

Independence Ranch Community Services District

www.iranchcsd.org

REGULAR BOARD MEETING

Thursday, May 14, 2020

6:30 PM

PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20, MEMBERS OF THE BOARD OF DIRECTORS, STAFF AND PUBLIC MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE AND/OR ELECTRONICALLY.

ZOOM MEETING: <https://us02web.zoom.us/j/8347246822>

Meeting ID: 834 724 6822 Password: No Password Required

BY PHONE: 1-408-638-0968 Meeting ID # 834 724 6822

A G E N D A

1. 6:30 PM OPEN SESSION / ROLL CALL

2. PUBLIC COMMENT

Members of the public may address the Board on items other than those scheduled on the agenda. PLEASE BEGIN BY STATING YOUR NAME AND ADDRESS. **EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes or action by the Board may be scheduled for a future Board meeting. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

3. APPROVAL of AGENDA

4. APPROVAL of MINUTES: [Regular Meeting March 5, 2020](#)

5. MANAGER REPORT – On April 9, Ms. Dena Price sent an email to LAFCO Executive Officer, David Church (with a copy to Director Leezer) with 3 “pretty straight forward questions” under the Subject of CSD Procedures and a request for a telephone conference with Mr. Church. Mr. Church responded to Ms. Price’s questions on April 9 and agreed to have a call with her (and Director Leezer) on Monday April 13 (emails attached). After the Monday call, Mr. Church sent an email to me summarizing what he understands as Ms. Price’s and Director Leezer’s concerns and provided a few ideas for the Board to consider. I fully agree with Mr. Church’s suggestions and I am providing his email response for the Board’s information and consideration.

While I welcome Mr. Church’s observations and advice, and respect Ms. Price’s right to reach and to Supervisor Peschong’s office it is unclear to me (and perhaps Mr. Church) as to whether Director Leezer was involved in this issue representing the full Board. To my knowledge the Board

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did not take any action to request Director Leezer assist Ms. Price when she reached out to Mr. Church and or Supervisor's Peschong's office. The District's By-Laws at Paragraphs 5. "Authority of Directors" and 6. Director Guidelines discuss that Directors do not represent any fractional segment of the Community and also state that in handling complaints, Directors are encouraged to listen carefully to concerns but the complaint should be referred to the General Manager.

I encourage all the Directors and public to review the District By-Laws (attached). Adherence to the By-Laws will make the conduct of the Board meetings much more efficient, productive and manageable. In addition, if the Board or the public have comments or suggested revisions to the By-Laws please submit them for Board consideration.

6. **APPROVAL OF TREASURER'S REPORT AND FINANCIALS: See addendums A & B**

7. **APPROVAL OF WARRANT REGISTER: Addendum C**

8. **DISCUSSION ITEMS**

A. **Prop 218 Public Notice Hearing to Increase the Road Maintenance Fees:** As noted in the March 5, meeting minutes, the Board voted to continue this item to a Special Meeting on April 9th, 2020, and directed the General Manager to seek legal advice regarding the appropriate process for increasing the road assessment fees. Staff did seek legal advice and advice from other Road Maintenance Districts and confirmed that the Prop 218 Protest Hearing process is the correct procedure.

Due to the COVID-19 pandemic and the state and local stay at home orders, the April 9th Board meeting was cancelled. The deadline to file Direct Charge listings with the County is July 15, 2020. At this point there is insufficient time for the Board to further deliberate on the draft assessment amount, issue the Prop 218 Hearing Notice; allow for the required 45-day comment period, conduct the Protest Hearing and if approved, prepare and submit the Direct Charge listing to the County. Staff recommends the Board defer this item for further discussion to a future Board meeting.

Staff has prepared the documentation for the FY 2020/21 Road Maintenance Assessment Fee Direct Charge filing to remain at \$500 per parcel for the for fiscal year 2020/21. Refer to Business Item B. below. **Possible Board Action**

B. **Road Maintenance Fees for FY 2020/21 - Resolution No. 2020-01:** Consider Directing the County Tax Collector to assess each parcel \$500.00 for road maintenance fees for the 2020/2021 fiscal year. **Board action required. Roll call vote.**

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C. **Fiscal Year 2020/21 Budget:** Review and Consider adoption of a budget for fiscal year 2020/2021. **Board action Possible.**

D. **March 4, 2020, Complaint Against Board Member John Hunter from Dena Price.** At the March 5, 2020, Board meeting Ms. Dena Price delivered a written complaint against Board member John Hunter. The Board received the complaint and directed the General Manager to seek advice from legal counsel regarding the Board's options for responding to the complaint. Staff contacted Jeff Minnery from Adamsky, Moroski Madden Cumberland & Green LLP to see if his firm is available to assist the District on this matter. Mr. Minnery advised that he is available to assist the District on legal matters but that the District should formerly engage their firm prior to offering legal advice on such matters.

