members were present.

Reportable Closed Session Items

President Fahrlander reported the Board unanimously approved the payment of the court ordered percentage of the attorney's fees for the Antelope Valley Adjudication in the sum of approximately \$51,000.

1. Approval of Agenda

Mr. Bartz asked to remove item 6e from the agenda. Director Johnson moved to approve the Agenda. Vice President Roberts seconded the motion. All were in favor.

2. Public Comment

Yvonne Ojeda represents Susan G. Koman for the Cure Inland Empire Affiliate, a non-profit organization. She briefed the Board of the organizations goals and extended their services to the Community. She asked for the Community to join them for their upcoming event in Temecula.

Melitta Duncan from Antelope Valley Animal Services spoke to the Board and the Community regarding their organization and their mobile spay and neuter clinic.

Don Slater spoke to the Board regarding enacting a policy to go after the person that incurred the bill rather than the landlord.

3. Consent Items

Director Morrissette motioned to approve the Consent Items. Director Anderson seconded the motion. All were in favor.

4. Matters Removed from Consent Items

None

5. Presentations/Appointments**a. State of the County Address for Supervisor Mitzelfelt**

President Fahlender briefed the Community of Supervisor Mitzelfelt's work and introduced him to speak to the Community. Supervisor Mitzelfelt thanked the Board for being here and doing what they do and then proceeded to give his State of the County Address to the Community.

Michael Palecki asked whose idea it was to do away with the Bed Tax. Supervisor Mitzelfelt stated it was a staff recommendation.

A Community Member asked about the funds the County was spending on staff's retirement and where they would be spent. Supervisor Mitzelfelt stated it will stay in the retirement fund.

Melitta Duncan from Antelope Valley Animal Services asked for the County's support with the spay and neutering program. Supervisor Mitzelfelt stated he wasn't sure where the County was with their program but asked for her card so he could get back to her.

Don Slater thanked Supervisor Mitzelfelt for his entire time spent in the office and stated he appreciated what he's done for the District.

President Fahlender thanked Supervisor Mitzelfelt and the Community for being here.

6. Continued/New Agenda Items – Action Items**a. Public Hearing on Standby Charges**

President Fahlender declared the public hearing on Standby Charges open at 7:19 p.m.

1. Secretary's report on written protests, objections, and comments.

Ms. Bishop reported that the District received one (1) written protests on the Standby Charges. Ms. Bishop read the protest letter received by James Maxey of 9547 Burbank Road in Phelan APN 3067-591-17 which read, "I protest the proposed standby charge (fee) and any other proposed fees."

2. Attorney's report on action taken prior to this hearing.

Mr. Kennedy reported:

a) Notice of hearing published in the Mountaineer Progress on July 14, 2011 and July 21, 2011.

3. Staff's Report:

Mr. Bartz reported:

The Preliminary Water Standby Assessment Report was filed with the Secretary on July 6, 2011 and details 3,839 parcels amounting to 15,804 billable acres of land for a total assessment of \$281,177.60. The final report will be filed by the August 10, 2011 deadline.

The water standby report reflects: each parcel of land within the District's boundaries; for acreage within 660 feet of a water line.

4. Public Comments, Protests, and Objections:

- a) Any person may address the Board on the proposed Standby Charges.
- b) Responses to comments, protests, and objections from staff.

James Maxey asked how much the fees are going to be approximately and for what duration. He also asked why. Ms. Lowrance stated the fee is \$20.00 per full acre in a parcel, plus the proportionate share of the charge of \$10.00 for any portion of a parcel which may exceed an exact number of acres. President Fahrlander stated this is an item that is revisited every year. He said because at some point infrastructure is going to need to be built to run their lines. Mr. Kennedy stated this is not a new fee or charge. He stated this is an annual renewal of the fee that pre-exists this District. He stated there is no plan for this District to increase this fee. If it did decide to increase the fee, it would be subject to Proposition 218 requirements.

Don Slater stated he is aware of people who have had to pay to put the lines in to their house. Staff explained there is a payback agreement with a period of ten years. Mr. Kennedy stated the fee is also for having the service ready available and willing to put the lines in.

