

## February 16, 2017

The regular board of directors meeting of Bear Mountain Recreation and Park District was held Thursday, January 19, 2017, at 6:30 p.m. 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 6:30 p.m. at David Head Center, Senior Center.

2. **CALL TO ORDER AND ROLL CALL**

Mr. Castrejon called the meeting to order at 6:36 p.m. Board Members present Mrs. Villanueva, Mr. Horton, Mr. Rodriguez and Mr. Castrejon. Absent: Mr. Perez. Staff present: Legal Counsel; Mr. Hodges, Lorena Cervantes; District Manager and Mr. Zamora, Interim Maintenance Supervisor. Also present the Interpreter; Mr. Arreola.

3. **APPROVE AGENDA AS TO FORM**

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

4. **PRESENTATIONS:** (Community Organizers and Members)

- a) None

5. **PUBLIC COMMENTS:**

- a) Jovani Jimenez- He would like to be more involved in the community. He asked if the District had a calendar of what are the District accomplishment and what is done month to month. Mr. Castrejon responded that we have a calendar of events that shows what is going on in our buildings. Also we are working on a 5 year plan we recently set up a new committee we don't have anything in place at this moment but we have the desire to expand our programs and recreation activities if you have any ideas you are more than welcome to participate in our steering committee. **Mr. Jimenez** would like to see the Weedpatch Park and the San Diego park improve he suggested to Fredi to write grants and look for grants to improve these local parks. Mr. Castrejon responded that at this time we do not have a grant writer right now but all the grants that you are talking about he definitely interested in looking into it. Mr. Jimenez asked if the District had a budget if we could get a grant writer. Mr. Castrejon commented that it would have to be allocated in the budget. Also Mr. Jimenez asked where he could get a copy of the budget. Mr. Castrejon responded that he could go to the District office and ask for a copy. Mr. Jimenez said he would leave his contact information if the District needed any help to contact him. **Leticia Prado-** is using the translator because she wants everything that says recorded in the minutes. In the 2012 I went with Mr. Flores at that time he ran as a candidate for Parks and Recreation and at that time he was also going to run as a candidate for the water District at that time Kern County gave him a sheet that it was incompatible to run

for both positions. At that time the county asked him to resign or retract from being a candidate for both position so at that time he retracted his candidacy from the LPUD and he ran only for the Bear Mountain board. So at this time when Mr. Robert ran for both positions I asked the County and I have been investigating and I spoke to 4 persons from the County I also inclusively asked the county why they were discriminating against a person from Arvin and a person from Lamont. The County said since 2012 they no longer get involved in those kinds of decisions that those decisions are up to the board discretion. Because you have an attorney and he has to guide in the legal process. The only I wish to ask is that whatever decision the board makes if he wants to stay in his position I am not here to try to remove him the only thing that I want to tell is that from now on if you decide to leave him o the board you will need to accept any person from now and in future that wants to run for 2 boards meaning the water district and bear mountain board. Another thin in December I received training where the District Manager, Mrs. Villanueva, and Mr. Rodriguez also assisted the person that gave the training said that it was incompatible of positions. I stood up and he gave me the code of law but honestly this is at your discretion. I would like a copy of the minutes when they are approved because if you accept in a future someone comes and you don't allow it that person can some a sue the persons that are sitting on the board.

**Maria Hernandez-** I also attended the training where Lorena, Roberto, Petra, and Leticia were there. The trainer did mention and Mr. Rodriguez heard that it is a conflict of interest to serve on two boards. You have to make a decision because the County already said that. When she was going to be a candidate for the water and Bear Mountain she was told she had to choose one or the other. So if someone else wants to run in same position the board would need to accept it. Lorena also attended the training and heard that there was a conflict of interest. So if Mr. Rodriguez stays they will have to accept others. **Mr. Hodges** explained to the board that what the community members are discussing is government code section 1099 the incompatibility of office statues it use to be a common law which was through case law in 2005 it was enacted as a statue essentially there are 3 criteria's to determine if there is incompatibility of offices it's not up to the board to determine that necessarily that is some research I would have to do as the attorney to determine if one of those criteria's under that code section applies in this situation it's not up to the elections office either who oversees this code is the Attorney General of the State of California and the way to remove a board member under the statue is through a law suit and is a process of removing a board member but the board member would essentially stay on even if there was incompatibility of office until the law suit finished. There are legal proceedings to follow if the board member doesn't voluntarily resign. If it's determined that it's not a conflict of interest in a typical way. A conflict of interest would exist when you could abstain from voting this is different this incompatibility between the two offices where one essentially oversees the other when the decision one makes would have substantial consequences to other office. This is an issue that I have been researching and that I will continue to research. As of now there is no legal conclusion that has been drawn this government code does exist and we will continue to look into this situation. **Jorge Guillen-** he saw the public arts policy