With the Board's concurrence staff will formally engage Mr. Minnery as the District's legal counsel and request Mr. Minnery review the complaint and the Board's options for addressing the complaint and then have Mr. Minnery report back to the Board. **Possible Board Action.**

E. **Road Maintenance:** On-going item to determine and prioritize road maintenance tasks and report on tasks completed to date. **Possible Board Action.**

9. **DIRECTOR / MANAGER COMMENTS: This is the opportunity for board members or staff to make brief comments or suggestions.** Director Leezer sent an email to all Board members on May 7, 2020, listing items that he would like the Board to discuss at a Board meeting. I acknowledged Director Leezer's request and advised all the Board members that having an email discussion with the Board of members is a violation of the Brown Act (attached). I have responded to Director's Leezer's request by including the items he wished the Board to discuss on this agenda.

However, in accordance with the District By Laws at Paragraph 2.5 the Board President is responsible for setting the meeting agendas and "Any Director may request on item to be placed on the agenda as long as it has been approved by the President or a majority of the Board members deem it necessary".

10. **ADJOURNMENT: The next regular board of directors meeting is scheduled for Thursday, July 9, 2020.**

Independence Ranch
Community Services District
6289 Hawk Ridge Place, San Miguel, CA 93451
www.iranchcsd.org

REGULAR BOARD MEETING MINUTES

Thursday, March 5, 2020 6:30 PM

Warbirds Museum Meeting Hall

4251 Dry Creek Road, Paso Robles, CA 93446

1. 6:30 PM OPEN SESSION/ROLL CALL/PLEDGE OF ALLEGIANCE

The meeting was called to Order at 6:33 PM. Board members present: President Carol Noe, Vice President Danny Meehan, Terry Leezer and John Hunter
Members absent: Mark Kenyon

- 2. PUBLIC COMMENT:** District member Dena Price (1830 Rancho Lomas Way) presented a written complaint against Board member Hunter. President Noe advised Ms. Price that the Board could not take any action on the complaint since it was not on the agenda and without reviewing it and getting advice from legal counsel.

3. APPROVAL OF AGENDA:

President Noe suggested that the Board table Discussion Item 8.A. in order to get on to more pressing matters. The Board agreed. Motion to approve Agenda by Director Noe, seconded by Director Meehan motion carried 4-0.

4. APPROVAL OF MINUTES: Regular Meetings February 20, 2020

Motion to approve the February 20, 2020 meeting minutes by Director Noe, seconded by Director Leezer, motion passed 4-0.

- 5. MANAGER'S REPORT:** GM Hagemann reminded Board members that they need to submit their Form 700s for calendar year 2019 to the County Administrative office no later than April 1, 2020

6. TREASURER'S REPORT AND APPROVAL OF FINANCIALS:

GM Hagemann provided an updated Balance Sheet dated March 5, 2020, and the Profit and Loss statement for February 21, through March 5, 2020. The Balance Sheet reflected the District has \$20,194.54 in the checking account and \$3,507.74 in the USDA Loan Restricted Savings Account. **Motion to approve the Financial Reports by Director Noe, seconded by Director Meehan, motion carried 4-0.**

- 7. APPROVAL OF WARRANT REGISTER:** After Board discussion and an opportunity for public comment, Director Meehan made a motion to approve the Warrant Register, the motion was seconded by Director Noe, motion carried 4-0.

8. DISCUSSION ITEMS:

- A. Election of Board President and Vice President for Calendar Year 2020:** Due to the other pressing matters on the agenda the Board agreed to table this item and bring it back at a later meeting.

B. Review and Comment on the Prop 218 Public Hearing Notice to Increase the Road Maintenance Fees for Fiscal Year 20/21: Director Leezer presented a written motion to table this item. The Board members reviewed Director Leezer's motion and it failed to get a second so the Board continued with the item.

