



Amended Helendale Community Services District

BOARD OF DIRECTORS MEETING

May 18, 2017 at 6:30 PM

26540 Vista Road, Suite C, Helendale, CA 92342

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 may speak on any agenda item at the time the agenda item is discussed by the Board of Directors.*
3. **Consent Items**
 - a. Approval of Minutes: May 4, 2017, Regular Board Meeting
 - b. Bills Paid and Presented for Approval
4. **Reports**
 - a. Directors' Reports
 - b. Park Committee Report
 - c. General Manager's Report

Presentation

5. Presentation for Winners of Recycled Art Contest

Public Hearing

6. Discussion and Possible Action Regarding Adoption of Resolution No. 2017- 08: A Resolution of the Helendale Community Services District of the Helendale Community Services District Determining That There was no Majority Protest to Proposed Increases to Refuse Collection Services and Adopting a Rate Schedule for Such Charges and Superseding Existing Applicable Rates

Discussion Items

7. Discussion and Possible Action Regarding Adoption of Mitigated Negative Declaration for Expanded Recycled Water Use for Irrigation Purposes and Authorization to File Notice of Determination with the County of San Bernardino
8. Discussion Only Regarding Adoption of Resolution 2017-09: A Resolution of the Board of Directors of the Helendale Community Services District Adopting Records Retention Policy
9. Discussion and Possible Action Regarding Adoption of Employee Pay Schedule for Fiscal Year 2016/2017
10. Discussion and Possible Action Regarding Adoption of Employee Pay Schedule for Fiscal Year 2017/2018

Other Business

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

Closed Session

12. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2):
One Potential Case

Open Session

13. Reportable Action from Closed Session

14. 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 agendaized 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.

Providing:

- Water
- Wastewater
- Park & Recreation
- Solid Waste Management
- Street lighting
- Graffiti Abatement for the Helendale Community

OFFICE HOURS:

Monday-Friday
8:00 – 5:30 p.m.

PHONE:

760-951-0006

FAX:

760-951-0046

ADDRESS:

26540 Vista Road
Suite B
Helendale, CA
92342

MAILING

ADDRESS:
PO BOX 359
Helendale, CA
92342

Visit us on the Web
at:

www.helendalecsd.org





Helendale Community Services District

Date: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Sharon Kreinop, Senior Account Specialist
SUBJECT: Agenda item # 3 b.
Consent Item: Bills Paid and Presented for Approval

STAFF RECOMMENDATION:
Report Only. Receive and File

STAFF REPORT:

Staff issued 34 checks for the period May 1 through May 15, 2017 totaling \$27,171.64. Checks issued include payments to Mojave Copy & Printing for Burrtec rate increase \$1,541.34 and District water rate increase \$1,342.47; Paul Harvey for Western Rivers maintenance \$4,075.00; Stanley R. Hoffman for CSA 60 Detachment Analysis \$5,180.00; Burrtec for sludge disposal \$1,450.00.

Total cash available:	<u>5/15/17</u>	<u>4/20/17</u>
Cash	\$ 4,206,906.88	\$ 3,959,600.08
Checks Issued	\$ 27,171.64	\$ 44,010.12

Investment Report

The Investment Report shows the status of invested District funds. The current interest rate is 1.07% for CalTRUST Short-Term and is 1.28% for Medium-Term Investments, 0.78% for LAIF, and 0.25% for the CBB Sweep Account for May 2017. Interest earned in April 2017 on the CalTRUST investments and the CBB Sweep Account is \$2,016.52. Cumulative interest from our initial date of investment in February 2008 through April 2017 for CalTRUST, CBB and LAIF is \$183,721.56. Interest Income for the fiscal year 2015-16 is \$15,933.20 and \$17,800.25 for F/Y 2016-17.

HELENDALE COMMUNITY SERVICES DISTRICT

Bills Paid and Presented for Approval
for May 18, 20174

CASH BALANCES

Cash Balances as of May 15, 2017	Interest		Balance
	Rate	Date	
Cash in Bank - Desert Community Bank		5/15/2017	\$ 56,363.28
Cash in Bank - Citizens Business Bank		5/15/2017	\$ 194,261.68
Citizens Business Bank Sweep Account	0.25%	5/15/2017	\$ 873,560.36
CalTRUST JPA Short Term Pool	1.07%	5/15/2017	\$ 1,028,538.33
CalTRUST JPA Medium Term Pool	1.28%	5/15/2017	\$ 2,047,581.91
LAIF - Water Project Funds - Interest Only	0.78%	5/15/2017	\$ 6,601.32
Total Cash Available			\$ 4,206,906.88

Capital Gain/(Loss) - CalTRUST	\$ -
Interest Earned for - CalTRUST-Short Term	\$ 535.28
Interest Earned for - CalTRUST-Medium Term	\$ 1,060.77
Interest Earned for - CBB	\$ 407.86
Interest Earned - LAIF (Posted Quarterly)	\$ 12.61
Total Interest For April	\$ 2,016.52

INVESTMENT REPORT
As of May 15, 2017

Investment Date	Financial Institution	Type of Investment	Purchase Price	Total Interest
2/14/08	CalTRUST Joint Powers Authority	Short-Term Investment Pool	\$ 3,000,000.00	
		Cumulative Interest Income from 2/14/08 to 5/15/2017	\$ 177,120.24	
		Transfer to Medium-Term Pool	\$ 1,000,000.00	
		Withdrawals	\$ (3,510,000.00)	
		Deposits	\$ 2,409,000.00	
		Balance as of 5/15/2017	\$ 3,076,120.24	
1/6/2009	LAIF - State of California	Short-Term Investment Pool	\$ 650,000.00	
		Withdrawals - Water Rights/Well Construction	\$ (650,000.00)	
		Deposits	\$ -	
		Cumulative Interest Income	\$ 6,601.32	
		Balance as of 5/15/2017	\$ 6,601.32	
			FY to Date	\$ 183,721.56
				\$ 17,800.25



