

REGULAR BOARD MEETING MINUTES

May 10, 2023

Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Rebecca Kujawa, President
Mark Roberts, Vice President
Chuck Hays, Director
Deborah Philips, Director
Greg Snyder, Director

Board Members Absent: None

Staff Present: Don Bartz, General Manager
Lori Lowrance, Assistant General Manager/CFO
George Cardenas, Engineering Manager
Kim Sevy, HR & Solid Waste Manager/District Clerk
Sean Wright, Water Operations Manager
Chris Cummings, Assistant Water Operations Manager
Jennifer Oakes, Executive Management Analyst
David Noland, Finance Supervisor
Ernesto Araiza, Water System Operator III
Oscar Dubon, Water System Operator III
Eric Barnes, Water Quality & Conservation Specialist
Paul Mihalik, Water System Operator II/Customer Service Lead
Chris Gualco, Water System Operator II
Frank Ramirez, Water System Operator I
Lance Marckstadt, Water System Operator I/Parks Maintenance

District Counsel: Steve Kennedy, General Counsel

REGULAR BOARD MEETING – 5:00 P.M.

Call to Order

President Kujawa called the meeting to order at 5:00 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Directors were present at roll call.

1) Approval of Agenda



Mr. Bartz requested to add a presentation for Well No. 15 pipeline project. Vice President Roberts moved to approve the Agenda, as amended. Director Hays seconded the motion. Motion carried 4-0.

2) **Public Comment**

a) **General Public**

Public comment was provided by Peter Barnes.

b) **Community Reports**

- **School District:** Superintendent Holman discussed end of school activities and events.

3) **Consent Items**

Vice President Roberts moved to approve the Consent Items. Director Synder seconded the motion. Motion carried 4-0.

4) **Matters Removed from Consent Items**

5) **Presentations/Appointments**

Mr. Wright provided a presentation on the Well 15 Pipeline Project.

6) **Continued/New Agenda Items**

a) **Public Hearing on the 2023/2024 Budget**

1) **Secretary's Report**

Ms. Sevy reported that there were zero written protests, objections, or comments on the Proposed Adoption of the Final Budget for fiscal year ending June 30, 2024.

2) **Attorney's Report on Action Taken Prior to this Hearing**

The Attorney, Mr. Kennedy, reported notice of public hearing was published in the Daily Press on April 26 and May 3, 2023, The notice was posted in the District office and on the District website on April 20, 2023. Copies of the 2023/2024 Budget were made available in the District office and on the District website in compliance with all legal requirements for the hearing.

3) **Staff's Report**

Mr. Bartz reported the Board Reviewed the draft budget detail at several public meetings, including the District Finance Committee meetings, workshops, and Board Meetings held February 15, March 21, April 5, and April 18, and May 8. The budget schedule was made available online, in the newspaper, and in the office to encourage public attendance.

Staff made changes, as recommended by the Board, throughout the process, and the various draft budgets were made available to the public for review on the District website, in agenda packages, and in the District office.



4) Public Comment, Protests, and Objections

There were no public comments, protests, or objections.

Director Snyder moved to close the public hearing. Vice President Roberts seconded the motion. Motion carried 4-0 and the public hearing was closed at 5:21 p.m.

b) Discussion & Possible Adoption of Resolution No. 2023-12; Adopting the Budget for Fiscal Year Ending June 30, 2024

Staff Recommendation: For the Board to adopt the Budget for the fiscal year ending June 30, 2024.

Mr. Bartz introduced this item.

Director Hays moved to adopt the Budget for Fiscal Year Ending June 30, 2023. Director Snyder seconded the motion. Motion carried 4-0.

c) Public Hearing on Proposed Water Capacity Fee**1) Secretary's Report**

Ms. Sevy reported there were zero written protests, objections, or comments regarding the proposed water capacity fee.

2) Attorney's Report on Action Taken Prior to this Hearing

Mr. Kennedy reported Notice of Public Hearing was published in the Daily Press on April 26 and May 3, 2023. Also posted on the District's website and posted in the District office on April 20, 2023. The capacity fee report was made available for public review in the District Office and on the District's website in accordance with applicable law. Compliance with all legal requirements for this hearing within the manner and time specified by California Law.

3) Staff's Report

Mr. Bartz reported that District staff engaged IB Consulting, LLC to complete a capacity fee study as the last study and modification took place in 2013. A capacity fee is a charge for public facilities in existence at the time a charge is imposed, or charge is incurred for new facilities to be constructed in the future, that is a benefit to the person or property being charged.

Capacity fees ensure new development pays its fair share to connect to the system and does not cause additional burdens to current customers. Capital and infrastructure costs required to meet new demand for connections should be paid by those causing the cost to be incurred.

Based on the Study, the capacity fee component of the District's connection charges would increase from \$7,970 to \$10,951 for a 1" meter connecting to the system. The District's capacity fee has not increased since 2013.

4) Public Comment, Protests, and Objections

There were no public comments, protests, or objections.



