The regular board of directors meeting of Bear Mountain Recreation and Park District was held Thursday, May 16, 2019, at 6:30 pm in the Senior Center at 10300 San Diego Street, Lamont, California. The District is a political subdivision in the State of California.

1. REGULAR SESSION: Regular Session to Begin at 6:33 p.m. at David Head Center, Senior Center.

2. CALL TO ORDER AND ROLL CALL:

Mr. Perez called the meeting to order at 6:33 p.m. Board Members present Mrs. Villanueva, Mr. Jimenez, Mr. Horton, Mr. Rodriguez is absent and Mr. Perez. Staff present: Legal Counsel; Mr. Hodges, Mr. Zamora, Mrs. Cervantes, and Mrs. Horton

3. FLAG SALUTE

4. APPROVE AGENDA AS TO FORM:

MOTION Mr. Horton moved Mr. Jimenez second to approve the agenda as to form. Motion passed 4 ayes, 0 noes and 1 absent.

- 5. PRESENTATIONS: None
- 6. PUBLIC COMMENTS: None
- 7. ORAL COMMUNICATIONS: None

8. WRITTEN COMMUNICATIONS:

a. April 24, 2019 letter from the City of Arvin

Mr. Hodges- its in your packet is also in the agenda item 12.1 will discuss it there and there is also a second written communication its from Kern County it's a matter of Lamont Public Utility District annexation of some property that's not on the agenda its in your packet you can take a look at it if you have any questions I could give you what I believe this is I just received it toady as well did a little bit of research and looked in too this take a look at it and if you have any questions I'll be happy to answer them or at least try too

9. CONSENT AGENDA

Mrs. Villanueva- I was looking at the list that Jovanni Jimenez is on there two times did you give him two times \$663.63 **Mrs. Cervantes-** that is not in the list of bills that's on the financial report when we get to the financial report ill explain that to you

MOTION Mr. Horton moved Mr. Jimenez second to approve the consent agenda items 9.1, 9.2 and 9.3. Motion passed 4 ayes, 0 noes and 1 absent.

10. DEPARTMENT REPORTS:

General Manager Report:

- 10.1 Maintenance- Mr. Zamora- we have been getting the swimming pools ready and getting the shade structures ready for the summer and we have had a few incidents at the Arvin Pool a few weeks back they tagged up a big portion in front of the pool building and yesterday we were working in Arvin I noticed that they dug out one of our palm tree and the soccer field in Weedpatch Park were trying to get the grass nice and green maybe in another week will have it open Mr. Perez- in the future maybe we can grow the grass here at San Diego Park I think is possible with communication to the public we could keep people off of it to get that done if we do close it we have to give the community enough time a couple of months I think the community would get behind and allow us to close that section off to allow us to work on it Mr. Jimenez- are we still only able to water 2 times a week Mrs. Cervantes- no that was lifted we could water more Mr. Perez- how has the rate increase of water impacted us Mrs. Cervantes- we don't know that yet
- 10.2 Recreation- Mrs. Horton- as far as how Jr. Giants is going, we have around 100 participants in Arvin we have around 12 to 14 volunteers for Lamont I don't have numbers I did talk to and got a confirmation back today from the City of Arvin they are giving us Di Giorgio Park from June 10th to August 4th free of charge they are allowing us to get weeds out and chalk the field and they are giving me the key to the lights so we can play at night time when it's a little bit cooler and its all free of charge Mr. Perezvery nice and its from June10th to August 4th Mrs. Horton – Davin said now that he has talked to me his going to write up a letter or a document saying what permission we have and what we are allowed and not allowed to do like a contract so if anybody says anything we have that Mr. Jimenez- I think we should send out a thank you letter or a thank you on Facebook Mrs. Horton- what I want to do once we gat permission for it I want to take a group photo of all my Arvin Jr. Giants with a thank you so they can put it up in there office Mr. Perez- anything with the staff for the pool Mrs. Cervantes- they are all returning we are getting anyone that needs to get recertified on May 25th as of now we only have one new lifeguard that applied and his going to be taking the class and if passes we are going to hire him we are almost ready the pools should open June 11th through July 21st
- 10.3 District Manager- Mrs. Cervantes- I just want to let you guys know that I'm going to be gone for the most part of next week for the CARPD conference in Lake Tahoe and Mr. Perez will joining me Mr. Horton won't be able to make it after all Mr. Jimenez- I know that in past months you reported that you meet with David Couch we were suppose to talk to him about bringing a fitness program here do you have any updates Mrs. Cervantes- he never contacted us he said he was going to send someone to our board meeting to do the presentation on the program he wanted but I don't know if the dates didn't work for him because we just had certain days available and we gave him those dates and I think he was looking for those dates he was going to present it to his staff and if that didn't work for him I think that's why he didn't come Mr. Jimenez- can you follow up with him and work him Mrs. Cervantes- I will set up a meeting with him and talk to him

