

HORN BROOK COMMUNITY SERVICES DISTRICT
P.O. BOX 29, HORN BROOK, CA. 96044
REGULAR MEETING MINUTES OF 4/25/17
HORN BROOK COMMUNITY ASSOCIATION HALL

BOARD OF DIRECTORS: Robert Puckett, Patricia Slote, Melissa Tulleo, Bryant Schaffler

1. Call to Order, Pledge of Allegiance, Roll Call and Establishment of Quorum:

The meeting was called to order at 6:30 pm by President Puckett. Pledge of Allegiance recited. Roll Call: Present: Robert Puckett, Patricia Slote, Bryant Schaffler Absent: Melissa Tulleo. Quorum Established.

2. Public Comment Period: Roger Gifford handed the Board Secretary a Cure and Correct, Tort Claim Act Notice which was stamped as "Received". Peter Harrell again commented on the language on the agenda for the public comment, stating it is not correct, as it attempts to restrict public input. He also commented the consent agenda does not list individual items as required by the Brown Act. Further, he commented on the form of Discussion and Action Items, stating these items appear to have been discussed prior to the meeting by board members and decisions already made on particular items.

3. Presentation Only: Peter Kampa, General Manager, present by teleconference, gave his report for the month of April, 2017. He noted that much time is being spent on public records act requests. Additionally, he has also spent time on a complaint filed with OSHA. He noted either a board member or he has to pull the records together to answer these requests within time frames required to avoid court hearings. Because of the time spent on these issues, he hasn't been able to move forward on critical projects for the District. He reported on his attendance at a conference in Sacramento which included information on block grants available for our District projects, including rate studies and construction. He also reported the ISO (Insurance Services Office), which develops ratings for property owners insurance, needs to test the fire hydrants to see how well they operate. There may be complaints of dirty water due to flushing of the hydrants stirring up rust or sediment. Further, he reported on the complaint filed with OSHA, which alleges the District is allowing Clint Dingman to live at the water plant and, secondly, the facility has no toilet available for employees. To comply with the law, and to answer the Complaint, a toilet unit will be placed at the plant. To answer the complaint alleging Clint lives at the plant, a written response was provided to OSHA, with a photo of their posted notice and including a statement from Mr. Dingman of where he lives and an invoice from the service providing toilet rental.

Peter Harrell stated that members of the community have "visited" the plant and noted Mr. Dingman's vehicle there at various hours. He stated that he, himself, had taken photos of the vehicle at the plant and had seen Mr. Dingman's car there as late as 10:30 p.m and as early as 6:00 a.m. He said that Mr. Kampa does not know what is going on at the plant, he has not visited the plant, and there are no pictures of any inspection of the interior of the water plant or documentation of any board member visiting the plant. His alleges Mr. Dingman's statement of his current residence is not valid and that the residence address does not show up on Google maps.

President Puckett advised that, once the Hornbrook Fire Department lets him know the status of the ISO tests, he will let Mr. Kampa know that outcome. Mr. Kampa will post information on the website regarding the possibility of dirty water from hydrant testing.

4. Consent Agenda: President Puckett read the list of items on the Consent Agenda. Peter Harrell noted there is an error on the Auditor's report listing a Park and Recreation Balance. Exhibits 4a and 4b were attached in the agenda packet as noted by President Puckett. Board Secretary advised she will contact the Auditor-Controller to make sure the error is corrected.

Motion by Bryant Schaffler to approve the Consent Agenda with correction to Auditor's report. Second by Patricia Slote.

Ayes: Puckett, Schaffler, Slote.

Absent: Tulleo

5. Discussion and Action Items: President Puckett read each item as listed on the Agenda.

a. Although Mr. Harrell was not recognized by the President, he made numerous comments beginning with the list of officers on the proposed by-laws included in this agenda packet. Mr. Harrell, again, noted the Bylaws of 4/18/14 cannot be changed except by voter approval.