Dan Whalen asked about a variance for parcels that are landlocked. Mr. Kennedy suggested discussing that with staff. Mr. Kennedy stated usually the standard is if the property has conditions on it that render it unable to be developed. He stated the property was. Mr. Kennedy suggested having a discussion with staff.

Mr. Neisse asked why the District's Resolution with the fees cannot agree with the Counties Fees. Mr. Bartz stated this was brought to his attention a year ago by Mr. Neisse and there was a small amount of a discrepancy between the amounts the District charges and the amount the County collects for the fees. Mr. Bartz stated this discrepancy was corrected and reflects on the billing for this year. Mr. Kennedy explained it would be a violation of the Constitution to change the wording of the Resolution. Mr. Neisse argued the Resolution is changed every year. Mr. Kennedy explained changing the verbiage of the Resolution would trigger Proposition 218.

President Fahrlander asked for a motion to close the public hearing. Director Johnson moved to close the public hearing. Director Anderson seconded the motion. All were in favor.

b. Discussion and Possible Approval of Resolution 2011-15; Establishing Water Standby and Availability Fees for 2011-2012

Mr. Bartz stated staff recommends approval of the Resolution 2011-15; Establishing Water Standby and Availability Fees for 2011-2012. Mr. Kennedy noted there was a revised resolution with typo corrections. Director Johnson moved to approve the revised Resolution. Vice President Roberts seconded the motion. All were in favor.

c. Discussion and Possible Approval of Resolution 2011-14; Calling an Election on November 8, 2011, to Establish and Appropriations Limit; Establishing a Deadline Date for Receipt of Written Arguments for and Against the Measure; and Requesting Consolidation with any and All Elections to be held in the same Territory on that same date

Mr. Bartz briefed the Board on Resolution 2011-14. Mr. Bartz stated staff recommends approval of the Resolution and recommends the Board consider an appropriate appropriations limit.

Director Johnson stated two independent realtors were contacted and stated the property values are depressed about 50%.

Director Anderson explained how critical it is to get the word out that this is not to increase taxes, but to get the taxes that are collected to the Community rather than the General Fund.

A discussion took place regarding properties being reassessed by the Assessor's Office.

Director Johnson moved to approve the resolution as presented with staff's recommendation of 2.7 million to be published in the Mountaineer Progress. Director Anderson seconded the motion. All were in favor.

d. **Discussion and Possible Action Regarding Annual Foothill Fire Fee**

Director Morrissette briefed the Board on the Bill regarding the Annual Foothill Fire Fee. He stated Cal Fire is taking recommendation and suggestions. Director Morrissette suggested sending a letter to Cal Fire and the Districts Representatives stating the concerns that these fees will be a burden to the Districts Constituents. The Board unanimously agreed to write a letter of opposition. Director Anderson suggested the letter be in line with other local government agencies. He stated he will follow up on that.

e. **Discussion and Possible Action Regarding Camping and Target Range MOU with the County**

This item was removed from the agenda.

f. **Discussion and Possible Action Regarding Providing a Cool, Air-Conditioned Place for the Community to go to in Extreme Heat Conditions**

President Fahrlander brought this item up at the last meeting. Mr. Bartz has provided information that the County has established areas in the District. Director Johnson stated they are not doing anything except that they are open on their regular hours and their building is air conditioned.

President Fahrlander felt the District owes it to the Constituents to provide a cool place when the District can provide it with little or no additional cost. District Roberts stated the District should find out what Regulations are tied to this before the District moves forward with this. President Fahrlander agreed.

The Board agreed to direct staff to find out what this would include to offer to the Constituents. Mr. Kennedy suggested including insurance costs. Director Anderson felt this was out of the Districts purview.

g. **Discussion and Possible Action Regarding Administration Building**

Mr. Bartz stated he is not looking for any action tonight. He stated there was a Building Committee Meeting and the Committee suggested looking at a phased approach to the site build out. He briefed the Board on the handout that was provided. He stated the Board would need to decide if this project would or would not move forward and how it would be funded. A couple amortization schedules were provided for the Board to review.

Mr. Schinke stated he would prefer to see a Recreation Center structure built before an Administration Building.

Mr. Neisse asked why the District would do this with the Adjudication Law Suit going on. President Fahrlander noted that is one of the items the Board has to weigh.

