

## March 16, 2017

The regular board of directors meeting of Bear Mountain Recreation and Park District was held Thursday, February 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 6:32 p.m. Board Members present Mrs. Villanueva, Mr. Horton, Mr. Rodriguez, Mr. Perez and Mr. Castrejon. 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** Mrs. Villanueva moved Mr. Rodriguez second to approve the agenda as to form. Motion passed 5 ayes, 0 noes and 0 absent.

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

a) Jorge Guillen- He has the first 2 artists submissions for the benches one is star wars theme a kid friendly drawing he just emailed the attorney the sketches the other one seems to be a Bear Mountain motif very simple if you can get those printed it out we just need your approval tonight so we can move forward. Mr. Castrejon mentioned that there is a committee for it that it should be presented to the committee then we will see the legal side of it to see what permissible and what's not and we can approve it at the next board meeting. Mr. Guillen- they are ready to go why you don't just print them out but yea we can just meet up and do it that way. Mr. Castrejon- if it goes according to the arts policy we can move forward. Mr. Rodriguez- wants to make a suggestion Jorge I think it would be a good idea and you can check with the attorney but I think he will agree with me when we have something like this it's a good idea to put it on the agenda then we can vote on it I think you will have better success that way. This right now you are making a public comment we can't take any action on it. Jorge Guillen-Yea I will make sure I do that I will follow up with Hodges. The application procedures require that it is presented on a board meeting it needs to get on the agenda. When the public arts policy procedures are followed we can put it on the agenda for review.

5. **PUBLIC COMMENTS:**

a) Leticia Prado- I come here to honestly ask for your forgiveness for causing some interruption at the last board meeting. Because I was a little bothered because I was not here to ask someone be removed from the board. When someone wants to remove someone from the board it does not have to do with me it has to do

with the board I was just here to present my concern. When I came to give you my concern I was already aware of the law that addresses the conflict with Mr. Rodriguez I was only here to see what step is it that you are going to be taking. Once you take your determination I can go out and tell the community what your decision was because you are the one the ones that represent our community. That is the only thing that I want from see what decision you're going to take I was questioned because they said that I was doing this on behalf of a friend I what caught of guard because that was not my intention to remove someone from the board so that a friend of mine could be appointed. But I am going to tell you that if it was up to me I voted for that person and would vote for that person again because I came along time ago when there were different board members here and they never listened to us our park in our community the park in Weedpatch was a park that totally ignored by this district and the representatives and the people that managed the District. As part of the community we came to offer our help and they never took us into consideration. I came to ask for the job description of the manager because I wanted to see what was her position and why isn't she doing her job. But when I saw her job description I understand the reason. I hope you improve that job description and that the salary that is being paid from our taxes it's done for the benefit of our community. I have a lot of pictures and proof this is why I understood the president that was on the board before because he is the only one that paid attention to us and took us into consideration and knew why what was what we were asking. If there is someone there is someone you particularly don't care for I understand we hope that you respect what it is that we see in that person. Because last year I am sorry if you are not in agreement that was the only president that took into consideration the voice of the community and made that our park improved a little and that was for the community and not because he is my friend because in this type of situation my community comes before friendship and you know that because you here do not have friends and if you have them you all know Thank you. Nathan Hodges- the board has no comment but he can state that when there is an incompatibility of office the first office that the board takes is the office that he has to leave. In the case of Robert Rodriguez Bear Mountain Recreation is the second office that he took so he would stay here in case the investigation showed incompatibility of office he would remain a board member at Bear Mountain Recreation since he was sworn in second to this board that is what the law states. There has been determination but the investigation is still ongoing. Angie McNeil- believes that all the job descriptions should be very precise not just one job description and that is when you are going to truly get employees that are following the guide lines. My concern reflecting from the last board meeting I am wondering if there was any kind of brown act violation going on because on this agenda and the last agenda nothing is even mentioned about an investigation now there is a closed session item that is talking about a potential litigation but unless knows what that is about it can be about some other issue. I am just trying to figure out we can all come up here and make our comments about who should be on two boards but it is just our comments and until it is brought up that there is an investigation going on. At the last meeting it was very evident that somebody was clear on that some kind of

investigation was going on because I was not clear on it when I did not see it on the agenda and again it's not on this agenda. There are some closed session items but as the public we don't know what it is about. It is our comments and opinion.

