

WALLACE COMMUNITY SERVICES DISTRICT

P.O. Box 398, Wallace, CA 95254 209 763-2699

REGULAR MEETING, Board of Directors

Minutes

Thursday, March 19, 2009

Mark Fusselman's Barn, 9500 Wallace Lake Drive, Wallace Ca 95254

Last minute documents were available at the meeting room entrance at 6:30 PM to allow members of the public to review.

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 by Board President Mark Fusselman. Present were Directors Mark Fusselman, Bill Pugh, Rick Guantone, David Reyner and Chuck Cantoni. Also present was General Manager and Secretary/Treasurer David Edwards.

REGULAR AGENDA

1. REPORT ON RESULTS OF CLOSED SESSION, FEBRUARY 24, 2009. The Board did a performance evaluation of the General Manager and took no actions.

2. APPROVAL OF MINUTES

The minutes of the Regular Meeting of February 12, 2008 and Continuation Meeting of February 24, 2009 were unanimously approved with minor corrections, including a request from Jackie Neill that the statement of Joyce Techel of My Valley Springs.com be clarified.

Motion: Guantone

Second: Pugh

Passed: 5-0-0-0

3. APPROVAL OF BILLS FOR PAYMENT

After discussion, payment of check numbers 4176 through 4196 were approved for payment.

Motion: Fusselman

Second: Pugh

Passed: 5-0-0-0

4. PUBLIC COMMENTS

Ms. Jackie Neill commented that she did not address her letter to the residents to the Board and did not expect a reply from the Board.

Mr. Al Plessel commented that he was unhappy with the reply letter posted at the post office.

Mr. Larry Howen questioned how the District newsletter is published and approved. He also questioned the need for the GM to attend CCWD board meetings. (Mr. Cantoni explained that Mr. Edwards attended the subject board meeting at his direction). Mr. Howen commented on the un-tidy state of the wastewater treatment plant.

5. GENERAL MANAGER'S REPORT

GM David Edwards gave his report. He pointed out upcoming classes that would be valuable for board members to attend. He also noted that the State dam fees are going up this year, based on notice received. Mr. Edwards reported that he had hired Ms. Sari Mitchell as clerical help to do filing of WCSD documents at the office.

Mr. Edwards discussed the PG&E streetlight situation and commented that he had finally gotten action from them to repair failed lights. He reported that the failed lights will be given to the District, with the idea of repairing them for future replacement of failed units.

GM Edwards reported that the air system for the new equalization tank at the WWTP has been installed and will be connected up soon. This work is being done in-house at a considerable cost savings. He also commented on wastewater flow through the plant for February, amounting to 482,762 gallons – very close to the amount of water produced. From past records for February, he noted that there may still be infiltration during heavy rains.

The District has received the annual Department of Public Health (CDPH) inspection report. He noted that it is time to do asbestos testing (done every 9 years). He also noted that the CDPH is requiring the District to install flow meters at each well, per new state regulations.

Mr. Edwards reported on WCSD participation in the Calaveras County Water-Wastewater Technical Advisory Team (CCWWTAT). He reported that envisioned activities include advising the County and sharing of resources among the agencies.

Finally, Mr. Edwards reported that there have been rate collection problems with some of the renters, and that the District position on collecting from the owners is weak. At this point Mr. Cantoni introduced a draft of WCSD Policy 6520, Utility Billings for Renters (Attached as Exhibit D). This policy would enhance collections as stipulated in Section 8.3 of the Water and Sewer codes. It would require that owners agree to certain stipulations if they desire to have renters billed directly. After discussion, the policy was approved by the board.

Motion: Cantoni

Second: Guantone

Passed: 5-0-0-0

6. PRESIDENT'S REPORT

Board President Fusselman gave his report, responding to public comments made at the meeting. He commented that he is willing to stay on as Board president, but that his personal workload does not allow him to spend a lot of time on the president's duties, and that he consequently delegates tasks to Mr. Cantoni where appropriate. He stated that he is willing to step aside if people object. Mr. Fusselman stated that all board members are volunteers, trying to do the best for the community. He further stated that he would encourage all to cool the rhetoric on the remainder parcel arguments.

Mr. Fusselman reported that his company had recently taken a pickup truck in trade which can be purchased at a vary low price, possibly subsidized by Mr. Fusselman. It is a 1991 Ford Ranger, with unknown mileage, but apparently in good condition. It was the consensus of the board that the idea is a good one, and that insurance costs should be ascertained before further action.