in the news paper he has two artist that by email will be submitting images by next board meeting hopefully when can get this started. In time for next board meeting I will have images for the board to review for approval. I am excited about this thank you very much. **Lonnie Ferguson**-Arvin is a small town things get around and we hear things one of the things that we have heard and you can clarify it because it involves you is that you have been making trips to the water board in Arvin and that you have been mouthing off at the chamber about the situation that they are discussing tonight I want to know as a chairman what is your responsibility here is it to dictate to other board member what good for them or is it to run this district and do what's good for the District and leave these board members alone you an alternative motive for what you're doing somehow to run him off so you can replace him with your buddy again probably or somebody you know. As far as the board getting rid of him he was voted in by the constituency of Arvin and Lamont and other areas around here. He works for the water board of Arvin not the LPUD the water board has nothing to do with Bear Mountain Recreation District board here. The best things for you to do are your job as a chairman and leave the other board members alone they are none of your business. If you don't like the way things are ran here then why don't you resign? **Jovani**- do you guys do a report of what was accomplished. **Mr. Castrejon**- the report is given to the board at the board meeting.

**6. ORAL COMMUNICATIONS:**

- a) The District Manager mentioned to the Board that Boricuas Unidos a nonprofit Organization had donated a Refrigerator for the David Head Building Kitchen in The amount of \$1,000.00.

**7. WRITTEN COMMUNICATIONS:**

- a) None

**8. CONSENT AGENDA:**

- 8.1 Minutes
- 8.2 Pre-signed Vouchers
- 8.3 List of Bills

**MOTION** Mr. Rodriguez moved Mrs. Villanueva second to approve items 8.1, 8.2 and 8.3. Motion passed 4 ayes, 0 noes, and 1 absent.

**9. DEPARTMENT REPORTS:**

- 9.1 Maintenance- Mr. Zamora gave a maintenance update report. The benches and patios that are going to be painted we purchased the paint remover we are just waiting weather to get better. The basketball pole that got hit he had a volunteer welder that came out and donated his time and some supplies. We just need to assemble it. I am still getting prices on the speed bumps. The grass is high do to the mower is down right now waiting for Parts. He got soil samples for both parks. He agreed to come out and help us let us know what we need. We have renovating the David Head Hall has been replacing light fixtures

ceiling panels we will be painting the hall this month. Bob thanked Mr. Zamora for his report.

- 9.2 Recreation- The recreation coordinator will be traveling to San Francisco like every year to get training to be able to keep the junior giants program going. There already is a zumba class in Arvin in the Haven Drive Gym in the evening.

## **10 CALENDAR OF EVENTS:**

- 10.1 Committee Meetings- The Budget and Finance committee met just before the regular Board meeting and went over the budget for the last six months. Passed out a QuickBooks report to the rest of the board members for their review Budget vs Actual.

10.2 Events-Schedule for David Head Center

10.3 Events- Senior Center

## **11. DISTRICT BOARD MATTERS:**

- 11.1 Discussion: BMRPD Education Assistance Program/Application/Agreement

- o Potential Action: Approve Program/Application/Agreement as Drafted

**MOTION** Mr. Rodriguez moved Mr. Horton second to approve BMRPD Education Assistance Program/Application/Agreement as Drafted. Motion passed 4 ayes, 0 noes, and 1 absent.

