

**Regular Meeting of the HCSD Board of Directors**

**May 13, 2020 at 5:00 P.M.**

**NOTE MEETING LOCATION:**

**Due to Covid-19 Stay at Home Order, Meeting Will Be Held Via  
Teleconferencing Per March 17 Executive Order  
To Attend Call 1-866-906-0123, Enter Code 5824809# when prompted  
Hornbrook, CA 96044**

**AGENDA**

**BOARD OF DIRECTORS:** Robert Puckett, Michele Hanson, Melissa Tulledo, Elaine Mellon, and Abigail Burnett.

1. **CALL TO ORDER:** Roll Call and Establishment of Quorum:
2. **PUBLIC COMMENT:** Due to the circumstances, the Chair will ask each member of the public if they wish to make a comment at this time to avoid confusion and retain order and will be subject to 3 min. each. Then again after each agenda item.
3. **APPROVE and AUTHORIZE SIGNATURES:** on Warrant Authorization Form for District expenses received through May 13, 2020, "A list of the bills to be paid will be read to the Board and public at the meeting."
4. **Approval of Meeting Minutes for:** Feb. 12, 2020, March 11, 2020, and April 15, 2020.
5. **Discussion and Possible Action:**
  - a. Unconditional Commitment letter. Dismissal of court proceedings, #1089, #1293, #161088, and #1292 with prejudice.
  - b. Resolution # 2020-019: Authorizing the Urgent Purchase of Materials and Services.
  - c. Resolution # 2020-020: Reaffirming Retention of Legal Counsel to Represent and Advise the District's Officers and Staff.
  - d. Customer letter to the Board concerning their allergy.
6. **Request Transfer of Funds:** Transfer Request and Approval due to budget deficiency, and or unanticipated expense.
7. **Board Member Comments and Questions:** At this time, members of the Board may ask questions of the staff, request reports be made at a later date, or ask to place an item on a future agenda on any subject within the Board's jurisdiction. Directors may take this opportunity to make comments on any topic not listed on the agenda but may not be acted upon.
8. **ADJOURNMENT:**

Meeting agendas and written materials supporting agenda items, if produced, can be received by the public for free in advance of the meeting by any of the following options: A paper copy mailed pursuant to a written request and payment of associated mailing fees. An electronic copy received by email. Note – if you would like electronic copies please email [hornbrookcsd@gmail.com](mailto:hornbrookcsd@gmail.com) prior to the Board meeting. A limited number of copies of agenda materials will also be available at the meeting. Americans with Disabilities Act Compliance: If you require special assistance to participate in Board Meetings, please contact any HCSD Board Member. Advance notification will enable the District to make reasonable arrangements to insure accessibility.



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**MEETING MINUTES**

**BOARD OF DIRECTORS:** Robert Puckett, Michele Hanson, Melissa Tulleo, Elaine Mellon, Abigail Burnett.

1. **CALL TO ORDER:** Roll Call and Establishment of Quorum: Meeting called to order at 5:01pm with Robert Puckett, Elaine Mellon, Michele Hanson, and Abigail Burnett and Melissa Tulleo present, Quorum established.
2. **PUBLIC COMMENT:** Due to the circumstances, the Chair will ask each member of the public if they wish to make a comment at this time to avoid confusion and retain order and will be subject to 3 min. each. Then again after each agenda item. No public comment was made at this time.
3. **APPROVE and AUTHORIZE SIGNATURES:** on Warrant Authorization Form for District expenses received through May 13, 2020, "A list of the bills to be paid will be read to the Board and public at the meeting." Puckett read aloud to the Board and public the list of bills to be paid. Hanson then moved to authorize signatures on warrant authorization form and pay for all District expenses presented including Dingman's payroll for the month of April and was 2<sup>nd</sup> by Tulleo with 5 ayes and no nays. Motion carried.
4. **Approval of Meeting Minutes:** Hanson moved to approve minutes of Feb. 12, 2020, March 11, 2020 and April 15, 2020 as presented to the Board and was 2<sup>nd</sup> by Burnett with 5 ayes and no nays. Motion carried.
5. **Discussion and Possible Action:**
  - a. **Dismissal of court proceedings, #1089, #1293, #16-1088, and #1292 with prejudice.**  
Hanson moved to approve Unconditional Commitment to Case Violation to Kimberly Olson and Roger Gifford, and was 2<sup>nd</sup> by Mellon with 5 ayes and no nays. Motion carried.
  - b. **Resolution # 2020-109:** Authorize Urgent Purchase of Materials and Services. Hanson moved to approve Resolution and was 2<sup>nd</sup> by Burnett with 5 ayes and no nays. Motion carried.
  - c. **Resolution # 2020-020:** Reaffirm Retention of Legal Counsel, Robert Winston of the firm of Kirsher, Winston & Boston, LC. Hanson moved to approve Resolution to reaffirm retention of Legal Counsel, and was 2<sup>nd</sup> by Mellon, with 5 ayes and no nays. Motion carried.
  - d. **Customer Letter:** Item was referred to Counsel and had not received a response from Counsel as of this meeting. It has been tabled until the Board hears from Counsel. Will be put back on a subsequent agenda at that time for discussion and or action.