GM Hagemann summarizing the process the Board had taken to develop the Road Maintenance report and Draft Prop 218 Hearing Notice. The public and the Board reviewed the first draft at the November 21, 2019 Board meeting and then at the December 12, 2019 meeting; January 16, 2020 meeting; and February 20, 2020 meeting. At each meeting the public and the Board provided comments and direction on revisions to the Report and Notice.

The Board then opened up the meeting for public comment on the Draft Hearing Notice. Many members of the public provided comment. After receiving public comment, the Board deliberated and discussed options for moving forward. The Board directed GM Hagemann to retain legal counsel to ensure that the Prop 218 Protest Hearing Process was the correct process for increasing the road assessment fees.

Director Leezer made a motion to table the item. Director Meehan seconded the motion.

On the following roll call vote:

Director Leezer – yes

Director Meehan – yes

Director Hunter – No

President Noe – No

The motion did not pass.

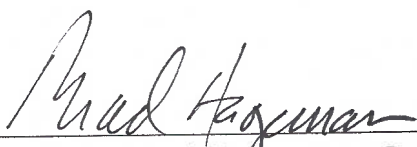
Director Hunter made a motion to address the process the potential process issues bring the item back to a Special Meeting on April 9th, 2020. President Noe seconded the motion and the motion passed 4 – 0.

C. Road Maintenance: No action was taken by the Board.

9. DIRECTOR/MANAGER COMMENTS:

10. ADJOURNMENT: The meeting was adjourned at approximately 9:00 PM. The next meeting was scheduled to be a Special Meeting held be on April 9th, 2020.

Note: These minutes are to be considered as a draft only until approved by the Board at the next regular meeting and signed.



Submitted by Brad Hagemann, General Manager

Independence Ranch CSD
Balance Sheet
As of May 9, 2020

	<u>May 9, 20</u>
ASSETS	
Current Assets	
Checking/Savings	
1000 · Cash Summary	31,479.84
1020 · Checking-Heritage Oaks Bank	3,507.74
1040 · HOB Savings RESTRICTED-USDA	<u> </u>
Total 1000 · Cash Summary	34,987.58
Total Checking/Savings	<u>34,987.58</u>
Other Current Assets	
1300 · Current Assets	<u> </u>
1310 · Prepaid Expenses	109.46
Total 1300 · Current Assets	109.46
Total Other Current Assets	<u>109.46</u>
Total Current Assets	<u>35,097.04</u>
TOTAL ASSETS	<u>35,097.04</u>
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
2700 · USDA Rural Development Loan	385,000.00
Total Long Term Liabilities	<u>385,000.00</u>
Total Liabilities	385,000.00
Equity	
3020 · Retained Earnings	-327,833.63
Net Income	<u>-22,069.33</u>
Total Equity	<u>-349,902.96</u>
TOTAL LIABILITIES & EQUITY	<u>35,097.04</u>

Independence Ranch CSD
Profit & Loss
March 6 through May 9, 2020

	<u>Mar 6 - May 9, 20</u>
Income	
4000 · Income Summary	
4010 · Road Assessment Fees	13,429.00
Total 4000 · Income Summary	<u>13,429.00</u>
Total Income	13,429.00
Expense	
5100 · General Overhead Expenses	
5105 · General Administrative Services	
5105.01 · General Manager	1,500.00
Total 5105 · General Administrative Services	<u>1,500.00</u>
Total 5100 · General Overhead Expenses	1,500.00
5400 · Professional Fees	
5401 · Legal Fees	643.70
Total 5400 · Professional Fees	<u>643.70</u>
Total Expense	<u>2,143.70</u>
Net Income	<u><u>11,285.30</u></u>

Independence Ranch CSD
Warrant Register
 March 6 through May 9, 2020

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
1516	05/08/2021	Michael Seitz	1020 · Checking-Heritage Oaks...	
			5401 · Legal Fees	-123.20
TOTAL				-123.20
1517	05/08/2021	Adamski Moroski, Madden, C ...	1020 · Checking-Heritage Oaks...	
			5401 · Legal Fees	-520.50
TOTAL				-520.50
1518	05/08/2021	Hagemann & Associates	1020 · Checking-Heritage Oaks...	
			5105.01 · General Manager	-500.00
			5105.01 · General Manager	-500.00
			5105.01 · General Manager	-500.00
TOTAL				-1,500.00



5/14/20 IRCSA Board Mtg.
GM. Report Attachment

Bradley Hagemann <hagemann.associates@gmail.com>

FW: Question on CSD procedures

1 message

Thu, Apr 9, 2020 at 1:58 PM

David Church <dchurch@slolafco.com>
To: Bradley Hagemann <hagemann.associates@gmail.com>

Hi Brad,

Hope you are good! We are hanging in there. I am going to talk with these folks on Monday. What should I know?

