



## **REGULAR BOARD MEETING** **Thursday, August 19, 2021 at 6:30 PM**

### **SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Gavin Newsom in response to the COVID-19 pandemic and in an effort to prevent the spread of the virus, Helendale CSD will hold its board meeting via teleconference. The Helendale CSD Board of Directors will meet in person at the District Office located at 26540 Vista Rd. Suite C. Helendale, CA 92342. This meeting is open to the public via virtual interface and can be accessed by clicking on the link below.

[www.zoom.com](https://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 at the following link: <https://www.surveymonkey.com/r/HKGNLL8>. We request that all speaker's cards are filled out by 6:25 pm.*

#### **3. Consent Items**

- a. Approval of Minutes: August 5, 2021, Regular Board Meeting
- b. Bills Paid Report
- c. Directors Compensation and Expenses
- d. COVID-19 Update

#### **4. Reports**

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

### **Special Presentation:**

5. San Bernardino County Fire Budget FY 22 – FP-5 Helendale

### **Regular Business:**

6. Discussion and Possible Action Regarding Approval to Circulate Request for Proposal for Ball Field / Football Field Lighting and Selection Field Option
7. Discussion and Possible Action Regarding Completion of Maintenance Buildings Interior
8. Discussion Only Regarding Suspension of Remote Meeting as Authorized in Executive Order N-29-20

9. Discussion and Possible Action Regarding Adoption of Revised Surplus Lands Policy
10. Discussion Only Regarding Vehicles for District Operations
11. Discussion Only Regarding Consideration of Proposing an Ordinance Related to Water Theft, Unauthorized Use and Tampering

**Other Business**

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

**Closed Session**

13. Conference with Legal Counsel – Anticipated litigation  
Initiation of litigation pursuant to Government Code Section 54956.9(d):  
One potential case

14. Report Out of Closed Session

15. 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

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Date: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #3  
Consent Items

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## CONSENT ITEMS

- a. Approval of Minutes: Regular Board Meeting of August 5, 2021
- b. Bills Paid Report
- c. Directors Compensation and Expenses
- d. COVID Update



# Helendale Community Services District

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Date: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Cheryl Vermette  
SUBJECT: Agenda item #3a  
Approval of Minutes: August 5, 2021, Regular Board Meeting

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*Minutes of the Helendale Community Services District  
REGULAR BOARD OF DIRECTORS MEETING  
August 5, 2021 at 6:30 PM  
26540 Vista Road, Suite C. Helendale, CA 92342*

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Gavin Newsom in response to the COVID-19 pandemic public participation in Helendale CSD's Board Meeting was held both in person and via teleconference.

**Board Members Roll Call:**

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

**Staff Members Present:**

Kimberly Cox, General Manager  
Cheryl Vermette, Program Coordinator  
Alex Aviles, Wastewater Operations Manager  
Craig Carlson, Water Operations Manager

**Consultants:**

Steve Kennedy, Legal Counsel (telephone)

**Members of the Public:**

There were four members of the public present.

**Call to Order and Pledge of Allegiance**

The meeting was called to order at 6:36 pm by President Tim Smith, after which the Pledge of Allegiance was recited.

**1. Approval of Agenda**

**Action:** A motion was made by Director Schneider to approve the agenda as presented. The motion was seconded by Director Clark.

**Vote:** The motion carried with a 5 – Yes / 0 – No vote

**2. Public Participation**

Captain Martinez, from the San Bernardino County Sheriff's Department discussed marijuana grows.

Christopher Porter from Supervisor Paul Cook's office reported that Liberty Healthcare is attempting to release a sexually violent predator in Newberry Springs. He added that he would send information to the CSD on how members of the community could reach out to voice their concerns and opinions.

**3. Consent Items**

- A. Approval of Minutes: July 15, 2021, Regular Board Meeting
- B. Bills Paid Report
- C. Directors Compensation and Expenses
- D. June Financials
- E. COVID-19 Update

**Action:** A motion was made by Vice President Spiller to approve the Consent Calendar as presented. Director Haas seconded the motion.

**Vote:** Motion carried with a 5 – Yes / 0 – No Vote

#### 4. Reports

##### A. Directors' Reports

Director Schneider reported that on July 19<sup>th</sup> he attended the opening game of the adult softball league and made a welcome speech. On July 29<sup>th</sup> he attended a meeting with the paving contractor.

Vice President Spiller reported that he attended National Night Out.

Director Haas said she received requests from people who donated to the National Night Out raffle to know who won the gifts.

President Smith reported that he received a request from a reporter at Cal Matters to do a story on marijuana grows. He and General Manager Cox filmed an interview at the District. Smith reported that he attended the ASBCSD meeting, the presentation was about energy. They talked about how you can recover costs by bringing in solutions now. He also attended the Mojave Water Agency meeting discussing marijuana grows.

##### B. General Manager's Report

**Discussion:** General Manager Cox reported that piping for the Well 13 connection is delayed until 11/4 due to material shortage. High Desert Underground is looking into alternative material such as HDPE. A pre-construction meeting with United Paving was held on July 26<sup>th</sup>. Construction is estimated to start on September 7<sup>th</sup> and completed by November 7 (60-Days). The concrete was poured for the water shop last week. The concrete for the Wastewater building was poured Wednesday. Staff is working on the bid for asphalt for maintenance buildings. The engineering firm will draw up the design and create bid sheets. General Manager Cox presented a list of well permits issued by San Bernardino County between July 28, 2021 and August 3, 2021.

#### Regular Business:

##### 5. Discussion and Possible Action Regarding Adoption of Resolution 2021-16: A Resolution of the Board of Directors of the Helendale Community Services District Approving a Sole Source Contract to High Desert Underground for New Wastewater Mini Lift Station

**Discussion:** The cost of the proposed project is \$36,044 (\$16,268 labor and \$19,776 parts). Staff had anticipated completing this scope of work later. Permitting issues caused this to become a priority project and the supply chain is becoming tighter.

The new maintenance building will have bathrooms and a shower, and a new line is needed to convey waste. The County would not issue a permit for the building unless it included a bathroom. There are three options: run a new line to Smithson from the plant; run a new line to the park lift station from the plant, add a mini lift station at the plant to run to the headworks. Septic is not an option due to County OWTS Policy. Staff requested a sole source contract with High Desert Underground for the project due to the need for exigency and that the bidding, award, construction, would extend long past the building completion. This is a complicated project and High Desert Underground possesses unique knowledge of the plant and its related infrastructure, they completed the 12" forced main project that connected to the headworks. The new line must connect into the headworks in an area congested with utilities. High Desert Underground has intimate knowledge of the facilities and possess the required skills to complete the project and meet the required timeline.

**Action:** Vice President Spiller made a motion to adopt Resolution 2021-16 Awarding a Sole Source Contract to High Desert Underground for the Mini Lift Station Project in the amount of \$36,044. Director Haas seconded the motion.

**Vote:** The motion carried by the following 5 – Yes / 0 – No vote: President Smith– Yes; Vice President Spiller – Yes; Director Clark – Yes; Director Schneider – Yes; Director Haas – Yes

6. Discussion and Possible Action Regarding Adoption of Resolution 2021-17: A Resolution of the Board of Directors of the Helendale Community Services District Approving Award of a Sole Source Contract with K.C. Fabrication and Restoration for a Rolling Well-House Enclosure for Well 13

**Discussion:** The District researched and decided on a new District standard for the roll-away well houses with Well 4A in 2012. County had used CMU structure with removable roof and back which has been problematic for well maintenance. Every wellhouse is unique and custom. Well 4A was completed in 2011, the building was approved in October 2012 and installed January 2013. There was no rush to complete the wellhouse for Well 4A due to its high visibility, however complaints of noise provided the impetus to complete the building. Whenever possible standardizing facilities and equipment is preferred. The building cost \$37,965 in 2013. The proposal is for \$58,369.60. The cost of materials and labor have increased significantly in the last 8 years. Staff requests approval now based upon the following factors: the new well site is remote and more prone to vandalism and due to the lead time on materials. Staff requests a sole source due to the building's unique one of a kind structure and because it is custom built for the site.

**Action:** Director Schneider made a motion to adopt Resolution 2021-17 Awarding a Sole Source Contract to KC Fabrication and Restoration in the amount of \$58,369.60. Director Clark seconded the motion.

**Vote:** The motion carried by the following 5 – Yes / 0 – No vote: President Smith– Yes; Vice President Spiller – Yes; Director Clark – Yes; Director Schneider – Yes; Director Haas – Yes