Helendale CSD

Bills Paid and Presented for Approval By

Payment Dates 05/01/2017 - 5/15/17

Payment Number	Payment Date	Vendor Name	Description (Payable)	Account Number	Account Name	(None)	Amount
19184	05/04/2017	Hi Desert Fire Protection	New 5 lb Fire Extinguisher -	05-521500-00-0	Contractual Services		279.93
19185	05/04/2017	Mike Keith & Associates	Park Shelters	05-170025	CIP - Park Improvements		950.00
19186	05/04/2017	Mobile Occupational Service	Pre Employment Testing - L	10-524300-00-0	Employment Expense		35.00
19187	05/04/2017	Mojave Copy & Printing	Public Notice - Burrtec Rate	10-526601-00-0	Public Notices		1,541.34
19187	05/04/2017	Mojave Copy & Printing	Public Notice - District Water	10-526601-00-0	Public Notices		1,342.47
19188	05/04/2017	One Way Backflow	Annual Backflow Certificatio	01-521500-00-0	Contractual Services		515.00
19189	05/04/2017	Paul Harvey	Western Rivers Rock House R	50-540000-00-0	Repairs & Maintenance - We		4,075.00
19190	05/04/2017	San Bernardino County	Park Drainage Study	05-523500-00-0	San Bernardino County Fees		598.00
19190	05/04/2017	San Bernardino County	Park Drainage Study	05-523500-00-0	San Bernardino County Fees		50.75
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	01-541000-00-0	Operations and Maintenance		5.90
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	01-553000-00-0	Operating Supplies		12.99
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	02-553000-00-0	Operating Supplies		3.99
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	05-541000-00-0	Operations and Maintenance		182.36
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	05-553400-00-0	Program Expenses		6.78
19191	05/04/2017	Silver Lakes Hardware	Misc Charges	10-553000-00-0	Operating Supplies - Office		14.98
19191	05/04/2017	Southwest Gas Company	4-Plex	05-531001-22-2	Utilities - Gas - Wild Rd		79.45
19192	05/04/2017	Southwest Gas Company	Community Center	05-531001-20-2	Utilities - Gas - Community C		243.25
19192	05/04/2017	Southwest Gas Company	Water Shop	01-531001-00-0	Utilities - Gas		17.09
19192	05/04/2017	Southwest Gas Company	WWTP	02-531001-00-0	Utilities - Gas		25.00
19193	05/04/2017	Stanley R. Hoffman Associate	CSA 60 Detachment Analysis	10-521500-00-0	Contractual Services		5,180.00
19194	05/04/2017	Top Notch Networking, LLC	Monthly Support - May 2017	10-521600-00-0	Software Support		789.98
19195	05/04/2017	Tyler Technologies, Inc.	Utility Billing & Web Hosting	10-521600-00-0	Software Support		25.00
19195	05/04/2017	Tyler Technologies, Inc.	Utility Billing & Web Hosting	10-521600-00-0	Software Support		112.00
19195	05/04/2017	Tyler Technologies, Inc.	Utility Billing Webinar	10-524500-00-0	Education and Training		137.50
19196	05/04/2017	U/A Ultimate Internet Access	VOIP Phone Services 5-1-17 -	10-532500-00-0	Telephone		675.77
19197	05/04/2017	United Site Services	Trailer Kit Weekly Service - 4	02-521500-00-0	Contractual Services		173.13
19198	05/04/2017	Apple Valley Communication	Monthly Security & Fire Alar	01-521500-00-0	Contractual Services		35.00
19198	05/04/2017	Apple Valley Communication	Monthly Security & Fire Alar	02-521500-00-0	Contractual Services		35.00
19198	05/04/2017	Apple Valley Communication	Monthly Security & Fire Alar	05-521500-00-0	Contractual Services		60.00
19199	05/04/2017	AVCOM Services Inc.	District Answering Services	10-521500-00-0	Contractual Services		93.50
19200	05/04/2017	County of San Bernardino	Recording Fees	10-523500-00-0	San Bernardino County Fees		142.00
19201	05/04/2017	Daily Press	Annual Subscription Renewal	10-556500-00-0	Dues & Subscriptions		369.20
19202	05/04/2017	FAST SIGNS	Clean-up Day Banners	05-553400-00-0	Program Expenses		46.88
19202	05/04/2017	FAST SIGNS	Football Banners	05-550001-00-0	Supplies-Flag Football		80.10
19202	05/04/2017	FAST SIGNS	Park Street Signs	05-553000-00-0	Operating Supplies		62.33
19203	05/04/2017	Hartford Life	Employee Group Life Insuran	01-510001-00-0	Employee Group Insurance		98.25
19203	05/04/2017	Hartford Life	Employee Group Life Insuran	02-510001-00-0	Employee Group Insurance		81.00
19203	05/04/2017	Hartford Life	Employee Group Life Insuran	05-510001-00-0	Employee Group Insurance		10.00

Bills Paid and Presented for Approval

Payment Dates: 05/01/2017 - 5/15/17

Payment Number	Payment Date	Vendor Name	Description (Payable)	Account Number	Account Name	(None)	Amount
19203	05/04/2017	Hartford Life	Employee Group Life Insuran	06-510001-00-0	Employee Group Insurance		15.00
19203	05/04/2017	Hartford Life	Employee Group Life Insuran	10-510001-00-0	Employee Group Insurance		381.98
19204	05/04/2017	Henry Spiller	Director Fees - Apr 2017	10-522500-00-0	Directors' Fees		750.00
19205	05/05/2017	Bank of America	Misc Charges	01-541000-00-0	Operations and Maintenance		139.89
19205	05/05/2017	Bank of America	Misc Charges	01-545001-00-0	Vehicle Fuel		38.67
19205	05/05/2017	Bank of America	Misc Charges	01-553000-00-0	Operating Supplies		277.93
19205	05/05/2017	Bank of America	Misc Charges	02-553600-00-0	Uniforms		268.66
19205	05/05/2017	Bank of America	Misc Charges	05-553000-00-0	Operating Supplies		774.73
19205	05/05/2017	Bank of America	Misc Charges	05-553300-00-0	Event Expense		129.45
19205	05/05/2017	Bank of America	Misc Charges	05-553400-00-0	Program Expenses		30.37
19205	05/05/2017	Bank of America	Misc Charges	05-553400-00-0	Program Expenses		63.77
19205	05/05/2017	Bank of America	Misc Charges	05-553400-00-0	Program Expenses		177.47
19205	05/05/2017	Bank of America	Misc Charges	05-556800-10-1	EE Incentive Program-Thrift S		350.00
19205	05/05/2017	Bank of America	Misc Charges	10-522510-00-0	Board Meeting Supplies		129.67
19205	05/05/2017	Bank of America	Misc Charges	10-553000-00-0	Operating Supplies - Office		43.71
19206	05/05/2017	Bank of America	Misc Charges	10-554000-00-0	Education, Meetings & Traini		268.43
19207	05/05/2017	Burrtec Waste Industries	Sludge Load	02-531006-00-0	Sludge/Compost Disposal		1,450.00
19208	05/05/2017	Cazoom, Inc.	Site Rent	10-527500-00-0	Rents - Admin Office		175.00
19208	05/05/2017	Clemmer Services, Inc.	Spring Maint. on 7 AC Units	05-541000-10-1	Operations & Maintenance -		664.20
19209	05/05/2017	Clemmer Services, Inc.	Spring Maint. on 7 AC Units	05-541000-20-2	Operation & Maintenance -		1,062.80
19210	05/05/2017	Employee Relations	to replace chk # 19122 lost i	10-524300-00-0	Employment Expense		122.10
19211	05/05/2017	I Candy Website & Graphic D	Website Support	10-521600-00-0	Software Support		103.80
19212	05/05/2017	Infrastructure Engineering C	Design Services - Well 1A	01-521500-00-0	Contractual Services		191.04
19213	05/05/2017	Parkhouse Tire, Inc.	LT215/85R16 - 4 - VEH# 408	05-545000-00-0	Vehicle Maintenance		530.12
19214	05/05/2017	Uline	Thrift Store Supplies	05-553000-10-1	Operating Supplies - Thrift St		341.97
19214	05/05/2017	USA of So. California	to replace chk # 18992 lost i	01-521500-00-0	Contractual Services		277.50
19214	05/05/2017	USA of So. California	Dig Alert Tickets	01-521500-00-0	Contractual Services		52.50
19215	05/05/2017	Valley Construction Supply	Park Construction supplies	05-553000-00-0	Operating Supplies		34.96
19217	05/12/2017	Orozco Trucking	Delivery Fee for Rock Deliver	10-553200-00-0	Postage & Delivery		140.00

