

Del Rey Community Services District
**Minutes of the
Board of Directors
Regular Board Meeting
January 19, 2023
6:00p.m.**

President Garza called the Regular Board Meeting to order at 6:10 p.m.

Directors present: **Stephanie Garza, Daniel Ramirez, Maria Reyna
Joaquin Nunez (arrived 6:33 p.m.)
Rolando Sanchez (arrived 6:58 p.m.)**

Directors absent:

A2 The Board leads in the Pledge of Allegiance.

A3 **Approval of Agenda:** Reyna made a motion to approve the agenda of the January 19, 2023, Regular Board meeting. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

B. SCHEDULED AND UNSCHEDULED COMMUNICATIONS:

No public comment.

C. CONSENT CALENDAR:

C-1 Approve payments for vendors for West America Bank – December 2022, a Total Amount of \$171,797.23.

Reyna made a motion to approve payments for December 2022. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

C-2 Approve payments for vendors for West America Bank – January 12, 2023, a Total Amount of \$27,869.11.

Reyna states the questions she had about the payments made in January were already discussed with DM Arias. Reyna made a motion to approve payments for January 2023. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

C-3 Resolution to Allow the Option of Board Members to Attend Meetings Remotely. DM Arias informs the Board there are changes that LC Papajohn will discuss later, but the Board can approve this Resolution. Reyna made a motion to approve the Resolution. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

C-4 Approval of Minutes of December 15, 2022, Regular Board Meeting. Ramirez made a motion to approve the minutes of December 15, 2022, Regular Board Meeting. Reyna seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

LC Papajohn asks if the items were opened to the public for comment. At this time, Garza opens all Consent Calendar items to the public. No public comment.

D. PUBLIC HEARINGS (DISCUSSION AND ACTION ITEMS):

D-1 Action/Direction authorizing District Manager to lease the 20 acres plus the 10 acres at the American Pond. Arias informs the Board there is a person interested in leasing the land, so he brought it to the Board to ask how they would like to go about it. It is regarding the American Pond and the 20 acres across the plant- the person interested would like to plant alfalfa. This will allow revenue for the District, removal of the vines, and maintenance of the property. DM Arias asks the Board for direction- if they agree to lease it and for how long. Reyna asks what numbers are regarding revenue. DM Arias says that is to be discussed, but a rough idea of what he got so far would be roughly \$350-450 per acre per year, so around \$10,000 per year. Dictos advises DM Arias to call his office to get information about prices for leasing the land. Discussion. Reyna asks if DM Arias could get the rates and all the information and bring it back to the Board. DM Arias states he can do so, but he was just wanting direction on whether to look into the option of leasing it or not.

Garza opens the item to the public for comment. Public member Rumaldo Reyna states he thinks it would be a win-win situation. Reyna made a motion directing DM Arias to consult with Paul Dictos' office, negotiate, and bring the information and item back to the Board. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

D-2 Approval of Resolution of the Board of Directors of the Del Rey Community Services approving a Fifth Amendment to Del Rey Community Services District Employment Agreement for District Manager. Papajohn states the Board this concerns the District Manager's employment agreement. His contract is set to expire at the end of this month. LC Papajohn informs the Board he worked with DM Arias on an amendment to extend the contract for another year. The only change is extending it for another year, so that it will expire January 31, 2024. This was done per direction by the Board at the previous meeting, so it is up for Board approval. Reyna states she reviewed it, and it looks good. Garza opens the item to the public for comment. No public comment. Reyna made a motion to approve the Resolution approving a Fifth Amendment to Del Rey Community Services District Employment Agreement for District Manager. Ramirez seconds the motion. All in favor; three ayes: Garza, Ramirez, Reyna. All Absent; two absent: Nunez, Sanchez. Motion passed.

