

# *Ponderosa Community Services District*

Minutes of meeting

December 8, 2011

## Present:

Directors: D. Doty, C. Marchant, B. Benton, Barbara Dolmovic, M. Moroney

Absent:

Staff: T. Griesbach, J. Robertson, M. Towfiq

Absent staff: D. Robertson

Staff volunteers:

Guests: none

The meeting was called to order at 1:12 p.m. followed by the flag salute. The president noted there were no guests present.

## **Comments from the Public**

None

## **President Comments**

Staff has reported receiving email questions and question posted on Carl's list serve. The staff is directed that employees are not authorized to answer questions that should be answered by the board. The board will respond to questions or comments during meetings, the answers will appear in the minutes of meetings. If necessary, we will expand the Communications portion of the agenda to Communications and Response. It may take 30 days for the public to receive a response, it may take longer if research is required to answer a question.

Question from John Kracik – how many times has the tank gone dry?

Answer – we don't know. There has not been data kept on this, it is not a priority and the tank going dry has no bearing on the current water system improvement project

Mr. Kracik also was concerned about the water restriction signs.

The signs are stored and will be put back up when drought conditions warrant.

Comments from Shawn Witherow regarding video recordings.

Response – no organization in Tulare, Kern, Fresno or Kings counties that are subject to the Brown Act video record their meetings, ergo the PCSD will not either.

Some larger organizations in southern or northern California may provide video, but smaller governing agencies including the Tulare County Board of Supervisors do not.

The public is welcome to video or audio record meetings themselves and publish or broadcast through their own means but the PCSD is not technologically capable to upload video.

Minutes will not be posted or dispersed to the public until approved by the board. Approved minutes are the only official record of meetings. The official record of all public meetings is the written minutes, once approved by the board of directors. Written minutes are a summary of actions, discussions and other business, they are not a word for word transcript of each meeting. Voice recordings are only used by the secretary as back up to hand written notes and are not kept once the written minutes are approved.

C. Marchant asked if the directors could individually approve documents sooner in order to be more responsive to public concerns.

Discussion – news that comes out sooner (from other governing agencies) comes from either news reports or a news release from such boards. All other boards approve minutes at the next meeting; many agencies meet more often so their minutes appear sooner.

Per the Brown Act – if the secretary sends minutes to each board member, then gets individual agreement that the minutes are acceptable it would constitute a serial meeting and violate the Brown Act. Directors cannot use an employee to reach a consensus outside of a public meeting.

Excerpted text from the Brown Act Chapter III Meetings Defined, Section 2 Serial Meetings.

*Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting in the case of a five-person body. Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting through their representatives as intermediaries. The statutory definition also applies to situations in which technological devices are used to connect people at the same time who are in different locations (but see the discussion below concerning the exception for teleconference meetings).*

Regarding Michel Strickbine's claim that \$42,000+ is missing. The board recognizes this as an allegation not necessarily a fact, this is too much money to simply be missing, 50% or more of the annual water budget. If it was really missing, the water fund would be bankrupt. *It is noted that the claim is no longer missing money and is designated in the 12/3 letter from Ms. Strickbine as an inter-fund loan.*

The lost term suggests the board has allowed funds to be misplaced or misappropriated. If this is true, the board should have known immediately what happened. The money allegedly went missing under the direction of a previous board. Mr. Doty has found no mention of this in previous minutes or in the 2 annual audits since the current board has been in office. There has been no expenditure for that large an amount.

\$30,000 for the Summit tank refurbishment was accounted for; there is plenty of mention in the minutes about financing the tank from the capital improvement fund. There is not any mention of shortages in the operating fund.

Since the accuser is in a position to know about district finances and the financial situation, Mr. Doty is asking the board to approve a forensic audit to be conducted by our current auditor D. Hylton, CPA.

If any embezzlement is discovered, it will be referred to the District Attorney for prosecution.

A forensic audit differs from our annual audit. It will look specifically for any inconsistency. Mr. Hylton will lower his current threshold of minimum expenditures and verify vendors. He expects to be done in February 2012 for a cost of about \$2,000.00.