7. Discussion Only Regarding Wastewater Rate Analysis

**Discussion:** This item was last discussed by the Board on May 20, 2021 at which time the Board requested to see additional scenarios. General Manager Cox reviewed the process: several meetings will be held to discuss options, the board will meet and review the Wastewater CIP, a public notice will be mailed, public hearings will be held, and if approved implementation of rates will go into effect. The Wastewater Fund will be closing the year -\$217,359 which puts us further behind on revenue scenarios. The need for the rate increase is evident and numerous options are available for discussion. The Board can also request additional options. The reserve amount varies by scenario (\$2.2 – \$3 million), a loan option is contemplated in three scenarios, and rate increases in one to three increments with a CPI thereafter are considered. A graph showing rates comparing Helendale to nearby cities and Special Districts was presented. Scenario 1 included a \$3 million reserve fund, a \$1.94 million loan in FY 23 and a \$1.3 million loan in FY 28 with a phased in rate increase beginning January 2022 (\$3.50; July 2022 - \$3.50; July 2023 - 3.50%; July - 2024 3.50% and July 2025 – 3.50%); Scenario 2 included a \$3 million reserve fund balance, a \$1.94 million loan in FY 2023, a \$1.51 million loan in FY 27, and a phased in rate increase – Jan 2022 - \$7.00; July 2022 – 3.5%; July 2023 – 3.5%; July 2024 – 3.5%; and July 2025 – 3.5%. Scenario 3 included a \$3 million reserve fund balance, a \$1.275 million loan in FY 2023, a \$1.275 million loan in FY 26, and a phased in rate increase – Jan 2022 - \$4.50; July 2022 – \$4.50; July 2023 – 3.5%; July 2024 – 3.5%; and July 2025 – 3.5%. Scenario 4 included a \$3 million reserve fund balance, no debt, and a phased in rate increase – Jan 2022 - \$7.75; July 2022 – \$7.75; July 2023 – 3.5%; July 2024 – 3.5%; and July 2025 – 3.5%. Scenario 5 included a \$2.5 million reserve fund balance, no debt, and a phased in rate increase – Jan 2022 - \$7.75; July 2022 – \$7.75; July 2023 – 3.5%; July 2024 – 3.5%; and July 2025 – 3.5%. Scenario 6 included a \$2.5 million reserve fund balance, no debt, and a phased in rate increase – Jan 2022 - \$5.00; July 2022 – \$5.00; July 2023 – \$5.00; July 2024 – 3.5%; and July 2025 – 3.5%. Scenario 7 included a \$2.2 million reserve fund balance, no debt, and a phased in rate increase – Jan 2022 - \$5.00; July 2022 – \$5.00; July 2023 – 3%; July 2024 – 3%; and July 2025 – 3%. The Board discussed the scenarios presented. Director Schneider commented that the plant needs major repairs and if capital projects aren't done, we could potentially end up with violations. He added he is not



comfortable with a \$2 million reserve fund and suggested a workshop be scheduled. Vice President Spiller agreed with Director Schneider and added that he would prefer not to finance a loan and would like an option with minimal impact to the citizens. Director Clark agreed that he would not want to finance a loan and suggested eliminating the loan option. The Board decided to schedule a workshop for August 26<sup>th</sup> at 4:00 pm at which time they will review the scenarios and the Wastewater CIP.

**8. Discussion and Possible Action Regarding Approval to Circulate Request for Proposal for Ball Field Lighting and New Baseball Field**

**Discussion:** The District received a grant from California State Parks Per Capita Program for \$177,952. One of the projects under this grant was to install lighting for the sports field. The District currently has two little league fields that are 235' from home plate to center field with 60' baselines that are adequate for little league and high school softball. The District has seen an increase in usage at the fields and has had many requests to increase the outfield for greater usability. Currently adult co-ed softball, little league, high school girls softball, and travel ball. Staff explored several options including removing the outfield fence on the west field to expand the outfield. This field can be expanded to 250' from Homeplate to center field which is still too short for high school baseball. In this option the District would incur cost of moving the outfield fencing. The second option is to create a new field that would accommodate more uses like travel ball, adult softball, men's softball, and high school softball and baseball. The decision on a new field will determine how Staff prepares the RFP for the lights. If the new field is approved by the board a total of 6 new light poles will be installed (4 – 70' poles and 2 – 60' poles). The approximate cost to construct the new field including grading, irrigation, seeding, backstops, dugouts, and foul line fencing is approximately \$56,000. Staff showed the proposed layout which will provide lighting for the new baseball field, improve lighting on the football field and provide security lighting for the water corp yard. The two existing 35' poles will be relocated to the north soccer field adding safety lighting to both baseball fields and the soccer field. The Board requested to see alternate designs as well as a price projection for the total project at the upcoming Park and Rec Committee meeting.

**9. Discussion and Possible Action Regarding Request to Purchase Surplus Equipment**

**Discussion:** At the May 16, 2021 meeting, Staff was directed to dispose of surplus equipment via auction. At the May 20, 2021 meeting, the Ag operator requested to purchase three items. The balance of the items have been waiting on Staff to find time to dispose of them. The Ag operator has expressed interest in purchasing two additional pieces – self propelled broom for \$1,000 and the trencher & trailer for \$1,500. Considering Staff's effort in liquidating, auction house fees, follow-up on payment, and the buyer acknowledges "as is, where is" condition, Staff feels the offer is fair.

**Action:** Director Clark made a motion to approve the purchase of equipment for \$2,500. Director Schneider seconded the motion.

**Vote:** The motion carried by the following 5 – Yes / 0 – No vote: President Smith– Yes; Vice President Spiller – Yes; Director Clark – Yes; Director Schneider – Yes; Director Haas – Yes

**10. Discussion and Possible Action Regarding Repairs and Insulation for Current Maintenance Building**

**Discussion:** The existing maintenance building is over 30 years old, there are many holes in the sheeting and there is no insulation. Repairs will extend the life of the structure and enhance its usability for Staff. The cost to repair and add insulation is \$53,990 and can be done as a change order to the current contract. Director Schneider suggested that the wastewater fund help pay for the repairs.

**Action:** Director Schneider made a motion to approve the change order to MWC in an amount not to exceed \$53,990 for maintenance building repairs and improvements. Director Spiller seconded the motion.

**Vote:** The motion carried by the following 5 – Yes / 0 – No vote: President Smith– Yes; Vice President Spiller – Yes; Director Clark – Yes; Director Schneider – Yes; Director Haas – Yes

11. Discussion and Possible Action Regarding Approval of Open Purchase Orders for Fiscal Year 2022 for Certain Vendors

**Discussion:** This item comes to the Board annually. This request is for expenditures that are over the General Managers signing authority and are necessary to District operations. Upon approval, Staff will be able to spend up to the Board approved amount. The requested amounts for approval are Aqua Metrics for \$91,156; Brunick, McElhaney & Kennedy \$65,000; Beck Oil for \$31,700; and Inland Water works for \$70,000.

**Action:** Director Haas made a motion to approve open purchase orders as outlined in the Staff Report. Director Schneider seconded the motion.

**Vote:** The motion carried by the following 5 – Yes / 0 – No vote: President Smith– Yes; Vice President Spiller – Yes; Director Clark – Yes; Director Schneider – Yes; Director Haas – Yes

**Other Business**

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

None

President Smith called for a brief recess at 8:13 pm to be followed by closed session which began at 8:24 pm.

**Closed Session**

13. Conference with Legal Counsel – Anticipated litigation

Initiation of litigation pursuant to Government Code Section 54956.9(d):

One potential case

14. Conference with Real Property Negotiator

(Government Code Section 54956.8)

Property: APN 046702133

District Negotiator: Kimberly Cox

Negotiating Party: Ben Vollmer

Under Negotiation: Price and Terms of Payment

President Smith adjourned Closed Session at 9:55 pm and reconvened Open Session at 9:55 pm.

15. Report of Closed Session Items

**Discussion:** Legal Counsel Kennedy reported that the Board met in closed session and there were no reportable actions resulting from closed session items.

**16. Adjournment**

**Action:** President Smith adjourned the meeting at 9:55 pm

Submitted by:

Approved by:

\_\_\_\_\_  
Tim Smith, 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

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Date: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Sharon Kreinop, Senior Account Specialist  
SUBJECT: Agenda item #3 b  
Consent Items: Updated Bills Paid and Presented for Approval

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**STAFF RECOMMENDATION:**

Updated Report Only. Receive and File

**STAFF REPORT:**

Staff issued 50 checks and 11 EFT's totaling \$358,558.74

Total Cash Available:	<u>8/16/21</u>	<u>8/02/21</u>
Cash	\$6,172,619.00	\$6,483,179.08
Checks/EFT's Issues	\$ 358,558.74	\$ 568,807.02

**Investment Report**

The Investment Report shows the status of the invested District funds. The current interest rate is 0.02% for LAIF and 0.10% for the CBB Sweep Account for June 2021. Interest earned July 2021 on CBB Sweep Account is \$275.74.