Grand Total: 27,171.64

Report Summary

Fund Summary

Fund	Payment Amount
01 - Water Operations	1,661.76
02 - Sewer Operations	2,036.78
05 - Parks & Recreation	6,809.67
06 - Solid Waste Disposal	15.00
10 - Administration	12,573.43
50 - Western River Property	4,075.00
Grand Total:	27,171.64

Account Summary

Account Number	Account Name	Payment Amount
01-510001-00-0	Employee Group Insuran	98.25
01-521500-00-0	Contractual Services	1,071.04
01-531001-00-0	Utilities - Gas	17.09
01-541000-00-0	Operations and Mainten	145.79
01-545001-00-0	Vehicle Fuel	38.67
01-553000-00-0	Operating Supplies	290.92
02-510001-00-0	Employee Group Insuran	81.00
02-521500-00-0	Contractual Services	208.13
02-531001-00-0	Utilities - Gas	25.00
02-531006-00-0	Sludge/Compost Dispos	1,450.00
02-553000-00-0	Operating Supplies	3.99
02-553600-00-0	Uniforms	268.66
05-170025	CIP - Park Improvements	950.00
05-510001-00-0	Employee Group Insuran	10.00
05-521500-00-0	Contractual Services	339.93
05-523500-00-0	San Bernardino County F	648.75
05-531001-20-2	Utilities - Gas - Communi	243.25
05-531001-22-2	Utilities - Gas - Wild Rd	79.45
05-541000-00-0	Operations and Mainten	182.36
05-541000-10-1	Operations & Maintenan	664.20
05-541000-20-2	Operation & Maintenan	1,062.80
05-545000-00-0	Vehicle Maintenance	530.12
05-550001-00-0	Supplies-Flag Football	80.10
05-553000-00-0	Operating Supplies	872.02
05-553000-10-1	Operating Supplies - Thri	341.97
05-553300-00-0	Event Expense	129.45
05-553400-00-0	Program Expenses	325.27
05-556800-10-1	EE Incentive Program-Th	350.00
06-510001-00-0	Employee Group Insuran	15.00
10-510001-00-0	Employee Group Insuran	381.98

Account Summary

Account Number	Account Name	Payment Amount
10-521500-00-0	Contractual Services	5,273.50
10-521600-00-0	Software Support	1,030.78
10-522500-00-0	Directors' Fees	750.00
10-522510-00-0	Board Meeting Supplies	129.67
10-523500-00-0	San Bernardino County F	142.00
10-524300-00-0	Employment Expense	157.10
10-524500-00-0	Education and Training	137.50
10-526601-00-0	Public Notices	2,883.81
10-527500-00-0	Rents - Admin Office	175.00
10-532500-00-0	Telephone	675.77
10-553000-00-0	Operating Supplies - Offi	58.69
10-553200-00-0	Postage & Delivery	140.00
10-554000-00-0	Education, Meetings & T	268.43
10-556500-00-0	Dues & Subscriptions	369.20
50-540000-00-0	Repairs & Maintenance -	4,075.00
	Grand Total:	27,171.64

Project Account Summary

Project Account Key	Payment Amount
None	27,171.64
	Grand Total:
	27,171.64



Helendale CSD

Refund Check Register

Refund Check Detail

UBPKT06221 - AC 5-8-17 REFUND CHECK

Account	Name	Date	Check #	Amount	Code	Receipt	Amount	Type
02-1000-05	ALLIED WEED CONTROL	5/8/2017	19216	1,489.03			1489.03	Deposit
Total Refunds: 1				Total Refunded Amount:	1,489.03			

Revenue Code Summary

Revenue Code	Amount
996 - Utility Unapplied Credits	1489.03
Revenue Total:	1489.03

General Ledger Distribution

Posting Date: 05/08/2017

Account Number	Account Name	Posting Amount	IFT
Fund: 01 - Water Operations			
01-100000	Cash in Bank	-1,489.03	Yes
01-130000	Accounts Receivable	1,489.03	
	01 Total:	0.00	
Fund: 99 - Pooled Cash			
99-111000	Cash in CBB - Checking	-1,489.03	
99-250000	Due To Other Funds	1,489.03	Yes
	99 Total:	0.00	
	Distribution Total:	0.00	

HELENDALE COMMUNITY SERVICES DISTRICT
REGULAR BOARD MEETING MINUTES
May 4, 2017
26540 Vista Road, Suite C. Helendale, CA 92342

CALL TO ORDER AND PLEDGE OF ALLEGIANCE – The Regular Meeting of the Helendale CSD Board of Directors was called to order at 6:31 pm by President Clark after which the Pledge of Allegiance was recited.

Present: President, Ron Clark; Vice President, Tim Smith; Secretary, Sandy Haas; Director, Craig Schneider; Director, Henry Spiller

Absent: None

Staff: Kimberly Cox, General Manager; Cheryl Vermette, Program Coordinator

Consultants: Steve Kennedy, Legal Counsel

Audience: There were seven (7) audience members present.

1. Approval of Agenda

Discussion: General Manager Cox requested to add a closed session item:
9a Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2):
One Potential Case

Action: Director Schneider made the motion to approve the Agenda as amended. Director Smith seconded the motion. The motion was unanimously approved by the Board members present.

2. Public Participation

Wally Linn – Field Representative for Congressman Paul Cook gave an update on HR 1628 – American Health Care Act of 2017, stating that Rep. Cook voted to repeal and replace Obama Care.

3. Consent Items

- a. Approval of Minutes: April 20, 2017 Regular Board Meeting
- b. Bills Paid and Presented for Approval

Action: Director Haas made the motion to approve the Consent Items as presented. Director Smith seconded the motion. The motion was unanimously approved by the Board members present.

4. Reports

- a. Director's Reports – None
- b. General Manager Report – General Manager Cox gave the Administration Update for April including account activity by tract, percentage of accounts paid on time, how customers make payments, and average monthly bill. Program Coordinator Vermette gave the Solid Waste Report, including number of bulky item pickups, extra recycle barrels, and totals for the April Clean-Up Day. Vermette also presented upcoming activities. General Manager Cox gave the water report including an update on Well 1 pump and motor and monthly activities for the Water Department.

