



Helendale Community Services District

26540 Vista Road, Suite C, Helendale, CA 92342

REGULAR BOARD MEETING **Thursday, January 19, 2023 at 6:30 PM**

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting is open to the public in person or via virtual interface and can be accessed by clicking on the link below: www.zoom.com Meeting ID 463 173 8547 Passcode: HCSD. (Dial-in instructions will be provided after registering at the link above)

Call to Order - Pledge of Allegiance

1. Approval of Agenda

2. Public Participation

Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member wishing to make comments may do so by filling out the speaker's card in person or using the "raise the hand" or "chat" feature. If viewing remotely a speaker's card may be filled out at the following link:

<https://www.surveymonkey.com/r/HKGNLL8> or use the features referenced above. The District requests that all speaker cards be submitted at any time prior to the close of public participation.

3. Consent Items

- a. Approval of Minutes: December 15 Regular Board Meeting
- b. Bills Paid Report
- c. November Financials
- d. Resolution 2023-1A: A Resolution of the Board of Directors of the Helendale Community Services District Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring That Local Emergency Conditions Persist, and Re-Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committees for the Period February 1, 2023, to February 28, 2023, Pursuant to Brown Act Provisions

4. Reports

- a. Directors' Reports
- b. General Manager's Report

Regular Business:

5. Discussion and Possible Regarding Approval of Directors' Expense Reports
6. Discussion and Possible Action Regarding Approval of Payment for Well 1 Repair Services Exceeding General Manager's Signing Authority
7. Discussion and Possible Action Regarding Adoption of Resolutions 2023-02; 2023-03; 2023-04; 2025-05; 2023-06: Resolutions of the Helendale Community Services District Congratulating Five Scouts from Troop 574 for Achieving the Rank of Eagle Scout
8. Discussion Only Regarding Calendar Year 2022 Update to Ethics Presentation

9. Discussion Only Regarding Review of Sunshine Ordinance
10. Discussion Only Regarding Review of Conflict of Interest Code
11. Discussion Only Regarding Review of Public Records Act Policy
12. Discussion and Possible Action Regarding Approval of Proposed Revisions to the District Purchasing Policy and Procedures

Other Business

13. Requested items for next or future agendas (Directors and Staff only)

Closed Session

14. Conference with Real Property Negotiators
(Government Code Section 54956.8)
Property: 26734 Jordan Road
District Negotiator: Kimberly Cox
Negotiating Parties: George Griffith
Under Negotiation: Price and Terms of Payment

15. Public Employee Performance Evaluation
(Government Code Section 54957)
Title: General Manager

16. Report of Closed Session Items

17. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above agenda public meeting should be directed to the District's General Manager's office at (760) 951-0006 at least 24 hours prior to said meeting. The regular session of the Board meeting will be recorded. Recordings of the Board meetings are kept for the Clerk of the Board's convenience. These recordings are not the official minutes of the Board meetings.



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #3
Consent Items

CONSENT ITEMS

- a. Approval of Minutes: December 15, 2022 Regular Board Meeting and December 8, 2022 Special Board Meeting
- b. Bills Paid Report
- c. November Financials
- d. Resolution2023-01A: A Resolution of the Board of Directors of the Helendale Community Services District Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring That Local Emergency Conditions Persist, and Re-Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committees for the Period February 1, 2023, to February 28, 2023, Pursuant to Brown Act Provisions



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Cheryl Vermette
SUBJECT: Agenda item #3a
Minutes from Board meeting 12/15/2022



*Minutes of the Helendale Community Services District
REGULAR BOARD OF DIRECTORS MEETING
December 15, 2022, at 6:30 PM
26540 Vista Road, Suite C. Helendale, CA 92342*

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting is open to the public in person or via virtual interface and can be accessed by clicking on the link below:

www.zoom.com Meeting ID 463 173 8547 Passcode: HCSD
(Dial-in instructions will be provided after registering at the link above)

Board Members Roll Call:

Present: President Henry Spiller; Vice President Ron Clark (Zoom); Secretary Sandy Haas; Director George Cardenas; Director Annette Roper

Staff Members Present:

Kimberly Cox, General Manager; Craig Carlson, Water Operations Manager; Cheryl Vermette, Parks, Recreation & Programs Supervisor; Alex Aviles, Wastewater Operations Manager; Jean Thomas, Customer Service Supervisor; Trini Martin, Program Assistant

Consultants:

Steve Kennedy, Legal Counsel (Zoom)

Members of the Public:

There were five members of the public attending in person.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 pm by President Spiller, after which the Pledge of Allegiance was recited.

1. Approval of Agenda

Action: A motion was made by Director Haas to approve the agenda as presented. The motion was seconded by Director Cardenas.

Vote: The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Clark -Yes; Director Haas -Yes; Director Cardenas -Yes; Director Roper - Yes.

2. Public Participation

None

3. Consent Items

- a. Approval of Minutes: December 1, 2022 Regular Board Meeting and December 8, 2022 Special Board Meeting
- b. Bills Paid Report
- c. Resolution 2022-01P: A Resolution of the Board of Directors of the Helendale Community Services District Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring That Local Emergency Conditions Persist, and Re-Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committees for the Period January 1, 2022, to January 31, 2023, Pursuant to Brown Act Provisions

Motion: Director Haas made a motion to approve the consent items as presented. Director Clark seconded the motion.

Vote: The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Clark -Yes; Director Haas -Yes; Director Cardenas -Yes; Director Roper - Yes.

4. Reports

a. Directors' Report

Director Cardenas reported that he attended the Mojave Water Agency's Technical Advisory Committee (TAC) meeting. They reviewed the USGS study on the groundwater basin. Darren Paulson, the General Manager for Victor Valley Wastewater Reclamation Authority shared his vision for "one water." He also shared that Mojave Water Agency's History of the Mojave Water Agency is now available.

President Spiller welcomed Jeff McKellar from the Silver Lakes Association Board and thanked him for attending the meeting.

b. General Managers Report

General Manager Cox reported that the District has been struggling with equipment issues. The mechanic is no longer with the District. Craig is working on options for equipment as well as vehicle maintenance. Documents have been signed for 50-acre feet of Centro water as approved by the Board. The water contractor is still working on electrical for Well 13. Wastewater Operations Manager Aviles gave the wastewater report. Staff worked on the electrical for the fire alarm. There are issues with Primary Clarifier #2, Staff had to transfer flow from Primary #1. Prior to the transfer, Staff had to make a confined space entry to clean out the debris that had blown in. Staff also cut loose coating and removed it from the clarifier. The motor failed on air compressor #2 and Compressor #1 was having issues building pressure. Staff removed the motor from air compressor #1 and installed it on compressor #2. Staff attended the CWEA/DAMS award banquet. Bill Kuhlmann received his past president plaque and gavel. Bill had been president for two years.

General Manager Cox reported that the District has a cash balance of \$6,404,322. There is \$2,610,783 in the water fund; \$3,030,979 in the sewer fund; and \$382,779 in the park fund. The District currently has \$1,032,020 in LAIF; \$1,252,257 in CBB checking; \$2,000,000 in CBBB Trust; and \$102,688 in DCB.

Customer Service Supervisor Thomas reported that there were 32 account transfers in the month of November and that 10 deposit letters were mailed to high-risk customers. There were 10 credit checks processed, 8 were approved and 2 were denied. She also showed a chart of UIA payments.

Regular Business

5. Discussion and Possible Action Regarding Approval of Directors' Expense Reports

Action: Vice President Clark made a motion to approve the Directors' Expense Reports. Director Roper seconded the motion.

Vote: The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas -Yes; Director Cardenas -Yes; Director Roper -Yes

6. Discussion Only Regarding Review of Video Tour of Tertiary Plant in Show Low, AZ

Discussion: In September the Board approved a Professional Services Agreement with PACE Engineering for tertiary design for \$699,107. Design includes advanced secondary treatment using Biolac basins. Staff was requested to provide a video of the facility for the Board's edification. The tour was conducted with a PACE Engineer November 16-18. The Board reviewed the video from the tour.

Action: None

7. Discussion and Possible Action Regarding Adoption of Resolution 2022-19: A Resolution of the Board of Directors of the Helendale Community Services District Recertifying the 2010 Sanitary Sewer Management Plan (SSMP) As Required By The State Water Resources Control Board Order No. 2006-0003-Statewide General Waste Discharge Requirements (WDR) For Sanitary Sewer Systems

Discussion: The SSMP must be recertified by the Board every 5 years. In the past we had missed a deadline. Currently it is on the tracking calendar to ensure timeliness. By adopting the resolution recertifying the SSMP Staff will upload the document onto the State's website. Important elements of the SSMP include operations and maintenance programs, design and performance provisions, overflow emergency response plan, FOG control program, and system evaluation and capacity assurance plan. Staff reviewed the changes to the document. On page one a change was made to the WDR Board Order from 6.01.36 to R6V-2018-0015; page six reflected an updated Organizational Chart; Page eight included an updated contact list; page nine has an updated chain of command; page twelve included an update to the routine maintenance section and to the CCTV schedule; current information was also updated in the appendices. A complete copy is available online.

Action: Director Haas made a motion to adopt Resolution 2022-19 recertifying the 2010 Sanitary Sewer Management Plan. Director Roper seconded the motion.

Vote: The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas -Yes; Director Cardenas -Yes; Director Roper -Yes

8. Discussion Only Regarding Final Payment for Water Rights Acquisition from December 2020

Discussion: In October 2020, the District purchased 148 Acre Feet of water rights and carryover for \$740,000 (\$5,000 per acre-foot). This purchase had 4 no interest payments of \$185,000

scheduled for December 2020, January 2021, January 2022 and January 2023. In January, the last payment will be made. This was the last purchase of Alto water that the District made. This signals a tightening of the market. The Board recently approved the purchase of Centro water. General Manager Cox also reviewed the Water Year pumping. In Water Year 2021/22 the District pumped 1546-acre feet of water. In Water Year 2020/21 the District pumped 1699-acre feet of water. The reduction was due to conservation messaging, less need from Silver Lakes Association, and the District discontinued rental of construction meters to ag operations. The District has approximately 740-acre feet to lease for approximately \$400,000. There was a 5% rampdown in Water Year 2019/20. The District purchased requested study of PSY. Additional rampdowns may ensue. General Manager Cox presented a graph showing free production allowance and water pumped from water year 2006/2007 to water year 2021/22. The District had 45 new properties build since the water supply fee was adopted. This fee (\$5,000 per single family home) pays for water to serve the new property.

Action: None

9. Discussion Only Regarding Minimum Wage Increase on January 1, 2023

Discussion: Beginning in 2017 the State began minimum wage increases from \$10 to \$15 in 2022. The statute allows the Director of Finance to determine additional increases in minimum wage August 1st of each year. Minimum wage can be increased by 3.5% or the average of US BLS XPI – rounded to the nearest 10 cents. The impact to the District is approximately \$1500 for the balance of the fiscal year. Staff will have to include an amount each year for the estimated increase. The District’s budget is typically adopted in May. Smaller businesses currently paying \$14 per hour will have to increase to \$15.50 as well.

Action: None

Other Business

10. Requested items for next or future agendas (Directors and Staff only)

None

11. Adjournment

President Spiller adjourned the meeting at 7:47 pm

Submitted by:

Approved by:

Henry Spiller, President

Sandy Haas, Secretary

The Board actions represent decisions of the Helendale Community Services District Board of Directors. A digital voice recording and copy of the PowerPoint presentation are available upon request at the Helendale CSD office.



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Sharon Kreinop, Senior Account Specialist
SUBJECT: Agenda item #3 b
Consent Items: Bills Paid and Presented for Approval

STAFF RECOMMENDATION:

Updated Report Only. Receive and File

STAFF REPORT:

Staff issued 3380 checks and 38 EFT's totaling \$391,205.96

Total Cash Available:	<u>1/12/23</u>	<u>12/12/2</u>
Cash	\$6,328,913.91	\$6,404,321.87
Checks/EFT's Issued	\$ 391,205.96	\$ 390,563.18

Investment Report

The Investment Report shows the status of the invested District funds. The interest rate is 0.18% for LAIF and 4.1873% for CA Class for December 2022. Interest earned thru December 2022 on CA Class account is \$7,174.33



Helendale CSD

Bills Paid and Presented for Approval

Transaction Detail

Issued Date Range: 12/12/2022 - 01/12/2023

Cleared Date Range: -

Issued Date	Number	Description	Amount	Type	Module
Bank Account: 251229590 - CBB Checking					
12/14/2022	25909	Fedak & Brown LLP	-2,295.00	Check	Accounts Payable
12/14/2022	25910	Amazon Capitol Services	-18.52	Check	Accounts Payable
12/14/2022	25911	Bill Hamm	-200.00	Check	Accounts Payable
12/14/2022	25912	Burrtec Waste Industries Inc	-1,746.77	Check	Accounts Payable
12/14/2022	25913	Choice Builder	-1,149.42	Check	Accounts Payable
12/14/2022	25914	Citizens Business Bank	-101,312.38	Check	Accounts Payable
12/14/2022	25915	Infosend, Inc	-1,944.77	Check	Accounts Payable
12/14/2022	25916	Kurt E. Carlson	-11,100.67	Check	Accounts Payable
12/14/2022	25917	Plumbers Depot Inc.	-2,316.63	Check	Accounts Payable
12/14/2022	25918	R & C Compliance Management Services	-700.00	Check	Accounts Payable
12/14/2022	25919	Sierra Analytical Labs, Inc	-615.00	Check	Accounts Payable
12/14/2022	25920	SWRCB FEES	-28,140.00	Check	Accounts Payable
12/14/2022	25921	Synagro West, LLC	-742.18	Check	Accounts Payable
12/14/2022	25922	United Rentals, Inc.	-1,173.91	Check	Accounts Payable
12/16/2022	25923	Brunick, McElhaney & Kennedy Professional Law Corp	-4,387.50	Check	Accounts Payable
12/19/2022	25924	KIARA CARRIERE	-174.19	Check	Utility Billing
12/23/2022	25925	California State Disbursement Unit	-230.76	Check	Accounts Payable
12/23/2022	25926	State of California - Franchise Tax Board	-50.00	Check	Accounts Payable
12/21/2022	25927	Allied Public Risk LLC	-22,524.00	Check	Accounts Payable
12/21/2022	25928	Amazon Capitol Services	-399.74	Check	Accounts Payable
12/21/2022	25929	Beck Oil Inc	-2,639.06	Check	Accounts Payable
12/21/2022	25930	Cardmember Services	-3,281.09	Check	Accounts Payable
12/21/2022	25931	County of San Bernardino, Solid Waste Mgmt. Div.	-601.98	Check	Accounts Payable
12/21/2022	25932	Frontier Communications	-61.82	Check	Accounts Payable
12/21/2022	25933	Frontier Communications	-82.30	Check	Accounts Payable
12/21/2022	25934	Home Depot Credit Services	-3,001.69	Check	Accounts Payable
12/21/2022	25935	Rebecca Gonzalez	-330.00	Check	Accounts Payable
12/21/2022	25936	Stericyclde, Inc	-428.48	Check	Accounts Payable
12/21/2022	25937	Tyler Technologies, Inc.	-564.61	Check	Accounts Payable
12/21/2022	25938	Verizon Wireless	-106.32	Check	Accounts Payable
12/21/2022	25939	Verizon Wireless	-648.63	Check	Accounts Payable
12/21/2022	25940	Void Check	0.00	Check	Accounts Payable
12/21/2022	25941	Inland Water Works Supply Co.	-692.70	Check	Accounts Payable
01/03/2023	25942	Fedak & Brown LLP	-5,297.00	Check	Accounts Payable
01/04/2023	25942	Void Check	0.00	Check	Utility Billing
01/03/2023	25943	Eide Bailly LLP	-3,641.45	Check	Accounts Payable
01/03/2023	25944	Sonic Systems, Inc	-1,529.12	Check	Accounts Payable
01/04/2023	25945	Haringa Compressor Inc.	-10,992.66	Check	Accounts Payable
01/04/2023	25946	BIDM INVESTMENTS LLC	-339.06	Check	Utility Billing
01/05/2023	25947	ACI Payments, Inc	-56.70	Check	Accounts Payable
01/05/2023	25948	Amazon Capitol Services	-81.58	Check	Accounts Payable
01/05/2023	25949	AVCOM Services Inc.	-694.50	Check	Accounts Payable
01/05/2023	25950	Burrtec Waste Group, Inc	-11,265.24	Check	Accounts Payable
01/05/2023	25951	Frontier Communications	-92.84	Check	Accounts Payable
01/05/2023	25952	Frontier Communications	-50.22	Check	Accounts Payable
01/05/2023	25953	Frontier Communications	-161.96	Check	Accounts Payable