In order to clear up the allegation of missing funds, it was moved by D. Doty, to authorize Hylton to perform a forensic audit going back 4 years (July 1, 2008 to August 31, 2011) for a cost of approximately \$2,000. The motion was seconded and passed unanimously.

The treasurer requested direction from the board regarding the request for a working excel file of district finances. Our attorney will be consulted as to what types of files or reports are subject to public access.

Michel Strickbine's letter will also be forwarded to our attorney and Hylton.

### **Acceptance of Minutes**

It was moved, seconded and passed to accept the minutes of the November 10, 2011 regular meeting as written.

**Secretary Report**

Checked county website for status on unpaid tax bills. There are still 2 properties that have not paid the property tax bill and are therefore delinquent on their water service fees. Both properties owners were sent a delinquency notice.

*Paul Cohen arrived and departed at 3:05 pm  
Just checking in*

Will send reply to S. Witherow regarding letter with offer of video camera donation to district.

**Communications**

Received – (dated 11/27) Shawn Witherow recommending the implementation of a video recording policy

(dated 12/3) Michel Strickbine Witherow regarding 2 issues she would like the board to consider and implying that she believes the reduction in paperwork provided in the financial report will not provide the board with adequate financial information, the letter included a copy of information she presented to the board at the April 2010 meeting when she was the district treasurer

**Reports**

- Treasurer  
RCAC – no activity

FEMA - Budget to be approved for object 2000

It was moved, seconded and passed to accept Resolution 2011-55-A adopting the budget for object 2000 as proposed by Treasurer

All FEMA expenses will be approved by the board president and financial coordinator before being submitted to the county by treasurer.

It was moved, seconded and passed to approve payment of invoice for \$2224.00 for emergency operations center at the Ponderosa Lodge (Mary Brewer).

It was moved, seconded and passed to approve Resolution 2011-56-A to move funds (3,918.78) from 2000 (FEMA) to 2020 (water) to reimburse monies already paid for repairs to Fawn well site

It was moved, seconded and passed approve Resolution 2011-57-A to move funds (23,800.50) from 2000 (FEMA) to 2010 (snow) to reimburse monies already spent for snow removal above and beyond normal due to December storm.

2000 FEMA – beginning balance 0

Income	62,826.00
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2020 Water

Income	0
Salary	0 (figures from county not available at this time)
Serv/supply	921.14 (water test, legal fees, utility bills)
Other	0
Total Appropriations	921.14

2010 Snow

Income	0
Salary	0
Serv/supply	675.95 (hydrant snow remove, legal fees, utility)
Other	0
Total Appropriations	675.95

735 – no activity

It was moved, seconded and passed to accept Resolution 2011-58-A authorizing dispersal of funds from 735 capital improvement fund to pay the following invoices deemed related to the purchase and/or installation of the Holby transfer pump and motor:

Weisenberger Ace Hardware	\$381.29
Elliot Electric & Pump	\$1,469.78
Springville Building Supply	\$248.48
Jim Parminter Construction	\$825.38

Procedure question:

The snow removal draw of \$25,000 has been paid. In the past, as snow removal invoices were presented for payment they were counted against the draw, once the accumulated total reached 25,000.01, then direct payment began.

The board agreed this would be the continued practice regarding snow removal invoices from High Sierra snow removal.

4 Creeks

Invoices for \$6,356.78 (initial soil testing) and \$5,613.22

Need to be submitted to Lisa Butler

Another invoice was received from 4 Creeks for \$1600.00 for excavation work done by Vollmer, cited as work outside of original estimate.

C. Marchant will check with Lisa to see how to handle this invoice

Internet banking – the treasurer has applied to Union bank to reset all online banking access, will notify board when complete

There is a question on how to account a bill for legal fees. The portion of the bill related to Holby Road access (attorney contact w/ Seeley) and any expenses related to 218 hearing compliance will be paid through grant/loan funds.

It was moved, seconded and passed to accept the treasurer’s report as presented.