6. **Request Transfer of Funds:** Due to unanticipated expense, (emergency replacement and or repair to two of the district well pumps), a transfer was required to pay for the expense. Puckett moved to approve transfer and was 2<sup>nd</sup> by Burnett with 5 ayes and no nays. Motion carried.
7. **Board Member Comments and Questions:** The Board discussed the Grant money and some of the reasons it was taking so long to get the funding. Then Rain, (a member of the public), said that she believed that we, (the Board), did not act like we were very concerned about getting anything done to repair the damage from the fire. Rod from RCAC tried to explain that it takes a while to get funding from the state with all the hoops the District has to jump through. But once we did, like getting an audit and a rate study done then the funds will be forth coming. It just takes time.
8. **ADJOURNMENT:** Next meeting to be held on the 10<sup>th</sup> of June at 5:00pm. Meeting to be held possibly, at the School depending on the Governor's opening up the State. If not at the School then it will be a Teleconference once again. Meeting adjourned at 6:26 pm.

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Submitted by  Board Secretary



RESOLUTION NO. 2020-019

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE HORN BROOK COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE URGENT PURCHASE OF MATERIALS AND SERVICES

WHEREAS, the District has a need to obtain materials, repairs, and/or other services for its systems and properties; and,

WHEREAS, such needs must sometimes be fulfilled without first calling a meeting of the District's Board of Directors to pre-approve the same; and,

WHEREAS, Public Contract Code sec. 20682.5 allows the District to enter into public works contracts for projects which do not exceed \$25,000.00 in total cost without bidding; and,

WHEREAS, situations regularly arise wherein prompt action must be taken to acquire materials, repairs, and/or other services that are necessary for the proper and safe functioning of the District's systems and properties, and such action cannot await a meeting of the District's Board of Directors;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. If any officer or employee of the District determines an urgent need for materials, repairs, and/or other services, to its systems or properties, he or she shall attempt to inform the Board President or Board Secretary of that need, and the Board President or Board Secretary who has been so informed shall promptly determine whether it is possible and practicable to call for, and await, a meeting of the District Board of Directors to approve a contract for the necessary materials, repairs, and/or other services.

2. If the Board President or Board Secretary who has been informed of the urgent need determines that it is not possible or practicable to call for, and await, the Board meeting, or if neither of such persons can be contacted, the District officer or employee who learned of the urgent need for materials, repairs, and/or other services to the District property or systems, or any District officer, may order the same on behalf of the District and the District shall be liable to pay the reasonable charges for the same.



3. The authority granted to order urgently-needed materials, repairs, and/or other services ordered pursuant to section 2, above, shall not exceed \$10,000.00, provided, however, that the Board may, in its discretion, ratify and approve, by majority vote, the payment of higher amounts, not to exceed a total charge of \$25,000.00 for the project. At its next available meeting, the Board shall consider approval of payment for such urgently-needed materials, repairs, and/or other services.

4. Emergency projects costing more than \$25,000.00 may be contracted for only upon compliance with statutory bidding requirements, or, in the case of emergencies, upon compliance with Public Contract Code sec. 20682.5.

5. The Board may also authorize the establishment of standing accounts with providers of materials, repairs, and/or other services, the payment for which the District shall be liable.

Directors Voting:

Aye: 5

Nay: 0

Abstain: 0

Absent: 0

I certify that this Resolution was adopted at a duly called regular meeting of the Board of Directors of the District held on May 13, 2020, upon the vote indicated above.

Dated: May 13, 2020

Michelle Hanson  
District Secretary



RESOLUTION NO. 2020-020

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
HORN BROOK COMMUNITY SERVICES DISTRICT  
REAFFIRMING RETENTION OF LEGAL COUNSEL TO REPRESENT AND  
ADVISE THE DISTRICT'S OFFICERS AND STAFF

WHEREAS, the officers and staff of the Hornbrook Community Services District (herein, "District") from time to time have a need to be represented by legal counsel in court proceedings and to consult with legal counsel regarding the business and activities of the District; and,

WHEREAS, attorney Robert Winston of the firm of Kirsher, Winston & Boston, LC (herein, "Attorneys"), is experienced and knowledgeable in public agency law; and,

WHEREAS, on or about June 23, 2014, and thereafter, the District and Attorneys entered into "Legal Services Agreements", whereby Attorneys agreed to advise, and to represent District and/or its officers and employees in various legal proceedings, and the District agreed to pay Attorneys' usual and customary charges for their services and related expenses; and,