Bank Transaction Report

Issued Date	Number	Description	Amount	Type	Module
01/05/2023	25954	Geo-Monitor, Inc.	-503.00	Check	Accounts Payable
01/05/2023	25955	Hartford Life	-274.77	Check	Accounts Payable
01/05/2023	25956	Mobile Occupational Services, Inc.	-135.00	Check	Accounts Payable
01/05/2023	25957	Sierra Analytical Labs, Inc	-930.00	Check	Accounts Payable
01/05/2023	25958	Silver Lakes Hardware	-24.85	Check	Accounts Payable
01/05/2023	25959	Staples Credit Plan	-393.38	Check	Accounts Payable
01/05/2023	25960	Stericycle, Inc	-270.04	Check	Accounts Payable
01/05/2023	25961	Tammy Markowitz	-365.00	Check	Accounts Payable
01/05/2023	25962	The Woodall Group, Inc	-35.00	Check	Accounts Payable
01/05/2023	25963	Uline	-1,828.28	Check	Accounts Payable
01/05/2023	25964	Ultimate Internet Access, Inc	-804.02	Check	Accounts Payable
01/05/2023	25965	Univar Solutions, USA	-3,560.94	Check	Accounts Payable
01/05/2023	25966	USA of So. California	-41.50	Check	Accounts Payable
01/05/2023	25967	California State Disbursement Unit	-230.76	Check	Accounts Payable
01/05/2023	25968	State of California - Franchise Tax Board	-50.00	Check	Accounts Payable
01/05/2023	25969	Eide Bailly LLP	-4,086.25	Check	Accounts Payable
01/05/2023	25970	IVETTE SANTANA	-38.26	Check	Utility Billing
01/05/2023	25971	DANIEL JAY MATHEWS	-274.69	Check	Utility Billing
01/05/2023	25972	BYUNG LEE	-435.00	Check	Utility Billing
01/10/2023	25973	Amazon Capitol Services	-241.36	Check	Accounts Payable
01/10/2023	25974	American Water Works Assoc.	-311.00	Check	Accounts Payable
01/10/2023	25975	Beck Oil Inc	-2,479.27	Check	Accounts Payable
01/10/2023	25976	Burrtec Waste Industries Inc	-1,693.05	Check	Accounts Payable
01/10/2023	25977	Business Card	-9,858.06	Check	Accounts Payable
01/10/2023	25978	Choice Builder	-1,149.42	Check	Accounts Payable
01/10/2023	25979	Infosend, Inc	-1,941.72	Check	Accounts Payable
01/10/2023	25980	Karen Donovan	-200.00	Check	Accounts Payable
01/10/2023	25981	Layne Christiansen Company	-19,205.25	Check	Accounts Payable
01/10/2023	25982	O'Reilly Auto Parts	-19.28	Check	Accounts Payable
01/10/2023	25983	SWRCB FEES	-19,761.52	Check	Accounts Payable
01/10/2023	25984	Tyler Technologies, Inc.	-23.00	Check	Accounts Payable
01/11/2023	25985	Eide Bailly LLP	-2,020.70	Check	Accounts Payable
01/11/2023	25986	Kimberly Cox	-4,400.00	Check	Accounts Payable
01/11/2023	25987	Tyler Technologies, Inc.	-3,386.25	Check	Accounts Payable
12/12/2022	EFT0004371	SW Gas ACH 4-Plex Acct # 910000817466	-149.02	EFT	General Ledger
12/12/2022	EFT0004372	SW Gas Community Center 910000010177	-180.29	EFT	General Ledger
12/12/2022	EFT0004373	SW Gas ACH WWTP 910000010195	-30.03	EFT	General Ledger
12/12/2022	EFT0004374	SW Gas Water Shop Acct # 910001037540	-11.00	EFT	General Ledger
12/21/2022	EFT0004386	SCE Street Lighting Acct # 700013030275	-1,584.35	EFT	General Ledger
12/12/2022	EFT0004398	ACH Water Shop SCE Acct 700453074415	-195.43	EFT	General Ledger
12/12/2022	EFT0004399	SCE ACH 4-Plex Acct 700392338368	-325.83	EFT	General Ledger
12/22/2022	EFT0004400	SCE ACH Park Wellheads Acct 700448234519	-452.53	EFT	General Ledger
12/28/2022	EFT0004419	SCE ACH Sod Farm Acct 700255337588	-1,184.85	EFT	General Ledger
01/02/2023	EFT0004420	SCE ACH Well 6,7,8,9 & 2 Acct 700620711734	-378.17	EFT	General Ledger
01/03/2023	EFT0004421	SCE ACH Community Center 700218740906	-1,335.35	EFT	General Ledger
12/13/2022	EFT0004423	To record Paymentech CC fees 12-13-22 #6621	-131.27	EFT	General Ledger
12/13/2022	EFT0004424	To record Paymentech CC fees 12-13-22 #9479	-21.98	EFT	General Ledger
12/14/2022	EFT0004425	To record Paymentech CC fees 12-14-22 #6621	-293.51	EFT	General Ledger
12/14/2022	EFT0004426	To record Paymentech CC fees 12-14-22 #9479	-30.51	EFT	General Ledger
12/16/2022	EFT0004427	To record Sales Tax Pmt # 2 - 4th Quarter	-1,634.82	EFT	General Ledger

Date	Number	Description		Type	Module
12/23/2022	EFT0004430	CalPERS 457 Pmt PPE 12/18/22	-4,379.26	EFT	General Ledger
12/19/2022	EFT0004431	CalPERS Classic Pmt PPE 11/20/22	-7,936.14	EFT	General Ledger
12/19/2022	EFT0004432	CalPERS PEPRA Pmt PPE 11/20/22	-1,871.05	EFT	General Ledger
01/09/2023	EFT0004433	SW Gas ACH 4-Plex Acct # 910000817466	-236.13	EFT	General Ledger
12/27/2022	EFT0004435	SW Gas Community Center 910000010177	-454.24	EFT	General Ledger
01/09/2023	EFT0004436	SW Gas Water Shop Acct # 910001037540	-11.00	EFT	General Ledger
01/09/2023	EFT0004438	SW Gas ACH WWTP 910000010195	-79.96	EFT	General Ledger
01/03/2023	EFT0004439	SCE ACH Well 6,7,8,9 & 2 Acct 700620711734	-378.17	EFT	General Ledger
01/11/2023	EFT0004440	SCE ACH 4-Plex Acct 700392338368	-369.38	EFT	General Ledger
01/12/2023	EFT0004441	ACH Water Shop SCE Acct 700453074415	-90.28	EFT	General Ledger
01/06/2023	EFT0004442	SCE ACH WWTP & Wells 3,4 & 1 Acct 700547354472	-18,741.27	EFT	General Ledger
01/06/2023	EFT0004444	CalPERS 457 Pmt PPE 1/1/23	-4,457.83	EFT	General Ledger
01/06/2023	EFT0004445	To record CalPERS Health Premium	-19,008.32	EFT	General Ledger
01/11/2023	EFT0004448	To record Sales Tax Pmt # 2 - 1st Quarter	-3,243.60	EFT	General Ledger
01/02/2023	EFT0004449	CalPERS Classic Pmt PPE 12/4/22	-7,936.14	EFT	General Ledger
01/02/2023	EFT0004451	CalPERS PEPRA Pmt PPE 12/4/22	-1,871.05	EFT	General Ledger
01/05/2023	EFT0004452	To record Paymentech fees for acct ending 6621	-779.61	EFT	General Ledger
01/10/2023	EFT0004453	To record Tasc Flex Claim Pmt PPE 1/1/23	-770.81	EFT	General Ledger
12/26/2022	EFT0004454	To record Tasc Flex Claim Pmt PPE12/18/22	-768.98	EFT	General Ledger
12/13/2022	EFT0004455	To record Tasc Flex Claim Pmt PPE 12/4/22	-768.74	EFT	General Ledger
01/05/2023	MISC0000790	To record Paymentech fees acct ending 7882	-19.00	EFT	General Ledger
01/05/2023	MISC0000791	To record Paymentech fees for acct ending 9479	-262.99	EFT	General Ledger
Bank Account 251229590 Total: (118)					-391,205.96
Report Total: (118)					-391,205.96

Summary

Bank Account
[251229599 CBB Checking](#)

Count	Amount
118	-391,205.96
Report Total:	-391,205.96

Cash Account
****No Cash Account****
[99 99-111000 Cash in CBB - Checking](#)

Count	Amount
2	0.00
116	-391,205.96
Report Total:	-391,205.96

Transaction Type	Count	Amount
Check	80	-308,833.07
EFT	38	-82,372.89
Report Total:	118	-391,205.96

DCB Visa Statement 12/1/22

Acct #	Description	Charges	Charges	Charges	Charges	Charges	Charges	Charges	Total
01-553000	Water Costco Supplies	79.50							79.50
02-524500	Certification Prep for A. Creason	31.54							31.54
02-545001	District Fuel - AZ Plant Tour	70.97	49.03	55.41					175.41
02-552700	AZ Plant Tour Hotel	215.62	33.13	148.66	29.83	51.14			478.38
02-553000	WW Costco Supplies	79.49							79.49
02-556500	CWEA D=Membership Renewal Dues	202.00	202.00						404.00
03-553000	Thrft Store Costco Supplies	79.50							79.50
05-550003	Hot Chocolate & Cookies / Soccer Trophies	113.35	924.38						1,037.73
05-553000	Park Costco Supplies	79.49							79.49
10-522510	Board Meeting Snacks	5.99							5.99
10-553000	Admin Costco Supplies	79.50							79.50
10-556800	10 Yr. Anniversary Gift Card - C. Vermette / Gift Wrap / Notary Supplies / Christmas Gifts / Coffee /	105.95	1.35	65.86	56.36	353.44	9.97	157.63	750.56
Total									3,281.09
Due 12/28/22		Staff Key	KC	CC	AA	IT	CV		

Total Due

Master Card November 17 - December 16, 2022

Acct #	Description	Charges	Charges	Charges	Charges	Charges	Charges	Charges	Total
01-553000	Water Compliance Sign / Emergency Vehicle Kit / District Locks	23.58	21.54	242.12	172.35				459.59
01-545000	Identifix Auto Manual (Recurring 50/50 Split w/MW) - Auto Pay	44.50	930.71	44.79	42.99				1,062.99
01-545001	Vactor Hoses & Fittings / Battery for 4" Pump / Vehicle Smog	61.63	20.12	19.75					101.50
01-553600	Fuel Unit 201	96.96							96.96
02-545000	Replacement Cold WX Gear for R. LaTour.	44.50							44.50
05-545000	Identifix Auto Manual (Recurring 50/50 Split w/Water) Auto Pay	617.63	11.30	17.23	73.12				719.28
05-524500	Turf Renovator Blades / Ignition Switch & Starter for Gator	24.00	118.00						142.00
05-550002	Ignition Switch for Light Tower / Hoses & Fittings for Vactor	3,563.44							3,563.44
05-550003	KC-Pesticide Training	651.97	13.40	21.65	135.77				822.79
05-553000	Basketball	19.35							19.35
05-553600	Soccer Pictures	62.43							62.43
10-522505	Sharpie Paint	54.71	40.09						94.80
10-522510	Sweatshirt for R. Collison								
	Brkfst & Lunch Mtgs w/ KC & Directors								
	Board Plaques T. Smith & C. / Board Computer Monitors / Board								
	Meeting Farewell Cake	12.83	228.30	49.99	163.12	35.00			489.24
10-545000	Gasket for Equinox Exhaust	6.63							6.63
10-556500	Prime Membership / Walmart Plus Membership / Daily Press	192.87	18.00	105.60	9.99				326.46
10-556800	Digital Monthly Subscription (Auto Pay)	78.41	692.82	173.93	10.10	70.01			1,025.27
	Thrftt Store Christmas Sale Set-up Pizza / Christmas Gifts / Admin								
	Christmas Breakfast / Water Christmas Lunch								
10-556800	Christmas Gifts	14.00	43.09	107.72	100.00	56.02	200.00	300.00	820.83
Total									9,858.06

Due 1/13/23



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Eide Bailey, Financial Consultants
SUBJECT: Agenda item #3c
November Financials



Helendale CSD
Statement of Revenues and Expenses - Water
As of November 30, 2022
(Unaudited)

Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Meter Charges	\$ 134,000	\$ 669,112	\$ 1,595,102	42%	\$ 671,151
3 Water Sales	76,003	472,749	938,058	50%	495,327
4 Standby Charges	9,957	12,488	30,378	41%	23,539
5 Other Operating Revenue	8,720	52,596	106,320	49%	47,358
6 Total Operating Revenues	228,680	1,206,945	2,669,858	45%	1,237,376
7 Non-Operating Revenues					
8 Grant Revenue	-	-	405,000	0%	-
9 Miscellaneous Income (Expense)	-	-	-	0%	5,361
10 Total Non-Operating Revenues	-	-	405,000	0%	5,361
11 Total Revenues	228,680	1,206,945	3,074,858	39%	1,242,737
12 Expenses					
13 Salaries & Benefits					
14 Salaries	28,017	160,705	355,140	45%	148,976
15 Benefits	9,158	52,346	131,982	40%	58,064
16 Total Salaries & Benefits	37,175	213,050	487,122	44%	207,041
17 Transmission & Distribution					
18 Contractual Services	411	32,223	73,252	44%	38,415
19 Power	60,290	96,957	207,247	47%	89,833
20 Operations & Maintenance	28,508	85,157	145,500	59%	77,462
21 Rent/Lease Expense	800	5,890	11,490	51%	5,890
22 Permits & Fees	-	6,708	29,900	22%	4,871
23 Total T&D	90,009	226,934	467,389	49%	216,470
24 General & Administrative					
25 Utilities	374	1,557	5,500	28%	1,542
26 Office & Other Expenses	98	627	5,750	11%	1,931
27 Admin Allocation	53,835	269,177	646,025	42%	240,332
28 Total G&A	54,307	271,361	657,275	41%	243,805
29 Debt Service	-	149,447	531,311	28%	173,155
30 Total Expenses	181,491	860,793	2,143,098	40%	840,471
31 Net Income (Loss) Before Capital	47,189	346,152	931,760	37%	402,266
32 Sale or Lease of Water Rights	10,199	10,199	-	0%	31,954
33 Capital Expenses	(220,807)	(288,575)	(745,000)	39%	(1,095,116)
34 Net Income (Loss) After Capital	\$ (163,419)	\$ 67,776	\$ 186,760	36%	\$ (660,896)

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

Helendale CSD
Financial Statement Analysis
Preliminary – No Year End Audit Adjustments
For the Month Ended November 30, 2022 – 42% of Fiscal Year

Fund 01-Water Revenues and Expenses

Line 2 Meter Charges: Includes fixed monthly charge for water service. Year to date (YTD) meter charges are in line with budget.