Helendale CSD

# Bills Paid and Presented for Approval

## Transaction Detail

Issued Date Range: 08/03/2021 - 08/16/2021

Cleared Date Range: -

Issued Date	Number	Description	Amount	Type	Module
<b>Bank Account: 251229590 - CBB Checking</b>					
08/03/2021	<a href="#">24391</a>	Amazon Capitol Services	-47.83	Check	Accounts Payable
08/03/2021	<a href="#">24392</a>	Bank of America	-1,489.65	Check	Accounts Payable
08/03/2021	<a href="#">24393</a>	Hartford Life	-264.77	Check	Accounts Payable
08/03/2021	<a href="#">24394</a>	Henry Spiller	-46.60	Check	Accounts Payable
08/03/2021	<a href="#">24395</a>	Jerry Sooter Jr.	-500.00	Check	Accounts Payable
08/03/2021	<a href="#">24396</a>	Sonic Systems, Inc	-1,400.90	Check	Accounts Payable
08/05/2021	<a href="#">24397</a>	AVCOM Services Inc.	-91.00	Check	Accounts Payable
08/05/2021	<a href="#">24398</a>	Bartle Wells Associates	-1,080.00	Check	Accounts Payable
08/05/2021	<a href="#">24399</a>	Boot Barn Inc.	-125.00	Check	Accounts Payable
08/05/2021	<a href="#">24400</a>	Burrtec Waste Group, Inc	-14,269.67	Check	Accounts Payable
08/05/2021	<a href="#">24401</a>	Burrtec Waste Industries Inc	-474.02	Check	Accounts Payable
08/05/2021	<a href="#">24402</a>	Burrtec Waste Industries Inc	-126.50	Check	Accounts Payable
08/05/2021	<a href="#">24403</a>	County of San Bernardino	-500.00	Check	Accounts Payable
08/05/2021	<a href="#">24404</a>	Dive/Corr, Inc.	-3,600.00	Check	Accounts Payable
08/05/2021	<a href="#">24405</a>	G.A. Osborne Pipe & Supply Inc.	-283.60	Check	Accounts Payable
08/05/2021	<a href="#">24406</a>	Mobile Occupational Services, Inc.	-135.00	Check	Accounts Payable
08/05/2021	<a href="#">24407</a>	Online Information Services, Inc	-37.05	Check	Accounts Payable
08/05/2021	<a href="#">24408</a>	O'Reilly Auto Parts	-804.25	Check	Accounts Payable
08/05/2021	<a href="#">24409</a>	Uline	-276.96	Check	Accounts Payable
08/05/2021	<a href="#">24410</a>	USA of So. California	-79.30	Check	Accounts Payable
08/05/2021	<a href="#">24411</a>	MWC Group, Inc	-158,612.00	Check	Accounts Payable
08/05/2021	<a href="#">24412</a>	MWC Group, Inc	-24,148.00	Check	Accounts Payable
08/05/2021	<a href="#">24413</a>	Sergio A. Navarro Reversal	4,500.00	Check Reversal	Accounts Payable
08/05/2021	<a href="#">24413</a>	Sergio A. Navarro	-4,500.00	Check	Accounts Payable
08/05/2021	<a href="#">24414</a>	California State Disbursement Unit	-230.76	Check	Accounts Payable
08/06/2021	<a href="#">24415</a>	Sergio A. Navarro	-2,250.00	Check	Accounts Payable
08/09/2021	<a href="#">24416</a>	DYLAN BARRINGER	-116.84	Check	Utility Billing
08/09/2021	<a href="#">24417</a>	JOHN SPINGLER	-99.62	Check	Utility Billing
08/09/2021	<a href="#">24418</a>	Robert Dockery	-411.51	Check	Utility Billing
08/09/2021	<a href="#">24419</a>	STEPHEN PUGYAO	-185.34	Check	Utility Billing
08/09/2021	<a href="#">24420</a>	TREVOR LANG	-4.08	Check	Utility Billing
08/09/2021	<a href="#">24421</a>	ROBERT BROWN	-258.37	Check	Utility Billing
08/09/2021	<a href="#">24422</a>	MARGARET LOPEZ FAMILY TRUST	-60.56	Check	Utility Billing
08/10/2021	<a href="#">24423</a>	Aqua Metrics Sales Company	-24,156.39	Check	Accounts Payable
08/10/2021	<a href="#">24424</a>	Bobby Buroff	-250.00	Check	Accounts Payable
08/10/2021	<a href="#">24425</a>	Burrtec Waste Industries Inc Reversal	47,485.84	Check Reversal	Accounts Payable
08/10/2021	<a href="#">24425</a>	Burrtec Waste Industries Inc	-47,485.84	Check	Accounts Payable
08/10/2021	<a href="#">24426</a>	Cardmember Services	-682.55	Check	Accounts Payable
08/10/2021	<a href="#">24427</a>	Choice Builder	-1,095.75	Check	Accounts Payable
08/10/2021	<a href="#">24428</a>	Frontier Communications	-133.54	Check	Accounts Payable
08/10/2021	<a href="#">24429</a>	Frontier Communications	-49.86	Check	Accounts Payable
08/10/2021	<a href="#">24430</a>	Infosend, Inc	-1,862.08	Check	Accounts Payable
08/10/2021	<a href="#">24431</a>	USA Blue Book	-557.60	Check	Accounts Payable
08/10/2021	<a href="#">24432</a>	USPS	-220.00	Check	Accounts Payable
08/11/2021	<a href="#">24433</a>	Burrtec Waste Group, Inc	-47,485.84	Check	Accounts Payable
08/11/2021	<a href="#">24434</a>	Charles La Pat	-100.00	Check	Accounts Payable



**Bank Transaction Report**

Issued Date	Number	Description	Amount	Type	Module
08/11/2021	<a href="#">24435</a>	Giddy Up Ranch	-350.00	Check	Accounts Payable
08/11/2021	<a href="#">24436</a>	Robert Wyman	-340.00	Check	Accounts Payable
08/11/2021	<a href="#">24437</a>	Thomas M. Shoemake	-800.00	Check	Accounts Payable
08/16/2021	<a href="#">24438</a>	ASBCSD	-37.00	Check	Accounts Payable
08/16/2021	<a href="#">24439</a>	Beck Oil Inc	-3,563.71	Check	Accounts Payable
08/16/2021	<a href="#">24440</a>	Jean Thomas	-1,500.00	Check	Accounts Payable
08/06/2021	<a href="#">EFT0003774</a>	To record CalPERS Health Premium	-16,666.88	EFT	General Ledger
08/13/2021	<a href="#">EFT0003806</a>	CalPERS PEPRA Pmt PPE	-1,442.55	EFT	General Ledger
08/13/2021	<a href="#">EFT0003807</a>	CalPERS Classic Pmt PPE 7/18/21	-7,193.14	EFT	General Ledger
08/04/2021	<a href="#">EFT0003809</a>	to record PERS FY2021-22 Classic UNfunded Accrued Liabil	-31,935.50	EFT	General Ledger
08/04/2021	<a href="#">EFT0003810</a>	to record PERS FY2021-22 PEPRA Unfunded Accrued Liabil	-1,642.08	EFT	General Ledger
08/09/2021	<a href="#">EFT0003811</a>	SW Gas ACH 4-Plex Acct # 910000817466	-44.61	EFT	General Ledger
08/09/2021	<a href="#">EFT0003812</a>	SW Gas Community Center 910000010177	-11.00	EFT	General Ledger
08/09/2021	<a href="#">EFT0003813</a>	SW Gas WWTP Acct # 910000010195	-73.74	EFT	General Ledger
08/09/2021	<a href="#">EFT0003815</a>	SW Gas Water Shop Acct # 910001037540	-11.00	EFT	General Ledger
08/12/2021	<a href="#">EFT0003819</a>	CalPERS 457 Pmt PPE 8/1/21	-3,811.41	EFT	General Ledger
08/10/2021	<a href="#">EFT0003820</a>	To record Tasc Flex Claim Pmt - PPE 8/1/21	-533.33	EFT	General Ledger
<b>Bank Account 251229590 Total: (63)</b>					<b>-358,558.74</b>
<b>Report Total: (63)</b>					<b>-358,558.74</b>



**Summary**

**Bank Account**  
[251229590 CBB Checking](#)

<b>Count</b>	<b>Amount</b>
63	-358,558.74
<b>Report Total:</b>	<b>-358,558.74</b>

**Cash Account**  
[99 99-111000 Cash in CBB - Checking](#)

<b>Count</b>	<b>Amount</b>
63	-358,558.74
<b>Report Total:</b>	<b>-358,558.74</b>

Transaction Type	Count	Amount
Check	50	-347,179.34
Check Reversal	2	51,985.84
EFT	11	-63,365.24
<b>Report Total:</b>	<b>63</b>	<b>-358,558.74</b>



# Helendale Community Services District

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Date: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Cheryl Vermette, Program Coordinator  
SUBJECT: Agenda item #3c  
Directors' Compensation and Expenses

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HELENDALE COMMUNITY SERVICES DISTRICT  
BOARD MEMBER EXPENSE VOUCHER

NAME: Sandy Nava Date: 5-21

Date	Event	Expense Description/Explanation	Mileage	Meals	Lodging	Other	Exp. Category
5-2	Public Benefit	discussion w/ GM					
5-4	Event	Registration from Casino				Travel	B
5-5	Public Benefit	Meeting GM					water
5-5	Event	General and other					
5-5	Public Benefit	Annual Meeting					A
5-10	Event	Work or Res Meeting					
5-10	Public Benefit						
8-11	Event	City Committee Lunch					
8-12	Public Benefit	Home w/ GM regarding a					
8-12	Event	City w/ Cheryl					
8-12	Public Benefit	Tourism area of new baseball					
	Event						
	Public Benefit						
	Event						
	Public Benefit						
	Event						
	Public Benefit						
	Event						
	Public Benefit						
	Event						
	Public Benefit						
	Event						
	Public Benefit						

Totals: Mileage \$24.47  
Meals \$25.00  
Lodging \$21.00  
Grand Total \$70.47

Notes/Comments:

Ok to process for payroll

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Board Member Signature: \_\_\_\_\_

- Expense Categories:
- A: Public Meeting governed by Brown Act
  - B: Public Event\*
  - C: Representation at Public Meeting/Event\*
  - D: Representation on 501C3 Board \*
  - E: Conference/Seminar/Training program related to District\*
  - F: Ad Hoc Committee of the Board

- Expense Categories:
- G: Meeting w/GM re: District Operations
  - H: Meeting w/auditors, attorney or consultant retained by District
  - I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD
  - J: Meeting w/organization with interests in matter involving functions or operations of the District
  - K: Meeting pre-approved by the Board of Directors

\*Written or verbal report required to be presented at the next Board meeting

Mileage calculated at \$0.56/mile effective 1/1/21

CUSTOMER COPY

Los Domingos  
(760) 256-1381

8/11/2021 12:50:23 PM  
Terminal SN: 3A504352  
EVO UID: 202108118896-130  
EVO ID: 38328  
EVO Payment UID: 202108112390  
Small Room->9

Employee: Alejandra

Transaction #: 26  
Account: 8041  
Name On Card: HAAS/SANDRA L  
Entry: Chip  
Amount: \$19.47  
Tip: \$ \_\_\_\_\_  
Total: \$ \_\_\_\_\_

Auth Code: 015021  
Response: OK

TC: 7188108ADFC01641  
TVR: 8080008000  
AID: A0000000031010  
TSI: 6800  
ATC: 0057  
APPLAB: VISA DEBIT

- Suggested Tip
- 10% (Tip: \$1.79, Total: \$19.69)
  - 15% (Tip: \$2.68, Total: \$20.58)
  - 20% (Tip: \$3.58, Total: \$21.48)

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

X.....  
SIGNATURE



# Helendale Community Services District

---

Date: June 3, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #3d  
COVID Pandemic Update

---

**STAFF RECOMMENDATION:**

Receive and file.