11. CALENDAR EVENTS:

Committee Meetings- Mrs. Cervantes- we meet the Fundraising and Program Committee Mr. Jimenez- for recreational programs we offer Jr. Giants, Karate Classes in Arvin I think we should promote those classes because I haven't heard those classes being promoted the pools, dances and movie night and what they want to do the water volleyball so we diced to get behind that project and see how it turns out and will see how that turns out to plan other activities in the future and we need to find ways to get money Mr. Hodges- last month you ask me to research whether the district could use crowd funding you can and there is actually on my bill I listed a website of a organization a nonprofit organization that helps government agencies nonprofit organization to do crowd funding currently LA County is using them for 3 different projects so that is something you could look into to support these different activities this site has the structure to help government agencies do this sort of things they charge a 3 percent fee on money that is taken in and there is a 35 dollar set up fee but that is the only fee associated with using them because your non-profit you're a government agency if you weren't you could still use them because there non-profit and they could give there non-profit statues to individual or a corporation to make all the donations tax deductible it's a good way to bring in money and its all tax deductible to the corporations and the people that are donating to it **Mr. Jimenez-** I think it's a great idea **Mrs. Cervantes-** the presentation committee meet Mr. Perez- yes one thing that came into mind when we were talking when the topic of fundraising came up or budgets one of the items that is public information and that will be included in our presentation a snap shot from this fiscal year are budget for recreation was about even with all the other administrative, maintenance and office our recreational piece of the pie over all represents about 13 percent of our budget so that speaks to what he just said we don't have a lot of money in recreational in recreational activities in our recreational department I just wanted to put that figure out there we have work to do to bring that percentage up for recreation its something to keep in mind, when we meet we went over the presentation as well we went over facts that we have been able to verify and there still facts that we have to verify also before we do a formal presentation our board were are going to work on what we are going to discuss its coming together Mr. Hodges- the name of that website is ioby.com it stand for In Our Back Yard they work primarily with government agencies

11.2 Events-Schedule for David Head Center

Mrs. Villanueva- I would like to know who are the people that are using that hall that are put down as private event **Mrs. Cervantes-** you could just call the office and they will provide that information to you

11.3 Events- Senior Center

Mr. Jovani- is there anything that we can do to promote the senior center **Mrs. Cervantes-** not that I don't want to promote the senior center but we don't have staff working it right now currently office in agency rents this facility from 9am to 1pm but there staff only comes in just to serve food 11:30am to 1pm so they just come and eat and

leave we don't have any activities we don't have anything going on because we don't have anyone working it before we had a staff member working from 9am to 1pm that's when we were able to have a little bit more as a matter a fact I just did a walk through at the senior center at the Veterans Building it was amazing when you walked in there they had music they were dancing they had potluck they were playing pole it was just fun for the seniors but I don't see that happening here the seniors that we have are really mellow over there they are volunteer no one gets paid I got the information of the person that manages that senior center hopefully they find someone here they said they had people from Lamont go there Mr. Perez- one thing that I wanted to note with this is that this senior center also services Arvin and we could also say Weedpatch when we were at the Arvin Town Hall meeting that was one thing that the director talked about how Arvin population of seniors are served and we talked about transportation being a big issue and talked about opening one in Arvin but they didn't have the numbers to support it I think one thing we should do is make an announcement through our social media and remind the public that we serve Arvin, Lamont and Weedpatch in the future if we do grow our recreational budget maybe we can provide activities for our senior population Mr. Rodriguez is joining us the time is 7:14pm

12.1 DISTRICT BOARD MATTERS:

12.1 City of Arvin Letter

Discussion: Proposed Subordination of BMRPD's statutorily mandate tax passthrough tax increment payments from Successor Agency to the Arvin Community Redevelopment Agency due to proposed issuance of new refinancing bonds.

