

# **REGULAR MEETING OF THE BOARD OF DIRECTORS ROSAMOND COMMUNITY SERVICES DISTRICT**

6PM Closed Session  
7PM Regular Board Meeting  
Wednesday, May 13, 2015  
District Board Room  
3179 35<sup>th</sup> Street West  
Rosamond, CA 93560

## **MINUTES**

I. 1. President Ed MacKay called the meeting to order @6:03pm.

2. **Flag Salute/Roll Call**

President Ed Mac Kay  
Vice President Alfred Wallis  
Director Byron Glennan  
Director Olaf Landsgaard  
Director Dennis Shingledecker  
General Manager Steve Perez  
Assistant General Manager/Public Works Superintendent John Houghton- absent  
District Accountant, Brad Rockabrand, CPA  
Legal Counsel, Allison Burns  
Administrative Assistant Tia Thompson

II. **Additions or Deletions to the Agenda**

Motion made by Director Shingledecker, seconded by Vice President Wallis to add item IV. 1. C. Motion passed with 4 ayes, 1 recusal (Landsgaard). Director Landsgaard stated he has a conflict as he has advised Ben Marquez in the past.

Rosamond Community Services District vs. Marquez  
Case # 05936-0012  
Government Code §54954.2(b)(2)

III. **Public Comments-** none

(At this time, any person may address the Board on any subject within the District's jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Board

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meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Board on any agenda matter at the time that matter is discussed, prior to Board consideration and action. Speakers are requested to limit comments to five (5) minutes.)

**6:00 p.m.**

**IV. CLOSED SESSION**

**1.**

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): (two potential cases)

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Consideration of initiation of litigation pursuant to Government Code section 54956.9(d)(4): (one potential case)

**C. CONFERENCE WITH LEGAL COUNSEL**

Rosamond Community Services District vs. Marquez  
Case # 05936-0012  
Government Code §54954.2(b)(2)

Motion made by Director Shingledecker, Seconded by Vice President Wallis to go into closed session for items A and B @6:12pm. Motion passed with 5 ayes.

Motion made by Director Shingledecker, Seconded by Vice President Wallis to come out of closed session @6:40pm. Motion passed with 5 ayes.

Motion made by Vice President Wallis, Seconded by Director Shingledecker to go into closed session for item C @6:42pm. Motion passed with 4 ayes, 1 recusal (Landsgaard).

Motion made by Director Shingledecker, Seconded by Vice President Wallis to come out of closed session @6:51pm. Motion passed with 5 ayes.

**2. Public Report on Action Taken in Closed Session**

- Legal Counsel Allison Burns reported the Board gave direction to Legal Counsel on items A & B.
- Legal Counsel Allison Burns reported the Board gave direction to General Manager and Legal Counsel on item C.

Recess @6:52pm  
Resumed @7pm

**7:00 p.m.**

**V. OPEN SESSION**

**VI. Public Comments-** public comments received

(At this time, any person may address the Board on any subject within the District's jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Board meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Board on any agenda matter at the time that matter is discussed, prior to Board consideration and action. Speakers are requested to limit comments to five (5) minutes.)

**VII. Comments and Presentations**

**1. Directors Comments-** comments made

**2. Presentations**

- ACWA Update by Katie Dahl, Regional Affairs Representative from ACWA

**VIII. Informational Items**

**1. Legal Update**

**Allison Burns**

None

**2. General Manager**

**Steve Perez**

A. Update on District Projects- update given

**3. Assistant General Manager/Public Works Superintendent** **John Houghton**

A. Update on Public Works Projects- update given by Steve Perez

**IX. Discussion and Action Items**

A. Discussion and possible action to adopt **Resolution 2015-6**, regarding implementing Stage 3 of the ordinance 2009-1, The Water Conservation (No Waste) Program.

Public discussion held.

Motion made by Director Glennan, Seconded by Vice-President Wallis to adopt Resolution 2015-6, regarding implementing Stage 3 of the ordinance 2009-1, The Water Conservation (No Waste) Program. Motion passed based on the following Roll Call Vote:

Roll Call Vote

Director Landsgaard: Nay

Director Shingledecker: Aye

Director Glennan: Aye  
Vice-President Wallis: Aye  
President MacKay: Aye

B. Discussion regarding Will Serve Letters.

Public discussion held.