**STAFF REPORT:**

Over the past few weeks the data has shown an increase in the COVID cases throughout the country. In California the Governor has mandated vaccines or twice-weekly testing for all state employees. The trends are disappointing to say the least.

District staff will be submitting to the State for reimbursement for outstanding water bills. Additional funding may be available to offset wastewater bills in the future.

As of 8/1/21, the past due amount for utility bills is \$45,841.34. This is reduction of approximately \$15,000 from the last report. Staff continues to monitor these outstanding balances and will apply for any state funding that is available to offset the loss due to non-payment.

**FISCAL IMPACT:** \$45,841.34 in outstanding receivables

**ATTACHMENTS:** None





# Helendale Community Services District

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**Date:** August 19, 2021  
**TO:** Board of Directors  
**FROM:** Kimberly Cox, General Manager  
**BY:** Cheryl Vermette, Program Coordinator  
**SUBJECT:** Agenda Item #6 Discussion and Possible Action Regarding Approval to Circulate Request for Proposal for Ball Field Lighting and New Baseball Field

---

**STAFF RECOMMENDATION:** Staff requests board input and approval of this item.

**STAFF REPORT:**

This item was previously discussed at the August 5, 2021, Board Meeting. The Board requested additional information on cost and field layout.

Background: The District received a grant from the California State Parks Per Capita Program for \$177,952.00. One of the projects under this grant is to install lighting for sports fields that would illuminate one baseball field, improve football lighting, and provide ambient lighting for the north soccer field. The District currently has two little league fields that supports little league teams up to age 12, travel ball teams, and high school girls softball. Recently the District has added an adult co-ed softball league. The fields are too short for standard co-ed softball league play, so rules have been modified to accommodate the players on our shorter fields.

The District has had many requests to extend the baseline and outfield fence to accommodate co-ed softball, baseball, travel teams and a men's league. In addition to the requests to extend the fields, the District has also had requests to light the fields for evening play.

Staff explored all options and has concluded that the existing east field can not be extended due to space issues. The west field can be extended approximately 20 feet which will extend the field out to 250', the minimum for adult co-ed and baseball is 275'.

Staff has determined a new baseball field south of the existing football field can be constructed to meet the minimum 275' field size. This new field will cost approximately \$61,000 which will include: irrigation, seeding, backstops, dugouts, foul line fencing, outfield fencing and concrete for the dugouts. Staff is applying for a grant that could offset the total by \$40,000.

The new field will require 6 poles – four 70' and two 60'. There are five options presented for the Board to review. In some of the proposed options, a seventh pole will need to be purchased with District funds to improve football field lighting.

Staff requests the Board to decide on a layout and approve to circulate the request for proposal for lighting.

**Fiscal Impact:** To be determined

**Motion:** Approve layout of baseball field and circulate the request for proposal for lighting.

**Attachments:** Budget Estimate; Lighting layout and filed locations x 5



### Budget Estimate

Backstops/dugouts	\$ 16,675.00
Side Fence	\$ 6,417.00
Outfield fence	\$ 6,836.75
Irrigation Supplies	\$6,000.00
Grading	\$3000.00
Concrete	\$25,900.00
6 Poles	\$190,000.00
Wire/Conduit	\$22,807.00
Total Cost	\$277,635.75
Per Capita Grant	\$ 172,887.00
Water	\$ 40,000.00
<b>Baseball Grant</b>	<b>\$ 40,000.00</b>
<b>Total Cost to District</b>	<b>\$ 24,748.75 or \$60,748.75 without grant</b>

**Option 1:**

- Replace 2 – 35' football poles with 70' poles and move the poles slightly to the west.
- Move existing 35' poles to north field.
- 2 – 60' poles will be added for the outfield
- 2 – 70' poles will be added along the third base line.
- Water will pay for 2 - 70' poles





### Option 2:

- Replace 1 – 35' football poles with 1- 70' poles and move the pole slightly to the east.
- Add 70' pole for baseball field (**This option requires a 7<sup>th</sup> pole to be purchased**)
- Replace existing 35' pole for football with new 70' pole.
- Move existing 35' poles to north field.
- 2 – 60' poles will be added for the outfield (Partially paid by water)
- 2 – 70' poles will be added along the first base line.





### Option 3:

- Move existing 35' poles to north field.
- Replace 1 – 35' football poles with 1- 70' poles, pole will be able to stay in the same spot.
- Add 1 – 60' poles will be added for the outfield paid by water.
- Add 2 – 70' poles along the first base line.
- Add 2 – 70' poles along 3<sup>rd</sup> baseline
- Replace existing 35' pole for football with new 60' pole. (This option would require a 7<sup>th</sup> pole to be purchased)





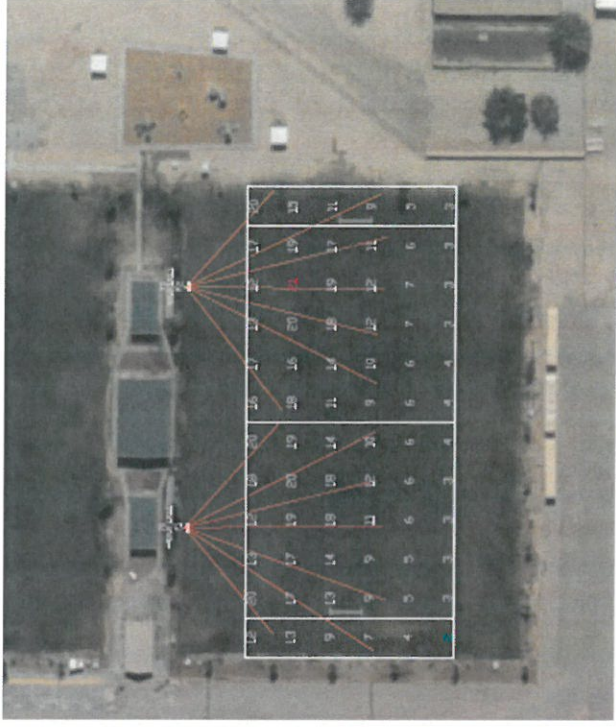
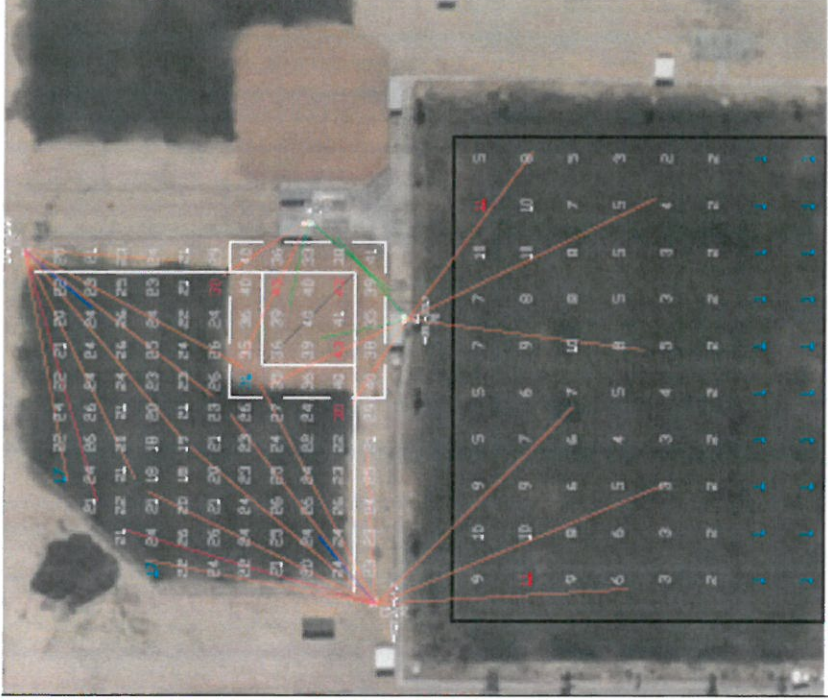
**Option 4:**

- Move existing 35' poles to north field.
- Replace 1 – 35' football poles with 1- 70' poles the pole would stay in the same spot.
- Add 1 – 60' poles for the outfield
- Add 2 – 70' poles along the first base line. (Partially paid for by water)
- Add 2 – 70' poles along the third base line.
- Replace existing 35' pole for football with new 60' pole. (This option would require a 7<sup>th</sup> pole to be purchased)



**Option 5:**

- Add 4 poles to east baseball field
- Two poles will have lights on the back to illuminate the soccer field.
- Replace 2 poles and add new lights on north end of football field.
- Reuse the existing lights to illuminate the north soccer field.







# Helendale Community Services District

DATE: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #7  
Discussion Only Regarding Completion of Maintenance Buildings Interior

---

## **STAFF RECOMMENDATION:**

Staff seeks input from the Board regarding this item.

## **STAFF REPORT:**

Last week the vertical construction began on the water shop and within two weeks the wall panels will be installed. Additionally, work will begin on the Wastewater building as early as August 23. The District's engineer assisting with the paving project is working on the plans for asphalt and concrete around the buildings.

The anticipated schedule for the buildings are as follows:

<u>Water Building</u>	Week of 8/16	Framing
	Week of 8/23	Trim and prep for wall panels
	Week of 8/30	Install wall panels
<u>Wastewater Building</u>	Week of 8/16	No activity
	Week of 8/23	Shake out building and start framing
	Week of 8/30	Continue framing

## **Interior Completion:**

For completion of the interior of each building, the District has received an estimate of approximately \$230,000 per building. Staff is reviewing the estimate to determine what can be done by other vendors, what can be done by staff and what would be better to remain in a bid for the current contractor to complete. It is important to note that this is a 40-50 year facility for the District. While it seems like a great deal of money the project will serve the needs of the District afar into the future.