David Church

Executive Officer

San Luis Obispo LAFCO

805-788-2096

From: David Church [mailto:dchurch@slolafco.com]
Sent: Thursday, April 9, 2020 1:35 PM
To: 'Dena Price'
Cc: 'Terry Leezer IR'; Vicki Janssen
Subject: RE: Question on CSD procedures

Hi Dena.

Sorry to hear about these problems. My responses are below. LAFCO does not have enforcement authority over a jurisdiction, but we can strongly encourage that they comply with state law.

Please see my responses below and let's talk!

David Church

Executive Officer

San Luis Obispo LAFCO

805-788-2096

From: Dena Price [mailto:sicilianmissy6583@gmail.com]
Sent: Thursday, April 9, 2020 1:14 PM
To: dchurch@slolafco.com
Cc: Terry Leezer IR
Subject: Question on CSD procedures

Hello Mr. Church,

We were given your name by Vickie Jansen at John Peschong's office as a great person to reach out to who cares and will take the time to talk with us as we are doing research about how things are handled in our IRCSD by the current Board.

I hope this is not a bother to you, but appreciate any time you can afford us! (Terry Leezer (Board Member) is cc:'d herein)

We would like to ask 3 pretty straight forward questions in hopes to obtain some information and any resource/links you can provide for research purposes on the above topic.

Do local CSD's need to submit any or all of Resolutions to LAFCO for review / approval and to be added to the CSD's Bylaws? No- LAFCO does not review these resolution and we do not have that authority.

If not needed, would I be correct in saying that the CSD Board still must ADD each passed Resolution to the website link where the ByLaws are kept for public review (or however the public obtains this information from said CSD)? Yes and No-A district (and most do) should make the by-laws accessible on the website. With regard to each resolution, sometimes those are available through a public records act request. These are not typically loaded onto a website-but it is not a bad idea.

If this is not done are the Resolutions/ByLaws only as good as what has been added to this resource link for the community of said CSD? (ours is only updated thru 2013 website and yet many passed and only connected to Agenda's which you have to sift thru all the various meetings for years to find them) It seems that the website should be updated to at least include the updated by-laws. Reso's can be added as well.

If it is only specific items that need to be approved or reviewed by LAFCO, can you help break that down for us? **The District is required to submit its Annual Audit to LAFCo. Otherwise Districts should comply with the Brown and the state requirement to maintain a website.**

We would love to schedule a call with you if you have any time to do so, obviously in person meeting not an option 😊!

Please let us know if you can answer these questions and would be willing to do such a call. **Happy too- How about tomorrow around 11ish?**

Thank you for your time and anticipated response,

Kind regards,

Dena Price

Life is like an airport...

Full of Departures and Arrivals!

La vita è come un aeroporto ... Pieno di partenze e arrivi



Bradley Hagemann <hagemann.associates@gmail.com>

Independence Ranch CSD

1 message

Mon, Apr 13, 2020 at 3:55 PM

David Church <dchurch@slolafco.com>
To: Bradley Hagemann <hagemann.associates@gmail.com>
Cc: Vicki Janssen <vjanssen@co.slo.ca.us>

Brad,

It is my understanding that the District is trying to increase its rates to increase the level of service provided in terms of road maintenance. I had a phone conversation this morning and early afternoon with Deena Price and Terry Leezer. It was clear that the latest 218 efforts by the CSD were of concern and discussion. The conversation could be placed into two categories; procedural and organizational. Here is a summary their procedural concerns:

1. That the 218 was not being conducted pursuant to State Law.
2. That residents and land owners were not being properly noticed.
3. That the 218 process involves not a protest process, but is rather an election.
4. The increase is too much for many of the residents in the area.
5. That additional outreach to the residents and land owners should be completed before the 218 goes forward.
6. That the GM is not providing information to all Directors at the same time; with Mr. Leezer being left out of the loop.