Potential Action: In the Alternative:

(EITHER)

Motion to approve subordination of mandated pass-through tax increment (OR)

Direct District Counsel to obtain additional information from Arvin and hold special meeting within 5 days to analyze and decide whether to approve or deny requested subordination.

Mr. Hodges- you all received the letter in your packet from the Arvin City Manager it was delivered to the district on April 24, 2019 what that co-correspondent essentially is it took several times of reading it to actually understand it with everything that was going on in it what they are doing the successor agency to the redevelopment commission over there some bonds were issued the successor is looking to refinance those bonds because they found out that by refinancing it they could lower the deft servicing cost which makes more money available to distribute to other agencies and to themselves in order to do that they have to get approval of agencies that have past through payments under the law Arvin is required statutorily to past through some payments to Bear Mountain if you look at the chart that came with that letter I've also done the 10 years of that chart only relating to Bear Mountain the amount from the City of Arvin in 2019 from the City of Arvin from this successor agency is 9,580 dollars there tax revenue is 1.3 million dollars approximately the cost of the new bond would be 660,000 dollars so they have around 330,000 dollars left over after they pay the debt servicing and after they pay all of these a pass through payments to all the other agencies it doesn't appear that the district does any

trouble of losing this other pas amount but they have to ask you to subordinate your payment to the new bonds what that means essentially we would stand next in line underneath the bond payments right now we are not subordinated to the bonds because they don't exist but if they do no bonds will be issued if they don't come out here and be first in line and be repaid if Arvin goes bankrupt they want to be first in line to be repaid who ever is giving essentially this money out as a bond we have to take a step down bellow them so we would get paid after they get paid there is essentially two thing you can do in this situation you can approve it and subordinate or you can request additional financial information because the only way that you can object to the subornation is to a reasonable showing evidence that they don't have the financial stability to be able to make these bond payments and pay these past through payments to us and other agencies based on the financial information that they sent us it doesn't appear that you'll be able to object and present enough evidence to support such an objection so all that you can do is ask the City provide more back up so you can dig trough it and see whether or not there projection are accurate or not if your going to do that you have to move fast we only have 45 days from the day this letter was issued to object so if your going to do that we are going to request a bunch of financial information from the City right away and hope that they comply and provide it because your day to object would be Saturday, June 8, 2019 if your not going to object no big deal you vote to approve the subornation chairman sings off on it and its mailed back if you don't do anything by June 8th it's an automatic approval of the subornation under the law that's what essentially this letter is if you have questions ill be happy to answer them I tried to outline it as best as I could is a little bit more clear than it was on this letter Mr. Jimenez- what is your recommendation on this Mr. Hodges- my recommendation based on looking on the financial that they provided it would be to approve this, number 1 I don't think you have enough time to get the information needed in order to properly object and number 2 I don't know if the evidence that we received from them is for objecting so you spent quite of resources you would have to have more than a CPA review this it's the cities financials you're going to spend a significant amount of time and money the payments that we are looking at are very small portions of what their revenue are I have a different opinion if Bear Mountain past their amount lets say in 2022 tax revenue are projected to be 1.5 million dollars for the City of Arvin if Bear Mountain pass through was not 11,000 but it was 700,000 or even if it was 150,000 I would say that is a large amount we need to make sure that we are not subordinating that large of the portion of the budget with out the support there that they could actually make that payment but you are at less than 1 percent or at one percent of their total tax revenue even if this projections are way off I don't see that they are that far off that this tax revenue after bond I don't see that it goes down to zero that they can't make your payment I don't see it happening unless they go bankrupt and if they go bankrupt it doesn't matter if your subordinated or not they are not going to have the money to pay and I can't take action without your guys approval that why I put on the agenda for potential action and approval I gave you two options so we can move forward whatever way the board decides to move forward Mr. Jimenez- maybe we could show this to the City Manager from Arvin and have him explain it to us Mr. Hodges- this letter is from the City Manager Mr. Jimenez- maybe we can get clarification from the primary source Mr. Hodges- I can give you clarification what kind of clarification do you want if you read the letter you received from Arvin it's not very clear it looks like it's a form