Possible options for the Board to consider include: (1) awarding a change order to the current contractor to complete the interior once the scope has been determined; (2) go out to bid on the interior construction or (3) don't finish the interior until a later date. The Board may also have additional options to explore.

**Option 1 – Change Order:** Staff would work with the current contractor on the elements that would be required to complete the offices and mezzanine storage area. Staff is prepared to do what they can in-house to keep the costs lower, however, this is at the expense of completing other projects.

**Option 2 – Circulate a Request for Proposals to complete the interior:** This would require having a set of detailed plans drawn up sufficient to circulate for bidding. Typically, this includes sheets for electrical, plumbing, structural, etc. There would be a cost for an engineer to draw up the plans and a delay in the completion timeframe.

**Option 3 – Don't finish interior now:** This option would leave the building unfinished until a later date when building supplies may come down in cost. While this is the least desirable option for Staff, at least the buildings would be usable for equipment storage and have one working toilet and sink for Staff to use. This option would also require plans to be completed prior to circulating a request for proposals at a later date for the completion of the buildings.

**FISCAL IMPACT:** Approximately \$230,000 per building

**REQUESTED ACTION:** None

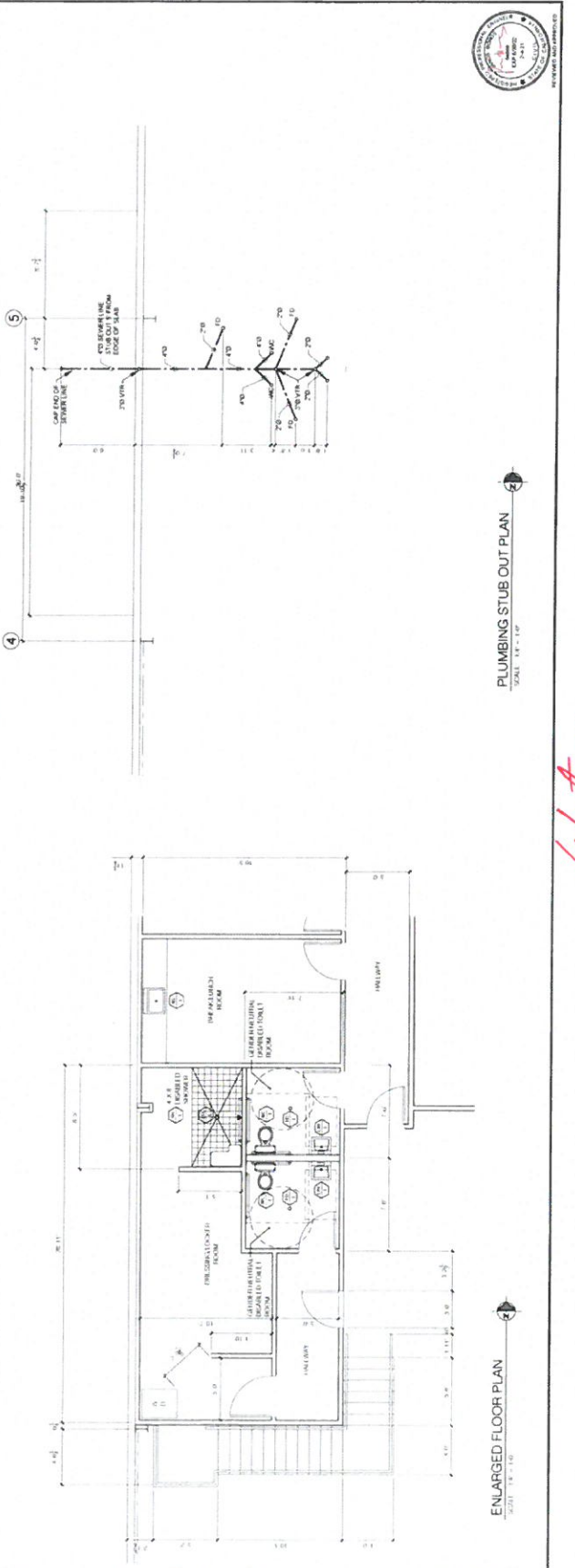
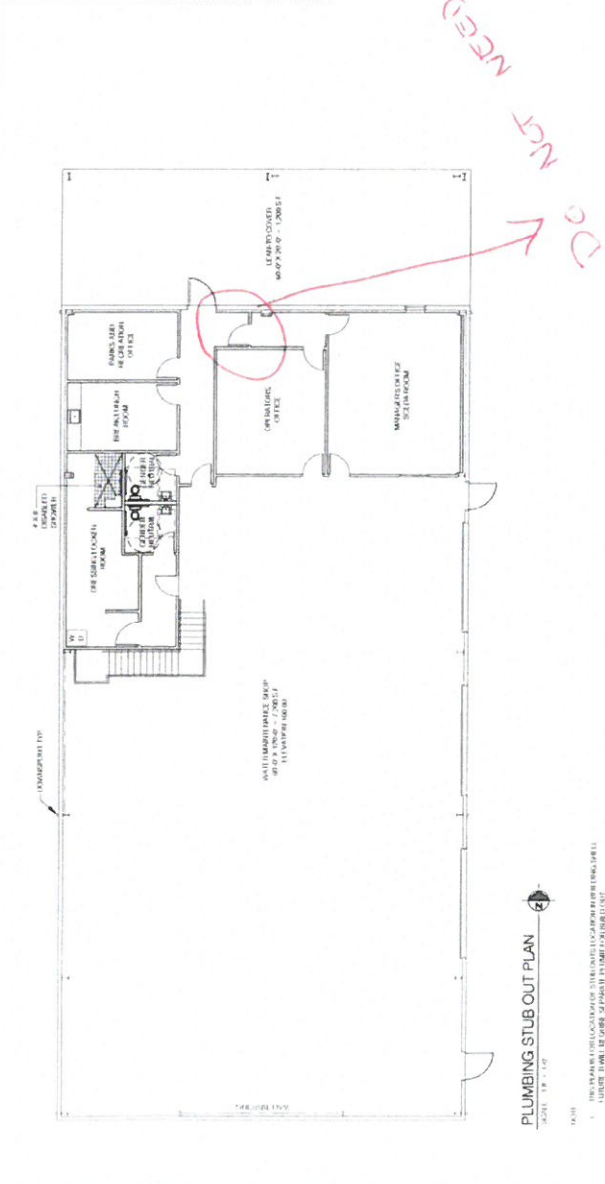
**ATTACHMENTS:** Staff's interior drawing of the buildings



### PLUMBING FIXTURE SCHEDULE

SYMBOL	FIXTURE	FINISH	TYPE	SIZE	DESCRIPTION
WC	WATER CLOSET FLOOR FOUNTAIN	107	2"	2"	FOR ELABORATE WATER CLOSET PASS THROUGH TYPE
WC	WATER CLOSET WALL HUNG	107	2"	2"	FOR ELABORATE WATER CLOSET FLOOR FOUNTAIN AND/OR REAR CLOSING DOOR
RF	FLOOR DRAIN	107	2"	2"	200# FLOOR DRAIN 4" I.D. (0) BRASS GRATE
SP	SHOWER	107	2"	2"	4" CPVC VALVE IN THE SHOWER BY VALVE IN 3/4" S.S. SCHEDULE 40 PRESSURE BALANCING SHOWER VALVE
SD	STATION SINK	107	2"	2"	ELABORATE 22" SELF-RIMMING STAINLESS STEEL SINK W/ 18" INCH FLOOR FLUCT

NOTE: FIXTURES SHOWN OR COMMENTED OTHERWISE MAY BE USED



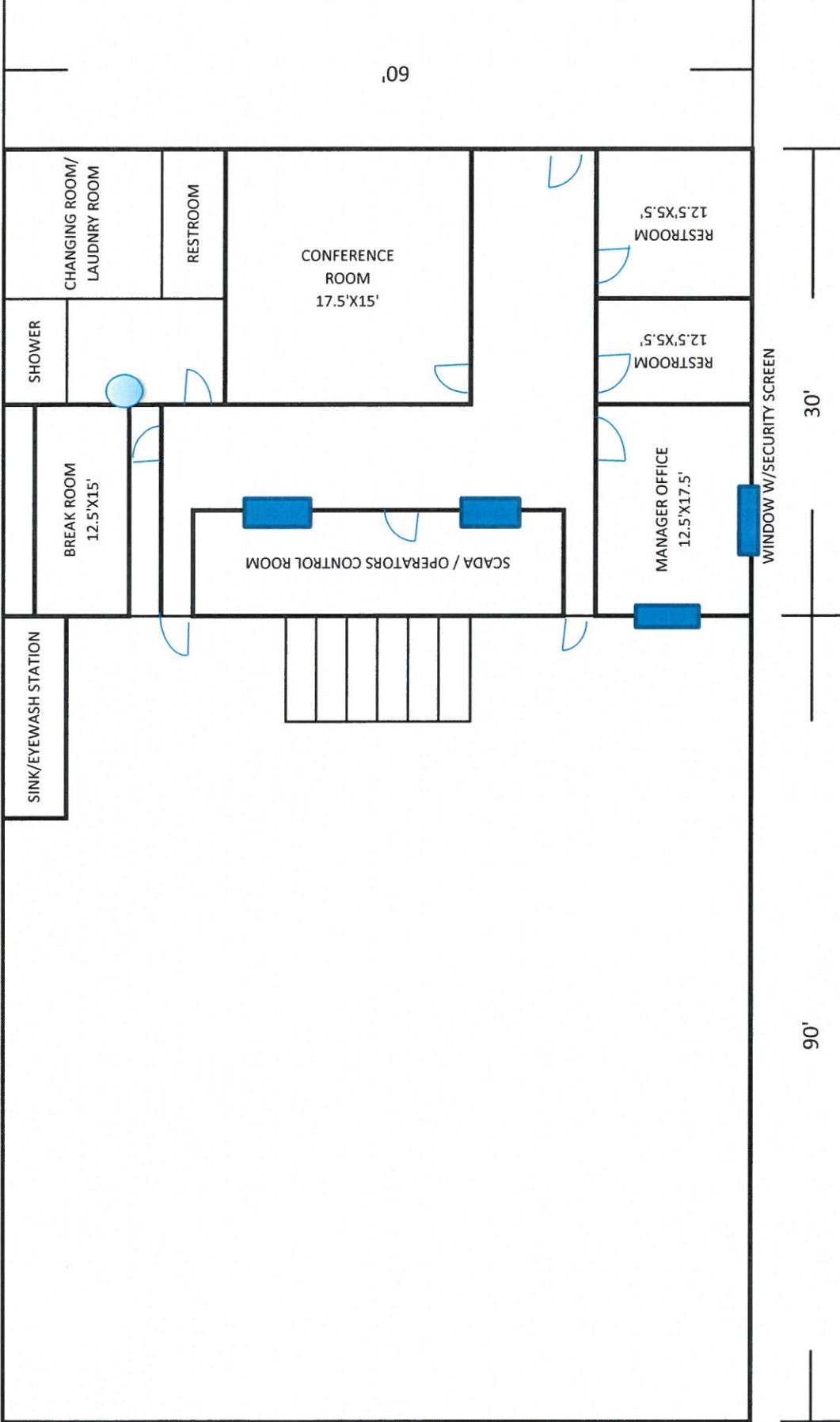
DO NOT NEED  
 (with arrow pointing to a fixture symbol)