Discussion Items

- 5. Discussion Only Regarding an Increase in the Solid Waste Fees Based Upon the Consumer Price Index (CPI) for Solid Waste Services and Other Related Fees

Discussion: General Manager Cox presented the proposed Solid Waste Fee Increase. There were no public comments on this item.

- 6. Discussion Only Regarding Park Security Options and Improvements

Discussion: The Board discussed several options including putting the lights up only when they are needed, using metal poles, adding some kind of deterrent to the poles, concrete poles, leave parking lot lights on, increase patrol at the park, add motion lights, and add a metal sleeve to the existing wood poles. The Board asked the Park and Rec Committee to look further into the options discussed.

7. Discussion and Possible Action Regarding Adoption of Resolution 2017-06: 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

Discussion: Legal Counsel Steve Kennedy spoke about the recent Supreme Court Decision redefining what constitutes a public record.

Action: Director Smith made the motion to Adopt Resolution 2017-06: 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. Director Haas seconded the motion; the motion was approved by the following 5 yes – 0 no vote. Director Schneider – Yes; Director Haas – Yes; President Clark – Yes; Vice President Smith – Yes, Director Spiller – Yes

8. Discussion and Possible Action Regarding Proposed Alternatives for Board Electronic Mail and Delivery of Agenda Material

Action: Staff was directed to move forward with the purchase of tablets for the Board to use for email and agendas.

Other Business

9. Requested items for next or future agenda items (Directors and Staff Only)
None

Open Session recessed at 8:00 pm and went in to closed session at 8:15 pm.

Closed Session

- 9a. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2):
One Potential Case

Open Session

Open Session resumed at 8:037 pm

Action: There was no reportable action resulting from closed session items.

10. Adjournment

Action: President Ron Clark adjourned the meeting at 8:37 pm.

Submitted by:

Approved By:

Ron Clark, 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: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Item #6
Discussion and Possible Action Regarding Adoption of Resolution No 2017-08:
A Resolution of the Board of Directors of the Helendale Community Services District Determining That There Was No Majority Protest to Proposed Increases to Refuse Collection Services and Adopting A Rate Schedule For Such Charges And Superseding Existing Applicable Rates

Staff Recommendation

Staff recommends approval of the proposed resolution.

Staff Report

There have been no written protests to the proposed rate increase at the time of publishing the staff reports.

Background:

The exclusive franchise agreement (contract) with Burrtec became effective December 1, 2011. Prior to the execution of a new contract, (between December 2006 through December 2011), the District operated under an extension of the County's contract. Many of the provisions in County's contract were carried over into the new contract negotiated by HCSD to ensure the District's customer enjoy the same level of services previously provided.

The HCSD contract has specific terms and conditions under which both parties must operate. Burrtec is allowed to request an annual increase based upon the Consumer Price Index for local market index that includes LA-Orange County-Riverside-San Bernardino Counties as outlined in Section 10.05. The contract also has specific terms that require the request to be submitted to the Board for consideration in a timely matter to facilitate the Proposition 218 process.

On February 10, Burrtec e-mailed District Management the request for a contract-related CPI rate increase of 1.92%. On March 2, the Board reviewed the request and authorized Staff to circulate proper notification to the District's customers and publish in the newspaper of general circulation as required. Staff has complied with that direction and public notices were mailed on April 3, 2017. Publication in the Daily Press occurred on May 4 and May 11.

Current monthly residential cart rate, for those paying the solid waste disposal fee on their tax bills, is \$19.89 and the proposed rate is \$20.24 which will result in a monthly increase of thirty-five cents. The annual cumulative increase is \$4.20. This rate increase includes a one cent increase in the cost of processing the recycling material at the Materials Recovery Facility in Victorville.



RESOLUTION NO. 2017-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT DETERMINING THAT THERE WAS NO MAJORITY PROTEST TO PROPOSED INCREASES TO REFUSE COLLECTION SERVICES CHARGES AND ADOPTING A RATE SCHEDULE FOR SUCH CHARGES AND SUPERSEDING EXISTING APPLICABLE RATES

WHEREAS, the Helendale Community Services District ("District") is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to the California Government Code Section 61000 et seq.

WHEREAS, on or about June 21, 2006, the Local Agency Formation Commission of the County of San Bernardino ("LAFCO") adopted Resolution No. 2927 which made determinations on, and approved the incorporation of, the District, which was subsequently approved by the electorate pursuant to an election held on November 7, 2006, and thereafter confirmed by LAFCO pursuant to its adoption of Resolution No. 2951 on December 4, 2006, all of which operated to authorize the formation of the District as the successor agency for the performance of water, sewer, streetlighting, refuse collection, parks and recreation, and graffiti abatement functions and services within the prior County Service Area 70, Improvement Zones B and C (the "District Boundaries").

WHEREAS, LAFCO Resolution No. 2951 specifically authorizes the District to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code ("Solid Waste Services"), within the District Boundaries.

WHEREAS, pursuant to the authority expressly set forth in LAFCO Resolution No. 2951, the District entered into an Exclusive Franchise Agreement with Burrtec Waste Industries, Inc. ("Burrtec"), effective December 1, 2011 (the "Franchise Agreement"), which granted to Burrtec the exclusive right, privilege, and franchise to provide certain Solid Waste Services (as described in the Franchise Agreement) within the District Boundaries, subject to the terms and conditions of said Franchise Agreement.

WHEREAS, the Franchise Agreement established a rate schedule for the refuse collection service charges for the Solid Waste Services, subject to potential annual adjustment in an amount equal to the calendar year annual twelve-month mean average change in the Consumer Price Index for All Urban Consumers for Los Angeles-Riverside-Orange Counties as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year annual twelve-month period ("CPI").

WHEREAS, pursuant to the Franchise Agreement, Burrtec submitted to the District a written request not later than April 1, 2017, for a CPI-based rate adjustment of 1.92 percent to the

refuse collection services charges for Residential Cart Solid Waste Services or \$0.28 cents per month totaling \$3.36 per year per residential customers.

WHEREAS, the cost of processing residential recycled materials and the value to resell such items for beneficial use has significantly diminished over the last year which resulted in an overall increase in the cost of recycling to \$0.1 cents per month or \$0.12 per year.

WHEREAS, the revenue raised by the proposed rate increases to the refuse collection service charges will be used to provide adequate Solid Waste Services within the District Boundaries and do not exceed the total cost of such services.

WHEREAS, the District is allowed to collect certain administrative fees relation to residential cart service for billing and processing residential solid waste customer payments and other related costs including a franchise fee that have also increased by 1.92 percent, and the costs of printing and postage to mail rate increase notifications that results in a total of \$0.06 per customer per month, or \$0.72 per residential customer per year.

WHEREAS, this action is necessary to meet operation and administration expenses for refuse disposal and recycling programs, and to obtain funds necessary to maintain adequate Solid Waste Services within the District Boundaries, and is therefore exempt from the requirements of the California Environmental Quality Act as provided by Public Resources Code Section 21080(b)(8).