Juan Moran- Last year I was coming here to do some improvements to the park in Weedpatch. I think that you are not working as you are suppose to I don't know what is your goal or how can you say it or what is your responsibility in that park or it's not your park because last year the other person that was on the board Jorge Guillen he was helping us because they put swings. There are no drinking fountains and there are no swings. Last year I told Mr. Guillen that we could help as the community but we never got the response from you. Please focus a little more on that park I have proof that the restrooms were in very bad conditions if you wanted to go to the restrooms you would rather go to the fields. The park is for our kids if there is something that you need our help in let us know there are no benches there is no lights the water he does not know how it is running now but last year I heard that Grimmway was providing water to Weedpatch Park. Please focus on that park more hopefully now the new board will do something and don't forget if you need any help let us know.

Mr. Rodriguez- comment to Mrs. McNeil you are correct we just have to move on to make this District a lot better. The comment to Mr. Moran- I find it hard to believe because as long as I have been here I have been to that park and they are making big progress we don't have benches but that we don't have water I don't find that true because we have our maintenance here and his crew are there every day you are probably talking about maybe years ago which is probably true I don't think today what your are saying will hold water I have to say that because if that is the case and if we go over there and there is no water and the park is how you say we are going to have to start chopping heads. The District Manager mentioned that the District has always paid a water bill for Weedpatch Park.

Mr. Perez- answering the questions that Mr. Moran had about if we owned weedpatch park the answer is yes we own the park. The no water fountain is something that our staff can look into about having working water fountains bring an update at the next meeting. I have gone in there about two months ago and they were fairly in good conditions. I know that things can change very fast but I ask that we survey the conditions of the restrooms. Also the no benches. Mr. Moran said he is talking about the picnic tables that there is only one in the picnic shelter.

Mrs. Villanueva- If I remember right we had approved last year to replace the tables and benches and grills. Mrs. Cervantes- The grills were going to be donated by someone. The tables and benches have not been approved yet by the board. Also about the water if I remember correctly last year a group of people that came from the water District.

Mrs. Cervantes yes there is a problem with the connection of the water line its mixed with the irrigation water so it's not potable water. Mr. Perez- source of the water coming from Grimmway. Mrs. Cervantes responded that the District pays a water bill the Lamont Public Utility for water service.

Leticia Prado- they came last year regarding the water fountains because the district received a grant for water fountains and they got installed in Lamont but not in Weedpatch here they blame one another to not do their job. Mr. Castrejon mentioned that he was part of the maintenance committee and he was going to meet with the District Manager