Line 3 Water Sales: Includes water consumption charges. YTD is trending over budget at 50% due to increased consumption during first half of the year.

Line 4 Standby Charges: Includes special assessment standby charges for the current & prior years, and delinquent standby penalties. The majority of these revenues are received in November, December, and April. YTD is in line with budget.

Line 5 Other Operating Revenue: Includes permit & inspection charges, connection fees, meter installation fees, other fees/charges and mechanic service reimbursements. Connection and meter installation fees are budgeted conservatively due to the unexpected nature of these fees. YTD is trending over budget at 49%.

Line 8 Grant Revenue: Budget for this account consists of \$405,000 for grant reimbursement from the Bureau of Reclamation Small Scale, MWA Strategic Partners, and the DWR. No activity year to date.

Line 9 Miscellaneous Income (Expense): Includes gain or loss on sale of assets, the Enel X Demand Response Program and other miscellaneous income. No activity year to date.

Line 14 Salaries: Includes salaries for water employees and portion of mechanic's salary. YTD is trending slightly over budget due to higher than expected overtime at this point in the year.

Line 15 Benefits: Includes health insurance, CalPERS retirement, worker's compensation insurance, payroll taxes, and employee education and trainings. YTD is trending in line with budget.

Line 18 Contractual Services: Includes lab testing, engineering, GIS support & other contract services. YTD is trending in line with budget.

Line 19 Power: Includes electricity used for transmission & distribution. Year to date is trending over budget at 47% due to increased consumption during the first half of the year.

Line 20 Operations & Maintenance: Includes operations & maintenance expense, vehicle maintenance and vehicle fuel. YTD is trending over budget at 59% due to \$20.5K costs for Well 1A repairs, \$19K costs for emergency repair of pumping equipment, and increased vehicle maintenance expenses and operating supplies.

Line 21 Rent/Lease Expense: Includes rental costs for the water shop and Bureau of Land Management (BLM) tank sites. YTD is trending over budget at 51% due to the timing of Right of Way Rental of BLM tank sites.

Line 22 Permits & Fees: Includes all water permits, miscellaneous fees, and Watermaster fees. YTD can trend over/under budget due to the timing of permits and fee payments. YTD is trending under budget at 22%.

Line 25 Utilities (G&A): Includes gas and telephone expenses. YTD is trending under budget due to the timing of the receipt of the utility bills.

Line 26 Office & Other Expenses: Includes mileage/travel reimbursements, office supplies, water conservation program, and dues & subscriptions. These expenses are on an as-needed basis and can trend over/under budget. YTD is at 11% of budget.

Line 27 Admin Allocation: This is the monthly distribution of the budgeted Administration fund (Fund 10) expenses to the enterprise funds.

Line 29 Debt Service: Includes interest & principal payments on outstanding debt. YTD can trend over/ under budget due to the timing of payments. Payments occur on a quarterly basis in July, October, January, and April. YTD is trending at 28% of budget due to the timing of payments.

Line 33 Capital Expenses: YTD balance in capital expenses includes the following:

- \$220.5K – New Well Pipeline
- \$66.4K – Service Truck
- \$1K – Interior of New Water Building
- \$645 – Electrical Well 13



Helendale CSD
Statement of Revenues and Expenses - Sewer
As of November 30, 2022
(Unaudited)

Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Sewer Charges	\$ 137,029	\$ 669,810	\$ 1,717,148	39%	\$ 534,888
3 Standby Charges	9,159	11,591	24,867	47%	19,885
4 Other Fees & Charges	1,852	19,206	31,320	61%	14,520
5 Other Income/(Expense)	-	-	1,000	0%	-
6 Total Revenues	148,040	700,608	1,774,335	39%	569,293
7 Expenses					
8 Salaries & Benefits					
9 Salaries	21,387	122,450	284,971	43%	109,877
10 Benefits	8,068	45,580	101,335	45%	44,866
11 Total Salaries & Benefits	29,455	168,030	386,306	43%	154,744
12 Sewer Operations					
13 Contractual Services	5,790	19,281	78,000	25%	28,810
14 Power	9,207	51,586	89,613	58%	41,232
15 Operations & Maintenance	2,628	23,134	63,213	37%	43,791
16 Permits & Fees	-	3,072	37,500	8%	4,159
17 Total Sewer Operations	17,624	97,073	268,326	36%	117,991
18 General & Administrative					
19 Utilities	340	1,733	4,407	39%	1,437
20 Office & Other Expenses	905	3,885	11,760	33%	4,640
21 Admin Allocation	52,759	263,794	633,105	42%	235,525
22 Total G&A	54,004	269,411	649,272	41%	241,602
23 Debt Service	-	-	102,123	0%	51,061
24 Total Expenses	101,083	534,515	1,406,027	38%	565,398
25 Net Income (Loss) Before Capital	46,957	166,093	368,308	45%	3,895
26 Capital Expenses	(9,796)	(22,939)	(935,000)	2%	(447,977)
27 Net Income (Loss) After Capital	\$ 37,161	\$ 143,154	\$ (566,692)		\$ (444,082)

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

Fund 02 - Sewer Revenues and Expenses

Line 2 Sewer Charges: Includes the monthly charge for sewer services. YTD is trending in line with budget.

Line 3 Standby Charges: Includes special assessment standby charges for the current & prior years, and delinquent standby penalties. YTD is trending slightly over budget due to higher than expected penalties on delinquent taxes. The majority of these revenues are received in November, December, and April.

Line 4 Other Fees & Charges: Includes permit & inspection charges, connection fees, other fees, and charges. YTD is trending over budget at 61% due to more connections fees than anticipated.

Line 5 Other Income/(Expense): Includes gain or loss on sale of assets and other miscellaneous income. No activity year to date.

Line 9 Salaries: Includes salaries for all sewer employees. YTD is trending in line with budget.

Line 10 Benefits: Includes employee insurance, PERS retirement, workers compensation, payroll taxes, and education & training. YTD is trending in line with budget.

Line 13 Contractual Services: Includes lab testing, engineering, GIS support & other contractual services. YTD is trending under budget due to the timing of services needed.

Line 14 Power: Includes electricity used for Sewer. YTD is trending over budget at 58% due to higher consumption during the first half of the year.

Line 15 Operations & Maintenance: Includes compost disposal, vehicle maintenance, vehicle fuel, uniforms, small tools, and salaries for mechanics. YTD is trending under budget.

Line 16 Permits and Fees: Includes all annual permits and fees paid to the state. YTD can trend over/under budget due to the timing of permits and fee payments. YTD is trending under budget.

Line 19 Utilities (G&A): Includes gas, water, and telephone expenses. YTD is trending in line with budget.

Line 20 Office & Other Expenses: Includes mileage/travel reimbursements, office supplies, water conservation program, and dues & subscriptions. These expenses are an as needed basis and can trend over/under budget. YTD is trending under budget.

Line 21 Admin Allocation: This is the monthly distribution of the budgeted Administration fund (fund 10) expenses to the enterprise funds.

Line 23 Debt Service: Includes interest & principal payments on outstanding debt. YTD can trend over/under budget due to the timing of payments. Payments occur bi-annually in December and June.

Line 26 Capital Expenses: YTD balance in capital expenses includes the following:

- \$12.1K – VFD for T-Filter Feed Pumps
- \$9.8K – Wastewater T-Filter Feed Pump By-Pass
- \$1K - Interior Completion of Maintenance Building



Helendale CSD
Statement of Revenues and Expenses - Property Rental
As of November 30, 2022
(Unaudited)
Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Property Rental Revenues	\$ 9,990	\$ 48,750	\$ 125,480	39%	\$ 53,889
3 Other Income	-	-	-	0%	-
4 Board Discretionary Revenue	-	-	-	0%	-
5 Total Revenues	9,990	48,750	125,480	39%	53,889
6 Expenses					
7 Contractual Services	-	-	5,000	0%	-
8 Utilities	1,176	6,776	14,815	46%	3,745
9 Operations & Maintenance	1,208	3,949	12,367	32%	4,906
10 Debt Service	-	-	53,088	0%	26,544
11 Total Expenses	2,384	10,725	85,270	13%	35,196
12 Net Income (Loss)	\$ 7,606	\$ 38,025	\$ 40,210	95%	\$ 18,694

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

04-Property Rental Revenues and Expenses

Line 2 Property Rental Revenues: Includes revenue for 15302 Smithson and 15425 Wild Road properties. YTD is trending in line with budget.

Line 3 Other Income: Includes penalties and other miscellaneous income; due to the unexpected nature of these revenues these accounts are budgeted conservatively.

Line 4 Board Discretionary Revenue: This line shows the transfer of net cash from the Property Rental fund (fund 04) to Parks & Recreation fund (fund 05). This transfer is done at year end for the audit.

Line 7 Contractual Services: Includes contractor and handyman expenses for installation of appliances, drywall repair, roofing, or plumbing repairs. No activity YTD.

Line 8 Utilities: Includes electric & gas expense for the rental properties. YTD is trending in line with budget.

Line 9 Operations & Maintenance: Includes maintenance and other costs relating to the rental properties. YTD is trending under budget due to a refund for maintenance supplies.

Line 10 Debt Service: Includes interest and principal payments on outstanding debt. YTD can trend over/ under budget due to the timing of payments. Payments occur bi-annually in December and June.

Line 12 Net Income: Net income in the Property Rental fund (fund 04) is moved to the Parks & Recreation fund (fund 05) through Board discretionary revenue at year-end for the audit.



Helendale CSD
Statement of Revenues and Expenses - Parks & Recreation
As of November 30, 2022
(Unaudited)

Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Program Fees	\$ 6,047	\$ 32,607	\$ 30,400	107%	\$ 24,361
3 Property Taxes	1,584	7,931	23,533	34%	9,281
4 Donations & Sponsorships	700	1,470	5,500	27%	5,100
5 Rental Income	1,560	13,327	24,075	55%	9,893
6 Developer Impact Fees	-	5,160	6,880	75%	3,440
7 Grants	-	-	-	0%	-
8 Interfund Transfer Out/(In)	(3,508)	(17,542)	(42,100)	42%	(17,542)
9 Board Discretionary Revenue	40,813	119,524	441,507	27%	111,205
10 Miscellaneous Income (Expense)	-	895	-	0%	-
11 Total Revenues	47,195	163,372	489,795	33%	145,739
12 Expenses					
13 Salaries & Benefits					
14 Salaries	6,808	35,819	83,701	43%	30,163
15 Benefits	3,207	15,323	47,683	32%	14,284
16 Total Salaries & Benefits	10,015	51,143	131,384	39%	44,447
17 Program Expense	4,885	38,430	70,475	55%	30,144
18 Contractual Services	681	6,210	21,760	29%	6,523
19 Utilities	5,495	33,199	63,956	52%	22,614
20 Operations & Maintenance	1,361	12,054	24,362	49%	16,071
21 Permits & Fees	-	598	983	61%	437
22 Grant Expense	-	-	-	0%	-
23 Other Expenses	-	680	1,555	44%	156
24 Total Expenses	22,438	142,314	314,475	45%	120,391
25 Net Income (Loss) Before Capital	24,758	21,058	175,319		25,348
26 Capital Expenses	-	(5,500)	(208,000)	3%	(276,602)
27 Net Income (Loss) After Capital	\$ 24,758	\$ 15,558	\$ (32,681)		\$ (251,254)

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

05-Parks & Recreation Revenues and Expenses

Line 2 Program Fees: Includes recreation program fees, basketball league fees, youth soccer league fees and farmers market revenue. YTD is trending over budget due to more recreation and higher than anticipated Farmer's Market revenues not anticipated in the budget.

Line 3 Property Taxes: Includes the transfer of property taxes for streetlight utility expenses. The majority of these revenues are received in November, December, and April. YTD is trending under budget at 34%.

Line 4 Donations & Sponsorships: Includes concert in the park sponsorships, event sponsorships and other donations/sponsorships. YTD is trending under budget at 27%.

Line 5 Rental Income: Includes rental income from the water shop, storage for the recycling center, community center room rental, church rental, and gymnastics rental. YTD can trend over/under budget depending on needs of rentals. YTD is trending over budget at 55% due to the timing of annual payment for District field use.

Line 6 Developer Impact Fees: Includes developer Impact Fees. YTD is trending over budget due to the timing of developments.

Line 8 Interfund Transfer Out/(In): This line shows the year end transfer of cash balance from the Recycling Center (fund 03) and Property Rental (fund 04) to the Parks & Recreation fund (fund 05), as well as the monthly repayment of the interfund loan from Sewer to Parks.

Line 9 Board Discretionary: Board Discretionary Revenue in June includes the following:

- Radio Tower Site Rent – \$10,934
- Property Tax - \$23,624
- Solid Waste Franchise Fees - \$7,839
- Transfer Property Tax Revenue for Street Light Utilities – \$(1,584)

Line 10 Miscellaneous Income/(Expense): Includes gain or loss on sale of assets and other miscellaneous income.

Line 14 Salaries: Includes full and part-time Parks and Recreation employees. YTD is trending in line with budget.

Line 15 Benefits: Includes health insurance, CalPERS retirement, worker's compensation insurance, payroll taxes, and employee education & trainings. YTD is trending under budget due to the timing of employee education/training.

Line 17 Program Expense: Includes supplies and expenses for the youth soccer league, park, community center, farmers market and other programs. YTD is trending over budget at 55% due to the timing of soccer supplies and Concert in the Park expenses.