WHEREAS, rates for commercial solid waste customers varies by numerous factors and are outlined on Exhibit A based upon service specifics

WHEREAS, the amount of the rates and charges hereby adopted do not exceed the reasonable anticipated costs for the corresponding services provided by the District, and therefore the fees imposed hereby to not qualify as a "tax" under Article XIII C, Section 1(e) of the California Constitution or Section 50076 of the California Government Code, and the actions taken herein are exempt from the additional notice and public meeting requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B).

WHEREAS, the District has satisfied all of the substantive and procedural prerequisites of Articles XIII C and XIII D of the California Constitution in establishing the rates and charges set forth herein, including but not limited to, the identification of the parcels upon which the rates and charges will be imposed; the calculation of the rates and charges; the mailing of written notice to the record owners of each parcel upon which the rates and charges will be imposed describing the amount thereof, the basis upon which the rates and charges were calculated, the reason for the rates and charges, and the date, time, and location of the public hearing to be held thereon; and the conducting of a public hearing on the rates and charges not less than 45 days after mailing the notice during which all protests against the fee were considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Helendale Community Services District does hereby resolve and determine that the written protests against the rates and charges set forth herein that were received by the District prior to the close of the public hearing hereon represented less than a majority of the parcels subject to the rates and charges set forth below and, thus, the District's Board of Directors further finds that the public interest and necessity requires the adoption of the following rates and charges for Solid Waste

Services, as well as affirmation and ratification of all prior rates and charges previously approved and/or adopted by the District's Board of Directors:

SECTION 1. REFUSE COLLECTION SERVICE CHARGES

The rates for residential and commercial refuse collection services charges for Solid Waste Services within the District Boundaries are hereby established in the amounts listed in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. GENERAL MANAGER AUTHORITY

The District's General Manager is hereby authorized to take any and all actions necessary to carry out the intent of the District's Board of Directors as is stated herein and as otherwise required in order to comply with applicable law.

SECTION 3. EFFECTIVE DATE

This Resolution shall take effect on July 1, 2017, and shall supersede any and all prior resolutions and ordinances applicable to the District only to the extent expressly inconsistent with the terms hereof.

APPROVED AND ADOPTED by the Board of Directors of the Helendale Community Services District at a regular meeting held on May 18, 2017, by the following vote:

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

By:

Ron Clark, Vice President

Attest:

Sandy Haas, Secretary

EXHIBIT A
HELENDALE CSD PROPOSED RATE INCREASE

Service Type	Current Rate	Proposed Rate	Service Type	Current Rate	Proposed Rate
<u>Residential Service</u>			<u>Commercial Trash Service</u>		
95-gallon barrel w/paid disposal costs	\$ 19.89	\$ 20.24	<u>Size</u>	<u>Freq</u>	
95-gallon barrel w/o paid disposal costs	\$ 27.78	\$ 27.50	1.5	1	\$ 81.08 \$ 82.31
Extra 95-gallon trash barrel	\$ 7.27	\$ 7.41	1.5	2	\$ 153.89 \$ 156.18
65/95-gallon recy. 1st extra	N/C	N/C	1.5	3	\$ 226.76 \$ 230.11
65/95-gallon recy. extra	\$ 1.43	\$ 1.46	2	1	\$ 105.33 \$ 106.90
Extra pick-up (barrels)	\$ 21.63	\$ 22.04	2	2	\$ 202.46 \$ 205.45
			2	3	\$ 299.58 \$ 303.99
			3	1	\$145.69 \$147.81
			3	2	\$291.32 \$295.58
			3	3	\$437.06 \$443.43
			3	4	\$582.72 \$591.23
			3	5	\$728.38 \$739.01
			3	6	\$874.06 \$886.82
<u>Commercial Barrel Service</u>			<u>Recycling Bin Service</u>		
95-gallon barrel -1x	\$ 16.71	\$ 16.91	1.5	1	\$72.59 \$74.15
95-gallon barrel -2x	\$ 42.28	\$ 42.86	1.5	2	\$145.16 \$148.29
95-gallon barrel -3x	\$ 62.40	\$ 63.25	1.5	3	\$217.75 \$222.44
Automated Recy 65g - 1x	\$ 7.09	\$ 7.22	2	1	\$94.01 \$96.04
			2	2	\$188.01 \$192.09
			2	3	\$282.02 \$288.12
			3	1	\$128.72 \$131.53
			3	2	\$257.44 \$263.07
			3	3	\$386.17 \$394.62
			3	4	\$514.89 \$526.16
			3	5	\$643.59 \$657.68
			3	6	\$772.32 \$789.23
<u>Residential Bin Service</u>			<u>Temporary Bins</u>		
<u>Size</u>	<u>Freq</u>		Temporary Bins	\$ 103.33	\$ 105.32
1.5	1	\$ 63.62 \$ 64.84	<u>Miscellaneous Bin Charges</u>		
1.5	2	\$ 127.22 \$ 129.67	Locking container	\$ 7.27	\$ 7.41
1.5	3	\$ 190.84 \$ 194.51	Container steam clean	\$ 36.01	\$ 36.70
2	1	\$ 82.06 \$ 83.63	Pull-out service	\$ 36.01	\$ 36.70
2	2	\$ 164.11 \$ 167.27	Extra pick-up	\$ 43.28	\$ 44.11
2	3	\$ 246.17 \$ 250.89	Recy contamination	\$ 42.18	\$ 42.99
3	1	\$ 110.79 \$ 112.91	<u>Concrete Washout</u>		
3	2	\$ 221.58 \$ 225.83	Delivery	\$ 502.18	\$ 511.82
3	3	\$ 332.38 \$ 338.76	Pump	\$ 370.03	\$ 377.13
			Pump Service	\$ 502.18	\$ 511.82
			Relocate	\$ 126.87	\$ 129.30
			Rental Fee (per day)	\$ 10.57	\$ 10.77
<u>Permanent (Trash) + Disposal/Processing</u>					
40 yard		\$ 191.03 \$ 194.70			
20 yard		\$ 191.03 \$ 194.70			
10 yard		\$ 191.03 \$ 194.70			
40 yard compactor		\$ 191.03 \$ 194.70			
Dry Run /Relocate		\$ 68.73 \$ 70.06			
Rental Fee (per day)		\$ 23.26 \$ 23.70			
Disposal (per ton)		\$ 59.94 \$ 59.94			
<u>Temporary Roll-Offs (Trash)</u>					
40 yard		\$ 550.67 \$ 554.34			
20 yard		\$ 790.43 \$ 794.10			
10 yard		\$ 790.43 \$ 794.10			
Dry Run /Relocate		\$ 68.73 \$ 70.06			
Disposal (per ton)		\$ 59.94 \$ 59.94			
<u>Roll-Offs (Recycling) + Disposal/Processing</u>					
40 yard		\$ 191.03 \$ 194.70			
20 yard		\$ 191.03 \$ 194.70			
10 yard		\$ 191.03 \$ 194.70			
40 yard compactor		\$ 191.03 \$ 194.70			



Helendale Community Services District

Date: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Item #7
Discussion and Possible Action Regarding Adoption of a Notice of Determination Regarding Expanded Application Area for Secondary Effluent

Staff Recommendation:

Staff seeks approval from the Board.

