



# De Luz Community Services District

---

## BOARD OF DIRECTORS

MICHAEL ADAMS  
JIM BRADY  
MARIANN BYERS  
ROBERT D'ALESSANDRI  
RAYMOND W. JOHNSON

GENERAL MANAGER  
JAMES E. EMMONS

## MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS March 20, 2019 6:00 p.m.

### A. Call to Order & Roll Call

A Regular Meeting of the De Luz Community Services District was held at the De Luz CSD Office commencing at 6:03 p.m. on March 20, 2019. Present at the meeting were the following Directors:

Director Brady  
Director Byers  
Director D'Alessandri  
Director Johnson

*Director Adams was absent.*

Staff present:

James E. Emmons, General Manager and Board Secretary  
Blaise Jackson, General Counsel  
Cher Ruzek, Office Manager and Assistant Board Secretary  
Theresa Snyder, Accounting Administrator  
Pedro Salazar, Field Maintenance Worker II

The flag salute was led by President Byers.

### B. Sheriff

Deputy Perez gave the Sheriff's Report for February 2019 and updated the Board on March activities. He reported on a recent avocado theft in which an arrest was made, and civil disputes between private parties that may escalate should be reported. He also thanked the many residents that have offered their resources to assist him in combating illegal activities within De Luz. The written report is on file with the District.

### C. Public Comment

Resident Raymond Mazzei addressed the Board regarding road damage on Lorenz Lane, a non-District maintained road and asked for assistance in mitigating a civil dispute for its repairs that were done by resident Joe Fagiano.

General Manager Emmons advised that Lorenz Lane is non-District maintained road; therefore, no public funds can be spent on this road.

Resident Joe Fagiano expressed his dissatisfaction with the closure of Via Vaquero Road and the timeliness of the repairs to the road during the recent storms; the K-Rail placed near Via De Los Fideos, and the way parcels are taxed within the De Luz CSD boundaries. He also stated that he entered into a contractual agreement for road repair work with the homeowners off Lorenz Lane (non-District maintained road); however, there is now a disagreement between the parties regarding the work.

President Byers reiterated that Lorenz Lane is a non-District maintained road; therefore, the District has no jurisdiction over the road and the matter is between private parties.

**D. Information Only**

The Statement of Investment Policy and January Financial Statements were received by the Board.

**E. Consent Calendar**

Motion was made by D'Alessandri, seconded by Johnson, to approve the Consent Calendar.

1. Minutes of the February 20, 2019 Regular Board Meeting
2. General Fund Claims (for ratification): \$159,070.65
3. Sheriff's Special Tax Fund Claims (for ratification): \$37,735.29
4. Purchase Order No. 2019-001 thru 2019-004

The motion carried unanimously.

**F. Nomination to CSDA Board of Directors**

General Manager Emmons explained that the purpose of this item is to announce pending vacancies on the California Special Districts Association (CSDA) Elections and Bylaws Committee. CSDA has requested nominations for candidates to fill the vacancy for Seat B - Southern Network for the 2020-2022 term. The deadline for receiving nominations is April 17, 2019.

The Board took no action on this item.

**G. Resolution Setting Hearing on the Budget**

The Board was presented with a resolution setting the hearing on the 2019-2020 Budget for June 19, 2019 at 6:00 p.m. at the District Office.

Motion was made by D'Alessandri, seconded by Brady, to adopt Resolution No. 2019-02:

Setting a Hearing Upon and Directing the Publication of a Notice of Hearing upon the Budget of the District for the Fiscal Year 2019-2020

The motion carried unanimously.

#### **H. Resolution Setting Hearing on the Written Report**

The Board was presented with a resolution setting the hearing on the 2019-2020 Written Report for June 19, 2019 at 6:00 p.m. at the District Office.

Motion was made by D'Alessandri, seconded by Johnson, to adopt Resolution No. 2017-03:

Setting a Hearing and Directing the Publication of a Notice of Hearing Upon the Written Report of the Board of Directors Concerning Services to be Performed and the Passage of an Ordinance Prescribing Charges for These Services during the Fiscal Year 2019-2020

The motion carried unanimously.

