



Pliocene Ridge Community Services District
100 Pike City Road
Pike City, CA 95960

plioceneridge.org

plioceneridge@gmail.com

NOTICE OF REGULAR MEETING OF THE BOARD OF DIRECTORS

Wednesday October 17, 2018 6:30 pm Alleghany Firehouse 105 Plaza Court

1. ESTABLISH QUORUM, CALL TO ORDER, FLAG SALUTE

2. CONSENT CALENDAR

- a) Approval of Agenda
- b) Approval of Minutes for September 19, 2018
- c) Approval of Treasurer's report for September 2018

3. PUBLIC COMMENT The public may be heard before or during the consideration of any agenda item to be considered by the board, subject to reasonable time limitations for each speaker. Members of the public may address matters under the jurisdiction of the Board of Directors, and not on the posted agenda, provided that no action shall be taken by the board unless the matter is deemed urgent by a 2/3 vote.

4. INFORMATION/DISCUSSION ITEMS, STAFF &/OR COMMITTEE REPORTS

- a) Correspondence
- b) Committee/Member/Business Reports:
 1. Station 71 Chief's report
 2. Station 67 Chief's report
 3. AVFD Auxiliary
 4. PCVFD Auxiliary
 5. Risk Manager Report
 6. Board Member/Staff Reports
 7. Standing Committee Reports: Streetlight, Budget, Safety

5. ACTION ITEMS:

- a) Unfinished business:
 1. Ongoing Bylaws & Policy review and/or update: Update on non-profit/special district research included in packets – one possible action time under “new business”
 2. Alleghany Firehouse Project – ADA Compliance (two items under new business)
 3. Pike City Firehouse Project – ADA Compliance
 4. Status of dispatch office in Alleghany
 5. Tree Removal at Station 1 in Alleghany
 6. Wayman Dam project
- b) New business
 1. Contract for services Mark Jokerst for engineering work for Alleghany Firehouse Project
 2. Appoint project manager for Alleghany firehouse project Resolution 2018-69
 3. Approval of letter from Board to AVFD
 4. Part 2 of Non-profit/public agency research, consideration of using one-hour of free legal service provided with CSDA membership to assist with Bylaw issue.

6. ANNOUNCEMENTS, NEXT MEETING DATE & AGENDA ITEMS ~

Next Regular meeting November 21, 2018 in Pike 6:30 pm.

7. ADJOURNMENT

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MINUTES of the Regular Meeting of the Pliocene Ridge CSD

Board of Directors

Date: Wednesday September 19, 2018

Location: Allegheny Firehouse 105 Plaza Court

1. CALL TO ORDER: The meeting was called to order at 6:30 pm by President Wayne Babros. Board members present: Daniel Guyer, Bruce Coons, Gracie Knowles and Chris Mills. Also present were Pike City Assistant Chiefs Jim Buckbee & Tom Starr and Allegheny Assistant Chiefs David Arbogast & Ned Cusato, AVFD Chairman Bob Hale & Secretary Vicky Tenney and PCVFD President Roland Robertson. Pliocene Ridge CSD Secretary Rae Bell Arbogast was present and took the minutes. Flag Salute.

2. CONSENT CALENDAR: Regarding the treasurer's reports it was pointed out that the old format is being used again, minus the posting account numbers (one less thing to fill in manually). This format seems to suit the director's needs better than any reports that the accounting program can generate. A motion was made by Bruce Coons to approve the consent calendar 2nd by Gracie Knowles. **5 Ayes, 0 Nays, 0 Absent, 0 Abstain, 0 Vacant, Motion carried.**

3. PUBLIC COMMENT: None

4. INFORMATION/DISCUSSION ITEMS

a) Correspondence: Incoming: Copy of Golden State Risk Management bylaws with proposed changes, Notice that notarized letter for SAM registration naming the district's "authorized representative" met all specified requirements and was accepted, notice of GSRMA annual conference, conflict of interest code bi-annual review packet from Sierra County Clerk Recorder

Outgoing: Signed ambulance MOU mailed to DFPD, thank you letter sent to the Firm Foundation Academy for \$1,000 donation, copies of non-profit/gov. agency research as handed out at the June meeting either mailed or emailed to all VFD board members for both Allegheny & Pike who did not attend the June meeting, copy of the district's formation documents sent to Vicky Tenney (now also available on the district's website) request for record keeping documents and non-cash donations (direct purchases) sent to both VFD treasurers

b) Committee/Member/Business Reports:

1. *Allegheny Assistant Chiefs David Arbogast & Ned Cusato* reported that a new 150,000 gallon water tank is being constructed for Allegheny and the old tank was demolished the first week of September. The town is on two temporary water tanks with a combined capacity of just under 14,000 gallons during construction. It is expected to take two months before the new tank is in service. David crunched some numbers to see what the pumping capacity/length of time would be for a couple of options. If the tanks are full to start and both 20 GPM pumps are pumping a total of 40 GPM into the temporary tanks they should be able to keep up with a 100 GPM pump for almost 4 hours. A 1 ½ inch line doing 75 GPM should last about 6.5 hours. Another option would be to pump directly into the hydrant system from one of the drafting sources depending on where the incident is located. The Allegheny water district prepared a map of all of the drafting sources and fire hydrants in Allegheny and it is posted around town and was given to local fire agencies as well. On Aug. 30th Allegheny and Pike Fire Depts did a joint training in Allegheny and got engine 7150 to pump from the sump at the pumphouse. They also went over the map of

drafting sources together and talked about initial response to a fire incident in Alleghany. Ned bought two new 2" trash pumps, one for engine 7181 and one for engine 7150 they work very well. The Alleghany crew practiced pumping with one of the new pumps from the pond by the Red Star Café and the inflow into the pond kept up with the pump pretty well. They are planning on doing more hands-on training with the pumps. Ned reported that the County water tender is being kept in the yard in Alleghany and he will be picking up more suction hose for the trash pumps.