Staff Report:

The approval of the Notice of Determination concludes the process approved by the Board in February 2017 to circulate environmental determination through the appropriate agencies including the State Clearing House. The approval of the Notice of Determination concludes the environmental review process and is necessary prior to the approval of the Waste Discharge Requirements and any expanded application of secondary effluent.

Background

As the Board is aware the District Staff and our consultants, Larry Walker Associates have been engaged with the Lahontan Regional Water Quality Control Board for nearly two years regarding the update of the District's Report of Waste Discharge (ROWD) which provides detailed information on the characteristics of the effluent, areas of application and other factors. From the information contained in the ROWD, the RWQCB staff reviewed the effluent quality and quality of the receiving water (groundwater) and wrote the draft Waste Discharge Requirements (WDR).

Prior to the Waste Discharge Requirements (Permit) being considered by the Regional Board, the District is required to complete an environmental consideration for the current and expanded irrigation area.

Conclusion

A copy of the environmental document is available for review. Attached for information is a graphic depicting the location of the expanded irrigation area.

Fiscal Impact: \$6,000 for environmental services.

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

County Clerk
County of: San Bernardino
Address: 385 N. Arrowhead
San Bernardino, CA 92415

From:
Public Agency: Helendale Community Svc Dist
Address: 26540 Vista Road, Ste B
Helendale, CA 92342
Contact: Kimberly Cox, General Manager
Phone: (760) 951-0006

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2017031001

Project Title: Expansion of Existing Wastewater Treatment Facility

Project Applicant: Helendale Community Services District

Project Location (include county): 15425 Wild Road and 28685 Helendale Road, San Bernardino County

Project Description:

The project would expand the existing wastewater treatment facility to include additional agricultural cultivation on unused portions of the site to use increased amounts of reclaimed water as it is generated. All current uses will remain unchanged.

This is to advise that the Helendale Community Services District has approved the above (Lead Agency or Responsible Agency)

described project on (date) and has made the following determinations regarding the above described project.

- 1. The project [will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was] adopted for this project.
5. A statement of Overriding Considerations [was not] adopted for this project.
6. Findings [were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Helendale Community Services District, 26540 Vista Road, Suite B, Helendale, CA 92342

Signature (Public Agency): Title:

Date: Date Received for filing at OPR:

Hel

Pond 2

Pond 1

Existing Use Area 1
(Sod Farm)
47 acres

Helendale Rd

Wild Rd

Proposed New Use Area





Helendale Community Services District

Date: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Item #8
Discussion and Possible Action Regarding Adoption of Resolution 2017-09: A Resolution of the Board of Directors of the Helendale Community Services District Adopting Records Retention Policy

Staff Recommendation:

Staff seeks approval from the Board.

Staff Report:

Attached for the Board's consideration is a draft document outlining the District's Records Retention policy. District's Legal Counsel has suggested that the Board of Directors consider adoption of the policy as a companion document to the recently adopt resolution addressing the Public Records Act requirements. The draft policy outlines the timeframes for which the District must retain certain documents pertaining to its business and personnel practices. Exhibit A outlines the retention timeframes and may be modified prior to the Board meeting upon further evaluation by Staff.

Exhibit B outlines the statutory requirements related to public documents that provide the framework for the proposed resolution.

Fiscal Impact:

Unknown



RESOLUTION NO. 2017-09
**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE HELENDALE COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY**

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 the Community Services District Law, California Government Code Section 61000 et seq.

B. Pursuant to Government Code Sections 60200-60204, the District’s Board of Directors (“the Board”) is authorized to destroy or dispose of any District record (with exceptions) by utilizing any of the procedures set forth therein.

C. Under Government Code Section 60201(b)(2), the Board may authorize the destruction or disposition of any District record that is not expressly required by law to be filed and preserved by adopting by resolution a records retention schedule that complies with guidelines provided by the Secretary of State, that classifies all of the District’s records by category, and that establishes a standard protocol for destruction or disposition of records.

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

Article 1. General Standard. It is the general policy of the District that all District records shall be retained, stored, or destroyed as authorized by the Board and allowed under California law.

Article 2. Authorization for Destruction of Records. Pursuant to Government Code Section 60201(b)(2), the record retention schedule attached hereto as Exhibit “A” and incorporated herein by this reference is hereby adopted in its entirety, subject to the exceptions contained in Article 6 of this Resolution. In accordance therewith, after the records referenced therein have been retained for the time periods and according to the process set forth therein, such records are hereby authorized to be destroyed. Pursuant to Government Code Section 60201(c), the District is not required to photograph, reproduce, microfilm, or make a copy of any record that is destroyed or disposed of in accordance with the provisions of this Article 2.

Article 3. Destruction of Records after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code Section 60203, the applicable provisions of which are attached hereto as Exhibit “B” and incorporated herein by

this reference.

Article 4. Destruction of Duplicates. Pursuant to Government Code Section 60200, any duplicate record, paper, or document, the original or permanent photographic copy of which is in the files of the District, may be destroyed after confirmation that such original or permanent photographic copy remains on file in the District.

Article 5. Retention of Records Not Mentioned. All records, papers, and documents not mentioned in this Resolution may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendation of the Local Government Records Management Guidelines as set forth by the Secretary of State (June 2004) as the same may be amended from time to time.

Article 6. Retained Records. Pursuant to Government Code Section 60201(d), the District shall permanently retain records that relate to formation, change of organization, or reorganization of the District; a District ordinance unless it has been repealed, or is invalid, or is unenforceable for a period of five years; minutes of a meeting of the Board; pending claims and litigation records for two years after the disposition; records that are the subject of a pending Public Records Act request until the request is granted or two years have passed since denial; records of construction projects prior to notice of completion and release of stop notices, if any; records related to non-discharged contracts or debts; records of title for District real property; unaccepted construction bids/proposals until two years old; records that specify the amount of compensation paid to District employees, office or independent contractors until seven years old; and any records for which the administrative, fiscal, or legal purpose has not yet been fulfilled.

Article 7. Periodic Review. This Resolution will be reviewed and revised as deemed necessary by the Board.

Article 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

Adopted this ____ day of _____, 2017.