letter that these cities and these agencies that are refinancing bonds use because it sights the law in a very specific way that looks to me like a form letter to be honest with you I don't know if the City Manager that sent this letter completely understands everything that was on that letter if you read it it's a convoluted letter Mr. Rodriguez- I agree with him because the City manager of the City of Arvin doesn't have any kind of credentials I really can't see him in that position the City of Arvin right now is in bad shape I mean bad shape I don't want to take any chances with the City of Arvin Mr. Hodges- and I think that's why they are doing this to lower the cost of servicing there debt if they refinance it will lower there cost that's what they put out to us the only way that the district can object to it is showing that we don't essentially believe there financials and we got evidence to support that so that's what we can do we can go to the City and try to get that evidence that's why I have given you essentially two recommendations here you can either approve it or you can go get more information and if you do that you can have a special meeting prior to June 8th so we can put together the reasons why you are not going to allow subornation Mr. Rodriguez- I would do it to have more financial information I live in Arvin and I get some feedback this guys are in bad shape Mr. **Horton-** if they go bankrupt we are not going to get the money anyway so I don't see spent time and money having it reviewed by CPA and throwing our resources out there I think we should just approve it because even if we get there financials it's not going to help Mr. Rodriguez- to my knowledge they don't have all the cards to refinance these bonds Mr. Hodges- I think this is one of the steps to get this bond to refinance the previous bond I think they need to get either approval or rejection before they can fully move forward with that I talked to Kelly about this he represented the District for 30 years and he never seen this either this is the first time we have seen this I wouldn't say it happens very much Mrs. Villanueva- I would like to ask the Arvin City Manager just to know if he is sending this letter and I want to understand what exactly that they want us to do and why we know that Arvin is in a financial burden Mr. Perez- one question to Mrs. Villanueva what I understand is that they are notifying us in writing and essentially they want to save some money and get themselves out of this financial trouble by notifying us with this letter that they are going to be refinancing I don't want to make a comment with Arvin because I'm not too familiar with what is going on I just here about their financial troubles but what would the impact be just go over more in **debt Mr. Hodges-** I'm not a bankruptcy attorney but typically in a situation like this similar to like a chapter 13 bankruptcy were it's a restructure of debt and restructuring of how the payments are made currently in the 2019 year Bear Mountain is going to receive 9,580 dollars from the Arvin Community Redevelopment Agency the worst case scenario that you lose them the district budget has been reduced by what whatever is on that list this are not actual numbers so we don't know what the actual tax revenue is whatever the tax revenue is a certain amount of that Bear Mountain has a 2.53 percent pass through tax so you are going to lose that 2.53 tax revenue Mr. Perez- just to go over your recommendation is to approve this tonight in based on the fact of your response and the time frame that we have to get the information necessary is very limited June 8th Mr. **Hodges-** June 8th will be your time to file an objective that is a Saturday so you get pumped into the following Monday is fast approaching I understand Director Rodriguez position regarding the financial situation at Arvin and that's why I gave you 2 alternatives here because you need to consider both routes my first recommendation I hold it a little

bit higher than the other one would be to approve this subornation because is going to cost the district quite a bit of money to get all of those financials reviewed and once they are reviewed you don't even know if they are going to support denial of the subordination so you could just be spending the wheels to prove that Arvin told you the truth and it's not a supper large amount of your budget and you'll burn it so worst case scenario the district will make up that money somewhere else and you will still be able to function I don't see that happening because what they are projecting is that there cost of paying for this bonds is actually going to be reduced which will put them in a better financial situation in a long term this is why you'll be able to see these revenues go up every single year and the amount coming into the district go up every single year through these pass through payments so if everything goes how they are planning the district will get more money by subornation but that is if everything that they are saying is true Mr. Rodriguez- is there any way we can have a special meeting with the City Manager and the finance of Arvin so they could give us a rundown of what bond they are going to be refinancing Mr. Hodges- that is in the actual letter is the 2 bonds Outstanding Arvin Redevelopment Agency Arvin Redevelopment Project 2005 tax allocation bond now the Arvin Community Redevelopment Agency tax allocation parity bonds series 2008 so it's the 2005 and the 2008 bonds they are looking to refinance those what t\all of that says is that they are going to use the 2019 bond to refinance the 2005 and 2008 bond

MOTION Mr. Horton moved Mr. Jimenez second to approve subordination of mandated pass-through tax increment. Motion passed 4 ayes, 0 noes, 1 abstention and 0 absent.

