

*Rosamond Community Services District  
Regular Board Meeting – Minutes  
Wednesday, May 24, 2023 @ 5:30PM*

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

5:30PM Closed Session  
6:00 PM Regular Board Meeting  
Wednesday, May 24, 2023  
District Board Room  
3179 35<sup>th</sup> Street West  
Rosamond, CA 93560

Teleconference  
1-877-411-9748  
Access Code: 5150560  
Teleconference Address:  
22755 SW 66<sup>TH</sup> St.  
Boca Raton, FL 33428

### **Minutes**

#### **CALL TO ORDER**

The meeting was called to order by President Byron Glennan at 5:30 PM.

#### **ROLL CALL**

Director Greg Washington	Via Teleconference
Director Alfred Wallis	Present
Director Rick Webb	Present
Vice President Ben Stewart	Present
President Byron Glennan	Present

General Manager (GM) Kim Domingo	Present
Director of Public Works John Houghton	Absent
Director of Administration Sherri Timm	Present
Legal Counsel, John Komar, Esq.	Present

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF THE AGENDA**

A motion to approve the agenda was made by Vice President (VP) Stewart and seconded by Director Webb.

**Motion passed 5/0, all ayes.**

**PUBLIC COMMENTS**

(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.)

None.

**VOLUNTARY PUBLIC ROLL-CALL VIA TELECONFERENCE**

(If any member of the public on the teleconference/video conference wishes to identify themselves as present for this meeting, please do so for the records/minutes)

None.

**CLOSED SESSION**

A motion to go into Closed Session at 5:32 PM was made by VP Stewart and seconded by Director Washington.

**Motion passed 5/0 all ayes.**

**CS 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2)  
One Potential Case.**

**PUBLIC REPORT ON ACTION TAKEN IN CLOSED SESSION**

A motion to come out of Closed Session at 5:47 PM was made by Director Wallis and seconded by VP Stewart.

**Motion passed 5/0 all ayes.**

X No Reportable Action      \_\_\_\_\_ Reportable Action by: \_\_\_\_\_

**6:00 P.M. OPEN SESSION**

Public session opened at 6:00 PM.

**PUBLIC COMMENTS**

(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.)

President Glennan spoke as a member of the public.

**VOLUNTARY PUBLIC ROLL-CALL VIA TELECONFERENCE**

(If any member of the public on the teleconference/video conference wishes to identify themselves as present for this meeting, please do so for the records/minutes)

John Joyce- Rosamond News  
Darrylane Zarate - NBS

**CONSENT CALENDAR**

CC 1 Receive Check/Voucher Register dated May 2, 2023 through May 15, 2023, Payroll (Direct Deposit) dated May 10, 2023, Payroll (Checks) dated May 10, 2023.

A motion to approve CC 1 was made by VP Stewart and seconded by Director Webb.

**Motion passed 5/0 all ayes.**

**MINUTES**

M 1. Approve May 10, 2023 Regular Board Meeting Minutes

A motion to approve M 1 with a correction to PH 1, correcting the Resolution number From 2023-2 to 2023-7 was made by VP Stewart and seconded by Director Wallis.

**Motion passed 5/0 all ayes.**

**PUBLIC HEARING**

**PH 1. Confirming The Assessment and Ordering the Levy for the Landscape and Lighting Assessment District No.2 For Fiscal Year 2023/24.  
(General Manager Kim Domingo and Darrylanne Zarate, Manager, NBS presenting)**

**A. Public Hearing regarding the adoption of Resolution No. 2023-8**

- 1) Opening of public hearing at 6:04 PM.
- 2) Brief presentation from District Staff.
- 3) Receipt of public testimony.

No public testimony was given.

- 4) Closing of the public hearing at 6:05 PM.

- B. Adopt Resolution No. 2023-8, confirming the assessment and ordering the levy for the Landscape and Lighting Assessment District No.2 for Fiscal Year 2023/24.**

A motion to adopt Resolution No. 2023-8, confirming the assessment and ordering the levy for the Landscape and Lighting Assessment District No.2 for fiscal year 2023/24 was made by Director Wallis and seconded by VP Stewart.