Line 18 Contractual Services: Includes software support and other contract services. YTD is trending under budget.

Line 19 Utilities: Includes gas and electric for parks and the community center, along with telephone & electricity for street lighting. YTD is trending over budget at 52% due to higher electric consumption during the first half of the year.

Line 20 Operations & Maintenance: Includes vehicle maintenance, small tools, vehicle fuel and building repair for the park and community center. YTD is trending over budget at 49% due to the timing of annual insurance payment.

Line 21 Permits & Fees: Includes permit and inspection fees, along with San Bernardino county fees. YTD can trend over/under budget due to the timing of permits and fee payments. YTD is trending over budget at 61% due to the timing of fireworks permit.

Line 23 Other Expenses: Includes uniforms, printing costs, dues & subscriptions, and bank charges. YTD is trending in line with budget.



Helendale CSD
Statement of Revenues and Expenses - Solid Waste Disposal
As of November 30, 2022
(Unaudited)

Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Charges for Services	\$ 50,503	\$ 250,077	\$ 599,922	42%	\$ 238,118
3 Assessments & Fees	31,885	36,683	237,720	15%	39,346
4 Other Charges	4,160	10,843	24,559	44%	8,889
5 Board Discretionary Revenue	-	-	-	0%	-
6 Miscellaneous Income (Expense)	-	-	-	0%	-
7 Total Revenues	86,548	297,603	862,201	35%	289,383
8 Expenses					
9 Salaries & Benefits					
10 Salaries	5,978	36,023	66,350	54%	35,205
11 Benefits	3,222	16,807	42,917	39%	17,378
12 Total Salaries & Benefits	9,200	52,830	109,267	48%	52,583
13 Contractual Services	-	197,951	585,367	34%	190,003
14 Disposal Fees	15,550	60,502	165,768	36%	92,344
15 Operations & Maintenance	328	2,048	7,112	29%	1,473
16 Other Operating Expenses	213	1,344	4,694	29%	2,536
17 Admin Allocation	1,077	5,384	12,921	42%	4,807
18 Total Expenses	26,368	320,058	885,128	36%	343,746
19 Net Income (Loss)	\$ 60,180	\$ (22,455)	\$ (22,927)		\$ (54,363)

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

06-Solid Waste Disposal Revenues and Expenses

Line 2 Charges for Services – Solid Waste: Includes regular pick up of solid waste. YTD is trending in line with budget.

Line 3 Assessment & Fees: Includes special assessments for refuse land use fees for current & prior years. YTD can trend over/under budget due to the timing of receipts which are usually received in April and December. YTD is trending under budget.

Line 4 Other Charges: Includes delinquent fees and penalties on delinquent taxes. YTD is trending in line with budget.

Line 5 Board Discretionary Revenue: This is the amount that would be transferred in from discretionary funds if this fund operates at a deficit for the fiscal year.

Line 6 Miscellaneous Income/(Expense): Includes gain or loss on sale of assets and other miscellaneous income. No activity year to date.

Line 10 Salaries: Includes salaries for solid waste employees. YTD is trending over budget at 54%.

Line 11 Benefits: Includes employee insurance, CalPERS retirement, workers compensation, payroll taxes, and education & training. YTD is trending under budget.

Line 13 Contractual Services: Includes Burrtec fees and other miscellaneous contract services. YTD can trend over/under budget due to need and the timing of services and fees. YTD is trending under budget.

Line 14 Disposal Fees: Includes San Bernardino County disposal fees and green waste disposal fees. YTD can trend over/under budget due to need and the timing of fees. YTD is trending under budget.

Line 15 Operations & Maintenance: Includes vehicle maintenance, vehicle fuel, operating supplies, and uniforms. YTD is trending under budget at 29%.

Line 16 Other Operating Expenses: Includes rent for park storage, telephone, postage, event expenses, public outreach, printing, small tools, and bad debt expenses. YTD is trending under budget at 29%.

Line 17 Admin Allocation: This is the monthly distribution of the budgeted Administration fund (Fund 10) expenses to the enterprise funds.



Helendale CSD
Statement of Revenues and Expenses - Administration
As of November 30, 2022
(Unaudited)
Preliminary Results - Subject to Change

	Nov 2022	YTD Actual	Budget	% Budget	PYTD
1 Operating Revenues					
2 Tower Rent	\$ 10,934	\$ 61,613	\$ 173,536	36%	\$ 59,561
3 Property Taxes	23,624	26,151	107,141	24%	23,075
4 Solid Waste Billing & Fees	14,108	70,697	170,258	42%	66,951
5 Fees & Charges	2,364	11,794	22,300	53%	11,062
6 Investments	-	20,352	7,140	285%	2,975
7 Other Income	-	-	(2,800)	0%	518
8 Board Discretionary Revenue	(42,397)	(127,455)	(372,373)	34%	(120,486)
9 Total Revenues	8,633	63,154	105,200	60%	43,656
10 Expenses					
11 Salaries & Benefits					
12 Salaries	44,446	241,177	571,473	42%	220,015
13 Benefits	11,326	124,671	264,708	47%	137,771
14 Directors' Fees	6,013	32,546	100,000	33%	35,388
15 Total Salaries & Benefits	61,785	398,394	936,180	43%	394,544
16 Contractual Services	8,286	110,858	236,777	47%	122,822
17 Insurance	-	45,300	99,476	46%	42,320
18 Utilities	953	9,654	18,887	51%	7,663
19 Operations & Maintenance	109	1,233	4,459	28%	597
20 Permits & Fees	1,230	11,838	19,020	62%	14,271
21 Office & Other Expenses	7,095	42,569	67,452	63%	34,240
22 Election Expense	-	-	15,000	0%	-
23 Admin Allocation	(107,671)	(538,355)	(1,292,051)	42%	(480,664)
24 Total Expenses	(28,213)	81,492	105,200	77%	135,793
25 Net Income (Loss)	\$ 36,846	\$ (18,338)	\$ -		\$ (92,137)

*No assurance provided on these financial statements. These financial statements do not include a statement of cash flows. Substantially all disclosures required by accounting principles generally accepted in the United States not included.

10-Administrative Revenues and Expenses

Line 2 Tower Rent: Includes radio tower site rental fees. YTD is trending at 36% of budget.

Line 3 Property Taxes: Includes current & prior property tax and penalties. YTD can trend over/under budget due to the timing of property tax collections, with a majority being received in December and April.

Line 4 Solid Waste Billing & Fees: Includes franchise fees and billing for solid waste. YTD is trending in line with budget.

Line 5 Fees & Charges: Includes credit card processing fees and other miscellaneous fees. YTD is trending over budget at 53% due to the large volume of credit card processing fees.

Line 6 Investments: Includes investment income and unrealized gain or loss on investments. YTD is trending over budget due to higher interest rates than anticipated.

Line 7 Other Income: Other Income includes recycling revenues and other miscellaneous income. No activity year to date.

Line 8 Board Discretionary Income: Includes the transfer of the following for Parks and Recreation fund (fund 05):

- Radio Tower Site Rent – \$10,934
- Property Tax - \$23,624
- Solid Waste Franchise Fees – \$7,839

Line 12 Salaries: Includes full time, part time & overtime for administrative employees. YTD is trending in line with budget.

Line 13 Benefits: Includes employee insurance, CalPERS retirement, workers compensation, payroll taxes, employee benefit & morale and education & training. YTD is trending over budget at 47% due to the July payment of the annual CalPERS unfunded actuarial liability.

Line 14 Directors' Fees: Includes directors fees as well as directors training, seminars, and mileage expense. YTD is trending at 33% of budget.

Line 16 Contractual Services: Includes software support, legal services, and auditing & accounting services. YTD is trending over budget at 47% due to the timing of annual software maintenance costs.

Line 17 Insurance: Includes both general liability and vehicle insurance expenses. YTD is trending over budget at 46% due to the timing of quarterly premiums.

Line 18 Utilities: Includes telephone and electricity expenses. YTD is trending over budget at 51% due to high electric consumption during summer months.

Line 19 Operations & Maintenance: Includes vehicle maintenance, vehicle fuel, mileage & travel reimbursement, uniforms, and equipment maintenance. YTD is at 28% of budget.

Line 20 Permits & Fees: Includes the annual LAFCO fees, the GFOA application fee for the budget award, and San Bernardino County fees. YTD is trending over budget at 62% due to the timing of annual LAFCO fees payment.

Line 21 Office & Other Expense: Includes board meeting supplies, public relations, community promotion, bank charges, office supplies, postage, and dues & subscription. YTD is trending over budget at 63% due to increased bank charges, dues & subscriptions, and a \$1.3K drawer purchase in November.

Line 23 Admin Allocation: This is the monthly distribution of the budgeted Administration fund (Fund 10) expenses to the enterprise funds.



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #3d
Resolution2023-01A: A Resolution of the Board of Directors of the Helendale Community Services District Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring That Local Emergency Conditions Persist, and Re-Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committees for the Period February 1, 2023, to February 28, 2023, Pursuant to Brown Act Provisions

RESOLUTION NO. 2023- 01A

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THAT LOCAL EMERGENCY CONDITIONS PERSIST, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS STANDING COMMITTEES FOR THE PERIOD FEBRUARY 1, 2023, TO FEBRUARY 28, 2023, PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Helendale Community Services District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the District’s Board of Directors (the “Board”) and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

WHEREAS, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for application of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

WHEREAS, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board previously adopted Resolution No. 2022-01P on December 15, 2022, finding that the requisite conditions exist for the Board and its standing committees to conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and

WHEREAS, as a condition of extending the use of the provisions set forth in Government Code Section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists within the District, and the Board has done so; and

WHEREAS, emergency conditions persist within the District, specifically COVID-19 and its Delta variant, remain highly contagious and, therefore, a threat to the health, safety, and well-being of the District's employees, directors, vendors, contractors, customers, visitors, and residents; and

WHEREAS, directions from the San Bernardino County Department of Public Health and regulations from the State of California impose various social distancing restrictions and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, the Board does hereby find that a state of emergency continues to exist within the District's service area as a result of the continuing presence of COVID-19, which has caused, and will continue to cause, conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board desires to re-affirm that a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board does hereby find that the Board and all standing committees thereof shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

WHEREAS, the District will continue to provide proper notice to the public regarding all Board and standing committee meetings in accordance with Government Code Section 54953(e)(2) and shall continue to provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board hereby considers the conditions of the state of emergency within the District and proclaims that a local emergency persists throughout the District as a result of the continuing presence of COVID-19, which continues to cause conditions of imminent risk to attendees of the District's Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders

and guidance, and that continuing to conduct the District's Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The District's General Manager, or his or her delegee, and the Board and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

PASSED AND ADOPTED by the Board of Directors of the Helendale Community Services District this 19th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Henry Spiller, President, Board of Directors

ATTEST:

Sandy Haas, Secretary, Board of Directors



Helendale Community Services District

DATE: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #5
Discussion and Possible Action Regarding Approval of Directors' Expense Reports

STAFF RECOMMENDATION

None.

STAFF REPORT

This matter is at the discretion of the Board. Included herein for the Board's consideration are expense reports submitted since the last Board meeting.

FISCAL IMPACT: NA

POSSIBLE MOTION: At the discretion of the Board.

ATTACHMENTS: Expense Reports

CUSTOMER COPY

Los Domingos
(760) 256-1381

12/14/2022 12:27:50 PM
Terminal SN: 3A504352
EVO UID: 20221214E733-172
EVO ID: 39
EVO Payment UID: 202212149A42
Small Room->1

Employee: Brittney

Transaction #: 26
Account: 6370
Name On Card: HAAS/SANDRA L
Entry: Chip
Amount: \$27.62

Tip: \$ 3
Total: \$ 30.62

Auth Code: 012746
Response: OK

TC: D1483A2D37593E86
TVR: 8080008000
AID: A0000000031010
TSI: 6800
ATC: 0013
APPLAB: VISA DEBIT

Suggested Tip
 10% (Tip: \$2.76, Total: \$30.38)
 15% (Tip: \$4.14, Total: \$31.76)
 20% (Tip: \$5.52, Total: \$33.14)

/ I AGREE TO PAY ABOVE TOTAL
AMOUNT ACCORDING TO CARD ISSUER
AGREEMENT (MERCHANT AGREEMENT
IF CREDIT VOUCHER)



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Alex Aviles, Wastewater Operations Manager
SUBJECT: Agenda item #6
Discussion and Possible Action Regarding Approval of Payment for Well 1 Repair Services Exceeding General Manager's Signing Authority

STAFF RECOMMENDATION:

Staff requests approval of the item.

STAFF REPORT:

Well 1A went down on 10/15. We called the vendor who installed the last submersible pump/motor in the event it was a warranty issue. The vendor was able to respond within a few days to trouble shoot the well and determined that it would need to be pulled. The well pump/motor and casing were pulled and the pump was taken to their shop for evaluation to determine the cause and whether it was covered under the warranty.

When the equipment was reinstalled in July, old wiring was used. It was determined that the cause of the failure was water getting into the wiring and shorting out the motor. Due to supply shortages that we have become all too familiar with, it took several weeks to get all of the necessary equipment to reinstall the equipment.

The first invoice for pulling the equipment came to \$19,205.25 and would have been waived if there was an equipment failure issue covered under warranty. This amount was under the General Manager's signing authority. However, the second invoice for the new equipment and reinstallation caused the project to be \$20,525.31 and combined the repair costs exceed the signing authority and requires Board ratification. Staff did not receive the final invoice until after the last meeting in December. Therefore, this is the first opportunity to request ratification of the payment from the Board.

FISCAL IMPACT: \$40,025.31

POSSIBLE MOTION: Approve expenditure for Well 1 repairs

ATTACHMENTS: Invoices for Repair



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Alex Aviles, Wastewater Operations Manager
SUBJECT: Agenda item #6
Discussion and Possible Action Regarding Approval of Payment for Well 1 Repair Services Exceeding General Manager's Signing Authority

STAFF RECOMMENDATION:

Staff requests approval of the item.

STAFF REPORT:

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FISCAL IMPACT: \$40,025.31

POSSIBLE MOTION: Approve expenditure for Well 1 repairs

ATTACHMENTS: Invoices for Repair



V-0115

A GRANITE COMPANY

INVOICE

Inv No.: 2369717

Page 1 of 1

LAYNE CHRISTENSEN COMPANY

Remit To: PO BOX 743609 LOS ANGELES CA 90074-3609

860 - WRD REDLANDS PH: 262-246-4646 - FAX: 262-246-4784

CUSTOMER PO#: Signed Proposal WO#: LAYNE JOB #: 1168118

Table with 2 columns: Sold To (891999, HELENDALE CSD, ATTN: ACCOUNTS PAYABLE, P O BOX 359, HELENDALE, CA 92342-0359) and Notes (ccarison@helenadlecscd.org)

Table with 5 columns: INV DATE, DUE DATE, ACCOUNT MANAGER, PROJECT MANAGER, TERMS. Row 1: 11/17/2022, 12/17/2022, MULL, TY, BRASHEAR, DAVID M, A/R Net 30 Days

WELL 1A

Table with 5 columns: QTY, Units, UOM, Remark, Unit Price, Total. Row 1: 1 00, LS, Roundtrip Pumping Equipment, \$20,525.31, \$20,525.31. Sub Total ==> \$20,525.31

Invoice Approval form with fields: Account # (01-541500), Date (7/17/22), Initials (LCC), and a signature.