Direction was given to bring item back to the Board for action.

C. Discussion and possible action on Policy regarding any and all correspondence that goes out related to policy matters be attached to agenda as "proposed written correspondence."

Motion made by Director Landsgaard, motion died for lack of second.

D. Discussion and possible action to adopt **Resolution 2015-7**, amending the Administrative Handbook.

Motion made by Director Glennan, Seconded by Director Landsgaard to adopt Resolution 2015-7, amending the Administrative Handbook. Motion passed based on the following Roll Call Vote:

Roll Call Vote  
Director Landsgaard: Aye  
Director Shingledecker: Aye  
Director Glennan: Aye  
Vice-President Wallis: Aye  
President MacKay: Aye

E. Discussion and possible action to authorize a Water and Sewer Fee Rate Study.

Motion made by Director Glennan, Seconded by Director Shingledecker to look at the Water and Sewer Rate Study. Motion passed with 5 ayes.

F. Discussion and possible action to approve the Directors and General Manager's attendance to Conferences and Trainings.

Motion made by Director Glennan, Seconded by Director Landsgaard to approve the Directors and General Manager's attendance to Conferences and Trainings. Motion passed with 5 ayes.

**X. Consent Calendar**

- A. Approve Special Board Meeting Minutes, March 19, 2015
- B. Approve Regular Board Meeting Minutes, March 25, 2015
- C. Approve Policy Workshop Meeting Minutes, April 6, 2015
- D. Approve Regular Board Meeting Minutes, April 8, 2015
- E. Approve President Morrison "Ed" MacKay's Expense Report dated April 23, 2015 in the amount of \$483.49.
- F. Approve Check/Voucher Register dated 03/31/2015 - 05/04/2015
- G. Approve Check/Voucher Register- Related Party dated 03/31/2015-05/04/2015

Motion made by Director Landsgaard, Seconded by Vice President Wallis to approve items C-G. Motion passed with 4 ayes and 1 nay (Glennan).

Motion made by Director Landsgaard to vote on items A & B outside the Consent Agenda.

Director Landsgaard withdrew his objection.

Motion made by Director Landsgaard, Seconded by Vice President Wallis to approve items A & B. Motion passed with 5 ayes.

**XI. Outstanding Items**

**1. Written Communications**

**2. Request for Future Agenda Items**

- Nomination of a Director to ACWA, Region 7
- Submit Committee Nomination from to ACWA
- Cash for turf
- Will Serve Letters
- Participation in September fest

**XII. Adjournment-** Motion made by Vice President Wallis, Seconded by Director Shingledecker to adjourn @9:33pm. Motion passed with 5 ayes.

Requirements Regarding Disabled Access: In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the RCSD Board Secretary/Assistant at least 48 hours in advance of the meeting to ensure availability of the requested

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service or accommodation. Please contact the Board Secretary/ Assistant by telephone at (661) 256-5808, Email: lguerrero@rosamondcsd.com or in writing at the Rosamond Community Services District, Attn: Board Secretary/Assistant; 3179 35<sup>th</sup> Street West, Rosamond, CA 93560.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District offices located at [3179 35th Street West, Rosamond, CA 93560](#). In addition, any such writing may also be posted on the District's web site.

Respectfully submitted:

  
\_\_\_\_\_  
President, Board of Directors  
Rosamond Community Services District

  
\_\_\_\_\_  
Board Secretary

TO: RSCD/Directors

May 13, 2015

FROM: D Shingledecker

AVEK board meeting May 12, 2015

Nothing new to report. General business

A handwritten signature in black ink, appearing to read 'D Shingledecker', with a long, sweeping horizontal stroke extending to the right.

Dennis Shingledecker  
Director RCSD

TO: RSCD/Directors

May 13, 2015

FROM: D Shingledecker

Director MacKay and myself attend training in Sacramento, CA on Prop 218 and 26 on April 21<sup>st</sup>, 2015 sponsored by CSDA.

Training was informative covering water and sewer rate changes, tiered water rates and what is considered a tax (fee).