**Motion passed 5/0 all ayes.**

### **New Business**

**NB 1. Approval of Side Letter Agreement with AFSCME Local 1902 Regarding the Chief Water Reclamation Plant Operator Salary Range and Job Description. (Presenter GM Kim Domingo)**

On May 11, 2022 the Board of Directors approved a Memorandum of Understanding (MOU) with AFSCME Local 1902 and in a separate action, established the position of Chief Water Reclamation Plant Operator (CWRPO). Adoption of a salary range for this position was not finalized at this time. The union and previous General Manger were consulted to determine what salary range was intended as well as determine the minimum qualifications for the position. The proposed salary range and job qualifications are attached to Appendix A and are consistent with comparable positions at similar special districts. GM Domingo noted that the sideletter agreement item 1. will be corrected to show the CWRPO salary range is retroactive to June 1, 2022.

A motion to approve the sideletter agreement between AFSCME Local 1902 and Rosamond Community Services District adding the Chief Water Reclamation Plant Operator Salary Range, retroactive to June 1, 2022 and updating the current CWRPO Job Description, as described in the sideletter was made by Director Washington and seconded by VP Stewart.

**Motion passed 5/0 all ayes.**

**NB 3. Retroactive Approval of Agreement with Fischer Compliance for Sanitary Sewer Monitoring Plan Update and Training. (Presenter GM Kim Domingo)**

On August 24, 2022, the Board authorized staff to negotiate an agreement with Fischer Compliance for the District's Sanitary Sewer Monitoring Plan to comply with new regulations in effect. Staff negotiated and arrived at a scope and fee arrangement and Fischer Compliance performed the services. However, the Board had not taken action on an Agreement.

The updated plan and training were intended to meet a prescribed regulatory timeframe, so services were performed for the District's benefit ahead of a formal agreement. Under procurement policy, an Agreement is warranted.

The attached Agreement formalizes the negotiated arrangement.

A motion to retroactively approve the Agreement with Fischer Compliance for Sanitary Sewer Monitoring Plan Update and Training was made by Director Washington and seconded by VP Stewart.

**Motion passed 5/0 all ayes.**

**NB 4. Retroactive Approval of Engagement Letter with Rogers, Anderson, Malody & Scott, LLP, for Annual Audit Services. (Presenter GM Kim Domingo)**

On May 3, 2023, the District's audit consultant, Rogers, Anderson, Malody & Scott, LLP (RAMS), provided a proposal and engagement letter to the Board of Directors for the FY 2022-23 audit. RAMS has been providing annual audit services for several years. The annual audit is a regulatory requirement.

The proposal was not received in time to place it on the May 10, 2023 agenda for Board action. RAMS began initial requests for data beginning the week of May 15. In order to preliminarily authorize the work, staff executed the Engagement Letter ahead of the May 24, 2023 Board meeting.

A motion was made by Director Wallis and seconded by Director Webb to retroactively approve the Engagement Letter with Rogers, Anderson, Malody & Scott, LLP, for Annual Audit Services.

**Motion passed 5/0 all ayes.**

**NB 5. Approval of First Amendment to Employment Agreement with Kim Domingo. (Presenter Director of Administration Sherri Timm)**

On May 10, 2023, the Board passed a policy which addressed salary increases for represented employees and exempt employees. The policy provides for equitable increases for both sets of employees in the event either side receives an increase. The policy excluded the increase for employees with an employment agreement. The current Employment Agreement with your General Manager indicates that an increase is due to the General Manager if either group receives an increase, which is contrary to the adopted policy. The proposed First Amendment corrects the language to be consistent with the policy. Any increases due the General Manager are at the discretion of the Board and may only be done through an amendment to the Employment Agreement.

A motion to approve the First Amendment to Employment Agreement with Kim Domingo, correcting the language regarding compensation to be consistent with policy was made by VP Stewart and seconded by Director Webb.

**Motion passed 5/0 all ayes.**

**NB 6. Approval of Well Construction Access Agreement with BHT of Richmond, LLC. (Presenter GM Kim Domingo)**

Board Order No.R6V-2019-0251 issued by the Regional Water Quality Control Board, Lahontan Region (Lahontan), governs the operation of the Water Reclamation Facility (WRF). The Order requires District to monitor the status of nitrate impacts and as such, the District must set up monitoring wells in and around the existing ponds at the WRF. The Order includes a requirement to update the groundwater analysis, including the construction of three additional monitoring wells. The District retained Kennedy Jenks to perform the groundwater analysis work, including the siting of the three new wells.