D-3 Update Regarding Brown Act Updates By AB 2449, Establishing New Brown Act Teleconference Meeting Rules and Disability Accessibility Requirements Effective January 1, 2023. Papajohn explains the report provided regarding this item explains the update on the law and changes to the Brown Act. February 28, 2023, the state of emergency that the new system called is supposed to be lifted, which is the basis for the resolutions that the Board has been approving every month to allow Board members to join remotely will no longer be in effect. So, the AB 2449, which went into effect January 1 provided an alternative way for Board members to join remotely, but there are limitations. If board members attend remotely, they have to post an agenda wherever they are calling in from and allow the public an opportunity to speak from that location. Starting March, if unable to attend in person, they can contact legal counsel or District Manager office in order to see if they qualify for the alternative processes in order to attend remotely as there are certain requirements to meet. These options are limited and not as easy as adopting a resolution every month to be able to attend remotely. It also requires public agencies to adopt a reasonable accommodation policy related to the American Disabilities Act, allowing them to have access to the public meetings. He will work with Carlos to provide a policy for the Board to review at the next meeting in February. Reyna asks if it is not allowed to do Zoom anymore, would Staff members have to be present also. LC Papajohn clarifies that this is for public and elected officials, it does not apply to consultants or independent contractors. Reyna states if Staff decided to join through Zoom, it would be possible to do so at cheaper rate rather than traveling to join in-person. LC Papajohn confirms that is correct. The item is open to the public for comment. Discussion. LC Papajohn explains that they believe AB 361 regarding the state of emergency for COVID-19 will most likely be lifted, so at the next meeting they will not be able to adopt a new resolution to allow Board members to join remotely.

D-4 Adoption of Resolution Affirming Use of TCP Settlement Funds for Infrastructure, Operations, and Items Related to TCP Remediation. Arias explains there was a meeting with the Water Board and those who gave the grant, stated one of the conditions was that the money and interest on the money would be placed in an account and would be used exclusively for TCP expenses. DM Arias states he thought there was already a resolution regarding this, but it was only discussed before. The Water Board wants something in writing and a resolution in place stating the conditions. In place of District Engineer Manrique, Hall states this is just a formality that the legal department wants to check off. DM Arias confirms no money has been used from that account other than TCP purposes. Discussion. Garza opens the item to the public for comment. No public comment. Nunez made a motion to adopt the Resolution Affirming Use of TCP Settlement Funds for Infrastructure, Operations, and Items Related to TCP Remediation. Ramirez seconds the motion. All in favor; four ayes: Garza, Nunez, Ramirez, Reyna. All Absent; one absent: Sanchez. Motion passed.

D-5 Discussion/Direction regarding initiating new Prop 218 utility rate study and updating development impact fees. Arias states he brought this to the Board as 2023 is the last year to raise rates according to the 2018 rate study. He thinks a new one should be done to include the South Kings GSA expense of \$100,000. Papajohn states the process needs to be done again with a new rate study. He also states the development impact fees need to be updated as well. DM Arias expands on the second aspect. Somebody is interested in building in the area, but the development impact fees have not been updated. Discussion. Garza opens the item to the public for comment. Garza made a motion to initiate new Prop 218 utility rate study. Reyna seconds the motion. All in favor; four ayes: Garza, Nunez, Ramirez, Reyna. All Absent; one absent: Sanchez. Motion passed. Reyna made a motion to update development impact fees. Ramirez seconds the motion. All in favor; four ayes: Garza, Nunez, Ramirez, Reyna. All Absent; one absent: Sanchez. Motion passed.