President Fahrlander felt the Alternative Energy is a big part of this and noted the election coming up for Board Members. He felt this might want to be tabled for a few months.

Director Morrissette felt some homework can be done on this until then.

Director Johnson felt the priorities should be on the Financial Plan and the Alternative Energy is a number one project for the District to work on. He agrees the Board is in a bit of a transition. He agreed the audience is right that this is not an urgent need.

President Fahrlander agreed that this is not a priority at this time. He felt some of the sense of urgency has gone away.

Director Morrissette spoke about the grant that was applied for to build a Recreation Center as well as make improvements to the Phelan Park.

President Fahlender stated at a point the Community is going to have to step up and help with the costs of running these facilities.

Don Slater commented that the funds saved with Alternative Energy could be used to supplement the costs of the Parks and Recreation Facilities. Director Johnson explained the legal restraints the District has on how the District funds can be used.

A discussion took place regarding doing a Park Plan in the future.

Vice President Roberts felt the Board had given direction with applying for the Proposition 84 grant and that the Administration Building is growth driven and there isn't any growth at this time.

The Board agreed to put the Building Committee on hold until the elections have been done and the Board can reconstitute the Committee.

7. **Review of Action Items**

Mr. Bartz briefed the Board on the Action Items.

Director Johnson suggested he sit with Ms. Lowrance and work on the Software for the Board Members. The item was removed from the Action Items.

The Board agreed to agendaize the Water Conservation Budget for the next meeting.

8. **Committee Reports**

- a. **Engineering Committee (Standing)** – Vice President Roberts stated they will meet next Wednesday at 2:00 p.m.
- b. **Parks, Recreation & Street Lighting Committee (Standing)** – Director Morrisette stated they met yesterday and met with a group that works with non-profits.
- c. **Finance Committee (Standing)** – Director Johnson stated they have not met.
- d. **Building Committee (Standing)** – There was nothing to report.
- e. **Adjudication Committee (Ad Hoc)** – Vice President Roberts stated there are meetings Tuesday and Wednesday in Sacramento to come up with a stipulated judgment.
- f. **Solid Waste Powers (Ad Hoc)** – Mr. Bartz stated the District is on the meeting agenda with LAFCO for October 18th.
- g. **Legislative & Grant Committee (Standing)** – President Fahlender stated they met and discussed the need to stay in contact with the state senators and congressmen. Director Morrisette stated there was discussion regarding whether there was legislation that could be written to benefit the District.
- h. **Roads Committee (Standing)** – Director Johnson stated they met again and are waiting to have further conversations with the First District Office to see what they have in mind.
- i. **GM Committee (Ad Hoc)** – Director Johnson stated the GM Evaluations are due Friday.
- j. **Alternative Energy Committee** – Director Morrisette stated they met last week and discussed the project Snowline School District is doing.

9. **General Manager's Report**

Mr. Bartz reported the District went live with online Bill Pay. He reported the District is averaging ten payments a day online and noted this is with minimal advertisement.

Mr. Bartz reported he is sending employees to training for Clay Valves. He stated he sees the District staff doing the repairs of the valves in-house in a very short time.

Mr. Bartz stated the landscaping bids for the demonstration landscaping of the office should be in by the end of this week.

10. Reports

a. Director’s Report

Morrisette – Director Morrisette stated he had nothing further to report.

Roberts – Vice President Roberts stated he had nothing further to report.

Anderson – Director Anderson suggested any item that has to do with the agenda be printed on blue paper. He also announced the Open House for next Wednesday, August 10th for the Excelsior School.

Johnson – Director Johnson stated he had nothing further to report.

b. **President’s Report** – President Fahrlender thanked the public for attending and had nothing further to report.

11. Correspondence/Information

Set Agenda for Next Meeting – August 17, 2011

- Purchasing Policy
- Water Conservation Budget
- Discussion and Possible Action Regarding Camping and Target Range MOU with the County

Adjourn

With no further business, the meeting was adjourned at 10:08 p.m.

Board approved the above Minutes on August 3, 2011:

_____	_____
Joe Fahrlender, President	Date
_____	_____
Debbie Bishop, Board Secretary	Date