

**MINUTES OF REGULAR MEETING
October 18, 2018
RUBIDOUX COMMUNITY SERVICES DISTRICT**

DIRECTORS PRESENT: Christopher Barajas
Bernard Murphy
Hank Trueba, Jr.
Armando Muniz
F. Forest Trowbridge

DIRECTORS ABSENT:

STAFF PRESENT: Dave Lopez, General Manager
Steve Appel, Assistant General Manager
Krysta Krall, Manager Fiscal Services
Brian Jennings, Budgeting/Accounting Manager

Call to order: the meeting of the Board of Directors of the Rubidoux Community Services District by Director Murphy, at 4:00 P.M., Thursday, October 18, 2018, at the District Office, 3590 Rubidoux Boulevard, Jurupa Valley, California.

ITEM 4. APPROVAL OF MINUTES

Approval of Minutes for Regular Board Meeting, October 4, 2018.

Director Trueba moved and Director Trowbridge seconded to approve the October 4, 2018 Minutes.

**Ayes – 5 (Murphy, Barajas, Trueba, Muniz, Trowbridge)
Noes – 0**

The motion was carried unanimously.

ITEM 5. Consider to Approve the Salaries, Expenses and Transfers.

Consideration to approve October 19, 2018, Salaries, Expenses and Transfers.

Director Barajas moved and Director Trueba seconded to Approve the October 19, 2018, Salaries, Expenses and Transfers.

**Ayes – 5 (Murphy, Trueba, Barajas, Muniz, Trowbridge)
Noes – 0**

The motion was carried unanimously.

ITEM 6. PUBLIC ACKNOWLEDGE OF NON-AGENDA MATTERS

Mr. Stamps addressed the Board. He explained that on two separate occasions in the last year the paramedic services were called out to his home to help him for medical purposes. He thanked the Board for the great response of the medical team and their services performed on him. He praised them and felt they all deserved to earn more.

ITEM 7. CORRESPONDENCE AND RELATED INFORMATION

The only piece of correspondence was the agenda for the Technical Advisory Committee which was held on October 3, 2018 at the Regional Water Quality Control Plant.

ITEM 8. MANAGER'S REPORT

Operations Report:

Well No. 8 will be winterizing soon as well as some others that will be out of production for some maintenance.

Emergency and Fire Report:

The Incident Report for September 1 – September 30, 2018 there were a total of 268 calls, in comparison to the same period in 2017, there were a total of 223 calls. The year to date total is 2,448, compared to 2,365 in 2017.

ITEM 9. Presentation of the Rubidoux Community Services District Financial Statement Ending FY June 30, 2018. DM 2018-64.

BACKGROUND

Attached for the Board of Directors' review and consideration is the annual Financial Statement Report ending June 30, 2018, for the Rubidoux Community Services District. This year's report was prepared by Rogers Anderson Malody & Scott (RAMS); CPA's and includes all revenue funds, physical assets, expenses, debt services and depreciation schedules. Staff believes it is vital for the Board of Directors to receive the annual report well in advance to tonight's meeting; consequently, the Board Members were transmitted the enclosed draft audit report with your September 20, Board packet. This affords the Board members the opportunity to review the financial information at your leisure. Further, any questions that may arise during your review may be thoughtfully drafted for response at tonight's presentation.

Mr. Scott Manno, CPA, and Partner with RAMS was one of the principal auditors and will make his presentation to the Board of Directors.

Mr. Scott Manno gave a detailed presentation of the 2017-2018 Financial Statement Report to the Board of Directors.

Director Barajas moved and Director Trueba seconded the 2017-2018 Financial Statement Report for the Rubidoux Community Services District be accepted and to receive and file it.

**Ayes – 5 (Murphy, Barajas, Trueba, Muniz, Trowbridge)
Noes – 0**

The motion was carried unanimously.

ITEM 10. Review and Comment of Key Principles for Teleconferencing Policy Compliant with Ralph M. Brown Act (Open Meeting Laws) for the Rubidoux Community Services District Board of Directors. DM 2018-65.

BACKGROUND

At the request of Director Barajas and authorization of the full Board, Staff has agenzized the item to agree on key issues in the development of a Teleconferencing Policy for the Board of Directors. As presented at the last Board meeting, the Ralph M. Brown Act (AKA Open Meetings Laws) allows “a legislative body to use teleconferencing to meet, receive public comment and testimony”. Further, Teleconferencing is defined as a *“meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video or both”*. Further, specific requirements relating to teleconferencing must comply with all provisions below:

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agencies jurisdiction;
- Additional teleconferencing locations may be made available for the public;
- Each teleconferencing location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconferencing location, even if a hotel room or a residence;
- Each teleconferencing location, including a hotel room or Residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The Agenda must provide the opportunity for the public to address the legislative body directly at each teleconferencing location; and,
- All votes must be by roll call.