As sometimes happens, things are said by all parties in the heat of the moment that lead to a divisive and polarized situation. Mr. Leezer and Ms. Price described the following as taking place in the meetings:

1. Other Board members treated members of the public rudely and with disrespect. (name calling in one instance)
2. That the staff was patronizing during a meeting.
3. That a recent meeting was conducted with a lack of professional decorum and organization.
4. Some folks felt intimidated by the Directors and Staff.

LAFCO does not normally get involved in the operations and services provided by CSDs. My understanding is that the current 218 process is on hold. A few ideas for your Board to consider:

1. Taking more time to complete the 218 process to engage the area residents and land owners.
2. Get sound legal advice about the process.
3. Consider conducting a public workshop(s) on the 218 increase and notify residents and landowners of meetings.
4. Re-consider the amount of the increase as this seems to be a key issue.
5. Have your Board consider a set of rules for the respectful conduct of meetings.
6. Update the website to comply with recently passed website law.

5/14/20 IRCSD Board Mtg

Managers Report
Attachment

INDEPENDENCE RANCH COMMUNITY SERVICES
DISTRICT RESOLUTION NO. 1-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF
INDEPENDENCE RANCH COMMUNITY SERVICES
DISTRICT ADOPTING BOARD BY-LAWS

WHEREAS, the Board of directors of Independence Ranch Community Services District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents.

WHEREAS, in order to assist in the government of the behavior between and among the members of the Board of Directors, the following rules shall be observed.

WHEREAS, The District is a member of the Special District Risk Management Authority (SDRMA). The District participates in the SDRMA Credit Incentive Program which includes the adoption of board policies and procedures (Directors By-Laws) for the District to receive a one point credit.

WHEREAS, SDRMA has adopted a Credit Incentive Program whereby the District can receive a one point credit for an annual review of Board By-Laws conducted by the District's legal counsel and ratified by board action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Independence Ranch Community Services District as follows:

INDEPENDENCE RANCH COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS BY-LAWS

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are the President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. The President shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

- 1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President are both absent, the remaining members shall select one among themselves to act as chairperson for the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the first regular meeting in December and the term of office shall commence on January 1 of the year immediately following their election.
- 1.5 The Board President shall appoint such standing and as-hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the committees shall be outlined at the time of appointment.

2. MEETINGS

- 2.1 Regular meetings of the Board of Directors shall be held monthly at a reasonable time and place to be determined by the Board of Directors.
- 2.2 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for their absence.
- 2.3 No Board action may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act.
- 2.4 Pursuant to the Brown Act:
 - (a) Board Members may briefly respond to statements or questions from the public; and
 - (b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and
 - (c) The President of the Board or a Board majority in open session may take action to direct staff to place a matter on a future agenda.
- 2.5 The general manager in cooperation with the Board President shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may request an item to be placed on the agenda as long as it has been approved by the President or a majority of the Board members deem it necessary.

- 2.6 The President shall conduct all meetings in a manner consistent with the policies of the District. All comments shall be directed to the President. The President shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board and shall announce the Board's decision on all subjects. The President shall vote on all motions except in the case of a conflict of interest. On roll call the maker of the motion shall be called first, the Board member seconding the motion shall be called second, and the remainder are polled with the President voting last, unless the President made the motion or seconded the motion.
- 2.7 A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board is sufficient to do business, however motions must be passed unanimously if only three attend. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the General Manager shall adjourn the meeting.
- 2.8 A roll call vote if required by law or contract shall be taken upon votes on ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, voting no and those abstaining or absent. Unless a Board member states that he/she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote.
- 2.9 Any person attending a public meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.10 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.
- 2.11 Public comment and public testimony shall be directed to the President and be limited to three minutes unless extended or shortened by the President in his/her discretion.

3 PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

- 3.6 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted in paragraphs with proper subheadings;
- 3.7 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 3.3 below, shall not be required to record any remarks of Board Members or any other person;
- 3.8 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, but only at the meeting in which the item is discussed.
- 3.9 Written materials delivered to the Board at the meeting that were not contained in the Board Agenda Packet for review by the Board prior to the meeting shall not be included in the meeting minutes.
- 3.10 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter;
- 3.11 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.
- 3.12 Any electronic media of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District tape and film records may be erased ninety (90) days after the taping or the recording.