Vice President Roberts moved to closed the public hearing. Director Snyder seconded the motion and the public hearing was closed at 5:26 p.m.

d) **Discussion & Possible Adoption of Resolution No. 2023-13; Increasing Water Capacity Fees**

Staff Recommendation: For the Board to adopt Resolution No. 2023-13; Increasing Water Capacity Fees.

Ms. Bartz introduced this item.

Vice President Roberts moved to adopt Resolution No. 2023-13; Increasing Water Capacity Fees. Director Hays seconded the motion. Motion carried 4-0.

e) **Discussion & Possible Action Regarding Appointment of Director for Vacant Board Seat**

Staff Recommendation: For the Board to fill the vacant Board seat according to the process outlined.

1) **Board Selection of Application to Possibly Interview**

Deborah Philips and Jeanna Mills were invited to interview; the third applicant was not in attendance.

2) **Applicant Interviews**

The Board conducted interviews.

3) **Discussion & Possible Selection of Director for Vacant Board Seat**

Vice President Roberts nominated Deborah Philips for the vacant Board seat. Director Snyder seconded the nomination. Motion carried 4-0.

4) **Swearing-In of Director for Vacant Board Seat**

Ms. Sevy administered the oath of office to Director Philips.

f) **Discussion & Possible Action Regarding Approval to Extend Auditing Contract with C.J. Brown & Company CPAs, an Accountancy Corporation**

Staff Recommendation: For the Board to approve extending the contract with C.J. Brown & Company CPAs – An Accountancy Corporation, for the District's auditing services.

Ms. Lowrance introduced this item.

Vice President Roberts moved to approve staff recommendation for a period of one year. Director Philips seconded the motion. Motion carried 4-0.

g) **Discussion & Possible Adoption of Resolution No. 2023-14; Approving the Application for Land & Water Conservation Fund Phelan Community Park Project**

Staff Recommendation: For the Board to adopt Resolution No. 2023-14; Approving the Application for Land and Water Conservation Fund for the Phelan Park Expansion Project.



Ms. Sevy introduced this item.

President Kujawa moved to approve staff recommendation. Director Snyder seconded the motion. Motion carried 5-0.

h) Discussion & Possible Action Regarding Committee Assignments

Staff Recommendation: For the Board President to appoint Directors to committees, if necessary and desired.

Mr. Bartz introduced this item.

President Kujawa appointed Director Philips and Director Hays to the Solid Waste Committee, and Director Snyder and Director Philips to the Legislative Committee.

i) Update on Water Conservation Requirements

Staff Recommendation: None

Ms. Oakes provided a presentation regarding the drought and recommended moving to Stage I water conservation requirements.

ACTION ITEM: Water Conservation Resolution

j) Update on Proposed Civic Center & Phelan Park Expansion Projects

Staff Recommendation: None

Mr. Cardenas provided an update on the RFQ, Joshua tree take permit, and CEQA.

No action taken; not an action item.

7) Committee Reports/Comments

- a) **Engineering Committee (Standing)** – Has not met.
- b) **Finance Committee (Standing)** – Met May 8, 2023, and April 18, 2023; discussed the budget.
- c) **Legislative Committee (Standing)** – Has not met.
- d) **Parks, Recreation & Street Lighting Committee (Standing)** – Met May 9, 2023; reviewed the calendar and Land and Water Conservation grant project. Also received an update for the Farmers Market Manager and on the teaching garden.
- e) **Waste & Recycling Committee (Standing)** – Meets next Week.

8) Staff and General Manager's Report

Ms. Sevy provided an update on the status of solid waste billing implementation, recommending for CR&R to retain billing and customer service at this time for which the Board provided consensus.

9) Reports

a) Director's Report

Snyder – Thanked staff for their work on the pipeline project. Received the mailer regarding rates and upcoming trash service.



Hays – Thanked staff for the work on the pipeline project and also finance staff regarding the budget.

Roberts – Thanked staff for their work on the budget. Asked about the pressure testing on the pipeline; it will occur Thursday.

Philips – Thanked the Board and community for her appointment.

b) **President’s Report** – A written report was in the packet. Encouraged Directors to attend ASBCSD in May for open mic night.

10) **Correspondence/Information** – The items in the packet were noted.

11) **Review of Action Items**

a) **Prior Meeting Action Items** – Complete

b) **Current Meeting Action Items** – Update Committee Calendars

12) **Set Agenda for Next Meeting**

- Regular Board Meeting – May 24, 2023, 5:00 p.m.

13) **Recess to Closed Session**

The Board recessed to Closed Session at 6:10 p.m.

Conference with Legal Counsel

Initiation of Litigation Pursuant to Government Code

Section 54956.9(d)(4)

One Potential Case


14) **Return to Open Session – Announcement of Reportable Action**

The Board returned to Open Session at 6:38 p.m.; there was no reportable action.

15) **Adjournment**

With no further business before the Board, the meeting was adjourned at 6:38 p.m.

Agenda materials can be viewed online at www.pphcsd.org



 Rebecca Kujawa, President of the Board



 Date



 Kim Sevy, HR & Solid Waste Manager/District Clerk



 Date