The Board authorized Staff to develop a Teleconferencing Policy with the following stipulations:

- Teleconference limited to each Board Member to two (2) requests per calendar year;
- Directors must submit in writing a request at least seven (7) calendar days in advance of the regular scheduled Board Meeting date
- Qualifying teleconferencing request for vacation or work related departures only. Not for convenience or medical limitations or restrictions;
- Only Budget Committee Sessions Workshops Meetings held on the same day as regular Board Meeting days shall be eligible for Teleconferencing. Such meeting on the same days shall only constitute one request;
- Teleconferencing participation will be eligible for Board or Committee stipend compensation as established by District Resolutions;
- Teleconferencing equipment and cost will be the obligation of Director requesting teleconferencing meeting;
- Other considerations?

If agreeable, Staff shall develop a Teleconferencing Policy of the Rubidoux Community Services District Board of Directors and present a draft to the full Board.

Director Barajas moved and Director Trueba seconded Staff develop a Teleconferencing Policy for the Rubidoux Community Services District.

Ayes – 5 (Murphy, Barajas, Trueba, Muniz, Trowbridge)

Noes – 0

The motion was carried unanimously.

ITEM 11. Receive and File Statement of Cash Asset Schedule Report Ending September 30, 2018. DM 2018-66.

BACKGROUND

The year-to-date Interest ending September 30, 2018 Statement of Cash Asset Schedule of Cash Asset Schedule Report for all District Fund Accounts. Our YTD interest is \$80,165.00 for District controlled accounts. With respect to District “Funds in Trust”, we show \$3,499.00 which has been earned and posted. The District has a combined YTD total of \$83,612.46 as of September 30, 2018.

With respect to the District’s Operating Funds (Excluding Operating Reserves), we show a balance of \$5,612,390.00 ending September 30, 2018. That is **\$346,437.00 LESS** than July 1, 2018, beginning balance of \$5,958,827.00.

The District’s Field/admin Fund continues to grow and current fund balance nears \$405,400.00.

Submitted for the board of directors consideration is the *September 2018, Statement of Cash Asset Schedule Report* for your review and acceptance this evening.

Director Trowbridge moved and Director Muniz seconded to Receive and File the Statement of Cash for the Month of September 2018 for the Rubidoux Community Services District.

Ayes – 5 (Murphy, Trueba, Barajas, Muniz, Trowbridge)

Noes – 0

Motion passed unanimously.

ITEM 12. Consideration to Post Trial Transcripts on RCSD Web Site. DM 2018-67.

BACKGROUND

At the October 4, 2018, regular Board Meeting of the Rubidoux Community Services District, director Murphy provided a written request and asked to “make the trial transcripts available on our website... After the court has ruled a decision can be made if it is advisable”.

At the Direction of Director Barajas requesting legal counsel and special counsel opinion on trial transcript posting on RCSD Website, Staff provided copies of Director Murphy’s written request to Mr. Harper (attached hereto) and Mr. Bobko for response.

Mr. Harper’s response and recommendation:

“As a threshold comment, without considering any policy issues, given the volume, the posting of trial transcripts, including exhibits for this 20-day trial would be a practical impossibility. The one hundred (100) plus hours of testimony and related exhibits would be several thousand pages and, if the website has enough capacity, would be nearly impossible to review. Whether uploading from Court records, assuming such would be possible, or provided by other means, the cost would be substantial.”

*“Although not a legal issue, given the long-term, on-going, relationship with Riverside, and depending upon the Court’s ruling, the Board should carefully consider the next steps going forward. **It would be my recommendation that no trial transcript, nor any other comment or documents pertaining to the trial be placed on the website, if at all, until after the Court has rendered its judgment**”.*

Mr. Bobko’s response and recommendation:

*“...no apparent advantage for Rubidoux to post the court transcripts on its website. Moreover, without the accompanying exhibits referenced during the various witness examinations the transcripts will be largely indecipherable. The sheer volume of transcripts may also present a problem for the District, particularly because there is currently no central repository where everything exists. The cost-component for putting everything onto the District’s site may also be an issue for consideration...from a practical standpoint posting trial transcripts may not be the most cost effective way to achieve it. **We would recommend waiting until then (Court ruling) to put anything on the District’s website.**”*

Finally, the file type is in PDF for trial transcripts and the size unknown for full trial transcripts with exhibits.

RECOMMENDATION:

Director Muniz moved and Director Trueba seconded to Not post trial transcripts on District website, in concurrence with District counsel.

**Ayes – 5 (Murphy, Trueba, Barajas, Muniz, Trowbridge)
Noes – 0**

Motion passed unanimously.

ITEM 13. Directors Comments.

Director Murphy adjourned the meeting at 4:53 pm.