D-6 Discussion regarding more activities for the community. Reyna states she brought this item because she believes Del Rey needs to be more public services to help people have access to information regarding healthcare issues, temp agencies, allow access to resources to the community, etc., and asks if it is possible to use the District Hall to do so. The Board agrees and think this is a good idea. Nunez states there is a person from the IRS he met that is willing to come to the community to show people how to do their taxes. Discussion. DM Arias explains the Districts function is to provide water, sewer, trash, and street lighting. He has participated in special events after work, not as a District Manager but as a resident. He would like to see these events come about, but the not as District events, as a community event brought about by Board members and members of the community. LC Papajohn states the Special District is limited to utilities and making sure everything is operating. He thinks community events would be good, and not sure of any legal issues or concerns at the moment of what is being proposed. He will look into it to double check. Discussion. Reyna says she will look into resources and encourages the other Board members to look into other ideas and bring it back next month. Garza opens the item to the public for comment.

D-7 Discussion regarding having water and snacks at the Board meetings for the public. Reyna states sometimes the meetings run long and thinks it would be nice and more of the public will join if there is something to offer. She offers to bring sandwiches, and Ramirez offers to bring waters. LC Papajohn flags to avoid using District funds to do so, as it would be an unlawful gift to public funds. Garza states she wasn't planning to use District funds; she will use her own money. DM Arias suggests rotating on who will bring something to each meeting. Garza volunteers to bring something to the February meeting.

D-8 Discussion/Direction regarding training for Board members. Reyna believes with the new year, new and same board members should receive training in order to learn how to communicate without friction. Training on the Brown Act, ethics, transparency, etc. would be beneficial. Papajohn informs the Board that Shannon would be willing to come out to give the AB 1234 training in person any Thursday or Friday next month or at the next Board meeting if timing allows. They also offer resources for new board member orientation and are able to provide those resources. Garza thinks it would be best to do the training a different day than the meeting. Discussion. The Board leans toward Friday. LC Papajohn states a Friday in February would work for Shannon, so he can relay the information and come back to the Board with an update. The Board asks Papajohn if they can ask Shannon if the third or tenth of February works. Papajohn gives him a call. Garza opens the item to the public for comment. Public member Reyna suggests doing the training online. Director Reyna states they're working to do it with Shannon instead. Discussion. LC Papajohn states February 10 works for Shannon around 6PM. Papajohn states it would be open to the public and considered a special meeting. Reyna made a motion to schedule the training for February 10 at 6 o'clock. Ramirez seconds the motion. All in favor; five ayes: Garza, Nunez, Ramirez, Sanchez, Reyna. Motion passed.

E. DIRECTOR COMMUNICATIONS/AGENDA ITEMS

Ramirez and the Board offer their condolences to Board member Nunez for the passing of his mother.

F. DISTRICT ADMINISTRATOR REPORTS

F-1 Report of District Manager (Report by Carlos Arias)

DM Arias thanks the Board for allowing them one more year. He states he will do his best not to disappoint them. He reports he receive a phone call from Housing Authority, if the district is willing to annex only the land they are planning to build the houses and apartments. He refused to do so since it is the only leverage they have. He will be discussing this further with who reached out to him from Housing Authority.

F-2 Report of District Counsel (Report by Nicolas Papajohn)

LC Papajohn reports on the agenda next month there will be an item regarding the election of President and Vice-President. It needs to be done every two years.

F-3 Report of District Engineer (Report by AM Consulting)

Angela Hall, in place of Alfonso Manrique, reviews the Engineer report and gives updates on projects, agreements, and funding.

F-4 Report of District Accountant (Report by Paul Dictos)

Dictos reviews the Accountant report.

G. UNSCHEDULED COMMUNICATIONS:

Public member Joey Lopez believes working with the youth to help build the town. He thinks a Del Rey Youth Center would be beneficial. They need a new location because their current Boys and Girls Club is in the projects and parents don't want to send their kids to that area. He believes they need to come up with something to help the kids in Del Rey to give them and the town a future. He proposes getting together with Fresno Housing to see how this can help expand on the idea of a new community center. He asks for help from the Board- reaching out to make it happen.

H. ADJOURNMENT:

Consensus to adjourn the meeting. With no further business the meeting was adjourned at 8:10 p.m.

Respectfully Submitted,



Eileen Hernandez
Del Rey Community Services District