Handwritten note: 'Craig, I called Layne ref # was advised that proposal costs were \$20,525.31. AWESOME! Invoice 11/17/22'

Summary table: Total Taxable Amount \$20,525.31, Total Tax Amount, Total Retainage Amount - 0% \$0.00, Total Invoice Amount \$20,525.31

Thank you for your business Layne Christensen, a Granite Corporation is an Equal Opportunity Employer ORIGINAL

PROPOSAL



Client: Helendale Community Service District
 Contact: Craig Carlson
 Address: 26719 Vista Road Suite 3
 City, State, Zip: Helendale, CA 92342
 Project: Motor is over amping and the softstart fault reading
 Phone: 760-951-0006
 Email: ccarlson@helendalecscd.org

Date: October 17, 2022
 Written By: Ty Mull
 Quote No.:
 Phone: 909-836-4574
 Email: Ty.Mull@gcinc.com
 Project Address: 26527 Corona Drive
 Helendale, CA 92342

Project Description	Quantity	Unit	Rate	Amount	Total
Mobilization	1	LS		\$525.00	\$525.00
On site service work - troubleshoot	4	HR		\$240.00	\$960.00
				Sub-Total	\$1,485.00
				Sales Tax	
				Total	\$1,485.00

These proposed changes included in INV # 2369717

Additional Terms and Conditions

- Price based on attached Layne terms and conditions.
- By signing below, Client acknowledges receipt of Layne T&C's.
- Price is based on good ingress and egress to site.
- Price based on prevailing wage rates
- If approved, sign and return
- Estimate is based on median fuel cost of \$7.00/gallon as of 10/17/2022.
- Increases realized at time of purchase will be invoiced at cost plus 15%.

Sub-Total \$1,485.00
 Sales Tax
 Total \$1,485.00

Prices are good for 30 days from date of proposal

*01-541000
 SE
 10-17-22*

Layne Christensen Company

Helendale Community Service District

Ty Mull

10/17/2022
 DATE

SE

10-17-22
 Date

Thank you for the opportunity to be your water resource solution.



INVOICE

RECEIVED JAN 09 2023

Inv No.: **2397065**

Page 1 of 1

LAYNE CHRISTENSEN COMPANY

Remit To: PO BOX 743609 LOS ANGELES CA 90074-3609	860 - WRD REDLANDS PH: 262-246-4646 - FAX: 262-246-4784	CUSTOMER PO#: WO#: LAYNE JOB #:	Signed Proposal 1168118
---	--	---------------------------------------	--------------------------------

Sold To: 891899 HELENDALE CSD ATTN: ACCOUNTS PAYABLE P O BOX 359 HELENDALE, CA 92342-0359	Notes: ccarlson@helenadlecscd.org
--	---

INV DATE	DUE DATE	ACCOUNT MANAGER	PROJECT MANAGER	TERMS
12/20/2022	1/19/2023	MULL, TY	BRASHEAR, DAVID M	A/R Net 30 Days
QTY / Units	UOM	Remark	Unit Price	Total

WELL 1A

1.00	LS	Additional labor for pump installation	\$7,100.00	\$7,100.00
1.00	LS	Shop labor to correct fitment	\$2,000.00	\$2,000.00
1.00	LS	* 250MCM pump cable	\$9,100.00	\$9,100.00
1.00	LS	Freight	\$300.00	\$300.00
Sub Total ==>				\$18,500.00

Emergency Repair Well-1A

Helendale CSD	
Invoice Approval	
Acct#:	01-544803
Date:	1/9/23 - 10.23
Initial:	CC
BY _____ OF _____	

Total Taxable Amount	\$18,500.00
Total Tax Amount	\$705.25
Total Retainage Amount - 0%	\$0.00
Total Invoice Amount	\$19,205.25

Layne Christensen Company will institute a late payment charge at a rate of 18% per annum (unless a lower rate is required under applicable law, in which case the lower rate will apply) for all payments not made on or before the due date. It is the policy of Layne Christensen to preserve all lien and payment bond rights where available. All notifications are sent strictly for this purpose.

Thank you for your business
Layne Christensen, a Granite Corporation is an Equal Opportunity Employer
ORIGINAL

V-0205



PROPOSAL

Client: Helendale Community Service District
 Contact: Craig Carlson
 Address: 26719 Vista Road Suite 3
 City, State, Zip: Helendale, CA 92342
 Project: Additional Labor and Materials to Set Submersible Pump
 Phone: 760-951-0006
 Email: c.carlson@helendale.org

Date: November 28, 2022
 Written By: Ty Mull
 Quote No: DMR22132
 Phone: 909-838-4574
 Email: ty.mull@layne.com
 Project Address: 26527 Corona Drive
 Helendale, CA 92342

Project Description	Helendale CSD Well #1 Round Trip Submersible Pump and Motor Quote					
Additional labor for pump installation so pump would connect to motor and		1	LS	\$7,100.00	\$7,100.00	
Shop labor to correct fitment issues		1	LS	\$2,000.00	\$2,000.00	
250MCM pump cable	T	1	LS	\$9,100.00	\$9,100.00	
Freight		1	LS	\$300.00	\$300.00	

Additional Terms and Conditions

- Price based on attached Layne terms and conditions.
- By signing below, Client acknowledges receipt of Layne T&Cs.
- Price is based on good ingress and egress to site.
- Price based on standard wage rates.
- If approved, sign and return.
- Estimate is based on median fuel cost of \$7.00/gallon as of 11/28/22.
- Increases realized at time of purchase will be invoiced at cost plus 25%.

Emergency Repair

Sub Total \$18,500.00
 7.75% Sales Tax \$705.25
Total \$19,205.25

Helendale CSD
 Invoice Approval
 01-541250
 1-10-23
 Initial CC
 O.P. F.O. Y or N

Price is good for 90 days from date of proposal

Well 1A

Layne Christensen Company

Helendale Community Service District

Ty Mull

11/28/2022
 DATE

[Signature]

12-20-22
 Date

Thank you for the opportunity to be your water resource solution.



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #7
Discussion and Possible Action Regarding Adoption of Resolutions 2023-02; 2023-03; 2023-04; 2023-05; 2023-06: A Resolution of the Board of Directors of the Helendale Community Services District Congratulating Boy Scouts from Troop 574, Helendale for Achieving the Rank of Eagle Scout

STAFF RECOMMENDATION:

Staff seeks approval from the Board.

STAFF REPORT

The District has had a close relationship with Boy Scout Troop 574 for many years. The Scouts operated the snack bar for at least six soccer seasons and participated in the Harvest Farmer's Market by selling pumpkins and donating the proceeds to the local food bank. In addition, four of the five scout who will be celebrating their Eagle Court of Honor on February 5th completed projects within the District. The boys had to appear before the Board and present their projects and seek approval. It seems fitting that the District honors each of them with a resolution acknowledging this impressive achievement. The achievement of Eagle rank is the capstone for their scouting career.

The Resolutions will be presented to the boys at the Court of Honor.

Below are the names of the Boys to be honored with the resolutions:

- Thomas Johnson – Completed a project in the park installing bat boxes
- Toma Hanawa – Completed the nature play area at the park
- Joshua Gentry – Completed the rehabilitation of benches for the park
- Seth Cates – Painted fire hydrants within the community
- Ryan Hauser – Completed his Eagle project at Apple Valley Gun Club Trap Range

FISCAL IMPACT: NA

POSSIBLE MOTION: Motion to Adopt Resolution 2023-02 honoring the Eagle Scouts

ATTACHMENTS: Resolution 2023-02; 2023-03; 2023-04; 2023-05; 2023- 06



RESOLUTION NO. 2023-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE
COMMUNITY SERVICES DISTRICT HONORING THOMAS JOHNSON OF
TROOP 574 FOR ATTAINING THE LEVEL OF EAGLE SCOUT WITH THE
BOY SCOUTS OF AMERICA**

WHEREAS, the Eagle Scout is the highest attainable rank in the Boy Scouts of America Program; and

WHEREAS, only four percent of all Boy Scouts achieve the rank of Eagle Scout; and

WHEREAS, his Eagle Scout Project was to plan, construct and install bat boxes at the Helendale Community Park and other District property; and

WHEREAS, Thomas has supported the Community and the District through his participation in the Soccer Snack Bar, Fall Festival Farmers Market, Food and Coat Drives,

NOW, THEREFORE, BE IT RESOLVED:

The governing body of the HELENDALE COMMUNITY SERVICES DISTRICT, do hereby recognize and commend Thomas Johnson for his perseverance to the rank of Eagle Scout in the Boy Scouts of America, and congratulate him on the very special occasion of the Eagle Court of Honor.

ADOPTED this 19th DAY of JANUARY 2023 by the Governing Body of HELENDALE COMMUNITY SERVICES DISTRICT by the following roll call votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED

ATTEST

Henry Spiller, President

Sandy Haas, Secretary



RESOLUTION NO. 2023-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE
COMMUNITY SERVICES DISTRICT HONORING TOMA HANAWA OF
TROOP 574 FOR ATTAINING THE LEVEL OF EAGLE SCOUT WITH THE
BOY SCOUTS OF AMERICA**

WHEREAS, the Eagle Scout is the highest attainable rank in the Boy Scouts of America Program; and

WHEREAS, only four percent of all Boy Scouts achieve the rank of Eagle Scout; and

WHEREAS, his Eagle Scout Project was to plan, construct and install bat boxes at the Helendale Community Park and other District property; and

WHEREAS, Toma has supported the Community and the District through his participation in the Soccer Snack Bar, Fall Festival Farmers Market, Food and Coat Drives,

NOW, THEREFORE, BE IT RESOLVED:

The governing body of the HELENDALE COMMUNITY SERVICES DISTRICT, do hereby recognize and commend Toma Hanawa for his perseverance to the rank of Eagle Scout in the Boy Scouts of America, and congratulate him on the very special occasion of the Eagle Court of Honor.

ADOPTED this 19th DAY of JANUARY 2023 by the Governing Body of HELENDALE COMMUNITY SERVICES DISTRICT by the following roll call votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED

ATTEST

Henry Spiller, President

Sandy Haas, Secretary



RESOLUTION NO. 2023-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE
COMMUNITY SERVICES DISTRICT HONORING JOSHUA GENTRY OF
TROOP 574 FOR ATTAINING THE LEVEL OF EAGLE SCOUT WITH THE
BOY SCOUTS OF AMERICA**

WHEREAS, the Eagle Scout is the highest attainable rank in the Boy Scouts of America Program; and

WHEREAS, only four percent of all Boy Scouts achieve the rank of Eagle Scout; and

WHEREAS, his Eagle Scout Project was to plan, construct and install bat boxes at the Helendale Community Park and other District property; and

WHEREAS, Joshua has supported the Community and the District through his participation in the Soccer Snack Bar, Fall Festival Farmers Market, Food and Coat Drives,

NOW, THEREFORE, BE IT RESOLVED:

The governing body of the HELENDALE COMMUNITY SERVICES DISTRICT, do hereby recognize and commend Joshua Gentry for his perseverance to the rank of Eagle Scout in the Boy Scouts of America, and congratulate him on the very special occasion of the Eagle Court of Honor.

ADOPTED this 19th DAY of JANUARY 2023 by the Governing Body of HELENDALE COMMUNITY SERVICES DISTRICT by the following roll call votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED

ATTEST

Henry Spiller, President

Sandy Haas, Secretary



RESOLUTION NO. 2023-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE
COMMUNITY SERVICES DISTRICT HONORING SETH CATES OF TROOP
574 FOR ATTAINING THE LEVEL OF EAGLE SCOUT WITH THE BOY
SCOUTS OF AMERICA**

WHEREAS, the Eagle Scout is the highest attainable rank in the Boy Scouts of America Program; and

WHEREAS, only four percent of all Boy Scouts achieve the rank of Eagle Scout; and

WHEREAS, his Eagle Scout Project was to plan, construct and install bat boxes at the Helendale Community Park and other District property; and

WHEREAS, Seth has supported the Community and the District through his participation in the Soccer Snack Bar, Fall Festival Farmers Market, Food and Coat Drives,

NOW, THEREFORE, BE IT RESOLVED:

The governing body of the HELENDALE COMMUNITY SERVICES DISTRICT, do hereby recognize and commend Seth Cates for his perseverance to the rank of Eagle Scout in the Boy Scouts of America, and congratulate him on the very special occasion of the Eagle Court of Honor.

ADOPTED this 19th DAY of JANUARY 2023 by the Governing Body of HELENDALE COMMUNITY SERVICES DISTRICT by the following roll call votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED

ATTEST

Henry Spiller, President

Sandy Haas, Secretary



RESOLUTION NO. 2023-06

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE
COMMUNITY SERVICES DISTRICT HONORING RYAN HAUSER OF TROOP
574 FOR ATTAINING THE LEVEL OF EAGLE SCOUT WITH THE BOY
SCOUTS OF AMERICA**

WHEREAS, the Eagle Scout is the highest attainable rank in the Boy Scouts of America Program; and

WHEREAS, only four percent of all Boy Scouts achieve the rank of Eagle Scout; and

WHEREAS, his Eagle Scout Project was to plan, construct and install bat boxes at the Helendale Community Park and other District property; and

WHEREAS, Ryan has supported the Community and the District through his participation in the Soccer Snack Bar, Fall Festival Farmers Market, Food and Coat Drives,

NOW, THEREFORE, BE IT RESOLVED:

The governing body of the **HELENDALE COMMUNITY SERVICES DISTRICT**, do hereby recognize and commend Ryan Hauser for his perseverance to the rank of Eagle Scout in the Boy Scouts of America, and congratulate him on the very special occasion of the Eagle Court of Honor.

ADOPTED this 19th DAY of JANUARY 2023 by the Governing Body of **HELENDALE COMMUNITY SERVICES DISTRICT** by the following roll call votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

APPROVED

ATTEST

Henry Spiller, President

Sandy Haas, Secretary



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #8
Discussion Only Regarding Calendar Year 2022 Update to Ethics Presentation

STAFF RECOMMENDATION:

None.

STAFF REPORT:

During the video ethics training that was held in December there were some follow on questions from the Board. District Counsel is preparing a memo that will be presented to the Board regarding updates that were not covered in the video as well as response to various questions.