12.2 Committee Meeting

Discussion: Agenda and scheduling of upcoming Budget/Salary/Financing, Committee Meeting.

Potential Action: Approval of upcoming Budget/Salary/Finance, Committee Meeting and Agenda.

Mrs. Cervantes- the agenda and board packet the only committee meeting that I have scheduled is for Tuesday June 18th for review of the 2019-2020 final budget and I will be passing out a draft for you to take home and review if you have any questions any adjustments send me a email or text me before the 18th **Mr. Perez-** its included in our board packet today

MOTION Mr. Horton moved Mr. Jimenez second to approve the Approval of upcoming Budget/Salary/Finance, Committee Meeting and Agenda. Motion passed 5 ayes, 0 noes and 0 absent.

12.3 2019-20 Budget Draft

Discussion: Present the board with the draft of 2019-20 Budget for review.

Mrs. Cervantes- take it home review it similar to last year's minor changes if you have any questions give me a call and we can talk about it Mr. Jimenez- this budget looks really similar to last year's almost identical I don't see that we are trying to save any

money Mrs. Cervantes- I cut as much as could I went over it with Mr. Horton and we can't cut more if anything I would have to increase numbers to meet what we spent so we have to watch what we spend we still have 3 moths left we have to see how much we spend in those 3 months and if we get any additional property taxes in those 3 months Mr. Perez- just in fairness to the comment of spending money and budgets we are constantly keeping track on what we spend this year in comparison to years prior we made an adjustment in how we compensate our board and also in regards to our maintenance department we also have been able to save pretty amount of money by going with different vendors I think it's in a working progress in comparison to other years we have only have to do one advance throughout our whole year which is a big contrast to years prior were we were doing 4 advances about a year two years ago I think that it reflects that we are being cautious in how we are spending our money and being careful in not adding other items to our budget if anything we have become more efficient because we added items 30 and 31 to our administration and it's good to give our self-structure and our managers are doing very good being on top of that

13. FINANCIAL REPORTS:

13.1 Review of District's Financial Accounts- Action

13.2 QuickBooks Reports- Aged payables, balance sheet, profit and loss Mrs. Cervantes- I want to go over on the balances on the County Reports and then I will give Mrs. Villanueva an explanation on the amount that she ask me for our County Treasury we already received our property taxes for April so as of April 30th \$298,022.46 in the Bank of America we have \$14,570.52 and in the Self Help Credit Union we have \$16,226.91 Mrs. Villanueva ask about the Self Help we have 2 amounts for \$663.33 I reserved a room for Mr. Jimenez when he went to San Diego and they were supposed to charge his credit card they said that they would charge our card so when he came back he gave me the receipt and he reimburse him for that and at the end when I was doing the financial report I noticed that they had charge us for it so I contacted the hotel and then they told me that the only credit card they had on file was ours so I contacted Mr. Jimenez and he said he had provided his credit card he looked in his statement and they hadn't charged him so he contacted the hotel and provided his credit card and they were suppose to reimburse us within 3 to 5 days and they are going to charge his credit card because we had reimbursed him already for the hotel Mr. Jimenez- when you check into the hotel you have to give your credit card for the deposit for any damages however I took the receipt to the District Manager at the end of the day it was a mistake done by different parts Mrs. Villanueva- I was interested in this because I had said I was interested in going to a conference but I don't have the resources to pay upfront the first time we went Mr. Perez and myself everything got paid through the District Mrs. **Cervantes-** there are some places that I have reserved that allows me to pay for it over the phone as long as I fill out the debit authorization part in this case they said they weren't providing one so they weren't suppose to charge us but were ever you are going and they except it I can pay for it **Mr. Villanueva-** I personally just have a small credit card and that time Chairman had to put his credit card Mrs. Cervantes- she would have to put down a credit card for accidental they wont charge that to our credit card Mr. **Perez-** in relation to what Mrs. Villanueva just said I want to give a comment it was in