7. COMMITTEE REPORTS

- a. **Finance** - R. Guantone/C. Cantoni. Mr. Guantone reported that the committee has been working on the budget for the coming year, and also working on the Capital Improvements Program. He noted that the Board must decide in April if there is to be a rate increase this year, and that understanding the finances is therefore important.

Mr. Cantoni then reported on financial results for the period ending February 28, 2009. He noted that the loss for the year-to-date is \$17,497, compared to a projected loss of \$36,161. Adding back depreciation results in a surplus year-to-date of \$22,463 vs. a budget of \$3,823. The improved performance comes about due to the collection of \$12,000 from a developer and under-spending in the road maintenance area.

County requires District Board approval to accept the transfers. The Board then approved Resolution 2009-03, Resolution Accepting Real Property from Pinnacle Land Ventures, LLC by Grant Deed and Ordering the Recordation of Same. A copy of the Resolution is attached as Exhibit B.

Motion: Cantoni

Second: Guantone

Passed: 5-0-0-0

12. SB 610 REQUIREMENTS FOR WATER AVAILABILITY DETERMINATION

Discussion and possible action on SB 610 requirements concerning water availability for new developments. Concerns actions of the Calaveras County Board of Supervisors on the Remainder Parcel development. This item was **Continued** to the next Regular Board meeting.

13. PROGRESS REPORT – VISION STATEMENT FOR THE COMMUNITY OF WALLACE

Director Cantoni reported on the volunteer efforts of Wallace citizens to create a Vision Statement for the Town of Wallace. He thanked those that participated in the exercise and announced that the statement has been turned in to the County Community Development Agency. A copy of the statement is attached as Exhibit C.

14. NEEDS ASSESSMENT FOR THE WCSD – A FOUNDATION FOR BUDGETING

Director Cantoni briefly reviewed a Needs Assessment for the District. It was the Board’s consensus that this, and the budget discussion of item 15 of the Agenda, should be reviewed and discussed in more detail than time would allow. The Board then determined that it should hold a Workshop meeting to review all of the assumptions going into the Annual Budget and Capital Improvements Program. The meeting was set for Tuesday, April 7, 2009, 7:00 PM at Fusselman’s Barn.

15. PRELIMINARY ANALYSIS OF WATER AND SEWER RATE STRUCTURE

Discussion of district Finances and appropriateness of the water and sewer rates. This discussion was continued to the Workshop to be held on April 7, 2009 (See Agenda item 14 above).

16. CORRESPONDENCE

No correspondence was discussed.

17. DIRECTOR’S COMMENTS

There were no Director’s comments.

18. AJOURNMENT TO REGULAR MEETING OF APRIL 23, 2009

Because of a conflict in scheduling the Barn for meetings, the next Regular Board meeting will be held on April 23, 2009. The meeting was adjourned at 10:20 P.M.

DRAFT MINUTES

Respectfully Submitted:

David Edwards, Secretary

Mark Fusselman, President

Exhibit A

WALLACE COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2009-04

Resolution Calling General District Election

WHEREAS, an election will be held within the Wallace Community Services District within Calaveras County on August 25, 2009, for the purpose of electing Members of the Board of Directors; and

WHEREAS, Election Code § 10403 requires jurisdictions to file with the Board of Supervisors, and the County Clerk, a resolution requesting consolidation with said election.

THEREFORE, BE IT RESOLVED, that the Wallace Community Services District requests the Board of Supervisors of Calaveras County to consolidate the District Election with the election to be held on August 25, 2009.

BE IT FURTHER RESOLVED, that the District agrees to reimburse the County Elections Department for actual costs accrued as a result of this consolidation.

ON A MOTION by Director Cantoni and seconded by Director Pugh the foregoing resolution was duly passed and adopted by the following vote on March 19, 2009.

YES Votes 5 (Number)	NO Votes 0 (Number)	ABSENT 0 (Number)	ABSTAIN 0 (Number)
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President of the Board of Directors

Attest:

Secretary of the Board of Directors

Exhibit B

**BEFORE THE BOARD OF DIRECTORS
OF THE
WALLACE COMMUNITY SERVICES DISTRICT
OF CALAVERAS COUNTY**

RESOLUTION NO. 2009-03

**RESOLUTION ACCEPTING REAL PROPERTY FROM PINNACLE LAND VENTURES, LLC
BY GRANT DEED AND ORDERING THE RECORDATION OF SAME**

BE IT RESOLVED that the Board of Directors of the Wallace Community Services District does hereby accept the real property interest conveyed by grant deed dated _____, 2009 from Pinnacle Land Ventures, LLC to Wallace Community Services District.

BE IT FURTHER RESOLVED this resolution shall be attached to the original of the aforesaid deed.