FISCAL IMPACT: None

POSSIBLE MOTION: None

ATTACHMENTS: None



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #9
Discussion Only Regarding Review of the Sunshine Ordinance (Ordinance 2021-01)

STAFF RECOMMENDATION:

None

STAFF REPORT:

The Sunshine Ordinance is one of the foundational documents adopted by the Board. The Ordinance was one the first initial actions taken by the Board. The Ordinance has been modified from time to time and reviewed on a regular basis. It is scheduled for annual review. Attached for the Boards' review is Ordinance 2021-01 that was adopted on April 15, 2021.

Counsel will provide a review of the Ordinance.

FISCAL IMPACT: None

POSSIBLE MOTION: None

ATTACHMENTS: Ordinance 2021-01 (Sunshine Ordinance)



ORDINANCE NO. 2021-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT ESTABLISHING GUIDELINES FOR THE CONDUCT OF ITS PUBLIC MEETINGS AND ACTIVITIES

WHEREAS, the Board of Directors of the Helendale Community Services District finds as follows:

A. The Helendale Community Services District ("the District") is a community services district organized and operating pursuant to California Government Code Section 61000 et seq.

B. The District is governed by an elected Board of Directors ("the Board") whose meetings are subject to the requirements of the Ralph M. Brown Act, California Government Code Section 54950 et seq. ("the Brown Act") pursuant to California Government Code Section 61044.

C. The Board is authorized by Government Code Section 54953.7 to impose requirements upon itself which allow greater access to its meetings than prescribed by the Brown Act.

D. The purpose of this ordinance is to ensure that the Board's deliberations are open to the public to the fullest extent permitted by law and its activities are performed in a manner that reflects a dedication to the highest standards of integrity and accountability so as to continue to earn the trust and confidence of the public served by the District.

THEREFORE, THE BOARD OF DIRECTORS of the Helendale Community Services District does hereby adopt and ordain as follows:

Section 1. **COMPLIANCE WITH STATUTORY REQUIREMENTS.**

All meetings of the Board and all committees thereof shall be conducted in compliance with all applicable requirements of the Brown Act.

Section 2. **ADDITIONAL REQUIREMENTS.**

2.1. **Regular Meetings.** Pursuant to Government Code Section 54954(a), all regular meetings of the Board shall be held at 6:30 p.m. on the first and third Thursdays of each month at the District Boardroom located at 26540 Vista Road, Suite B or C, Helendale, California.

2.2. **Special Meetings.** Special meetings of the Board shall be called and conducted in accordance with Government Code Section 54956. The Board shall not add any non-agendized item to the agenda of a special meeting.

2.3. Agendas.

2.3.1. Descriptions.

(a) *Open Session.* The agenda for all Board meetings and all committee meetings that are open to the public shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of undefined abbreviations or acronyms not in common usage and terms whose meaning are not known to the general public. The description of an agenda item is adequate if it is sufficiently clear and specific to alert a person whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

(b) *Closed Session.* Substantial compliance with the permissive provisions of Government Code Section 54954.5, as generally reflected in Exhibit A attached hereto and incorporated herein by this reference, is mandatory under this ordinance with respect to the description of any closed session items on any Board meeting agenda.

2.3.2. Public Comment. The agenda for all meetings of the Board shall include an item for Public Comment so as to provide an express opportunity for members of the public to directly address the Board in accordance with the requirements of Government Code Section 54954.3(a) prior to the Board's consideration of the merits of any item placed on the agenda. In the event that a motion is made to reorder the agenda, or add an item to the agenda, or otherwise take any Board action prior to the Public Comment portion of the agenda, the President of the Board shall ask any members of the public in attendance at the meeting whether they wish to comment on the motion that is pending before the Board. During the Board's consideration of items discussed after the Public Comment portion of the agenda, the President of the Board should exercise best efforts to recognize any member of the public who wishes to speak on that issue prior to any action thereon that is taken by the Board. While testimony and input received from the public during Board meetings is a valuable part of the Board's decision-making process, the Board President is nevertheless authorized pursuant to Government Code Section 54954.3(b) to limit the total amount of time allocated for public testimony on particular issues to a reasonable length of time, to limit public testimony to three (3) minutes or less for each individual speaker (although individual speakers will be permitted on a reasonable basis to transfer their unused allotment of time to another speaker), and to prevent a person who is unduly repetitive from continuing to speak.

2.4. Posting. The agendas of all Board meetings and all committee meetings that are open to the public shall be posted in the following locations: (1) an exterior window or bulletin board located outside the location of the Board meeting which is accessible twenty-four (24) hours a day; (2) an exterior window or bulletin board located outside of the administration office; and (3) as soon as possible, the full agenda packet shall be posted on the District website: www.helendalecsd.org.

Section 3. ANNUAL REVIEW.

Each year the Board shall review this ordinance to determine its effectiveness and the necessity for its continued operation. The District's General Manager shall report to the Board on the operation of this ordinance, and make any recommendations deemed appropriate, including proposals to amend the ordinance. Upon conclusion of its review, the Board may take any action it deems appropriate concerning this ordinance. Nothing herein shall preclude the

Board from taking action on the ordinance at times other than upon conclusion of the annual review.

Section 4. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. EFFECTIVE DATE.

The provisions of this ordinance shall supersede and rescind Ordinance No. 2018-03 adopted by the District's Board of Directors on February 15, 2018, and shall take effect immediately upon adoption.

Adopted this 15th day of April, 2021.

AYES:
NOES:
ABSTAIN:
ABSENT:

Tim Smith, President, Board of Directors

ATTEST:

Sandy Haas, Secretary, Board of Directors

EXHIBIT A

Under Government Code Section 54954.5, the following language has been provided by the State Legislature as sample language which will meet the mandate of the Brown Act for properly identifying closed session items on the Board's agenda:

- LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)

Applicant(s): (Specify number of applicants)

- CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: (Specify street address; parcel number if no street address; or other unique reference of parcel under negotiation)

District Negotiator: (Specify names of negotiators attending closed session) (If the specified negotiator is to be absent, an agent or designee may participate provided the name of the agent or designee is announced publicly prior to the closed session.)

Negotiating parties: [Specify name of party (not agent)]

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code Section 54956.9(d)(1)]

Name of case: (Specify by reference to claimant's name, name of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (Specify number of potential cases)

- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (Specify number of potential cases)

- **LIABILITY CLAIMS (Government Code Section 54956.95)**

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

- **THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code Section 54957)**

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable District representative and title)

- **PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)**

Title: (Specify description of position to be filled)

- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)**

Title: (Specify position title of employee being reviewed)

- **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)**

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release.)

- **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

District designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of negotiations)

- **CASE REVIEW/PLANNING (Government Code Section 54957.8)**

(No additional information is required in connection with a closed session to consider case review or planning.)



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #10
Discussion Only Regarding Review of the Conflict of Interest Code

STAFF RECOMMENDATION:

None

STAFF REPORT:

Many of the items reviewed on this agenda are reviewed annually or from time to time as the need arises. Based upon Board member questions, Staff and Counsel, feel that review of the Conflict of Interest Code will help with the on-boarding of the new Board members as well as provide the opportunity to review and modify the Code as necessary.

The Conflict of Interest Code was last adopted in August 2022 as part of the annual review. At that time Staff requested the addition of the District's Water Operations Manager and the Wastewater Operations Manager.

Counsel will provide a review of the Conflict of Interest Code.

FISCAL IMPACT: None

POSSIBLE MOTION: None

ATTACHMENTS: Conflict of Interest Code (Resolution 2022-18)



RESOLUTION NO. 2022-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Helendale Community Services District (the District) is a community services district organized and operating pursuant to California Government Code Section 61000 et seq., and a local government agency subject to the requirements of the Political Reform Act of 1974 (the Act), California Government Code Section 81000 et seq.;

WHEREAS, Section 87300 of the Act requires all local government agencies to adopt and promulgate conflict of interest codes pursuant to the provisions of the Act;

WHEREAS, the Fair Political Practices Commission (the FPPC) has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code which can be incorporated by reference, and which may be amended by the FPPC after public notice and hearings to conform to amendments in the Act; and

WHEREAS, the District desires to comply with its statutory requirements under the Act and to provide a method to ensure that its Conflict of Interest Code is current and consistent with the prevailing provisions of the Act and the regulations of the FPPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Helendale Community Services District as follows:

Section 1.

The terms of 2 Cal. Code of Regs. Section 18730, and any amendments to it duly adopted by the FPPC, are hereby incorporated herein by this reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, shall constitute the District's Conflict of Interest Code. In the event of any inconsistency between the attached Appendix and the prevailing provisions of the Act and/or the applicable regulations of the FPPC, the Act and the FPPC regulations shall control.

Section 2.

Designated officials shall file statements of economic interest with the District which will then be made available to the public for inspection and reproduction. Upon receipt of the statements from the District's Board of Directors and General Manager, the Clerk of the District shall make and retain a copy and forward the original of said statements to the County Clerk of the County of San Bernardino. Statements for all other designated officials will be retained by the District Clerk.

Section 3.

The provisions of this Resolution shall supersede Resolution No. 2018-06 adopted by the District's Board of Directors on March 1st, 2018, and shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 18th day of August, 2022.

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Tim Smith, President, Board of Directors

ATTEST _____
Sandy Haas, Secretary, Board of Directors

APPENDIX

CONFLICT OF INTEREST AND DISCLOSURE CODE

The Helendale Community Services District (“District”) in the County of San Bernardino hereby adopts this Conflict of Interest and Disclosure Code (“Code”). Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Code.

SECTION 100. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Code.

SECTION 200. Designated Employees, Directors, and Consultants.

The persons holding positions listed in Exhibit “B” are designated employees, directors, and consultants. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

SECTION 300. Disclosure Categories.

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this District is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

In addition, this Code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- A. The geographical jurisdiction of this District is the same as or is wholly included within the jurisdiction of the other agency;
- B. The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code Section 87200; and
- C. The filing officer is the same for both agencies.

Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "A" specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit "B." It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

SECTION 400. Statements of Economic Interests: Place of Filing.

The Code reviewing body shall instruct all designated employees within its Code to file statements of economic interests with the District or with the Code reviewing body, as provided by the Code reviewing body in the District's Code.

SECTION 500. Statements of Economic Interests: Time of Filing.

- A. Initial Statements.** All designated employees employed by the District on the effective date of this Code, as originally adopted, promulgated and approved by the Code reviewing body, shall file statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment.
- B. Assuming Office Statements.** All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- C. Annual Statements.** All designated employees shall file statements no later than April 1.
- D. Leaving Office Statements.** All persons who leave designated positions shall file statements within 30 days after leaving office.

SECTION 550. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

- A. Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
- (1) File a written resignation with the appointing power; and
 - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the District or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

SECTION 600. Contents of and Period Covered by Statements of Economic Interests.

A. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

B. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

C. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. Section 18754.

D. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

SECTION 700. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the District, and shall contain the following information:

A. Investment and Real Property Disclosure. When an investment or an interest in real

property is required to be reported, the statement shall contain the following:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

B. Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
- (3) A description of the consideration, if any, for which the income was received;
- (4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
- (5) In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

C. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- (1) The name, address, and a general description of the business activity of the business entity;

- (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

D. Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

E. Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

SECTION 800. Prohibition on Receipt of Honoraria.

No member of a the District shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 810. Prohibition on Receipt of Gifts in Excess of \$470.

No member of the District shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

SECTION 820. Loans to Public Officials.

A. No elected officer of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the District in which the elected officer holds office or over which the District has direction and control.

- B.** No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the District in which the public official holds office or any state or local government agency over which the District has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- C.** No elected officer of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the District or any state or local government agency or over which the District has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- D.** No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the District or any state or local government agency over which the District has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- E.** This section shall not apply to the following:
- (1) Loans made to the campaign committee of an elected officer or candidate for elective office.
 - (2) Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 - (3) Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 - (4) Loans made, or offered in writing, before January 1, 1998.

SECTION 830. Loan Terms.

- A.** Except as set forth in subdivision B, no elected officer of the District shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- B.** This section shall not apply to the following types of loans:
- (1) Loans made to the campaign committee of the elected officer.
 - (2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 - (3) Loans made, or offered in writing, before January 1, 1998.
- C.** Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

SECTION 840. Personal Loans.

- A.** Except as set forth in subdivision B, a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
- (1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 - (2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - i. The date the loan was made.
 - ii. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - iii. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

B. This section shall not apply to the following types of loans:

- (1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
- (2) A loan that would otherwise not be a gift as defined in this title.
- (3) A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- (4) A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- (5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

C. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

SECTION 900. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or, a member of his or her immediate family or on:

- A.** Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B.** Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C.** Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$470 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

SECTION 930. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 950. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

A. Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

B. Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

SECTION 1000. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

SECTION 1100. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her District, provided that nothing in this section requires the attorney for the District to issue any formal or informal opinion.

SECTION 1200. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

- (1) Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.
- (2) See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
- (3) For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
- (4) Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
- (5) A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
- (6) Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

"Investment" means any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. An asset shall not be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment

Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

CATEGORY 3

Persons in this category shall disclose all income as defined in Section 82030 of the Political Reform Act.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the District and associated with the job assignment of designated positions assigned to this disclosure category.

CATEGORY 5

Consultants who are not employed as full-time staff members of the District shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (*) in Exhibit "B" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "B"

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
1. Director	1-4
2. General Manager	1-4
3. Secretary	1-4
4. Assistant General Manager	1-4
5. Consultant*	5
6. Attorneys	5
7. Auditor*	5
8. Financial Support Contractor*	5

of the County of San Bernardino. Statements for all other designated officials will be retained by the District Clerk.

Section 3.

The provisions of this Resolution shall supersede Resolution No. 2018-06 adopted by the District's Board of Directors on March 1, 2018, and shall take effect immediately upon its adoption.

ADOPTED this 18th day of August, 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Tim Smith, President, Board of Directors

ATTEST: _____
Sandy Haas, Secretary, Board of Directors

APPENDIX

CONFLICT OF INTEREST AND DISCLOSURE CODE

SECTION 100. Adoption of Code.

The Helendale Community Services District ("the District") in the County of San Bernardino hereby adopts this Conflict of Interest and Disclosure Code ("Code"). The provisions of this Code are additional to the requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. ("the Act"), the regulations of the Fair Political Practices Commission adopted in connection therewith, 2 California Code of Regulations Section 18109 et seq. ("the Regulations"), and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of the Act, the Regulations, and any amendments thereto, are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions.

The positions listed on Exhibit "B" are designated positions. Persons holding those positions are deemed to participate in the making of decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Economic Disclosure Statements.

Designated positions are assigned to one or more of the disclosure categories set forth on Exhibit "A." Each person holding a designated position shall file a statement disclosing his/her interest in investments, business positions, real property, and income, designated as reportable under the category to which his/her position is assigned on Exhibit "B."

SECTION 400. Place and Time of Filing.

- A.** Persons holding designated positions which are added to the Code shall file an initial statement within 30 days after the effective date of the Code.
- B.** Persons appointed, promoted, or transferred to designated positions shall file an assuming office statement with the District within 30 days after assuming the position.
- C.** Annual statements shall be filed with the District by April 1st by all persons holding designated positions. Such statements shall cover the period of the preceding calendar year or from the date of the last statement filed.
- D.** Leaving office statements shall be filed with the District within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.