Dennis Shingledecker  
Director RCSD



Morrison E MacKay  
Director RCSD

## **General Manager's Report**

**I attended the ACWA (Association of California Water Agencies) annual meeting in Sacramento last week and attended many informative classes/presentations. The theme of the entire conference as one would guess was Water.**

**Water and the Drought**

**Water and the Challenges to Rate Setting**

**Water Maintaining Fiscal Sustainability in Times of Drought (The Other Reserves)**

**Water Rate Tiers and the Lessons learned in the Recent Capistrano Case**

**The RCSD has been hit hard due to the cut backs in Water, changes in the charges within the operations of the District and the District will face challenges in addressing the revenue shortfalls.**

**Staff has been working feverishly to present the budget to you in a workshop to address the questions no doubt you will have, but staff isn't done cutting.**

**This year we have spent many days in understanding each line item and adjusting and cutting where necessary. One of the major things we need to accomplish is a water rate study which will be discussed later in the agenda.**

**I will be attending CSDA Legislative Days in the Capital next week where, as the President of CSDA, I will be leading the discussion of the Local Government Panel.**

**Later in the week I will meet with Governor Jerry Brown to discuss issues plaguing many District in California**

## **Steve Perez**

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**From:** Brach Smith  
**Sent:** Wednesday, May 13, 2015 5:01 PM  
**To:** Steve Perez  
**Subject:** Jobs Completed

Steve,

John Houghton went home sick.

Below is the list of jobs completed since the last board meeting

- Service Line Repairs done at the following addresses;
  - 3054 Summer Breeze
  - 3220 Summer Breeze
  - 3306 Stella
  - 1917 Jamie Way
- Angle stop repair done at 4361 Sonora
- Installed service line on Knox Ave
- Installed 80 feet of 8 inch C900 main line at the Water Bank
- Repaired 3 major leaks at Jim Williford Park
- Sewer Cleaning
- Valve exercising

Brach Smith  
Engineering Technician  
Rosamond Community Services District  
3179 35<sup>th</sup> Street West  
Rosamond, CA 93560  
Office (661) 256-3411  
Cell (661) 816-5729

REGARDING  
ITEM A

Open Letter to Governor Brown regarding State Mandates to our water

Dear Governor Brown;

Thank you for your interest in how we in Rosamond manage water. As you know, California law requires we be reasonable with its use, and apply it where it is needed.

California law also prefers substance over form (Civil Code section 3528). For this reason, we first ask you to look at our actions these past three years. First, we have banked 3500 acre feet of water – enough to supply our residents with water for an entire year. Second, we have invested in ownership of a water bank just seven miles from our District. Our residents pay \$250,000 every three months as required by our purchase agreement. Third, in 2014, we achieved the 2020 reduction in use of water goals. In these past two years of “drought”, our water table has risen two feet at our most active wellhead.

Our United States Constitution contains a Bill of Rights and additional amendments. Included in them are the right to vote, to be treated equally, and the right to be paid before our property is taken from us. In 2014 the California legislature passed a law – for the first time - that attempts to take control over our ground water. Respectfully, the 2014 law and State mandates violate each of the rights listed above.

We ask you to help us: Ask the legislature to split the Lahontan water control board (which runs from the Oregon/Nevada Border down into Los Angeles County) so that there is a new, accessible board from the Inyo/Kern County line, south. Ask the current Lahontan board why our 2009 application for a permit to use our tertiary water has been handed to an intern – and has yet to be approved – even though we have had pipe in place for twenty years (We now treat the water, place it in a pond, and let it evaporate). Allow the Antelope Valley and Indian Wells Valley people to form a consortium that permits us to build a desalination plant on the coast, next to Los Angeles – so that we can trade this water for the water that runs from Eastern Sierra streams (that feed Mono Lake, among others) through our Valleys each year. Ask the Attorney General to recognize the 10,000 Delta Smelt that are produced in the UC Davis hatchery – and request the federal government remove it from the “endangered species” list. Do not let “saltwater encroachment” be an excuse for fallowing millions of acres of land while sending freshwater to the sea. And cut the red tape for building desalination plants, water treatment plants, and gray water initiatives.

We know you work hard on the principles of reasonable and necessary use of our water. Prior to our Board passing drastic resolutions that you and the State Water Resources Control Board have demanded, we respectfully request your response to this letter.