4 MEMBERS OF THE BOARD OF DIRECTORS

- 4.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
-

- 4.1 Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
- 4.2 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 4.3 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should not create barriers to the implementation of said action.

5 AUTHORITY OF DIRECTORS

- 5.1 The Board of Directors is the unit of authority within the District. Apart from their normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 5.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body, which represents and acts for the community as a whole.
- 5.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

6 DIRECTOR GUIDELINES

- 6.1 Board Members, by making a request to the General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager cannot provide the requested information in a timely manner by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager shall inform the individual Board Member why the information is not or cannot be made available.
- 6.2 In handling complaints from residents, property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager.

- 6.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should confer directly with the General Manager.
- 6.4 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 6.5 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.
- 6.6 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

7 DIRECTOR COMPENSATION

- 7.1 Directors of Independence Ranch Community Services District offer their services on a voluntary basis. Directors waive compensation for attendance at each regular, adjourned or special meeting of the Board.
- 7.2 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.

8 BOARD BY-LAW REVIEW POLICY

Subject to 2.5 the Board By-law Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

9 RESTRICTIONS ON RULES

The rules contained herein are guidelines only and shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

On motion of Director Carol Noe, seconded by Director Terry Leezer and on the following roll call vote, to wit:

Ayes: 4
Noes: 0
Absent: 1
Abstain: 0

The foregoing resolution is hereby adopted this 14th day of February, 2010

RESOLUTION No. 2020-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDEPENDENCE RANCH COMMUNITY SERVICES DISTRICT ADOPTING SPECIAL ASSESSMENT AND AUTHORIZING THEIR COLLECTION ON THE TAX ROLL PURSUANT TO GOVERNMENT CODE SECTION 61115(b)

WHEREAS, the Independence Ranch Community Services District (“District”) became effective December 15, 1992, pursuant to an election and Resolution of the Board of Supervisors of the County of San Luis Obispo, and under the authority of the Government Code § 61110 et seq.; and under authority of the Cortese-Hertzberg Local Reorganization Act of 2000 (Government Code §56000 et seq.); and

WHEREAS, by said Resolution, the District, pursuant to Government Code §61100(l) is authorized to exercise the following services:

1. Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent

BE IT RESOLVED by the Board of Directors of the Independence Ranch Community Services District as follows:

1. The Board has heretofore adopted established annual road maintenance charges of \$500 for properties within the boundaries of the Independence Ranch Community Services District.
2. The Board has heretofore elected to collect on the County tax roll, in the same manner, the District's road maintenance charges for the 2020/2021 fiscal year.
3. A written report was prepared and filed with the Secretary of the District containing a description of each parcel of real property for which a road maintenance charge is imposed and of the amount of the charge for each parcel for the 2020/2021 fiscal year.
4. The Board of Directors of the Independence Ranch Community Services District will hold a public hearing on said written report at the time and place specified in said notice, and consider all objections and protests, if any, to said report. Any Board approved modifications will be forwarded to the County Auditor's Office prior to the 2020 final deadline.
5. The Board of Directors, based upon the findings here in above set forth, will adopt and finalize said written report and directs that copies of said written report be filed with the Auditor of San Luis Obispo County with a statement endorsed thereon that the same has been adopted by the Board of Directors of the Independence Ranch Community Services District.

6. In accordance with Government Code Section 61115(b) the Board of Directors upon adoption of the report will direct the Auditor of San Luis Obispo County to enter the amounts of the 2017/2018 fiscal year road maintenance charges of the Independence Ranch Community Services District against the respective parcels of land shown on said report, as they appear on the current assessment roll pursuant to Government Code Section 61115(b).
7. Said fees, including penalties, shall thereafter constitute a lien upon and be included on a bill for taxes levied against said parcels, shall be collected together with and not separately from taxes for the Independence Ranch Community Services District, and the levy, collection and enforcement of general taxes shall be applicable to such fees, all as more particularly set forth in Sections 61115(b) of the Government Code.

PASSED AND ADOPTED by the Board of Directors of the Independence Ranch Community Services District this 14th day of May, 2020.