Water



PLUMBING STUB OUT PLAN  
 SCALE: 1/8" = 1'-0"

ENLARGED FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



EAST

WASTEWATER SHOP



# Helendale Community Services District

DATE: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #8  
Discussion Only Regarding Suspension of Remote Meeting as Authorized in  
Executive Order N-29-20

---

**STAFF RECOMMENDATION:**

None

**STAFF REPORT:**

On 3-17-2020, Executive Order N-29-20 (attached), was released by the Governor allowing for remote meetings for the foreseeable future. On June 11, 2021 the Governor issues Executive Order N-08-21 outlining numerous modifications to previous executive orders among them, "suspended" the remote meeting option that allowed many public agencies to function during the height of the Pandemic.

It is possible that the Governor may modify that suspension or put it in abeyance if the number of COVID cases continues to climb, however, to date, no further modifications to the suspension have been issues.

District's General Counsel will provide an overview of the suspension for the Board as well as an update on legislation that may permanently modify open meeting options.

**FISCAL IMPACT:** NA

**REQUESTED ACTION:** None

**ATTACHMENTS:** Executive Order N-29-20  
Executive Order N-08-21



**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-29-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

*See section  
42*

**EXECUTIVE ORDER N-08-21**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

**WHEREAS** as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

**WHEREAS** on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

**WHEREAS** in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

**WHEREAS** certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.



1) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 11;
- c. Paragraph 12; and
- d. Paragraph 13.

2) Executive Order N-25-20:

- a. Paragraph 1; and
- b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

3) Executive Order N-26-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3;
- d. Paragraph 5;
- e. Paragraph 6; and
- f. Paragraph 7.

4) Executive Order N-27-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

5) Executive Order N-28-20:

- a. Paragraph 3; and
- b. Paragraph 6.

6) Executive Order N-31-20:

- a. Paragraph 1; and
- b. Paragraph 2.

7) Executive Order N-35-20:

- d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
  - e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.
- 8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.
- 9) Executive Order N-39-20:
- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
  - b. Paragraph 4; and
  - c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.
- 10) Executive Order N-40-20:
- a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
  - b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
  - c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
  - d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;

- d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

- a. Paragraph 1; and
- b. Paragraph 2.

13) Executive Order N-47-20:

- a. Paragraph 2; and
- b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

- a. Paragraph 1;
- b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
- c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

- a. Paragraph 6;
- b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
- c. Paragraph 14; and
- d. Paragraph 16.

18) Executive Order N-53-20:

- a. Paragraph 3;
- b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
- c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing

or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order;

- b. Paragraph 4;
- c. Paragraph 5;
- d. Paragraph 6;
- e. Paragraph 8;
- f. Paragraph 9;
- g. Paragraph 10;
- h. Paragraph 13;
- i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
- j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

21) Executive Order N-56-20:

- a. Paragraph 1;
- b. Paragraph 6;
- c. Paragraph 7;
- d. Paragraph 8;
- e. Paragraph 9; and
- f. Paragraph 11.

22) Executive Order N-59-20, Paragraph 6.

23) Executive Order N-61-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 4.

24) Executive Order N-63-20:

- a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
- b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

- e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
- f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
- i. Paragraph 10;
- j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
- k. Paragraph 13;
- l. Paragraph 14; and
- m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

- a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4.



27) Executive Order N-68-20:

- a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
- b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

- a. Paragraph 1;
- b. Paragraph 4;
- c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
- d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

- a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
- b. Paragraph 8;
- c. Paragraph 9;
- d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
- e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

- a. Paragraph 1; and

- b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
- c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
- d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 5.

**The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.**

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

- a. Paragraph 5; and
- b. Paragraph 6

**The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.**

39) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 3; and
- b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.



46) Executive Order N-40-20:

- a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
- b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

- a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
- b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

- a. Paragraph 2;
- b. Paragraph 3;
- c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
- d. Paragraph 11; and
- e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).



working days following submittal of the sworn statement or verbal attestation for benefits to continue;

- b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
- c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
- d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

- a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
- b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

- a. Paragraph 15;
- b. Paragraph 22; and
- c. Paragraph 23.

58) Executive Order N-75-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 4.

59) Executive Order N-80-20:

- a. Paragraph 3; and
- b. Paragraph 7.

60) Executive Order N-83-20

- a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for

61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

**IT IS FURTHER ORDERED** that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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SHIRLEY N. WEBER, PH.D.  
Secretary of State



# Helendale Community Services District

DATE: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #9  
Discussion and Possible Action Regarding Adoption of Revised Surplus Lands Policy

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**STAFF RECOMMENDATION:**

Staff requests input from the Board.

**STAFF REPORT:**

The Board originally adopted a Surplus Lands Policy in March 2008. District's General Counsel has presented a modified draft policy for consideration by the Board that incorporates required statutory changes to the policy.

This policy governs the process by which the District can lease or sell any of its properties. Counsel will provide an overview for the Board.

**FISCAL IMPACT:** None

**REQUESTED ACTION:** Adopt the revised Surplus Lands Policy

**ATTACHMENTS:** Draft Surplus Lands Policy



**HELENDALE COMMUNITY SERVICES DISTRICT**  
**Surplus Land Policy and Procedures**

**Section 1. Purpose.**

The purpose of this policy is to standardize the procedures for the disposal of Surplus Land of the Helendale Community Services District; and to set forth the duties and responsibilities of the General Manager and District staff in connection therewith.

**Section 2. Definitions.**

~~A) — Surplus Land — The term “Surplus Land” means land owned by the District that is determined to be no longer necessary for the District’s use, except property being held by the District for the purpose of exchange. [Government Code Section 54221 (b).]~~

~~for which the District’s Board of Directors takes formal action in a regular public meeting declaring that such land is surplus and no longer necessary for the District’s use, subject to the provisions of Government Code Section 54221(b).~~

**Section 3. Applicability.**

This policy shall apply to the disposal of Surplus Land by the District.

**Section 4. Disposal of Surplus Land.**

~~A) — Declaration. — The District Board of Directors shall upon presentation of documentation from the General Manager determine if land so presented is Surplus Land. After such determination, the Board shall adopt a resolution declaring such property Surplus Land and instructing District staff to follow the offer and negotiation procedures as set forth in this section.~~

~~B) — Offer.~~

~~The District, after declaration of surplus and prior to disposing of Surplus Land, shall send a written offer to sell or lease the property as follows:~~

~~1. — A written offer to sell or lease for the purpose of developing low and moderate income housing shall be sent to any local public entity within whose jurisdiction the Surplus Land is located. Housing sponsors, shall, upon written request, be sent a written offer to sell or lease Surplus Land for the purpose of developing low and moderate income housing. All notices shall be sent by first class mail and shall include the location and a description of the property. With respect to any offer to purchase or lease pursuant to this subdivision, priority shall be given to development of the land to provide affordable housing for lower income or elderly or disabled persons or households, and other lower income households. — Government Code Section 54222(a).~~

~~2. — A written offer to sell or lease for park and recreational purposes or open spaces purposes shall be sent to any park or recreation department of the county and any city within which the Surplus Land may be situated, to any regional park authority having jurisdiction~~



**HELENDALE COMMUNITY SERVICES DISTRICT**  
**Surplus Land Policy and Procedures**

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within the area in which the Surplus Land is situated, and to the State Resources Agency or any agency which may succeed to its powers. Government Code Section 54222(b).—

3. — A written offer to sell or lease land suitable for school facilities construction or use by a school district for open space purposes shall be sent to any school district in whose jurisdiction the Surplus Land is located. Government Code Section 54222(c).

4. — A written offer to sell or lease for enterprise zone purposes any surplus property in an area designated as an enterprise zone to be sent to the nonprofit neighborhood enterprise association corporation in that zone. Government Code Section 54222(d).

5. — A written offer to sell or lease for the purpose of developing property located within an “infill opportunity zone” or within an area covered by a “transit village plan” shall be sent to any county, city, community redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the Surplus Land is located. Government Code Section 54222(e).

**C) — Notice of Interest.** — The entity or association desiring to purchase or lease the Surplus Land for any of the above purposes is still required to notify in writing the District of its intent to purchase or lease the land within 60 days after receipt of the agency’s notification of intent to sell the land. Government Code Section 54222(f).