- 11.2 Discussion: Proposed Amendments to District Bylaws, as presented by District Counsel

- o Potential Action: Direct District Counsel to Draft Proposed Amendments for Board Member review.

Mr. Hodges brought up some areas for review and change one on the agenda it says 3 minutes under public comments and in the bylaws it says 10 minutes. Mr. Hodges recommends that the board take action to either revise the bylaws to comply with what we want to do with the agenda or have the manager change the agenda to comply with the bylaws. The second recommendation exhibit A is essentially the old employee handbook his recommendation is to replace chapter 2-13 of the handbook with the new employee handbook. Chapter 14 recommends that the personnel committee sit down and review the job duties of the general manger. Policy Manual #1 Last time it was updated was in 1989 first recommendation is changing it and making it a little more structured. Look into the petty cash what is the level of the purchasing looks like also look a petty cash for if its needs to be changes in a more legal way. Purchases- recommend the board to amend that to add the office manager. Cash in drawer how much should be kept in there. Cash Receipts- look at the job duties and modifying them.

Memo receipts- look at it see if it needs to be updated. Deposits- when to make deposits and who can make them. Amending section 3-6 need to be updated. Sale of merchandise- Look at this section. Alcohol Permit fees need to be looked at. Vehicle Policy- needs to be amended with the new policy that was approved. Classification Plan- last updated 1991 this includes job descriptions these should be updated to current job duties. Mr. Rodriguez wants to thank Mr. Hodges for all his work and he will be taking his recommendations.

**MOTION** Mr. Horton moved Mrs. Villanueva second to table this item for further discussion at next board meeting. Motion passed 4 ayes, 0 noes, and 1 absent.

### 11.3 Discussion and Potential Action: Holiday Schedule 2017

**MOTION** Mr. Rodriguez moved Mr. Horton second to approve the Holiday Schedule 2017. Motion passed 4 ayes, 0 noes, and 1 absent.

### 11.4 Discussion and Potential Action- District Boundaries

**MOTION** Mr. Horton moved Mr. Rodriguez second to table this item for the next board meeting. Motion passed 4 ayes, 0 noes, and 1 absent.

## 12. FINANCIAL REPORTS:

12.1 Review of District's Financial Accounts- Action

12.2 QuickBooks Reports- Aged payables, balance sheet, profit and loss

**MOTION** Mr. Rodriguez moved Mr. Horton second to approve the Financial Reports item 12.1. Motion passed 4 ayes, 0 noes and 1 absent.

**MOTION** Mr. Rodriguez moved Mr. Horton second to approve the Financial Reports item 12.2. Motion passed 4 ayes, 0 noes and 1 absent.

## 13. DISTRICT CLOSED SESSION:

13.1 PUBLIC PERFORMANCE EVALUATION pursuant to Section 54957 of the Government Code.  
Title: District Manager

13.2 Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9: 1 case

**MOTION** Mr. Rodriguez moved Mr. Horton second to go into closed session. Motion passed 4 ayes, 0 noes and 1 absent. The board came out of closed session at 10:01 p.m. Mr. Hodges reported completed the PUBLIC PERFORMANCE EVALUATION pursuant to Section 54957 of the Government Code. Title: District Manager. Also Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9: 1 case. The

investigation is still being taking place there is nothing to report at this time.

**14. DIRECTORS TIME:**

**Villanueva-** Thank you everyone for coming. There some items that is hard to decide but we are trying with the partners.

**Horton-** Thanked everyone for coming out and staying until closed session is over. Thanked the staff.

**Rodriguez-** Thanked everyone for coming out. He is letting Mr. Guillen know that he has not been able to get a hold of Marty Brown that had thought it was a good idea to put a mural in the boxing club but she has not responded. Mr. Guillen commented to him his schedule should clear up in February and he will follow up as well.

**Perez-** absent

**Castrejon-** thanked everyone for coming out welcomes everyone to the next board meeting.

**15. ADJOURNMENT**

**MOTION**

Mrs. Villanueva moved Mr. Rodriguez second to adjourn the meeting at 10:14 p.m. Motion passed 4 ayes, 0 noes and 1 absent.