and go over these issues and report back in future meetings. Jovani Jimenez- I feel that the board needs to update the job descriptions for all the employees so we can know who to blame for the things that are not getting done. I have not gone over the job descriptions but from what I have hear it has not been updated for many years and it needs to be updated and the person who make a great salary she need to have the capacity to do many things such as grant writing and other things so that the community can be improved. I feel that board members can go more often and look at the park I feel that once the job descriptions get done every job. Also I was going over the budget and over the last 5 years you have received millions of dollars and to be honest I have talked to several people from the community I have asked them have you seen any major improvements in the community in the Lamont and Weedpatch Park. According to this budget report 2015-16 the budget was \$23,000.00 and this year the proposed budget is \$34,000.00 dollars I feel that this budget is not done properly. In the first page it shows grant income and no one is doing it as board member you need to pressure your workers to do it or put it in their job descriptions. I think you should put 15% toward park improvements. Mrs. Villanueva- I will go over the budget maybe we over looked something but we will look into it. Mr. Rodriguez- We ask a lot of questions the figures that the general manager give to us I take it to the heart because she knows how things run here but at the next budget meeting that we have we will ask some serious questions and hopefully we can bring back some information to you guys I appreciate you bringing that to your attention. Mr. Perez- the finance committee will take care of the finance issues. In regards to the job descriptions this the third time that it has been brought up we will put that in our priority list. Regarding water I would like to make sure this District does prioritize water. I will survey the parks and make sure that they are safe for our kids. Mr. Castrejon- I am part of the grant committee maybe we can get support letters for the grants. Jovani- The grants are there the problem is that the people that work here don't work on grants. I would also like to hear a comment from Lorena is possible to see what she thinks of the public opinion. Mr. Castrejon for right now we are out of time but you are welcome to come to a steering committee. Jovani- We spend our time at the meeting we deserve to get an opinion from her. Nathan Hodges- she is not obligated to make any comments this is a board meeting this is not a meeting for the manager to address the public I will instruct her that she does not need to responds. Jovani-so this is not a meeting for her to talk. Nathan Hodges- this is not the place for the District Manager to address the public this is a board meeting this is place for the board to do their business. Jovani- when can she address the public? Nathan Hodges- through the board. Jovani- when can she talk to the public. Nathan Hodges- You can address some questions to the board and they can discuss it then have some answers for the public. Maria Hernandez- why can't she answer to the public if she is responsible. Nathan Hodges- because this is board comments not the District Manager comments if there is an issue the public has with the District Manager they need to address that issue with the board and then the board can take appropriate steps and discuss that with the manager and then report back to the public it's the proper procedure that has to be followed and were not going to

go around the government code so that the District Manager can make the public happy right now. The District is happy to respond to the public opinions the public requests but we have to follow the proper procedures or the District can be subject to a grand jury investigation. I am not going to allow the District to be subject to liability if you like we will take it through the proper channels and get you the proper answer so that everyone here is happy. Mr. Horton- the District Manager is an employee of the District she is not a public official that is why she can't answer to the public. Maria Hernandez- so if there is a report of bad management it's you that has to supervise. Board- yes that is correct. Donald Rodriguez- This is my first board meeting I didn't know there was so much going on for now on I will be more attentive to what is actually going specifically with the budget and the job descriptions that everyone has. Some of the concerns that I have throughout the years are that our parks are not safe we need to fill the pot holes and put some lights. The kids instead of being focused on a recreational sport they are out in the streets doing who know what. I want to make sure hopefully we can get some of those pot holes filled and get some lighting to play a little later I will be more attentive myself and more responsible keeping up with the board I think that kids should not be jumping fences to play at the schools when we have two parks. Also weedpatch park for as long as I can remember I was a kid as well you should put up some signs saying it is not drinkable water that it is not safe. I have seen a little improvement you guys put up the swings I want to say thank you. Can we try to get the other ones I have heard all the things have got stolen. Mrs. Villanueva- in regards to the plan of weedpatch park it has been in the plans for about a year and half that should have been taken care of but in reality I don't know what has happened we hope the climate will work with us so we can make that a priority now that we have a person that was going to donate their time for the grills and to do the changes that we have to make we know that we don't have the time and the personnel we only have two maintenance workers that should not be an excuse we will do what we can. As an extra official the county not only does not want to give us workers what they want to do is give us more work that would put us more behind that is why we are going to ask not to take responsibility for the other park where the Lamont Pool is at but we only have two individual that work outside we don't know how we can get some money. On my behalf I am trying to make some negotiations with the County to see how they can help us or they can guide us to a person that can help us get a grant and see how we can pay that salary to implement all the necessities of the park what I can do me personally is talk with the members of board from the county. When I have a response I will bring it to the board and then to the community and improve all the bad job that we have been doing and thank you for bringing this to our attention because sometimes we are focused on something else and we lose focus. Donny Horton- we are listening to everything that you are saying obviously weedpatch park needs a lot of work it is a process. Please when you have concerns please feel free to bring them to us. Mr. Rodriguez- I think right now the main concern is the water at Weedpatch Park we need to post signs up there saying it is not safe water to drink to protect the district. Post the signs as soon as possible. The public has to understand that we are limited on money and