BE IT FURTHER RESOLVED that pursuant to Section 27281 of the California Government Code the Board of Directors does hereby order the recording of the aforesaid deed and this resolution in the official records of the County of Calaveras.

PASSED AND ADOPTED by the Board of Directors of the Wallace Community Services District, at their regular meeting thereof, held on March 19, 2009, by the following vote:

AYES:	-	5
NOES:	-	0
ABSTENTIONS:	-	0
ABSENT:	-	0

MARK FUSSELMAN
President, Board of Directors

ATTEST:

David Edwards, Secretary

Exhibit C

Vision Statement for the Community of Wallace

The Community of Wallace is located on the western edge of Calaveras County and is the northwestern gateway to the County.

The original twenty-acre Platte for Wallace was established in the late nineteenth century, and for a time Wallace was the terminal point for a railroad serving as a transportation link between the San Joaquin and Calaveras Counties. The railroad later extended to Valley Springs, and the last passenger service ended in 1932.

The area of this Vision Statement is 1,206 acres as shown in the accompanying map. The Wallace Community Center consists of 294 acres zoned for light industry, commercial, multi-family and single family residences. This is surrounded by 912 acres representing the outer edge of the Wallace Community Service District's (WCSD) sphere of influence (SOI), providing flexible development opportunities for businesses, residential centers and single-family residences. Together this approximately two square mile area provides the base for twenty years of steady growth, and will constitute the Community of Wallace.

The Community of Wallace will emerge as a well-planned, balanced community. Future residential development will keep density consistent with rural zoning. Clustered housing may be developed to serve a variety of housing needs, while efficiently providing offsetting open space within it. Residential development will follow the natural features of the topography of the area, blending with it in a harmonious manner. Wildlife corridors will be protected and maintained, as will the open rural nature of the area. Agricultural and Agricultural Preserve areas will be protected.

Circulation routes between the community center and surrounding residential area will include roads, bicycle and walking paths, consistent with the rural residential, agricultural and limited size of the community.

Economic development will be focused in, but not limited to, the Community Center area. Development will be on a scale consistent the small, rural residential nature of the community. Light industrial development will be encouraged that is low impact and consistent in size and architecture with the rural residential nature of the surrounding residential area.

As the Community of Wallace develops, the need for a civic center for educational and civic services will be met.

New development in the Community of Wallace will have public water and sewer treatment. Treated surface water will eventually supplement and/or replace ground water.

Wallace citizens envision that the county will enforce conditions on future developments.

The Community of Wallace will be an attractive, vibrant place to live and work. The future of the Wallace Community Center is one of economic prosperity for the commercial and light industrial enterprises located there. A variety of business will serve the needs of the surrounding residential center as well as provide goods and services to residents and visitors to the area.

Citizens of the Community of Wallace will lead a review of their vision statement every ten years.

Exhibit D

Wallace Community Services District POLICY HANDBOOK

POLICY TITLE: Utility Billings for Renters
POLICY NUMBER: 6520

6520.1 Purpose.

The purpose of this policy is to set the procedure to be used by the District in billing owners and/or renters for water and sewer services.

6520.2 Scope

The policy is applicable to instances wherein a home is rented (or leased) to the occupant (Tenant).

6520.3 Governing Authority

The District Code, Chapters 1 and 2 (Water and Sewer respectively) set the rules and regulations with regard to the various aspects of water and sewer service, including payment of rates. Specifically, this policy is adopted to implement the "Persons Billed" section of the codes.

6520.4 Determination of Billed Party

The following procedures shall be followed in determining the billed party in rental/lease situations.

6520.4.1 Homeowners Billing

The Homeowner shall normally be billed for water and sewer services, per Section 8.3 of the Water Code and Section 8.3 of the Sewer Code.

6520.4.2 Renter's Billing

As stated in the Water and Sewer Codes, if the Owner requests in writing and the District and Tenant consent in writing, the District may, at its option, elect to bill the Owner's Tenant directly for such services.

6520.4.3 Required Agreement

Should the Owner request direct billing to the Tenant, as described above, the District shall draw up a three way agreement, to be signed by the Owner, the Tenant and the District. This agreement will stipulate that the Tenant will be billed directly for services. The agreement shall also state that the Owner consents to be billed and shall pay for all such charges should the Tenant fail to make payment. The Owner shall also consent, in the Agreement, to allow liens against the property should payments not be made.

6520.5 Form of Agreement

The General Manager of the District shall create the required agreement and attach the agreement to this policy for use in these circumstances, to be applied in a uniform way to the various owners.