- Financial Coordinator

Met with Hylton

The annual audit report has been sent to the county and the state. Copies were provided for directors and to be filed.

- General Manager  
Sent report, presented by D. Doty  
Took pictures of road with snow on it to write for extension letter for road clean up  
Met with J. Parminter and spoke by phone with Bill Dolmovic about FEMA well work  
Asked K. Ruffert (new Ponderosa property owner and electrician) to bid electrical repairs at Fawn. Should have bid by Friday (\$2800 max FEMA) [J. Parminter showed Ruffert site]  
Met with M. Towfiq to help with FEMA fund budgeting  
Starting work on Emergency Plan for water project  
Reserved for county meeting for special districts on December 15<sup>th</sup>

- Water Manager - absent  
No report

- Water Coordinator  
The last pump at Holby burned up after 2 ½ years, should have lasted much longer  
Burnout caused by unbalanced leg of 3 phase power

A new pump has been purchased for \$1800.00 (list price \$6,500.00). This pump has electrical protection. It will be installed by a licensed electrical contractor and pump man (D. Elliot) with new switch, new wires, and new breakers. The pump saver (protection) will prevent electrical fluctuations from damaging this new transfer pump.

This new set up has a very specific procedure... **If you do not know how to operate** this new electrical power surge protector **DO NOT touch it!**

New Policy – ALL repairs will only be completed with new parts. In an emergency situation, old parts may be used but will be replaced with new parts as soon as possible

J. Parminter and R. Coffey have double checked the generator at Holby, it is ready to run and the propane tank is filled.

County mandated repairs to Holby 1 have been completed

North storage – other side of fire truck will be for tools, south storage will be for parts

Fire protection – Summit

Current brass fitting is not the correct one; Parminter will take care of getting the correct fitting

- Snow Monitor/Snow Coordinator  
There has been no new snow  
There have been 4 snowfalls to date for a total of 24 inches  
High Sierra has removed snow twice to date, hydrants were cleared once
- PPOA/PCSD Liaison  
Mrs. Dolmovic reported to PPOA that PCSD meetings have been moved to Thursdays at 1:00 pm.  
The board asked Mrs. Dolmovic to communicate to PPOA that the PCSD is willing to consider joining work on any projects if requested but has no funds to invest in said projects
- Committees – nothing to report

**Director Comments**

None

**Unfinished Business**

## Ongoing items

- Water system documentation – creation of operations manual – B. Benton
- New keys to PCSD building or combination locks, or? – B. Benton (waiting for new door installation)
- PCSD building maintenance
  1. Install new door
  2. Replace portions of fascia boards
  3. Paint building
  4. New roof—with additional roof over fire truck door
  5. Holby wells rehab and cement slab
  6. Lake well rehab - *pending*
  7. Repair North & South ends of Holby bridge – *pending*
- Update water ordinance 99W
- Obtaining an easement from the Forest Service for access to Holby well site – B. Benton with attorney Julia Lew – *in process*
- Status on water system improvement project  
RCAC loan agreement was approved; it will be forwarded to our attorney to review. The board will need to review and approve at the January meeting.  
We received the soil sample report prepared by Consolidated Testing & See's Consulting

**New Business**

- Annual organization of board positions - determine Water Coordinator, Snow Monitor, Financial Coordinator for 2012  
Election of Board officers - President, V. President  
It was proposed to keep the current slate of officers and board positions  
President – D. Doty  
Vice President – C. Marchaunt  
Water Coordinator – B. Benton  
Snow Coordinator – D. Doty  
Snow Monitor – J. Parminter  
Financial Coordinator – M. Moroney  
The office manager appointed as board secretary

It was moved, seconded and passed to accept the slate of officers and board positions as proposed.

- Address questions and comments from members of the public  
This was done previously under President comments

The date for the next regular Board meeting will be **Thursday January 12, 2012 at 1:00 p.m.** in the District Building.

The meeting adjourned at 4:45 pm

Respectfully submitted,  
Jennifer Robertson – board secretary