what we can do I see a smile on your face when I said that you are probably thinking I am full of it because you mentioned all this money I know nothing about that. Everyone talks about volunteering to do things but we have to be careful do to liability. We can't accept stuff like that if you guys just lay low and give us time to get stuff done because we have a new board. It is nice for you to give us your concerns. Jesus Perez- safety issues regarding the lights there is not much we can do right now. Regarding the water I agree with Bob because it is a safety issue. I realize there is a public relations issues I think we should have more swings two is not enough. Mr. Castrejon- hears all the concerns and is taking everything serious it is not that we do not want to discuss it but the time is limited in the bylaws. Donald Rodriguez- mentioned liability issue with volunteers the whole park itself is a liability the way it is now I really hope we can move that forward. Also about Mrs. Lorena I believe you make about \$80,000 you should be able to write grants with your salary.

**MOTION** Mrs. Villanueva moved Mr. Horton to take a recess at 7:35 p.m. Motioned passed 5 ayes, 0 noes, and 0 absent. The board came back into session at 7:46 p.m.

**6. ORAL COMMUNICATIONS:**

a) None

**7. WRITTEN COMMUNICATIONS:**

a) None

**8. CONSENT AGENDA:**

8.1 Minutes

8.2 Pre-signed Vouchers

8.3 List of Bills

**MOTION** Mr. Horton moved Mr. Rodriguez second to approve items 8.1, 8.2 and 8.3. Motion passed 5 ayes, 0 noes, and 0 absent.

**9. DEPARTMENT REPORTS:**

9.1 Maintenance- Mr. Zamora- I am sorry that the public has to come and say that things are not getting done it makes me feel embarrassed. But it good that they come and show us things that we over look. Now that I am managing the maintenance I am going to take care of as much as I can and hopefully we don't have to hear about pot holes. Pool chemicals every now and then I request prices and comparing I noticed that there was 1.09 price per gallon more on the chlorine I keep good relations I set up a meeting with the manager and since we are a public entity they dropped our price from \$3.68 to \$2.48 that is a savings of over a \$1.00 per gallon. I will continue what I can to help save money. Renovation of the hall since the last meeting we painted the hall we put new base board around the hall it looks really nice There has been some vandalism in the restrooms at Bear Mountain Park kids have been starting fires. I believe that keeping our restrooms and our parks clean is important I know that it falls on us but the community has to come

together to make sure were just throwing trash everywhere I will do what I can do to make the parks look better. The weather has done some damage to our parks it knocked two of our trees we were fortunate that we were able to save them. I came up with the weekly schedule for the employees. It is subject to change due to other projects. I thank the public for coming out and giving us their concerns. Mrs. Cervantes- commented on the roof at the Lamont Pool that was damaged due to the windstorm the Insurance Company will be taking care of it. I also filed a claim for the \$2,000 deductible with the county. Mr. Castrejon- mentioned that he met with the District Manager at the Lamont Pool to look at the roof.

- 9.2 Recreation- Rosalva attended the jr. giants training in San Francisco she will be coming to the next board meeting to give a report she said it was really productive. Signups for the the Jr. Giants start April 15, 2017. Also summer jobs will be posted soon. The personnel committee will be meeting with the District Counsel to update the job descriptions. The pools normally open for six weeks the opening date would be June 13 to July 23, 2017. The job openings will be posted on the website, bulletin board and Lamont Reporter/Arvin Tiller. Mr. Castrejon- Also mentioned that the lifeguards could go to the City of Bakersfield pay the amount of \$35.00 and get certified. If we go with NOR the cost is \$170.00 or with American Red Cross the cost is \$150.00 or \$100.00 to certify. Mrs. Villanueva- had we not discussed about extending the days. Mrs. Cervantes- We can do that I am just providing you with the dates that we normally use. Mrs. Villanueva and in regards to the person in charge of the jr. giants has she returned the money that she had leftover from Christmas parade. Mrs. Cervantes- I did not give her money she spent the money and I reimbursed her what she spent. Mrs. Castrejon- just to clarify this in regards to the money that was allocated for the Christmas Parade Mrs. Villanueva just wanted a report on what was spent and done. Mrs. Cervantes- She spent about \$130.00. Mrs. Villanueva- then I did not understand her when I talked she told me that she had saved what she had left. Mrs. Cervantes- Maybe she didn't explain herself right because I did not give her any money upfront I just reimbursed her for what she spent. Mr. Rodriguez- would like to thank Anthony for his schedule it is a good schedule. The General Manager has been giving us everything that we need to make decisions on as far as I am concern whatever she does I am willing to give her the benefit of the doubt and if we have any questions she is always willing to work with us. Donnie Horton- good job Anthony this is a good schedule. Keep saving us that money. Mr. Castrejon- Thank you Anthony and Lorena for your reports.