AYES:
NOES:
ABSTAIN:
ABSENT:

Ron Clark, President, Board of Directors

ATTEST:

Sandy Haas, Secretary, Board of Directors

Records Retention Policy

EXHIBIT A

For records that are not preserved in accordance with Article 3 of the District's Records Retention Policy, the District will follow the California Special District's Association Records Retention Schedule as follows:

	Number of years to Retain
FINANCE	
Bank Statements & Deposit Slips	3
Payroll (timecards)	3
Dividend Checks (cancelled)	6
Expense Reports	6
Subsidiary Ledgers (including A/P & A/R ledgers)	6
Trial Balances (monthly)	6
Checks (payroll & general)	8
Payroll (individual time reports & earning records)	8
Vouchers (for payments to vendors, employees, et al)	8
Audit Reports	Indefinite
General Ledgers & Journals	Indefinite
CORPORATE RECORDS	
Mortgages, Notes & Leases (expired)	8
Bylaws, Charter & Minute Books	Indefinite
Cash Books	Indefinite
Capital Stock & Bond Records (including stock certificates & transfer lists)	Indefinite
Checks (taxes, property & fulfillment of important contracts)	Indefinite
Contracts & Agreements	Indefinite
Copyrights & Trademark Registrations	Indefinite
Deeds & Easements	Indefinite
Labor Contracts	Indefinite
Patents	Indefinite
Proxies	Indefinite
Retirement & Pension Records	Indefinite
Tax Returns & Working Papers	Indefinite
CORRESPONDENCE	
General	Life of issue +2
License, Traffic & Purchase	6
Production	8
Legal & Tax	Indefinite
INSURANCE	
Policies (all types, expired)	4
Accident Reports	6
Fire Inspection Reports	6
Group Disability Records	8
Safety Reports	8
Claims (after settlement)	10

Records Retention Policy

PERSONNEL	
Contracts (expired)	7
Daily Time Reports	3
Disability & Sick Benefits Records	6
Personnel Files (terminated)	6
Withholding Tax Statements	6
PURCHASING & SALES	
Purchase Orders	3
Requisitions	3
Sales Contracts	3
Sales Invoices	3
TRAFFIC (RECEIVING & SHIPPING)	
Export Declarations	4
Freight Bills	4
Manifests	4
Shipping & Receiving Reports	4
Waybills & Bills of Lading	4

Records Retention Policy

EXHIBIT B

The following sections of the California Government Code are incorporated into Article 3 of the District's records retention policy:

60203. Records, papers, or documents not required to be filed; conditions.

- (a) Notwithstanding [Government Code] Section 60201, the District's Board of Directors] may authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved if all of the following conditions are complied with:
- (1) The record, paper, or document is photographed, micro-photographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Section 12168.7 [below] for recording of permanent records or non-permanent records.
 - (2) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and that does not permit additions, deletions or changes to the original document images.
 - (3) The photographs, micro-photographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.
- (b) For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.

12168.7 Standards for Recording Permanent and Nonpermanent documents in electronic media; trusted system.

- (a) The California Legislature hereby recognizes the need to adopt uniform statewide standards for the purpose of storing and recording permanent and nonpermanent document in electronic media.

Records Retention Policy

- (b) In order to ensure that uniform statewide standards remain current and relevant, the Secretary of State, in consultation with the Department of General Services, shall approve and adopt appropriate standards established by the American National Standards Institute or the Association for Information and Image Management.
- (c) The standards specified in subdivision (b) shall include a requirement that a trusted system be utilized. For this purpose and for purposes of Sections 25105, 26205, 26205.1, 26205.5, 278322.2, 34090.5, and 60203, Section 102235 of the Health and Safety Code, and Section 10851 of the Welfare and Institutions code, "trusted system" means a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored.
- (d) In order to develop statewide standards as expeditiously as possible, and until the time that statewide standards are adopted pursuant to subdivision (b), state officials shall ensure that microfilming, electronic data imaging, and photographic reproduction are done in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records.



Helendale Community Services District

Date: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Item #9
Discussion and Possible Action Regarding Adoption of Employee Pay Schedule
for Fiscal Year 2016/2017

Staff Recommendation:

Staff recommends approval.

Staff Report:

Attached for the Board's information is a CalPERS document that outlines the requirements to the proposed actions.

Statutory and regulatory requirements from CalPERS require that the pay schedules for staff be publicly available and adopted in a separate public action. Attached for the Board's consideration are the current ranges and series that were adopted in the FY16/17 Budget. The salaries were not adopted in a separate Board action, therefore, this is a cleanup item.

Fiscal Impact:

None

Helendale CSD
Current Ranges and Series

Range	Budgeted Positions	FY 2016 - 17 Titles	Status	Range Start	Range End
25	5	Thrift Store Worker	Part-Time	\$ 10.00	\$ 14.25
34	0.41	Office Assistant - 850 hrs	Part-Time	\$ 10.00	\$ 15.70
37	0	Maintenances Aide	Part-Time	\$ 10.72	\$ 16.78
	0	Customer Svc Rep I	Full Time		
	1	Maintenance Aide	Full Time		
40-P/T	0.133	Recreation Leader	Part-Time	\$ 14.67	\$ 18.55
	1	Solid Waste Recycling Coord/ Thrift Store Supervisor	Full Time		
40	0	OIT - 1000 hrs	Part-Time	\$ 14.67	\$ 18.55
	1	Maintenance Worker I	Full Time		
	1	Customer Svc Rep II	Full Time		
	1	Customer Svc Rep II	Full Time		
45	0	Secretary	Full Time	\$ 15.41	\$ 19.47
	0	Maintenance Worker II	Full Time		
	1	Senior Account Clerk	Full Time		
55	0	Maintenance Worker III	Full Time	\$ 16.99	\$ 22.00
	0	Water System Operator I	Full Time		
60	1	Program Coordinator	Full Time	\$ 17.84	\$ 22.54
	1	Treatment Plant Operator I	Full Time		
	1	Customer Svc Supvsr	Full Time		
75	2	Water System Operator II	Full Time	\$ 20.00	\$ 26.09
	1	Treatment Plant Operator II	Full Time		
80	1	Water System Operator III	Full Time	\$ 21.00	\$ 28.08
	1	Mechanic	Part-Time		
85	0.46	Senior Plant Operator	Full Time	\$ 21.50	\$ 28.77
	1	Water Operations Manager	Full Time		
97	1	General Manager	Contract	\$ 24.10	\$ 31.72
	1	General Manager	Contract		
115	1	General Manager	Contract	\$ 27.82	\$ 40.75
Contract	1	General Manager	Contract	\$ 34.86	\$ 52.29
				Total FTE's	
				22.00	

California Court of Appeal Decision Reminds CalPERS Employers to Ensure All Employee Base Salaries are Reported on a "Publicly Available Pay Schedule"

by Anne C. Hydorn & Madeline Chun



How can CalPERS employers help ensure that their employees receive their expected pension benefits from CalPERS? On June 29, 2016, the California Court of Appeal affirmed in *Tanner v. California Public Employees' Retirement System*, Cal.App.4th (2016 C.D.O.S. 6932), that only base salaries that are reported on a "publicly available pay schedule" are reportable compensation for purposes of calculating a retiree's pension benefits. The question is: what qualifies as a publicly available pay schedule?