- E.** An individual who resigns a designated position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the District, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:
- (1) File a written resignation with the appointing power.
 - (2) File a written statement with the filing officer signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making or use the position to influence any decision of the District or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

SECTION 500. Contents of Economic Disclosure Statements.

Statements shall be made on forms supplied by the District, and shall contain the following information.

- A.** When an investment, or an interest in real property, is required to be reported, the statement shall contain:
- (1) A statement of the nature of the investment or interest;
 - (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
 - (3) The address or other precise location and the use of the real property;
 - (4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000) or whether it exceeds one million dollars (\$1,000,000); and
 - (5) If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.
- B.** When income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any of each source;
 - (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);
 - (3) A description of the consideration, if any, for which the income was received;
 - (4) In the case of a gift, the amount or value and the date on which the gift was received and the name, address, and business activity, if any, of the intermediary or agent and the actual donor;
 - (5) In case of a loan, the annual interest rate and security, if any, given for the loan; and
 - (6) The first report filed by a person holding a designated position shall disclose any reportable investments, interests in real property, business positions, and income received during the previous 12 months.
- C.** When the filer's pro rata share of income to a business entity or trust, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business activity of the business entity; and
 - (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such persons was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
- D.** When business positions are required to be reported, the statement shall contain:
- The name, address, and a general description of the business entity;
- The filer's job title or position; and

A statement whether the position was held throughout the entire reporting period and the dates the position was commenced or terminated, if not held during the entire reporting period.

SECTION 600. Disqualification.

Persons holding designated positions shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

- A. The financial status of the person holding a designated position or that of his or her spouse or dependent children;
- B. Any business entity located in, doing business in, owning real property in, or planning to do business in the jurisdiction of the person holding a designated position, in which said person, or his or her spouse or dependent child, has a reportable investment of \$2,000 or more;
- C. Any real property located in the jurisdiction of the person holding a designated position and said person, or his or her spouse or dependent child, has a reportable interest of \$2,000 or more in that real estate;
- D. Any person, business entity, or nonprofit entity located in, doing business in, owning real property in, or planning to do business in, the jurisdiction of the person holding a designated position, from which said person or his or her spouse has received reportable income, other than loans by a commercial lending institution in the regular course of business, aggregating five hundred dollars (\$500) or more in value within twelve months prior to the time the decision is made;
- E. Any person, business entity, or nonprofit entity from which the person holding a designated position has received a reportable gift aggregating five hundred twenty dollars (\$520) or more in value within twelve months prior to the time the decision is made; and
- F. Any business entity, other than a nonprofit organization, in which the person holding a designated position is a director, officer, partner, trustee, employee, or holds any position of management.

SECTION 700. Adoption by Incorporation.

Adoption by incorporation by reference of the terms of this Code along with the designation of employees and the formulation of disclosure categories in the Exhibits referred to above constitute the adoption and promulgation of a Conflict of Interest and Disclosure Code.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

The Act defines investment as follows:

"Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

CATEGORY 3

Persons in this category shall disclose all income as defined in Government Code Section 82030.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the District and associated with the job assignment of designated positions assigned to this disclosure category.

CATEGORY 5

Consultants who are not employed as full-time staff members of the District shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (*) in Exhibit "B" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "B"

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

Director	1-3
General Manager	1-3
Wastewater Manager, Water Manager	4
Attorney	5
Consultant*	5



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #11
Discussion Only Regarding Public Records Act Policy

STAFF RECOMMENDATION:

None

STAFF REPORT:

The District's response to the public's request for information is governed by the Public Records Act embodied in Government Code Section 6250 et seq. The Resolution, adopted in 2010 outlines the District responsiveness and includes exhibits that are part of the process. The requirements of the Act have changed from time to time and now includes electronic files, emails etc within the breadth of the law.

Counsel will review the District's public records procedures as embodied in Resolution 2010-09.

FISCAL IMPACT: None

POSSIBLE MOTION: None

ATTACHMENTS: Resolution 2010-09 setting procedures and charges for public review and copy of records



RESOLUTION NO. 2010-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT SETTING PROCEDURES AND CHARGES FOR PUBLIC REVIEW AND COPY OF DISTRICT RECORDS

BE IT RESOLVED by the Board of Directors of the Helendale Community Services District (“District”) that the following rules and regulations related to public access for inspection and copying of District records be adopted pursuant to Government Code Section 6253(e):

Section 1. The policy set forth below shall be used for guidance in distributing public documents and in responding to requests for information that the District may receive. It is designed to be in compliance with existing law such that any provision of this policy in conflict with existing law shall have no force or effect.

1.1. All District records and documents not deemed to be exempt under the California Public Records Act (“the Act”), California Government Code Section 6250 et seq., shall be open to the public for inspection and copying pursuant to the requirements of the Act and the procedures established herein.

1.2. Any person who wishes to inspect or copy any document or record of the District shall submit or unequivocally convey such a request to the District which reasonably and particularly describes an existing and identifiable record. The person seeking the record may, but need not, state his or her reason for making the request and/or the use to which the information will be put.

1.3. When a member of the public requests to inspect a public record or obtain a copy of a public record, the District, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall perform all of the following, to the extent reasonable under the circumstances:

- (a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- (b) Describe the information technology and physical location in which the records exist; and
- (c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

1.4. If the District receives a request for approved minutes, publicly-posted agendas, adopted budgets, and/or other simple, routine, and otherwise readily-available documents in the District's immediate possession, said records shall be released to the party so requesting for inspection as soon as possible. If copies thereof are requested, said records shall be released to the party so requesting as soon as possible after payment of the fee adopted by the District pursuant to Section 1.8 hereof.

1.5. All requests for records that are outside the scope of Section 1.4 hereof shall be reduced to written form. For convenience in describing the records sought, the District shall furnish the requesting party with the standard form attached hereto as **Exhibit A** and incorporated herein by this reference. However, use of that form shall not be the exclusive means by which a member of the public may identify said documents in writing. If the requesting party refuses or is unable to submit a request in writing, the District shall prepare a written memorandum articulating the request as it is understood.

1.6. Within ten (10) calendar days after receipt of a request to inspect or copy any document or record of the District identified in the writing prepared pursuant to Section 1.5 hereof, the District shall determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the District, and shall immediately notify the person making the request of such determination and the reasons therefor.

1.7. Under unusual circumstances as defined in the Act, the time limit prescribed in Section 1.6 hereof may be extended by written notice by the General Manager of the District, or his or her designee, to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than fourteen (14) calendar days.

1.8. If the District determines that the records requested shall be made available for public inspection or copying, the District shall promptly make the records available to the requesting party. If copies are requested, the District shall promptly provide copies of the records to the requesting party upon payment of a duly-adopted fee to cover the District's direct cost of duplication as calculated in the Schedule of Fees attached hereto as **Exhibit B** and incorporated herein by this reference.

1.9. If the District determines that the records requested shall not be made available for public inspection or copying, the District shall justify withholding any record by demonstrating that the record in question is exempt under the Act, that the District is unable to identify the information requested in the writing prepared pursuant to Section 1.5 hereof after making a reasonable effort to provide the assistance described in Section 1.3 hereof and elicit additional clarifying information from the requester that would help identify the record or records, or that, RESOLUTION NO.

based on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. Any notification of denial of any request for records shall set forth the names and titles of each person responsible for the denial.

1.10. If the District determines that any part of an otherwise public record shall not be made available for public inspection or copying, any reasonably segregable portion of the record shall be provided to the person requesting such record after deletion of the portions which are exempt by law and upon (a) compliance with Section 1.8 hereof as to the portions released to the requesting party and (b) satisfaction of Section 1.9 hereof as to the portions deleted therefrom.

Section 2. This Resolution supersedes any previously-adopted motion, resolution, or ordinance inconsistent with the terms hereof. This Resolution will be reviewed and revised as deemed appropriate by the District's Board of Directors.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 6th day of May, 2010.

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

H. James Keoshkerian, President

ATTEST: _____
Ron Clark, Secretary



Resolution 2010-06
"EXHIBIT A"

REQUEST FOR INSPECTION / COPIES OF PUBLIC RECORDS
[Government Code Section 6253(b)]

Request for a copy of public record identified below:

Name: _____ Date: _____
(Date must be filled in)

Address: _____

E-mail Address: _____

Phone: _____ Fax No.: _____

Copies to be: Picked-up Mailed Fax E-mail

To be completed by District:

Estimated No. of Pages _____	Actual cost _____	Account # _____
Estimated Cost (8.5 x 11 & 8.5 x 14) \$0.25/page	Postage (if mailed) _____	
(11 x 17) \$0.30/page	Total Cost _____	

Date Promised: _____ Date Mailed/Picked Up: _____

Mailed By: _____ Picked Up By: _____



Resolution 2010-06
"EXHIBIT B"

Records Request Schedule of Fees*	
No Charge for items emailed to requestor and No Sales Tax on Public Records Requests	
Price for a copy of a page (8-1/2" x 11") (Black/White or Color)	\$0.25 Per page
Price for a copy of a page (11" x 14") (Black/White or Color)	\$0.25 Per page
Price for a copy of a page (11 x 17) (Black/White or Color)	\$0.30 Per page
24 x 36 Maps black/ white or color (done by outside copier)	Actual Cost
Price for an affidavit to certify the copy(ies)	\$2.50 per page
Price for an envelope	\$0.05 each
Price for a large manila envelope	\$0.50 each
Price for mailing (letter-size envelope)	\$0.44 each
Price for mailing (large manila envelope)	\$5.43 each
Price for overnight mail	Actual Cost
Price for mailing a "certified" letter (in addition to postage due)	\$7.55 each
Price for a copy with CD	\$1.50 each

*Fees are subject to change upon current USPS Rates.



Helendale Community Services District

Date: January 19, 2023
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #12
Discussion and Possible Action Regarding Approval of Proposed Revisions to the District Purchasing Policy and Procedures

STAFF RECOMMENDATION:

Staff requests approval of the item.

STAFF REPORT:

The District's purchasing policy was last modified on September 5, 2019. Staff is suggesting on minor modifications due to changes in the law. On page 4 of the policy, the reference to Civil Code Section 3247 changes to 9550.

Counsel will provide a review of the Purchasing Policy and Procedures as this is a fundamental document that guides the District through purchasing compliance. How public works projects are bid, acquisition of supplies, etc. are done based upon statutory and policy guidelines set forth in the Board adopted policy.

FISCAL IMPACT: None

POSSIBLE MOTION: None

ATTACHMENTS: Revised Purchasing Policy (1 19 23)

HELENDALE COMMUNITY SERVICES DISTRICT

Purchasing Policy and Procedures

(Revised January 19, 2023)

Section 1. Purpose

The purposes of this policy are to standardize the purchasing procedures of the Helendale Community Services District, thereby securing for the District the advantages of a centralized and uniform purchasing policy saving the taxpayers money and increasing public confidence in the procedures for District purchasing; to promote the fair and equitable treatment of all consumers and suppliers of goods and services; and to set forth the duties and responsibilities of the General Manager and District staff.

Section 2. Definitions

- A) **Approved Vendors** – means those vendors approved by the General Manager for bidding purposes after satisfactory compliance with the Pre-Qualification Program contained in Section 7 below. The detailed list of Approved Vendors shall be on file at the District office at all times.
- B) **Bid Most Advantageous To The District** – means the Lowest Responsible bidder on a District project that is subject to Competitive Bidding from among those bids that are deemed to be Responsive to the Specifications.
- C) **Board** – means the Board of Directors of the District.
- D) **Capital Expenditure** – means all major expenditures of a non-recurring nature such as new buildings, major remodeling projects and major equipment Purchases. Excluded from this definition shall be all in-house projects unless the cost of the materials alone exceeds \$5,000.
- E) **Competitive Bidding** – means the process of obtaining the “Bid Most Advantageous To The District” for any Purchase conducted through a Formal Bid or Informal Bid.
- F) **District** – means the Helendale Community Services District.
- G) **Formal Bid** – means a written quotation obtained in a sealed envelope from an Approved Vendor, or through District direct solicitation, public announcement, or published advertisement and opened at a specific day, place, and time. Bidders can be from the Approved Vendor’s list or from bidders responding to advertisements or openly solicited requests for bids. Notice inviting bids for any contract requiring Competitive Bidding shall be published at least one time in a local newspaper of general circulation within the District.
- H) **Informal Bid** – means a written or oral quotation obtained from an Approved Vendor, but not required to be opened publicly at a specified day, place, and time.

HELENDALE COMMUNITY SERVICES DISTRICT
Purchasing Policy and Procedures

- I) Lowest** – means the smallest bid in monetary terms received by the District for the cost of a project subject to Competitive Bidding.
- J) Plans** – means drawings or diagrams made to scale showing the structure or arrangement of a construction project, or a method or program showing a level of service or benefit defined within a contract. Plans will become part of the awarded contract. All bidders will be afforded an opportunity to examine the Plans.
- K) Purchase** – means buying, renting, leasing or otherwise acquiring Supplies or Services for a price.
- L) Responsible** – means the Lowest bidder who possesses the trustworthiness, quality, fitness, ability, capacity, and experience to satisfactorily perform a District project subject to Competitive Bidding. When the Lowest bidder is found not to be Responsible, the District must notify the bidder of this finding and the evidence upon which the finding was based, and the District must afford the bidder an opportunity to rebut such adverse evidence, and permit the bidder to present evidence that the bidder is Responsible.
- M) Responsive** – means a bid received by the District for a project subject to Competitive Bidding that substantially conforms to the bid Specifications and all applicable statutory requirements. A bidder is not entitled to a hearing on the question of Responsiveness, but is entitled to notice and the right to submit materials to the Board or the District’s General Manager before a decision is made.
- N) Services** – means all labor furnished to the District by persons, firms, individuals or corporations not part of or connected with the District.
- O) Sole Source Contractor** means a contractor or consultant that has been evaluated to provide unique or specialized Services or Supplies that cannot be obtained from other contractors or consultants. Such designation must be approved by the Board.
- P) Specifications** – means standards, including quality, set by the General Manager, supervisory staff or consultants as a guide and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the District or non-technical specification for bids, which shall state the quality required in general terms. Specifications will become part of the awarded contract. All bidders will be afforded an opportunity to examine the specifications.
- Q) Splitting Purchases** – means the intentional separation of a District project into smaller portions in order to avoid any of the Purchasing limits established by this policy.
- R) Supplies** – means all materials and equipment.

HELENDALE COMMUNITY SERVICES DISTRICT
Purchasing Policy and Procedures

Section 3. Applicability

This policy shall apply to all Purchases made by the District, except as otherwise specified herein. In implementing this policy, District employees are prohibited from Splitting Purchases.