## **10 CALENDAR OF EVENTS:**

- 10.1 Committee Meetings- we were not able to meet we had scheduling conflicts. Hopefully We can meet the this following week. Then we can back to report to the board. Mr. Rodriguez- Mrs. Cervantes will the legal counsel get a copy of the job descriptions so he has time to review them before we meet. Mrs. Cervantes yes he already has a copy of all he old job descriptions. He would like the attorney to attend the personnel committee and be part of the process. Mrs. Villanueva- I just have one question in regards to the job descriptions because normally these are based off the contract. I am very surprised that this District does not require a contract for the employees. Nathan Hodges- a job

description is that just a job description you do not want to put the employees in a contract because that takes the employees off the at will status that they currently are. That is the status that the board currently approved in the employee handbook which essentially means that employees could be hired or fired and quit at will and then there is no breach of contract that comes into play with a contract you are limiting your ability to change employees or move employees that is why there are no contract for all the employees.

10.2 Events-Schedule for David Head Center

10.3 Events- Senior Center

MOTION Mr. Rodriguez moved Mr. Horton second to Approve the calendar of events. Motion passed 5 ayes, 0 noes, and 0 absent.

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

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

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

MOTION Mr. Horton moved Mrs. Villanueva second to table this item for the next board meeting. Motion passed 5 ayes, 0 noes, and 0 absent.

11.2 Discussion: Maintenance Supervisor Position

Potential Action: Posting of the Maintenance Supervisor Position to the Public

This was brought up to the board because currently we have an interim maintenance supervisor we are still working on the job descriptions as soon as they are updated the maintenance supervisor position will be posted. This is just to inform the board that the full time maintenance position will be posted soon.

MOTION Mr. Perez moved Mr. Horton second to table this item for the next board meeting. Motion passed 5 ayes, 0 noes, and 0 absent.

11.3 Discussion: Bank Accounts- Community Trust Bank and Bank of America

Potential Action: Reassigning new board members and staff to the signature cards for both bank accounts.

Mr. Castrejon: commented that normally the budget and finance committee and the office staff are the ones that are signers on the account. Since they are the once in charge of the finances.

MOTION Mr. Rodriguez moved Mr. Horton second to approve the new signers of the account the Budget and Finance committee Petra Villanueva and Robert Rodriguez. Also office staff the



District Manager, Lorena G. Cervantes and Interim Office Manager. Motion passed 5 ayes, 0 noes, and 0 absent.

#### 11.4 Discussion and Potential Action- District Boundaries

Mr. Hodges- is working on the map he is trying to overlay the map to try to get a little more detail. Mr. Hodges showed a map that shows the District boundaries but he is looking to be able to get a map that actually shows the street. Leticia Prado- asked of there was going to be action taken. Mr. Hodges- It is not going to be a revision of the district boundaries it's just going to be a supplement to the current district boundaries that shows the street or the designated points so that the board can know exactly where the District stops. It is a work in progress. Mr. Horton directed me make this map better. Leticia Prado- this is just information there is no action. Mr.Hodges- no there is no action. This item will be tabled.