In 2006, Joseph Tanner agreed to be City Manager for the City of Vallejo with a base salary of \$216,000 per year, plus additional compensation for automobile allowance, deferred compensation, leaves of absences paid as salary, and employer-paid member contributions to CalPERS. In January 2007, CalPERS reviewed his written contract and determined that only \$216,000 would be the reportable compensation for purposes of retirement benefits, while the other items would be excluded. Following receipt of this determination, the City of Vallejo and Mr. Tanner renegotiated his contract to provide for a new base salary of \$305,844 per year, which included the costs associated with the prior benefits. Vallejo's mayor approved the new written contract, including the higher base salary, in March 2007, and it was published in the City's corresponding budget cost analysis. Upon Mr. Tanner's retirement in December 2009, CalPERS decided that his retirement benefits would still be based on his original base salary of \$216,000, and not his new base salary of \$305,844.

The Court of Appeal affirmed the CalPERS decision because neither the March 2007 contract nor the cost analysis, both of which listed the \$305,844 base salary, qualified as a "publicly available pay schedule" under California Government Code section 20636(b)(1). The Court defined a "pay schedule" as "a written or printed list, catalog, or inventory of the rate of pay or base pay of one or more employees who are members of CalPERS." The March 2007 contract did not meet this definition, because it was 14 pages long and contained *all* of the terms and conditions of Mr. Tanner's employment, not limited to just his base salary information. Further, the budget cost analysis did not meet the "pay schedule" definition because it contained several financial figures beyond just Mr. Tanner's base salary.

In reaching this conclusion, the Court examined the California Legislature's important policy necessitating a "pay schedule," which isolates a CalPERS employee's base pay from other employment information. First, a separate listing of base pay salaries more readily informs the public of the payrate that will be used in determining the amount of any employee's retirement benefit. Second, this requirement is necessary to prevent the practice of "pension spiking" (*i.e.*, intentionally inflating the final compensation upon which retirement benefits are based) for a specific person to ensure that payrates would be stable and predictable among all employees and would be publicly noticed. To allow either the March 2007 contract or budget cost analysis to fulfill the definition of a "pay schedule" would frustrate the legislative purpose behind the law, and would deviate from the common meaning of a "pay schedule."

The requirement that base salary be paid pursuant to a publicly available pay schedule to be reportable for retirement benefit purposes has been a statutory CalPERS requirement since 1993. Due to a lack of clarity about this requirement, however, the CalPERS Board of Administration adopted regulations in 2011 (well after the facts in *Tanner* took place) outlining the elements needed to meet the definition of a publicly available pay schedule. See California Code of Regulations § 570.5; CalPERS Circular Letter 200-050-12 (Oct. 25, 2012). If a CalPERS employer cannot produce a document on behalf of an employee that meets those requirements, CalPERS has the authority under regulatory guidance to make a determination about what constitutes base payrate for that individual.

Therefore, this case serves as an important reminder to CalPERS employers to make sure that they list the base salary (or salary range) for *every* job position on a publicly available pay schedule pursuant to the requirements of California Code of Regulations § 570.5, including top management employees. It is *not* sufficient to simply reference base salaries in their employment contracts or other agency documents along with budgetary figures.

Hanson Bridgett's Employee Benefits and Public Agency Groups have helped many government agencies in drafting such employment contracts and regularly advise on CalPERS rules, regulations, and compliance.

For more information, please contact:

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Helendale Community Services District

Date: May 18, 2017
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Item #10 Discussion and Possible Action Regarding Adoption of Employee Pay Schedule for Fiscal Year 2017/2018

Staff Recommendation:

Staff recommends approval.

Staff Report:

Statutory and regulatory requirements from CalPERS require that the pay schedules for staff be publicly available and adopted in a separate public action. Attached for the Board's consideration are the current ranges and series that were adopted in the FY17/18 Budget. The salaries are included in the draft budget and will also be adopted within that document.

There are several proposed changes that Staff will present to the Board for consideration. None of the changes result in a pay increase based upon approval of the salary range. However, Acting WOM will receive a pay increase from WSO III to compensate for additional work and technical demands. With the phase out of the District's contract our accounting consultant, the Senior Accounting Technician has assumed additional duties. Evaluation of those duties is currently underway and will result in additional compensation. Senior Plant Operator title has changed to Wastewater Operations Manager similar to water. Both managers will have 3.5 direct reports.

The ranges have been increased by the 3% cost of living adjustment approved by the Board. Other changes are enumerated below:

- Base rate for ranges 25 and 34 will increase by \$0.50 on January 1, 2018 due to mandatory minimum wage increase
- Recycling Coordinator/T.S. Supervisor moved from Range 40 to Range 45 due to parity with minimum wage increases
- Senior Accounting Technician moved from Range 55 to Range 70 due to increased complexity of duties and market analysis
- Water System Operator I moved from Range 60 to Range 75 on par with WWTP Operator I and market conditions
- Water System Operator II moved from Range 80 to Range 85 on par with WWTP Operator II and market conditions
- Range 110 increased by \$2.02 due to market comparison
- Senior Plant Operator moved from Range 97 to 110 and put on par with Water Operations Manager
- Senior Plan Operator title changed to Wastewater Operations Manager
- Upon Mike's departure Water Operations Manager moved from 115 to Range 110 along with Wastewater Manager

**HELENDALE COMMUNITY SERVICES DISTRICT
TABLE OF ORGANIZATION FY 2017-2018**

HCS D			
2017/18 Ranges			
Range	Pay⁽¹⁾		
25	\$	10.50	\$ 15.98
34	\$	10.50	\$ 16.78
40	\$	14.67	\$ 19.28
45	\$	15.41	\$ 19.67
55	\$	16.99	\$ 23.45
70	\$	19.66	\$ 25.84
75	\$	20.00	\$ 27.60
85	\$	21.50	\$ 28.81
95	\$	24.10	\$ 33.27
97	\$	27.82	\$ 44.45
110	\$	33.20	\$ 48.12
125	Contract		\$76.92

Funded Positions		
Range	FTE	Titles
25	2.73	Thrift Store Worker (P/T)
34	0.96	Thrift Store Lead Worker (P/T)
34	0.41	Office Assistant (P/T)
40	0.1	Recreation Leader (P/T)
40	2	Customer Service Rep II
40	0.48	Operator In Training (OIT)
40	2	Maintenance Worker I
45	1	Recycling Coordinator/T.S. Spv
70	1	Sr. Account Technician
75	1	Customer Service Supervisor
75	1	Treatment Plant Operator I
75	1	Water System Operator I
75	1	Program Coordinator
85	2	Water System Operator II
85	2	Treatment Plant Operator II
95	1	Water System Operator III
97	0.46	Mechanic
110	1	Water Operations Manager
110	1	Wastewater Operations Manager
Contract	1	General Manager

Footnotes:

⁽¹⁾ Ranges shown in Hourly/Monthly Rates

FTE's = Fulltime Equivalent (2080 hrs = FT)