**D) — Negotiations.** After the District has received notice from the entity desiring to purchase or lease the Surplus Land, the District and the entity shall enter into good faith negotiations to determine a mutually satisfactory sales price or lease terms. If the price or terms cannot be agreed upon after a good faith negotiation period of not less than 60 days, the Surplus Land may be disposed of without further regard to this procedure. Government Code Section 54223.

**E) — Priorities.** — In the event that the District receives offers for the purchase or lease of such Surplus Land from more than one of the entities to which notice and an opportunity to purchase or lease has been given, the District shall give first priority to the entity which agrees to use the site for housing for persons and families of low or moderate income, except that first priority shall be given to an entity which agrees to use the site for a park or recreational purposes if the Surplus Land being offered is already being used and will continue to be used for park or recreational purposes, or if the Surplus Land is designated for park and recreational use in the local general plan and will be developed for that purpose. Government Code Section 54227.

**F) — Exemptions.** —

1. — The above procedure does not apply to the disposal of Surplus Land that is determined to be exempt within the meaning of Government Code Section 54221(e). Under this provision, “exempt surplus land” is either of the following:

a) — Surplus Land which is transferred to the county pursuant to a board of supervisors determination that the land can be used to provide housing affordable to persons and families of low or moderate income; or

b) — Surplus Land which is not contiguous to land owned by a state or local agency which is used for park, recreational, open space, or low and moderate income housing purposes, is not located within an enterprise zone, and which is:

i) — Less than 5,000 square feet in area;



**HELENDALE COMMUNITY SERVICES DISTRICT**  
**Surplus Land Policy and Procedures**

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- ~~ii) Less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less; or~~
- ~~iii) Without record access and is less than 10,000 square feet in area.~~
- ~~2. Notwithstanding the above, if the Surplus Land is not sold to an owner of contiguous land, it is not considered "exempt surplus land" and is subject to all of the above procedures set forth in Section 5. Government Code Section 54221(e)(2).~~

Subject to the requirements of Government Code Section 54220 et seq., the District shall comply with the following provisions with respect to the disposal of any Surplus Land:

**A) Declaration.** The District Board of Directors shall, upon presentation of documentation from the General Manager, determine if land so presented is Surplus Land. After such determination, the Board shall adopt a resolution declaring such property Surplus Land and instructing District staff to follow the offer and negotiation procedures as set forth in this section.

**B) Notice of Availability.** The District, after declaration of surplus and prior to disposing of Surplus Land, shall send a written notice of availability as follows:

1. Housing. A written notice of availability of the Surplus Land for the purpose of developing low- and moderate-income housing shall be sent to any local public entity within whose jurisdiction the Surplus Land is located. Housing sponsors, shall, upon written request, be sent a written notice of availability of the Surplus Land for the purpose of developing low- and moderate-income housing. All notices shall be sent by electronic mail, or by certified mail, and shall include the location and a description of the Surplus Land. [Government Code Section 54222(a).]

2. Recreation. A written notice of availability of the Surplus Land for park and recreational purposes or open-spaces purposes shall be sent to any park or recreation department of the county and any city within which the Surplus Land may be situated, to any regional park authority having jurisdiction within the area in which the land is situated, and to the State Resources Agency or any agency that may succeed to its powers. [Government Code Section 54222(b).]

3. Schools. A written notice of availability of the Surplus Land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the Surplus Land is located. [Government Code Section 54222(c).]

4. Development. A written notice of availability of the Surplus Land for the purpose of developing property located within an "infill opportunity zone" or within an area covered by a "transit village plan" shall be sent to any county, city, successor agency to a former redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the Surplus Land is located. [Government Code Section 54222(d).]

**C) Notice of Interest.** The entity or association desiring to purchase or lease the Surplus Land for any of the above purposes shall notify in writing the District of its interest in purchasing or leasing the Surplus Land within 60 days after the District's notice of availability of the



**HELENDALE COMMUNITY SERVICES DISTRICT**  
**Surplus Land Policy and Procedures**

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Surplus Land is sent via certified mail or provided via certified mail. [Government Code Section 54222(e).]

**D) Negotiations.** After the District has received notice of interest from the entity desiring to purchase or lease the Surplus Land, the District and the entity shall enter into good faith negotiations to determine a mutually satisfactory sales price and terms or lease terms. If the price or terms cannot be agreed upon after a good faith negotiation period of not less than 90 days, the Surplus Land may be disposed of without further regard to this procedure. [Government Code Section 54223(a).]

**E) Priorities.** In the event that the District receives a notice of interest to purchase or lease such Surplus Land from more than one of the entities to which notice of availability of Surplus Land has been given, the District shall give first priority to the entity or entities that agree to use the site for housing for persons and families of low- or moderate-income, except that first priority shall be given to an entity that agrees to use the site for a park or recreational purposes if the Surplus Land being offered is already being used and will continue to be used for park or recreational purposes, or if the Surplus Land is designated for park and recreational use in the local general plan and will be developed for that purpose. [Government Code Section 54227.]

**F) Exemptions.**

1. Definitions. The above procedure does not apply to the disposal of Surplus Land that is determined to be exempt within the meaning of Government Code Section 54221(f). Under this provision, “exempt surplus land” includes, but is not limited to, the following:

a. Surplus Land that is transferred to the county pursuant to a board of supervisors determination that the land can be used to provide housing affordable to persons and families of low or moderate income; or

b. Surplus Land that is not contiguous to land owned by a state or local agency that is used for park, recreational, open-space, or low- and moderate-income housing purposes, is not located within an enterprise zone or a designated program area, and which is:

i) Less than 5,000 square feet in area;

ii) Less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less; or

iii) Without record access and is less than 10,000 square feet in area.

2. Exclusions. Notwithstanding the above, if the Surplus Land is not sold to an owner of contiguous land, it is not considered “exempt surplus land” and is subject to all of the above procedures set forth in Section 5. [Government Code Section 54221(f)(1).]

**Section 5. Extent of Authorization.**

**A)**—The District’s Board of Directors and the General Manager, to the limited extent expressly set forth herein, are the only parties authorized to sell dispose of Surplus Land. No other District employee shall sell, lease, or donate any District Surplus Land without the express written authorization of the Board of Directors.

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**B)**—Unauthorized disposal of any District-owned Surplus Land, regardless of estimated value, constitutes a breach of District policy and could be construed as misappropriation of public funds.





# Helendale Community Services District

DATE: August 5, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #10  
Discussion Only Regarding Vehicles for District Operations

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**STAFF RECOMMENDATION:**

Staff seeks input from the Board.

**STAFF REPORT:**

It was requested by the Board that this discussion be agendized.

The District has two newer water service trucks scheduled in FY 22 and Wastewater also has a newer vehicle on the CIP for the Manager in FY22 and a newer service truck in FY23. Park is in desperate need of newer vehicles as well. Once the Water Department receives replacement vehicles, their trucks will be passed to Parks.

Over the past couple of years Staff has been looking for used vehicles to no avail. Staff has looked at numerous auctions and the vehicles have bid past what Staff felt was a reasonable value for the District. New vehicles have skyrocketed in the past year as well. The District's practice since formation has been to purchase used vehicles and equipment to same money since the District's service area is very compact. This has worked well in the past, however, currently the quality and price of used vehicles has not proven favorable for the District.

Leasing does not seem a good option as there is no value for the District at the end of the lease. Purchasing new service trucks with bumper-to-bumper warranties seems luxurious, however, this may be the most realistic option at some point. Continuing to monitor the used market and auction sites may also yield some potential options eventually.

Current estimates for new vehicles is above \$40,000 for a mid-sized truck

**FISCAL IMPACT:** NA

**POSSIBLE MOTION:** None

**ATTACHMENTS:** None



# Helendale Community Services District

DATE: August 19, 2021  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #11  
Discussion Only Regarding Consideration of Proposing an Ordinance Related to  
Water Theft, Unauthorized Use and Tampering

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**STAFF RECOMMENDATION:**

Staff seeks input from the Board.

**STAFF REPORT:**

As the District has seen the explosion of illegal water use in the area and theft from hydrants, the Board had requested options to consider in an effort to help curtail unlawful use of the District's water resources.

An Ordinance is one option that could be considered by the Board. As in other Ordinances, the draft document envisions fines for violations related to specific offenses. The challenge is that the District would be the enforcer.

District General Counsel has prepared the attached draft for discussion purposes and will review the document with the Board.