#### **I. Traffic Control Report**

Traffic Engineer Steve Libring updated the Board on the following items:

- Additional stop has been installed for Skyrocket to increase visibility for northbound traffic;
- Inclement weather has delayed tree trimming;
- Sight visibility was checked at the new all-way stop on La Cruz Drive and trees are to be trimmed;
- County of Riverside received the request for left turn lanes at Rancho California Road and Avenida Del Oro and will respond in the coming months;
- The portable message board has been placed on southbound Sandia Creek Drive indicating that the road is closed ahead;
- The replacement of (134) signs nearing the end of their useful life has been completed;
- A "40 mph zone ahead" has been installed for southbound Sandia Creek Drive north of La Cruz Drive;
- The "No Right Turn 3pm-7pm" sign has been ordered for El Prado Road South;
- Worked with Staff during recent storm with regards to detours and length of closures;
- Prototype of "Beautification - No Littering" sign will be ready by the end of the week; however, the final size is still to be determined.

Engineer Dave Hunt reported that the storm-damage on Sandia Creek Drive and Via Vaquero Road are being surveyed and the design process will begin shortly. He stated that the recent repairs on Via Vaquero are temporary in order to open the road to vehicular traffic. He also reported that CalOES (state disaster) personnel surveyed the storm damage in De Luz and, along with the County, will be submitting an estimated cost of repairs to FEMA in hopes of a disaster declaration, therefore becoming eligible for federal aid.

#### **J. Legislation Update**

General Manager Emmons reported that he and President Byers traveled to Sacramento and met with Paula Treat (the District's advocate), CSDA's Legislative

Advocate, Senator Jeff Stone's Chief of Staff, and the Legislative Assistant to Assemblywoman Marie Waldron (sponsor of AB 421) regarding the District's Assembly Bill to revise gas tax allocation. He stated that AB 421 is progressing through the State Assembly, and if all goes well, will move on to the Senate.

**K. Ratify Advocacy Agreement**

Motion was made by Brady, seconded by D'Alessandri, to ratify Lobbying Services Agreement with Paula Treat for \$15,000/mo from February 28, 2019 until September 28, 2019.

The motion carried unanimously.

**L. Finance Committee Report**

Director D'Alessandri reported that at their recent meeting, and at the request of Director Adams, the Finance Committee discussed that the General Counsel's invoices for legal services be made part of the Board packet. However, due to Director Adams' absence, discussion was tabled until next month.

**M. Engineering Committee Report**

In the absence of Director Adams, General Manager Emmons reported that at their recent meeting, the Engineering Committee discussed roadway conditions after the recent storms; progress of FEMA disaster declaration; and future implementation of the Geographical Information System (GIS).

**N. General Manager's Report**

General Manager Emmons presented his written report which is on file with the District Office. He reported on retrofitting portions of the "Beatification" signage into the District's logo; Accounting Administrator Theresa Snyder will attend upcoming PAVER (PMS) training classes, and the compilation of historical documents regarding the acceptance of District roads.

**O. General Counsel**

General Counsel Jackson reported on the recent (March 4) California Supreme Court decision in Cal Fire Local 2881 v. California PERS, in which the Court upheld the provision in the Public Employees Pension Reform Act ("PEPRA") which repealed the optional rights of PERS employees with five years of service to make a one-time purchase of additional years of Service credit. The union had challenged this provision in PEPRA on constitutional grounds, asserting that the withdrawal of this right to purchase was an impermissible "impairment of contract" for public employees. The Court distinguished between a legislatively created "constitutional right" and an optional provision which employees may or may not choose to acquire, ruling that the PEPRA repeal eliminated such optional provision, and did not "impair contracts" made between public entity employers and employees. In so doing, the Court avoided having to evaluate or consider making changes to the traditional California Rule of public pensions – namely that public pension benefits are defined in scope as of the date employment begins. However, Counsel noted that language in the opinion implied a revisiting and possible revision of the "California Rule" may be forthcoming in one of several other PERS/PEPRA cases which remain pending before the Supreme Court and are likely to be decided later this year.

*The Board adjourned to Closed Session.*

**Closed Sessions**

- P. Closed session pursuant to the provisions of Government Code §54957.6(a): Discussion of personnel matters.
- Q. Closed session pursuant to the provisions of Government Code §54957.6: Discussion of labor relations.

*The Board reconvened in open session.*

The Board took no action on Agenda Items "P" and "Q".

R. **Adjournment**

There being no further business, President Byers adjourned the meeting at 7:47 p.m.



---

James E. Emmons, Secretary  
Board of Directors

ATTEST:



---

Mariann Byers, President  
Board of Directors