AYES:

NOES:

ABSENT:

Carol Noe, Board President
Independence Ranch CSD

ATTEST:

Brad Hagemann, G/M & Board Secretary

**INDEPENDENCE RANCH COMMUNITY SERVICES DISTRICT
PROPOSED BUDGET 2020/2021**

		Estimated Actuals FY 2019/20
Checking Account Beginning Balance 7/1/20 (estimated)	\$ 25,000	
Anticipated Income		
Road Assessments	\$ 60,000	\$ 60,000
Interest	\$ 10	\$ 10
Administrative & Fixed Expenses		
LAFCO Fees	\$ 260	\$ 240
CSDA Dues	\$ 300	\$ 282
Rent for Meeting Space	\$ 300	\$ 200
Biennial Audits	\$ 4,000	\$ 10,000
Bank Charges	\$ -	
Legal	\$ 1,500	\$ 650
Election Costs	\$ 450	\$ -
Trade Shows and Seminars	\$ -	
General Manager	\$ 6,000	\$ 6,000
Engineering	\$ 1,500	
Insurance	\$ 3,000	
Internet Expense/Web Page	\$ 600	\$ 600
Utilities	\$ 120	\$ 120
Office Expenses	\$ 100	\$ -
Totals	\$ 18,130	\$ 18,092
	\$ 85,010	
Reserve For Future Audit		
Debt Service P&I Inc. Interim Interest	\$ 38,000	\$ 35,715
Funds Available	\$ 28,880	
Expenditures To Consider		
Road Repairs/Maintenance	\$ 15,000	\$ 39,732
Total To Consider	\$ 15,000	
Funds To Carry Forward	\$ 13,880	

Independence Ranch CSD
Profit & Loss
July 1, 2019 through May 9, 2020

	<u>Jul 1, '19 - May 9, 20</u>
Income	
4000 · Income Summary	
4010 · Road Assessment Fees	52,750.68
Total 4000 · Income Summary	<u>52,750.68</u>
Total Income	52,750.68
Expense	
5000 · Fees and Dues	
5001 · LAFCO Fees	239.05
5005 · CSDA Dues	282.00
Total 5000 · Fees and Dues	<u>521.05</u>
5100 · General Overhead Expenses	
5105 · General Administrative Services	
5105.01 · General Manager	6,500.00
Total 5105 · General Administrative Services	6,500.00
5110 · Insurance	1,212.83
5111 · Internet Expense	252.00
5115 · Interest Expense	14,175.00
5125 · Printing and Reproduction	100.00
5126 · Rent-Meeting Facilities	200.00
Total 5100 · General Overhead Expenses	<u>22,439.83</u>
5200 · Operating Expenses/Road Work	
5210 · Road Work, Materials & Services	39,732.61
Total 5200 · Operating Expenses/Road Work	<u>39,732.61</u>
5400 · Professional Fees	
5401 · Legal Fees	643.70
5405 · Accounting	10,000.00
5410 · Consulting	330.00
5415 · Engineering	1,100.00
Total 5400 · Professional Fees	<u>12,073.70</u>
5500 · Utilities	52.82
Total Expense	<u>74,820.01</u>
Net Income	<u><u>-22,069.33</u></u>



Bradley Hagemann <hagemann.associates@gmail.com>

Discussion Items - Response Requested please

1 message

Thu, May 7, 2020 at 12:04 PM

terry leezer <terry.leezer@hotmail.com>

To: Bradley Hagemann <hagemann.associates@gmail.com>

Cc: "carolnoe@yahoo.com" <carolnoe@yahoo.com>, george tracy <gwtracy@aol.com>, Danny Meehan <meehanelectric@gmail.com>, "john@pwssteelbuildings.com" <john@pwssteelbuildings.com>

Hello Brad and Board Members;

There are a few items I have been thinking about and wanted to communicate with you all on them and get some responses and updates on situations.

1) Cancellation of May Meeting:

Since we are still on lockdown until May 15th, and possible continued still, I think we need to send out ample notice and reschedule the Meeting to June. We can take a vote via reply in the email or Brad you can set up a conference meeting via an online forum like Zoom? Please advise of action intended or not intended on Cancellation of May Meeting.

Further note, we will need to find another place for the Meeting as the Warbird Museum is closed indefinitely per my contact with the Warbird personnel.

2) I have not heard from anyone or seen anything about the Complaint filed against John Hunter except the comment you made, Brad, about talking with an attorney on this. Please give us an update on your activity on this issue and the status.

3) There was an email sent out from David Church, cc: to Vicki Janssen at John Peschongs' Office, and many of the issues going on with the Prop 218, Brown Act Violations, procedure and style of meetings, and more. Again, I have not seen anything come across to us from you Brad on this to inform us of the email, content, your thoughts as Manager, any action or status and intent of placing these on the Agenda for discussion and addressing.