**FISCAL IMPACT:** NA

**POSSIBLE MOTION:** None

**ATTACHMENTS:** Draft sample ordinance related to water theft

**ORDINANCE NO. 2021-**

**ORDINANCE OF THE  
HELENDALE COMMUNITY SERVICES DISTRICT,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,  
PROHIBITING WATER THEFT, UNAUTHORIZED USE, AND TAMPERING**

**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**, the District was formed pursuant to Resolution No. 2951 of the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted on December 4, 2006;

**WHEREAS**, pursuant to Condition No. 8 of LAFCO Resolution No. 2951 and Section 61100(a) of the California Government Code, the District is authorized to supply water for any beneficial uses in the same manner as a municipal water district formed pursuant to California Water Code Section 71000 *et seq.*;

**WHEREAS**, under California Water Code Sections 71600-71601, a municipal water district is authorized to adopt and enforce ordinances establishing rules and regulations for the water it delivers;

**WHEREAS**, Section 71600 of the California Water Code provides that every person convicted of an infraction for a violation of an ordinance shall be punished upon a first conviction by a fine not exceeding \$50, and for a second conviction within a period of one year by a fine of not exceeding \$100, and for a third of any subsequent conviction within a period of one year by a fine of not exceeding \$250;

**WHEREAS**, under California Government Code Section 61060(b), the District is authorized to adopt and enforce by ordinance rules and regulations related to its water service powers;

**WHEREAS**, the District is further authorized by California Government Code Section 61064(a) to declare violations of its ordinances to be misdemeanors pursuant to Section 19 of the California Penal Code;

**WHEREAS**, California Penal Code Section 19 provides that every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$1000, or by both;

**WHEREAS**, California Penal Code Section 498 prohibits the theft of utility services, including water;

**WHEREAS**, California Penal Code Section 624 prohibits every person from willfully damaging, tampering with, or digging up water pipes or waterworks;

**WHEREAS**, California Penal Code Section 625 prohibits every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any disconnected utility connection after having been notified that the same has been closed or shut for specific cause, by order of competent authority;

**WHEREAS**, any person who violates California Penal Code Sections 498, 624, or 625 is guilty of a misdemeanor;

**WHEREAS**, California Civil Code Section 1882 et seq. authorizes the District to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

- a. Diverts, or causes to be diverted, utility services by any means whatsoever;
- b. Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility;
- c. Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by other means;
- d. Tampers with any property owned or used by the utility to provide utility services; or
- e. Uses or receives the direct benefit of all, or a portion, of the utility services with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility;

**WHEREAS**, pursuant to California Government Code Section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty;

**WHEREAS**, pursuant to California Government Code Section 53069.45, the District may adopt an ordinance that prohibits water theft and makes a violation of any such ordinance enacted by its Board of Directors regarding water theft subject to an administrative fine or penalty not exceeding the amounts set forth therein;

**WHEREAS**, Article X, Section 2, of the California Constitution declares that the general



welfare requires that water resources be put to beneficial use; waste or unreasonable use, or unreasonable method of use, of water be prevented; and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof;

**WHEREAS**, because water is a vital resource, the District has determined that it is appropriate to impose civil administrative fines for the theft of water to protect this vital resource;

**WHEREAS**, the District's Board of Directors finds that this Ordinance is in the best interest of the District to protect the health, safety and welfare of the community; and

**WHEREAS**, the District's Board of Directors finds that this Ordinance is consistent with state law and the policies of the District.

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

#### SECTION 1: RECITALS

The District hereby finds and determines that the above Recitals are true and correct and are incorporated herein.

#### SECTION 2: DEFINITIONS

A. For the purposes of this Ordinance, "water theft" means an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the Penal Code, and includes all of the following:

1. The use, diversion, receipt, or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility; and

2. The use, diversion, receipt, or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities.

B. For the purposes of this Ordinance, "unauthorized use" includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of hydrant meter in violation of the term and conditions of a hydrant meter permit.

C. For the purposes of this Ordinance, "tampering" shall include, but not be limited to:

1. Opening valves at the curb or meters that have been turned off by District personnel.
2. Breaking, picking or damaging cut-off locks.
3. Bypassing meter in any way.
4. Taking unmetered water from hydrants by anyone other than authorized officials of a recognized fire department, fire insurance company or District employee for any purpose other than firefighting, testing or flushing of hydrants.
5. Use of sprinkler system water service for any purpose other than fire protection.
6. Removing, disabling or adjusting meter registers.
7. Connecting to or intentionally damaging water lines, valves or other appurtenances.
8. Moving the meter or extending service without permission of the District.
9. Any intentional act of defacement, destruction or vandalism to District property or an act that affects District property.
10. Unauthorized use of a pump or device for removal of water from the ditch system.
11. Any intentional blockage or obstruction of District property.

### SECTION 3: VIOLATIONS

Water theft, unauthorized use, and tampering are prohibited.

### SECTION 4: CRIMINAL PENALTIES

A. The District may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code.

B. Any person violating any provision of this Ordinance, as determined by the District's General Manager, may be prosecuted as committing either a misdemeanor or an infraction by the District's General Manager in the name of the people of the State of California.

1. Every violation of the provisions of this Ordinance that is determined to be a misdemeanor shall be punishable by imprisonment in the San Bernardino County jail not exceeding six (6) months, or by a fine not exceeding \$1,000, or by both.

2. Every violation of the provisions of this Ordinance that is determined to be an

infraction shall be punishable by (a) a fine not exceeding fifty dollars (\$50) for a first violation of this Ordinance; (b) a fine not exceeding one hundred dollars (\$100) for a second violation of this Ordinance within a period of one year; and (c) a fine not exceeding two hundred fifty dollars (\$250) for each additional violation of this Ordinance within a period of one year.

#### SECTION 5: ADMINISTRATIVE PENALTIES

In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

A. Require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property; and/or

B. If the water theft is committed via meter tampering in violation of this Ordinance, charge the customer or perpetrator an administrative penalty as follows:

1. A fine not exceeding one hundred thirty dollars (\$130) for a first violation;
2. A fine not exceeding seven hundred dollars (\$700) for a second violation within twelve-months of the first violation; and
3. A fine not exceeding one thousand three hundred dollars (\$1,300) for the third and each additional violation within twelve-months of the first violation.

C. For all forms of water theft other than as set forth in Section 5.B. above that are committed in violation of this Ordinance, charge the customer or perpetrator an administrative penalty as follows:

1. A fine not exceeding one thousand dollars (\$1,000) for a first violation;
2. A fine not exceeding two thousand dollars (\$2,000) for a second violation within a twelve-month period; and
3. A fine not exceeding three thousand dollars (\$3,000) for each additional violation within a twelve-month period.

#### SECTION 6: OTHER REMEDIES

In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies set forth in this Ordinance are herein declared to be cumulative and non-exclusive, and shall not preclude the District from enforcing any other rights or remedies to

discontinue service and/or otherwise enforce this Ordinance or any other rules and regulations of the District. If a customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District facilities, bypasses a meter, or otherwise makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may:

- A. Require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property;
- B. Turn off the water service and install a lock;
- C. Estimate, if necessary, the water taken and charge the customer, offender or water recipient three times the normal rate of the water taken from the District facility;
- D. Charge the customer, offender or water recipient for the damage to the District lock, meter or other property;
- E. Remove the meter and plug the service;
- F. Terminate and remove the service from its connection to the water main;
- G. Charge a deposit of two times the amount of the average use to reestablish service;
- H. Require the return of any District hydrant meter; and
- I. Prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

#### SECTION 7: ENFORCEMENT OFFICER

The District's General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the District's Board of Directors or be reasonably necessary, for enforcement of the Ordinance.

#### SECTION 8: NOTICE

- A. A "Notice of Violation" will be mailed or delivered to the customer for the following:
  - 1. Evidence suggests the possibility of theft of service, including irrigation water, at the customer's property.



2. If the violation does not constitute an immediate threat of safety or equipment integrity to the system, the customer will be ordered to immediately cease any unlawful practice.

B. A “Notice of Violation” will be mailed or delivered to the customer after service is cut-off for the following:

1. In the opinion of the District=s General Manager, theft of service is clearly evident on the customer=s property and immediate action is necessary.

2. In the opinion of the District=s General Manager, there is an immediate danger to public health or safety.

#### SECTION 9: HARDSHIP WAIVER

The District’s General Manager may grant hardship waivers to reduce the amount of the fine imposed for water theft upon a showing by the responsible party the payment of the full amount of the fine would impose an undue financial burden on the responsible party. Such waivers may be granted only upon written application therefor. Upon granting such a waiver, the District’s General Manager may impose any conditions he or she determines to be just and proper.

#### SECTION 10: PAYMENT AND APPEAL PROCEDURES

The District shall calculate the amount of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record, an invoice for payment of damages or penalty(ies) may be sent to the offender, water user or recipient.

A. All costs relating to the District=s processing and handling of the water theft, investigation and enforcement thereof, and potential charges for reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender, water user or recipient. These charges include, but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall deposit twice the average bi-monthly water bill, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.

B. All charges relating to the District=s processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne by the offender, water user or recipient, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

C. Any person (an “Appellant”) who wishes to appeal the imposition of an

administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit pursuant to Section 6(h), shall comply with the following procedures:

1. The Appellant shall submit an appeal request to the District no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.
2. A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request.
3. If an appeal request is denied, the Appellant may resubmit the appeal request to the District's Board of Directors no later than fifteen (15) days from the date of the denial.
4. The Appellant may request to provide evidence in writing or in person in support of his or her appeal.
5. The decision by the District's General Manager, or if appealed to the Board of Directors, the decision of the District's Board of Directors, shall be final.
6. Within ten (10) days after the denial of the appeal is deemed final, the Appellant shall pay any disputed penalty(ies) imposed by the District.
7. The provisions of Section 1094.6 of the California Code of Civil Procedure shall be applicable to judicial review of the decision.

#### SECTION 11: CONFLICTING PROVISIONS

If any provision of this Ordinance is in conflict with any applicable federal or state law or regulation, the federal or state law or regulation shall govern. If provisions of this Ordinance are in conflict with each other, other provisions of the District's regulations or policies, or any other resolution of ordinance of the District, the more restrictive provisions shall control.

#### SECTION 12: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

#### SECTION 13: PUBLICATION AND POSTING

The Secretary of the Board is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation printed and a copy of the full text must be posted at the District office at least five (5)

days prior to the meeting. The full text of this Ordinance must be published within ten (10) days after adoption with the names of the directors voting for and against the adoption, and must likewise be posted at the District office.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective and in full force thirty (30) days after its adoption.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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President of the Helendale  
Community Services District and  
of the Board of Directors thereof.

DRAFT

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SAN BERNARDINO        )

I, \_\_\_\_\_, Secretary of the Board of Directors of the Helendale Community Services District, do hereby certify that the foregoing Ordinance, being Ordinance No. 2021- \_\_, was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on \_\_\_\_\_, 2021, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Secretary of the Helendale  
Community Services District and  
of the Board of Directors thereof.

SEAL