Pete Kampa explained these proposed bylaws are used by numerous special districts in California and, because the laws keep changing, bylaws need to be updated. He also explained that it is important when changes are made, or bylaws amended, the individual change should reflect a date. He requested board members review these bylaws for any corrections to be made and provide him with suggested changes prior to the final version being adopted. Discussion followed as to Rules and Regulations as well, including the duties of the General Manager in the event there is no quorum for a board meeting. Mr. Kampa, again, recommended the board's review and the matter be taken up at a future meeting.

b. Pete Kampa noted the Rules and Regulations are for listing the requirements for conducting district business. He will provide further information as to code sections relating to the rules and regulations at a future meeting. He requested board members read the Rules and Regulations and write down questions to be addressed at another meeting. Again, without recognition by the President, Mr. Harrell made numerous comments about the topic being discussed, including the rate tiers for water customers and the need for rate studies. Roger Gifford, without recognition by the President, suggested the rules and regulations be reviewed at a workshop for input by other people. Mr. Harrell concurred. Bryant Schaffler requested we table this until the next meeting.

c. Pete Kampa gave a brief background of the Uniform Construction Cost Accounting Act and the proposed Resolution. Roger Gifford, without recognition by the President, asked Mr. Kampa how many districts he represents as a general manager and how many are signed up on this Act. Mr. Kampa answered that Hornbrook CSD would be the third district he represents to approve the Resolution if it is acted upon tonight. Mr. Gifford also asked why there were no special districts in Siskiyou County, or the County itself, registered under this Act. Because of difficulty with the teleconferencing, Mr. Kampa was unable to understand the questions. Bryant Schaffler repeated Mr. Gifford's requests. Pete Kampa answered, explaining projects not exceeding \$25,000 undertaken by a district if registered under this Act, would not require the detailed paperwork that projects over \$175,000 may require. He does not know the reason Siskiyou County has not registered under this Act. Mr. Harrell asked if there was any "downside". Mr. Kampa noted that the law could change and that may require stricter regulation. Discussion between Bryant Schaffler and Roger Gifford continued.

Bryant Schaffler made a motion to approve the Resolution of Election to become subject to the Uniform Construction Cost Accounting Act under the California Public Contract Code. Second by Patricia Slote.

Ayes: Schaffler, Slote, Puckett

Absent: Tullado

d. Peter Harrell, for public comment, said that it would be a good thing for board members and the general manager, to be able to log in to view the district facilities outside and inside. There was further discussion regarding susceptibility of vandalism to the water system. Pete Kampa agreed that it is a concern and questioned what type of system would be required. Mr. Harrell also gave information regarding systems he is familiar with. Bryant Schaffler volunteered to check into different systems. Mr. Kampa also will research for some pricing.

e. Some discussion regarding consideration of action to decline providing a legal defense for Sharrel Barnes ensued. Board Secretary noted, as record keeper for the District, she has been unable to find an original request for indemnification from Sharrel Barnes. In the letter dated April 3, 2017, and included in this agenda, Ms. Barnes states that she has "received an Order from the District Court Judge stating the she will not dismiss this complaint, and that the lawsuit is going to proceed as soon as Mr. Harrell files an amended complaint." Board Secretary Slote advised that the copy of the Order received by the District and referenced by Ms. Barnes actually reads "the Court adopts the magistrate judge's recommendation to dismiss plaintiff's second amended complaint" and "plaintiff is given leave to file a third amended complaint". Patricia Slote stated that if the second amended complaint was dismissed there would be no lawsuit against Sharrel Barnes. Patricia Slote also stated that, as a board, the district has not been advised a third amended complaint has been filed and that, if there is a filed third complaint, we don't know if Sharrel Barnes is listed as a defendant. Peter Harrell, again, stated that in June, 2014, Sharrie (Barnes), Michele (Hanson), and Patty (Brown) had a meeting and voted to indemnify themselves. He stated that the Order from the Eastern District Court gives him leave to amend which means the lawsuit does not go away. He stated that until the Judgment for Dismissal is entered, the case is still alive. Bryant Schaffler questioned whether Sharrie Barnes could be considered to be "against" the district. Board Secretary read the footnote on the Order referred to as follows: "Sharrel Barnes may be improperly aligned in this case insofar as her objections adopt the totality of plaintiff's allegations except those applying to her." This matter was tabled at this time. Mr. Kampa suggested that, in an open meeting the Board have discussions about the agenda matters amongst themselves and then ask if there is any public comment to consider. Mr. Kampa further noted that the Board has so many interruptions it is difficult to make any decisions. Any legal matters in the future may need to have legal counsel present.

7. Adjournment: 8: 20 p.m. Next board meeting: 6/27/17

Submitted by: _____ Patricia E. Slote, Board Secretary

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