Two of the wells are sited on private property, requiring the District to negotiate with the associated owners, BHT of Richmond LLC, for well construction and access. The proposed Well Construction Access Agreement has been negotiated with the property owner to provide the needed authorizations. The District's counsel has drafted and approved all edits

A motion to approve the Well Construction Access Agreement with BHT of Richmond, LLC. and allow General Manager Kim Domingo to execute the

agreement on behalf of the District was made by Director Wallis and seconded by Director Webb.

**Motion passed 5/0 all ayes.**

**NB 7. Adopt Resolution No. 2023-9**, to provide for the collection of water and sewer service base fees through the tax roll of Kern County.

(Presenter Director of Administration Sherri Timm)

The District has been using the collection method of tax roll levy for charging and collecting the base water and sewer fees since 2020.

This manner of collection of service fees is exempt from Proposition 218.

Government Code section 61115(b) authorizes the District to provide for the collection of base fees for water and sewer service on the tax roll in the same manner as property tax.

Staff recommends that the Board of Directors, by motion, approve and adopt the following Resolution No.2023-9 related to the collection of water and sewer base fees through the tax roll of Kern County for the FY 2023/24.

A motion to adopt **Resolution No. 2023-9**, to provide for the collection of water and sewer service base fees through the tax roll of Kern County was made by Director Webb and seconded by Director Stewart.

**Motion passed 5/0 all ayes.**

## **PRESENTATIONS**

### **PR 1. Water Reclamation Plant Project Update.**

Chief Water Reclamation Plant Operator Ryan Becker provided a construction update. The construction phase continues to progress slowly due to the unavailability of parts. He will be meeting with the contractor to finalize plans for resolution of all issues. Mr. Becker also reported on staff activities. He also informed the Board that the water produced at the plant continues to exceed state standards.

### **DIRECTOR REPORTS/COMMENTS/FUTURE AGENDA ITEMS**

Director Washington – May is water safety month. He also praised the team for getting the word out in the community regarding excess air in the water, which made the water appear white.

Vice President Stewart shared news about a metal recycling plant in Mojave that will create 450 jobs. The plant will be buying water from AVEK.

Director Webb congratulated this year's graduates.

President Glennan shared some notes from the recent ACWA conference regarding digital risks faced by California Water agencies.

### **GENERAL COUNSEL UPDATE**

John Komar, Esq

No report.

### **GENERAL MANAGER UPDATE**

Kim Domingo reported on the following items:

- 1) 20<sup>th</sup> St property – One appraisal quote has been received; one more is needed. Item will be brought to the board at a later date.
- 2) Sign at corner of 35<sup>th</sup> St W. and Rosamond Blvd. – the sign is on District property, and GM Domingo has attempted to contact the owner of the sign. He will check back with the owner this week.
- 3) GM Domingo attended a Rosamond Chamber of Commerce luncheon as a guest speaker. He shared RCSD interest items. The audience was very supportive.

### **DIRECTOR OF ADMINISTRATION UPDATE**

Sherri Timm reported on the following items:

- 1) 735 customers were charged late fee penalties in the amount of \$3086.78
- 2) 213 customers were mailed a Notice of Shutoff on May 16<sup>th</sup>.
- 3) 159 Door Hangers were delivered on May 23<sup>rd</sup>.
- 4) Front office staff continues to establish payment arrangements for delinquent accounts.
- 5) *Correspondence – A Notice of Approval of LAFCO Resolution adopting their FY 2023-24 final budget was received.*

**PUBLIC WORKS UPDATE**

GM Kim Domingo reviewed the current Public Works Field Operations Report.

**ADJOURNMENT**

A motion to adjourn at 6:42 PM was made by VP Stewart and seconded by Director Webb.


**Motion passed 5/0 all ayes.**

Requirements Regarding Disabled Access: In accordance with Government Code §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 at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Please contact the Board Secretary by telephone at (661) 256-3411, Email: [stimm@rosamondcsd.com](mailto:stimm@rosamondcsd.com) or in writing at the Rosamond Community Services District, Attn: Board Secretary 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 35<sup>th</sup> Street West, Rosamond, CA 93560. In addition, any such writing may also be posted on the District's web site.

Respectfully Submitted:

  
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RCSD Board of Directors

  
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Board Secretary