#### 11.5 Discussion and Potential Action- Committee meetings scheduling once a month at a preplanned time.

Mr. Perez- would like to meet regularly with the committees that I am in. I would like it to be in a structure manner. He wanted to know if other of the board members wanted to structure the committee meetings. Mr. Castrejon- feels that this is a good idea. Mr. Horton: says that he understands thinks it's a good idea too. Jesus Perez- It might take more that today's discussion to come up with a structure. I would like to meet regularly because currently I feel that I am not serving my committees to the fullest. Mr. Castrejon- suggests that we get together with the general manager and attorney to set up a structure. Mr. Perez- I would like something like with what I see with Director Rodriguez and Villanueva they meet regularly and reporting regularly. I would like to improve in that. Mr. Rodriguez- is there a brown act issue. Mr. Hodges- the brown act is when more than 2 board member meet. Mr. Perez- just would like to see a structure for committees to meet at different time not combine them. Mr. Castrejon- recommends that you contact your committees and talk of when you want to meet and notify and general manager and if you feel the attorney needs to be present then contact him.

#### 11.6 Discussion and Potential Action- Lamont Park Annexation

Mr. Hodges- Lorena and I attended a meeting with Bob Lerude the County District Manager before he retired. They were going to provide a report to us in regard to the operating expenses. They have provided half of the information to us. They said I would receive the rest in a short period of time. So far it shows that there expenses last year were about \$69,000.00. But the way they have their pay structure is different from ours. I am working on the report and cutting some costs out to give the accurate costs the district would incur. At the meeting that we had with the county there are no funds to help maintain the park so it would be increasing the district boundaries but not increasing the taxes. I will have a better report for you once I receive all the information. This item has been tabled until further notice.

**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 to approved the Financial Reports item 12.1.  
Motion passed 5 ayes, 0 noes, and 0 absent.

**MOTION** Mr. Rodriguez moved Mr. Horton to approved the Financial Reports item 12.2.  
Motion passed 5 ayes, 0 noes, and 0 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: 2 case

**MOTION** Mr. Rodriguez moved Mr. Horton second to go into closed session at 8:30 p.m.  
Motion passed 5 ayes, 0 noes, and 0 absent. The board came out of closed session at 9:40 p.m. Mr. Hodges – The board discussed 2 potential cases on anticipated litigation. No final decisions have been with regards to how to proceed. The board will likely discuss these in the next regular meeting as well.

**14. DIRECTORS TIME:**

Villanueva- Sorry this night for me it is very hard to listen to the things the community has to say about the parks. I will try to work with the community and the workers. I feel attacked because it is hard for me to listen but I will try to talk to her. Thank you I want say to everyone I try to express my English to help me.

Horton- None

Rodriguez- this board has came along way from the first time I was here I attended 3 or 4 meetings before I got appointed. They were breaking the brown act left and right and I talked to Fredi and what's his name outside and told them what I saw wrong. You have to rely on your legal counsel. As far as I am concerned he is doing a great job and Mrs. Cervantes is also doing a great job.

Perez- was very impressed with the interim maintenance manager he is saving us 33% that is significant. With report of the wind storm the damage to the trees and they were saved. I would also like to see in recreation in the future even people to come out and do bird watching. I would like to comment on the community that came to criticize the board and criticize the District Manager it could be constructed better. There are things that the community can't help with because it's a liability issue but there are things that they can help with is clean restrooms pick up trash. One of the comments that Anthony had is that

the community needs to own up to it and clean after themselves. There are some positive and negatives. It is good to get those comments hopefully in the future we will be able limit the amount of discussion with certain topics because I think it was a little excessive today. But I think we can make a positive out of it. I think we are all here for the right reasons and we have already made positive changes.

Castrejon- thanked everyone for patience and time wanted to know if the board wanted to be part of it the public safety and the wild flower festival if we want to have a stand. Also I will get together with the steering committee and reach out to the community member to avoid all these questions at the board meeting. Also I had Lorena get some business cards for the board members. I am also looking into the bylaws for the revision.

Mr. Hodges the website has changes I recommend that each one of you submit a picture and a biography to put on the website.

## **15. ADJOURNMENT**

**MOTION** Mr. Rodriguez moved Mr. Perez second to adjourn the meeting.  
Motion passed 5 ayes, 0 noes, and 0 absent.