Section 4. Purchase of Construction Supplies

The District must comply with the following Competitive Bidding requirements with respect to the Purchase of Supplies for the construction or completion of any building, structure, or improvement when the cost exceeds \$25,000:

- A) **Formal Bids.** Contracts for Supplies for the construction or completion of any building, structure, or improvement, when the cost exceeds \$25,000, shall be contracted for and let to the Bid Most Advantageous To The District after notice. If two or more bids are the same and the Lowest, the Board may accept the one it chooses.
- B) **Notice.** The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least one week before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the Supplies to be Purchased.
- C) **Alternate Publication.** If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving that notice, the Board may by resolution declare that those notices shall be published in trade journals and papers at least ten days prior to the time specified for receiving bids.
- D) **Rejection of Bids.** At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.
- E) **Emergencies.** In the case of an emergency, the District may proceed in accordance with Section 8 below.

Section 5. Construction Contracts

The District must comply with the following Competitive Bidding requirements with respect to the construction or completion of any building, structure, or improvement when the cost exceeds \$25,000:

- A) **Formal Bids.** All contracts for the construction or completion of any building, structure, or improvement, when the cost exceeds \$25,000, shall be contracted for and let to the Bid

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Most Advantageous to the District after notice. If two or more bids are the same and the Lowest, the Board may accept the one it chooses.

- B) Notice.** The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least ten days before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the work to be done.
- C) Alternate Publication.** If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving that notice, the Board may by resolution declare that those notices shall be published in trade journals and papers at least ten days prior to the time specified for receiving bids.
- D) Plans and Specifications.** If Plans and Specifications are prepared describing the work, all bidders shall be afforded an opportunity to examine the Plans and Specifications, and the Plans and Specifications shall be attached to and become a part of the contract, if one is awarded.
- E) Bid Security.** All bids for construction work shall be presented under sealed cover and shall be accompanied by bidder's security in the form of either cash, a cashier's check made payable to the District, a certified check made payable to the District, or a bidder's bond executed by an admitted surety insurer made payable to the District. Upon an award to the bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the District beyond 60 days from the time the award is made.
- F) Rejection of Bids.** At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.
- G) Emergencies.** In the case of an emergency, the District may proceed in accordance with Section 8 below.
- H) Bonds.** The Board may, subject to Civil Code Section [32479550](#) et seq., require the posting of those bonds it deems desirable as a condition to the filing of a bid or the letting of a contract.
- I) Record.** The District shall keep cost records of the work in the manner provided in Government Code Section 4000 et seq.

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Section 6. Purchasing Limits for Other Contracts

The District must comply with the following requirements with respect to Purchases that are not subject to the provisions of Sections 4 and 5 above:

A) Formal Bids. Purchases shall be made by Formal Bid whenever such method is feasible and practical under existing conditions and circumstances.

B) Record of Bids. The District's General Manager shall keep a record of all bids submitted, and such record shall be open to proper inspection by any interested party within a reasonable amount of time.

C) Approval

1) No Purchase of Supplies or Services exceeding \$250 shall be made by any District staff without the approval of the General Manager. Notwithstanding the above, District staff may Purchase Supplies or Services in excess of the limit if the Supplies or Service has been approved on an open purchase order ("P.O.") and the staff person is identified as an authorized purchaser on the P.O. A Verbal Approval List shall be kept by the General Manager containing the date, employee name, vendor name, and amount of approval. All Purchases exceeding the \$250 limit shall be compared to the list. (See attached form)

2) No single Purchase of Supplies or Services exceeding \$25,000 shall be made by the District's General Manager without the approval of the Board.

E) Purchasing Procedures & Policies. The Purchase of Services and Supplies shall be on the basis of Competitive Bidding to the maximum practical extent. However, whenever Supplies or Services are procured by Competitive Bidding, negotiation, price quotations or other evidence of reasonable prices and other vital matters deemed necessary by the District's General Manager shall be solicited by the maximum number of qualified sources of Supplies or Services consistent with the nature of and requirements for the Supplies or Services to be Purchased, in accordance with the basic policies set forth below:

1) **Purchases - Not to Exceed \$5,000.** When the General Manager considers prices to be fair and reasonable and when the total amount of the Purchase does not exceed \$5,000, procedures and documentation will be simplified to the maximum degree possible. The General Manager shall establish such rules of procedures for such Purchases as he/she feels necessary to insure against abuse of the public interest. Procedures shall include verbal authorization, fax authorization, or other form of written authorization as required **from the General Manager or the Finance Manager.**

2) **Purchases - \$5,000 to \$15,000.** Purchases exceeding \$5,000 but not exceeding \$15,000 in total cost will be supported by a record of price quotations from three (3) different sources or an adequate explanation justifying the absence of such alternate quotes. Such quotations may be obtained in writing, verbally or by such other means as may be prescribed by the General Manager as appropriate to the circumstances. **General Manager or Finance**

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Manager approval shall be written and become part of the supporting documentation for the Purchase.

3) Purchases - \$15,000 to \$25,000. Purchases exceeding \$15,000 but not exceeding \$25,000 in total cost will be supported by a record of price quotations and Informal Bids or Formal Bids at the discretion of the General Manager. Criteria to be used for Formal Bid shall be whether or not the Purchase is a Capital Expenditure, a contract for professional services or lease, or an annual purchase order for Supplies, and/or maintenance and repair services. General Manager approval shall be written and become part of the supporting documentation for the Purchase.

4) Purchases Exceeding \$25,000 to \$100,000. Purchases exceeding \$25,000 to \$100,000 in value must be approved by the Board prior to award. Request for such approval will be accompanied by a full statement of facts justifying the recommendation for award. The District may advertise at least once in any appropriate industry publications or periodicals or bids may be solicited directly from known vendors via mail or fax. Specifications, Plans, and bid procedures shall be provided to vendors responding to the advertisement or to the direct solicitation to bid. Bid responses to these bids must be made in a written format. The Specifications and Plans shall become part of the awarded contract.

5) Purchases Exceeding \$100,000. Purchases exceeding \$100,000 in value must be approved by the Board prior to award. Request for such approval will be accompanied by a full statement of facts justifying the recommendation for award. Purchases with potential values that may exceed \$100,000 will be advertised at least once in a newspaper of general circulation within the District and at least ten (10) days before the time specified to receive bids. The District may advertise at least once in any appropriate industry publications or periodicals. Bids may also be solicited directly from known vendors via mail or fax. Specifications, Plans, and bid procedures shall be provided to vendors responding to the advertisement or to the direct solicitation to bid. Bid responses to these bids must be made in a written format. The Specifications and Plans shall become part of the awarded contract.

F) Rejection of Bids. The Board shall have the authority to reject any and all bids received in response to invitations for bids. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.

G) Requisitions. Purchases involving the immediate encumbrance of District funds shall be made only on a written requisition submitted by supervisory staff in such form as required by and approved by the General Manager in accordance with the procedures in this policy. Approval of the requisition shall result in the issuance of a P.O. or District check made payable to the vendor for the materials and supplies or services requested. For purchases where a P.O. is not necessary or accepted by the vendor, but a check is required, a request for a check shall be completed by District staff and approved by the General Manager. (See attached Requisition and Check Request Forms.) The General Manager shall examine each requisition and check request and shall have the authority to revise it as to quantity, quality, or estimated cost upon discussion with the requesting District staff.

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H) Open Purchase Orders.

1) Limit under \$25,000. The General Manager shall have the authority to issue an open P.O. for Services and Supplies to any Approved Vendor in an amount not to exceed \$25,000. All open P.O.'s shall expire at 5:00 p.m. on June 30 of each fiscal year. District staff authorized to purchase on the open P.O. shall be identified on the P.O. and provide District identification to the Approved Vendor for every Purchase.

2) Limit exceeding \$25,000. Open P.O.'s exceeding \$25,000 shall be approved by the Board. Approval by the Board can be made during annual budget adoption process when individual open P.O.'s are identified within the budget and made part of the budget adoption resolution. Additional open P.O.'s exceeding \$25,000 opened during the fiscal year must have Board approval before issuance. All open P.O.'s shall expire at 5:00 p.m. on June 30 of each fiscal year. District staff authorized to purchase on the open P.O. shall be identified on the P.O. and provide District identification to the vendor for every Purchase.

SECTION 7. Exemptions

A) Exemptions to Competitive Bidding. Notwithstanding the basic policy that the procurement of Services and Supplies shall be on a Competitive Bidding basis to the maximum practical extent, Purchases may be negotiated when one of the following circumstances is present:

- 1) When the total dollar value of the Purchase does not exceed \$15,000.
- 2) When an emergency exists, the District may proceed in accordance with Section 8.
- 3) When a Sole Source Contractor has been designated.
- 4) When Competitive Bidding would fail to produce an advantage and/or when the advertisement for Competitive Bidding would be undesirable, impractical, or impossible.
- 5) When the Board of Directors has determined that time is of the essence.
- 6) When the contract is for professional services.

Section 8. Emergencies

A) Vote. In the case of an emergency, the District, pursuant to a four-fifths vote of the Board, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary Services and Supplies for those purposes, without giving notice for bids to let contracts.

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B) Findings. Before the Board takes any action pursuant to paragraph A) above, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

C) Delegation. The Board, by four-fifths vote, may delegate, by resolution or ordinance, to the District's General Manager the authority to order any action pursuant to paragraph A) above.

D) Report. If the District's General Manager, pursuant to the authority delegated by the Board under paragraph C) above, orders any action specified in paragraph A) above, that person shall report to the Board, at its next meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

E) Review.

1) If the Board orders any action specified in paragraph A) above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue this action.

2) If the District's General Manager, pursuant to the authority delegated by the Board under paragraph C) above, orders any action specified in paragraph A) above, the Board shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the District's General Manager has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this paragraph.

3) When the Board reviews the emergency action pursuant to paragraph E)1) or E)2) above, it shall terminate the action at the earliest possible date completed by giving notice for bids to let contracts.

Section 9. Scope of General Manager's Authority

The District's General Manager shall purchase or contract for all Supplies, Services, and Capital Equipment needed in accordance with procedures prescribed by this adopted policy and such additional lawful rules, not inconsistent herewith, as the District Manger shall employ for the efficient internal management and operation of the District.

A) Exceptions

1) **Exceptions Prohibited.** The authority of the General Manager to make all purchases for the District shall not be abridged unless, by order of the Board, such exception is granted for a specific purpose.

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2) **Temporary Absences.** During periods of temporary absences of the General Manager, the authority to implement the provisions of these regulations will be held by a District staff member so appointed by the General Manager and approved by the Board for the period of the absence.

B) Tax Exemptions. The General Manager shall act to procure for the District all Federal and State tax exemptions to which the District is entitled.

C) Cooperative Purchasing. The General Manager shall have the authority to join other units of government including Federal, State, County, Municipal and Municipal sub-divisions, such as Water Districts, Sewer Districts, School Districts, Special Districts and Councils of Government in cooperative purchasing plans when the best interests of the District would be served thereby and when such action is in accordance with and pursuant to law.

D) Other Duties. The District's General Manager shall perform such other duties related to the functions, duties, and authorities set forth herein, as may be prescribed by the Board and by any applicable state or local laws or ordinances.

E) Water Rights Purchases. The District General Manager shall have special authority for the purchase of permanent water rights up to an aggregate dollar amount of one million dollars (\$1,000,000.00).

1) **Renewal.** This special right shall be renewed at the beginning of each fiscal year by resolution of the Board of Directors for the remaining balance of the unspent funds so approved by the Board and subsequently earmarked in each fiscal year budget.

2) **Revocation.** The special authority for the purchase of permanent water rights can be revoked at any time by a majority vote of the Board of Directors.

3) **Purchases.** Upon completion of a water rights purchase, all details of the purchase shall be brought to the Board of Directors for ratification and approval at the next regularly scheduled meeting of the Board of Directors.

4) **Debt Service.** At the Board of Directors' discretion, the General Manager shall be authorized to solicit a loan to repay the District for the aggregate amount of expended funds for the purpose of purchasing permanent water rights.

Section 10. Pre-Qualification Program

A) Adoption. All Approved Vendors must be pre-qualified prior to submitting bids for the District's public works projects. It is mandatory that all Approved Vendors who intend to submit bids fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the District to be on the Approved Vendors list.

B) Applications. Pre-qualification applications may be submitted four times each year: (1) from January 1 through January 10; (2) from April 1 through April 10; (3) from July 1 through July 10; and (4) from October 1 through October 10. Contractors who submit a complete pre-qualification package will be notified by first class mail of their qualification status, such notice to be mailed no later than fifteen business days after submission of the information.

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C) Questionnaire. Answers to questions contained in the District's pre-qualification questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The District will use these documents as the basis of rating Approved Vendors in respect to the size and scope of contracts upon which each Approved Vendor is qualified to bid. The District reserves the right to check other sources available. Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury.

D) Approval. Pre-qualification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend, or rescind the pre-qualification ratings based on subsequently learned information and after giving notice of the proposed action to the Contractor and an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification determination.

E) Selection. While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the District in determining bidder responsibility prior to the submission of bids and to aid the District in selecting the Bid Most Advantageous To The District, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the District from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity, and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of pre-qualification status well in advance of upcoming projects. The District reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a future public works project. A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the District, or on all contracts to be let by the District, until the contractor meets the District's requirements. In addition, a contractor may be found not pre-qualified for either omission of requested information or falsification of information.

F) Appeal. A contractor who has submitted a completed application form, and who receives a rating of "not qualified" from the District, may appeal that determination. There is no appeal from a finding that a contractor is not pre-qualified because of a failure to submit required information, but reapplication during one of the designated time periods is permitted. A contractor may appeal the District's decision with respect to its request for pre-qualification, and request a hearing by giving notice to the District no later than ten (10) business days after receipt of notice of its qualification status. Unless a Contractor files a timely appeal, the Contractor waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process, or any other legal process or proceeding.

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G) Hearing. If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten (10) business days after the District's receipt of its Notice of Appeal. The hearing so provided shall be an informal process conducted by a panel to whom the Board has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be given the opportunity to present information and present reasons in opposition to the pre-qualification determination. At the conclusion of the hearing or no later than one day after completion of the hearing, the Appeals Panel will render its decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Section 11. Miscellaneous

A) Local Purchases. The District will make every effort to Purchase from businesses located within the District's service area if the Purchase provides the best overall value for the District.

B) Conflict of Interest. No District employee or Board member authorized to act on behalf of the District shall enter into any agreement, contract, or P.O. with any individual, firm, corporation, or organization in which said employee, Board member, or relative of same has a financial interest. This shall also include the acceptance of any gift or gratuity, directly or indirectly, from any person, firm, corporation, or organization to which any P.O. or contract is, or might be, awarded, any rebate, gift, or anything of value whatsoever, except where given for the express use of benefit of the District. Inexpensive advertising items, bearing the name of a vendor, such as pens, pencils, paper weights, cups, candy, calendars, etc., are not considered articles of value or gifts in relation to this policy.

C) Supersedes Other Policies. This purchasing policy and procedures supersedes any inconsistent prior policies adopted by the Board.