4) I was copied by the attorney's office on an email requesting some information, so I am aware that Brad has hired an attorney to give advice on the Prop 218 Proposal of Assessment Fees and process of same. Unless I was out of the loop, we did not take a vote on this expenditure or get a say in it at any point of who, how much was okay, etc... not even for a Special Meeting of just the Board to vote on this expense. That was not truly necessary to spend money on an attorney for questions on process and procedure when the information is online for anyone to find and review. This is part of your contract parameters to do this type of research when giving us direction or taking action and that research should have been done by you at the onset of this whole Assessment for gathering more money for the Road Maintenance and Repairs. I think we all need to discuss this and the monies being spent.

We have also not seen any updates by you, Brad, of what is going on or what status / result of questions are to date on this issue before the attorney?

5) I have a few items I believe should be put on the next Agenda:

Kiosk usage

Dumping things on the side of it

Library and Vegetable sharing might be able to be handled better?? Like the concept of this though.

Hope to hear back on the above soon.

Terry Leezer



Bradley Hagemann <hagemann.associates@gmail.com>

Fwd: Discussion Items - Response Requested please

1 message

Thu, May 7, 2020 at 2:17 PM

Bradley Hagemann <hagemann.associates@gmail.com>

To: "Terry.Leezer" <terry.leezer@hotmail.com>, Mark Kenyon <mkenyon85@gmail.com>, John Hunter <john@pwssteelbuildings.com>, Carol Noe <carolcnoe@yahoo.com>, Danny Meehan <meehanelectric@gmail.com>

Cc: Bradley Hagemann <hagemann.associates@gmail.com>

Hello Board members,

I am forwarding Director Leezer's, email which some of you may have already received, but I wanted to make sure all the Directors have Terry's email and each others current email addresses.

Please Note: It is not a Brown Act violation for a Director to send an email to all Board members and request certain items be put on an agenda. (Please refer to the District By-Laws regarding how to request an item or items are to be added to an agenda.)

However, it is a Brown Act violation to have an email discussion amongst the Board members. Please do not "reply all" to Director Leezer's email. Instead please reply to the Board President regarding items that you would like to have on the agenda. The Board president is responsible to setting the agenda and will advise the General Manager on how to set up the meeting agenda.

With regard to the May meeting, I picked up the mail from President Noe yesterday and we discussed having the May 14 meeting via Zoom/teleconference.

I will be drafting an agenda tomorrow for the meeting. I will send it to the Board Pres and VP for concurrence and then send to all Board members and interested parties and post on the District's web page.

The road maintenance fee rate increase item will need to be deferred until next fiscal year due to at least a couple factors:

1. The County Assessors Office has a firm deadline of July 15 for Districts to submit the assessment paperwork for next fiscal year. As we discussed in late 2019, the Prop 218 process requires a minimum of 45 days public notice prior to the Protest Hearing. At this point we do not have time for the Board to further deliberate and final the proposed rate increase; then publish the Hearing Notice; conduct the Hearing and then fill out the forms needed by the Assessors Office.
2. With the amount of apparent controversy over the rate increase, it is advisable that the Board conduct additional public meetings to inform the District members why a rate increase is recommended and the consequences of not increasing assessment fees.

The items Director Leezer listed above should be addressed by the Board. Unfortunately the COVID 19 issue has caused public agencies to change their mode of having public meetings. I hope this helps clarify the process for getting items on an agenda and how to ensure that the District does not violate the Brown Act provisions.

I look forward to "seeing" you all next week.

Stay healthy,

Brad Hagemann, PE
Principal/Owner

Hagemann & Associates
9372 Carmel Road
Atascadero, CA 93422
(805) 835-3163

----- Forwarded message -----

From: **terry leezer** <terry.leezer@hotmail.com>

Date: Thu, May 7, 2020 at 12:04 PM

Subject: Discussion Items - Response Requested please

To: Bradley Hagemann <hagemann.associates@gmail.com>

Cc: carolcnoe@yahoo.com <carolcnoe@yahoo.com>, george tracy <gwtracy@aol.com>, Danny Meehan <meehanelectric@gmail.com>, john@pwssteelbuildings.com <john@pwssteelbuildings.com>