2016 it was the CSDA the leadership academy and I do have a comment I just don't want to get out of the scope were we are at right now in item 13.1 and 13.2 before we go forward on this item we are going to get reimburse Mrs. Cervantes- they already provided a receipt that they charged his credit card and they are supposed to credit us they said between 3 to 5 days I will be checking the account to make sure it was credited back to us **Mr. Perez-** because we are anticipating in receiving that amount in between 3 to 4 business day so for this we tentatively approve this right now if we approve it we are essentially approving a double expenditure just for auditing purposes for next year Mr. Hodges- is a month latter that your going to be showing the reimbursement is not going to show in that financial statement anyways whether you approve it tonight or not you can approve it with the understanding that a credit for the 663 dollars will be credited in the month of May Mrs. Villanueva- so what happened here was a error of the hotel I just want o understand if Mr. Jimenez brought the papers that they supposedly had charge him and it wasn't like that I think that the error was from the hotel Mr. Perez- I think it has been discussed that there has been a double charge and that there is a anticipation of a reimbursement at lest to the district that way we don't get into any speculation

MOTION Mr. Horton moved Mr. Rodriguez second to approve items 13.1 and 13.2 with the anticipation of getting reimburse the \$663.33 before the next month's meeting. Motion passed 5 ayes, 0 noes and 0 absent.

14. DISTRICT CLOSED SESSION:

14.1 Significant exposure to litigation pursuant to 54956.9(b): One Case: Potential embezzlement.

MOTION Mr. Rodriguez moved Mr. Horton second to go into closed session at 7:59 p.m. Motion passed 5 ayes, 0 noes and 0 absent.

Mr. Perez- the time is 9:01 p.m. we are now out of closed session **Mr. Hodges-** during closed session the board discussed item 14.1 Significant exposure to litigation pursuant to 54956.9(b): One Case: Potential embezzlement the board voted to take action on this matter and has requested that a sheriff's report be filed no further action was taken during closed session

15. **DIRECTORS TIME:**

Mrs. Villanueva- thank you for the meeting tonight and hope next meeting will be better and good night

Mr. Rodriguez- nothing

Mr. Jimenez- I felt that in this meeting I was being targeted with the comments

Mr. Horton- thanks for coming

Mr. Perez- during the regular meeting I briefly referred to the 2016 that Mr. Villanueva and I went to a CSDA meeting and during that meeting a pond checking in we were instructed that our hotel was paid for that our hotel was already taken care of during our

check in we need to provide a credit card and my first credit card didn't have funds on it to the amount that it needed to have and Mrs. Villanueva experience the same thing it was a back in forth conversation because we understood that the hotel was already paid for but in discussion with the hotel staff we needed to leave a credit card for deposit and the initial charge as well luckily one of use had a emergency card and we put that card down the reason that I reference it is that I think in the future we should have a district card associated to each director that request the card that way the card can be use for the purposes of expenditures related to the district businesses it might not be a need for all of us to have or maybe we all want it that is fine and we can leave it in the safe however we want to do it being able to apply for a district card we understand and we hold that responsibility In saying this is a privilege but also we have to be really careful with it one possibility is that the credit card can fall its stolen there's different ways of mediating that type of event as a district board member I think in the future is something that we need to look into having a American Express card issued to us if we want to have one issued to us for the purpose of conducting district board matters when we are on trips conventions thins like that and we don't get turn away I think in the next couple of months will work with the staff with the General Manager and look into Visa, American Express whatever will give us what is the best rate to have that as option for employees and board members so in the event that we do have to conduct district business we need to have something that falls under the business we have that card available to make that purchase make that charge other than that I want to say thank you to everyone that came and with recreation I'm so happy that the city of Arvin is giving us that opportunity to conduct those recreational services to the public in giving us Di Giorgio Park for that time from other than that I want to say thank you to everybody for the hard work and will move to item 16 adjourn Mr. Hodges- you cannot adjourn until the bills are signed Mr. Perez- now that the bills are signed I finish my directors time with us moving on to item 16 adjournment I definitely want to go back and thank the staff because in the next three months we might finish the year without doing a advance this is a big deal

16. ADJOURNMENT

MOTION Mr. Horton moved Mr. Rodriguez second to adjourn the meeting at 9:12 p.m. Motion passed 5 ayes, 0 noes and 0 absent.