WHEREAS, on December 20, 2016 the Board adopted Resolution No. 16-25, which ratified and approved the continuing engagement of Attorneys and the Legal Services Agreement with such Attorneys; and,

WHEREAS, the District Board desires that Attorneys continue to provide litigation services and also provide legal advice on other matters when it is needed by a District officer or staff member in regard to District business, on the terms and conditions set forth in the attached Legal Services Agreement;

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. The District's previous engagement of Attorneys to provide legal services, and to be compensated by District for such services at the Attorneys' usual and customary rates, and reimbursed for their expenses, are hereby ratified and reaffirmed. Attorneys are requested to continue to provide legal advice to the District's officers and staff, relating to District business, upon their request.



2. The District's officers and staff are authorized to consult with Attorneys when legal advice is needed on any matter affecting the District, and to request Attorneys to attend any Board meeting or other proceeding.

3. The District shall continue to compensate Attorneys and reimburse their expenses on the terms and conditions set forth in the attached Legal Services Agreement, for legal services rendered and expenses incurred, at their usual and customary rates. A schedule of those rates is attached thereto.

4. The Board President is hereby authorized to execute the attached Legal Services Agreement and any other documents on behalf of the District as may be necessary or appropriate to implement this Resolution.

5. Attorneys shall not be considered to be officers of the District, nor shall they, nor any member of their staff, exercise any discretion on behalf of the District, except as is customary in regard to court cases, as previously authorized. In no event shall Attorneys or any member of its staff be deemed to be or act as the District's general legal counsel, nor hold any other District office.

6. The Board hereby approves and ratifies all previous actions of its General Manager, District officers, and Attorneys, in regard to the providing of legal advice, and the payment for such services, consistent with this Resolution.

Directors Voting:

Aye: 5

Nay: 0

Abstain: 0

Absent: 0

I certify that this Resolution was adopted at a duly called regular meeting of the Board of Directors of the District held on May 13, 2020, upon the vote indicated above.

Dated: May 13, 2020

Michelle Hanson  
District Secretary

Attest: [Signature]  
Board President



**Bills to be paid**

**Warrant Auth.**

Sum it Up	\$905.00
Enloe Drilling	\$15,248.39
KWB-Winston	\$1,500.00
Murphy Pearson et al	\$1,000.00
G&G Hardware	\$46.50
PP&L	\$1,017.15
Kevin Dixon	\$453.01
ATT	\$250.00
Siskiyou Sanitary	\$75.90
CR Water Treatment	\$207.00
State Fund	\$234.25
<b><u>Total</u></b>	<b>\$20,937.20</b>

Dingman, Clint

payroll 04/01/20 through 4/15/20  
**\$622.73**  
payroll 04/16/20 through 04/30/20  
**\$802.68**  
**Paid total month \$1425.41**



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WHEREAS, such needs must sometimes be fulfilled without first calling a meeting of the District's Board of Directors to pre-approve the same; and,

WHEREAS, Public Contract Code sec. 20682.5 allows the District to enter into public works contracts for projects which do not exceed \$25,000.00 in total cost without bidding; and,

WHEREAS, situations regularly arise wherein prompt action must be taken to acquire materials, repairs, and/or other services that are necessary for the proper and safe functioning of the District's systems and properties, and such action cannot await a meeting of the District's Board of Directors;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. If any officer or employee of the District determines an urgent need for materials, repairs, and/or other services, to its systems or properties, he or she shall attempt to inform the Board President or Board Secretary of that need, and the Board President or Board Secretary who has been so informed shall promptly determine whether it is possible and practicable to call for, and await, a meeting of the District Board of Directors to approve a contract for the necessary materials, repairs, and/or other services.

2. If the Board President or Board Secretary who has been informed of the urgent need determines that it is not possible or practicable to call for, and await, the Board meeting, or if neither of such persons can be contacted, the District officer or employee who learned of the urgent need for materials, repairs, and/or other services to the District property or systems, or any District officer, may order the same on behalf of the District and the District shall be liable to pay the reasonable charges for the same.



3. The authority granted to order urgently-needed materials, repairs, and/or other services ordered pursuant to section 2, above, shall not exceed \$10,000.00, provided, however, that the Board may, in its discretion, ratify and approve, by majority vote, the payment of higher amounts, not to exceed a total charge of \$25,000.00 for the project. At its next available meeting, the Board shall consider approval of payment for such urgently-needed materials, repairs, and/or other services.

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5. The Board may also authorize the establishment of standing accounts with providers of materials, repairs, and/or other services, the payment for which the District shall be liable.

Directors Voting:

Aye:

Nay:

Abstain:

Absent:

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Dated: May 13, 2020

Michelle Hanson  
District Secretary