The ambulance (7145) needed new tires and had to be taken out of service briefly while the studded tires were put back on. Ned worked with DFPD and was able to order new tires and rims via the County that day. The studded tires will be left on for the winter.

2. *Pike City Assistant Chiefs Jim Buckbee & Tom Starr* Reported that they painted their water tender (6790) and it looks great. They are still waiting to get all of the decals for it. They did a wildland drill at Plum Valley and included a medical training with it. They have had multiple medical calls. All of the run reports are being given to the District Secretary for the district records.

3. *AVFD Auxiliary*: Bob Hale reported that "there is no AVFD Auxiliary" When asked for clarification he stated that they are still a fire department as reflected in their bylaws, that they never changed their name. He went on to state that they completed their elections and the slate of commissioners remains the same.

He reported that they are looking at doing a local project to hand out chem flex chimney fire extinguishers as they have done in the past. They also have been made aware of a program with the Red Cross to install smoke alarms, but they are not sure if the local residents will want a person to come into their homes to install smoke alarms. They are looking for a volunteer firefighter to maybe help with that.

He also stated that a letter was sent to their Treasurer from the PRCSD Secretary/Treasurer requesting certain documents and he considered it inappropriate that this record request was not sent to their entire board. He also stated that the PRCSD Secretary/Treasurer was acting beyond her authority to send such a request without her board's approval and that it is inappropriate for a government agency to request such documents from a non-profit entity. He went on to state that as a non-profit entity AVFD is not obligated to send any documents to PRCSD.

He then read a letter from Burns Tenney that basically said the same thing. [copy not attached to these minutes as it was not provided to PRCSD]

Rae Bell read her request that was sent to both non-profit treasurer's in July out loud. [copy of letter attached to these minutes] She then explained that the district's first Secretary, Maris Womack set up a binder when the district formed for the compliance paperwork for both non-profit entities. This was done with the intention of helping to make sure the non-profits are compliant and remain solvent. PCVFD nearly lost their non-profit status around the time that the district formed. Since the non-profits are insured by the district this is also a Risk Management issue for the district. The binder has not been updated since Maris left in 2015 and the first part of the document request mailed in July was for the purpose of updating this binder.

Record keeping is in the scope of the duties of the Secretary and the Secretary does not need board approval to perform her duties.

As far as the financial information request included in the letter goes; up until a few years ago both AVFD and PCVFD provided a list of “non-cash” donations (direct purchases) at the end of each fiscal year at the request of the PRCSD treasurer. The bookkeeping procedures were set up this way so that any equipment purchased directly purchased by the non-profits is added to the district’s inventory for insurance purposes and also so that the district’s financial data more accurately reflects the actual cost of running both depts.

She went on to state that it is true that there is no legal “requirement” for the non-profits to provide any of these documents to the district, it is just how it has been done since the district was formed. This does not mean that it necessarily has to continue this way. This is another reason why MOU’s between the district and the non-profits would be good to develop.

President Babros requested that the AVFD board let him know what can be done to fix whatever it is they think is wrong, that the district wants to work with them.

Roland Robertson wished to confirm that the PCVFD treasurer had provided the requested documents and the answer was “yes”. He stated that his board is happy to donate the equipment that they purchase to the district because otherwise it would not be covered by the district’s insurance. He explained that the entities are working under a lot of laws and rules and that we all need to learn more about them. He stated that his board is doing research on this as is Rae and it would be good to have some meetings to discuss the findings. He stated that he thought it was impermissible for the non-profits to give funds directly to the district, but Rae stated that both a CPA and an attorney with public-benefit non-profit expertise told her otherwise: that as long as the funds are being used for the “Public Good” there is no issue and in fact this is a way for the non-profits to fulfill their mission.

Daniel Guyer stated that this is a fundamental issue that seems to keep coming up but he sees Alleghany and Pike as a group and not as separate entities. That it is very important that we all work together, that we are stronger together. He explained that the district was formed because it was the only way to secure funding for our two departments and since he has been on the board (for the last 10 or 12 years) he has seen the district go from being completely broke to being able to build up funds for various things like engine repair and streetlights; that the approx. \$50,000 that has been put into specific funds shows that it’s working.

AVFD Secretary Vicky Tenney stated that they are on top of their paperwork and they don’t need a babysitter to make sure they are doing it.

There was a lot of further discussion about why the district was formed and how the original funding amount was arrived at.

4. PCVFD Auxiliary: Roland Robertson reported that they had their spaghetti feed in August and it was a success. They made \$805 and served 48 meals. They also got \$325 in donations and after costs had a profit of \$667. Aaron and --- Wallace were not able to help but donated most of the food. He asked the PRCSD Secretary if she would send them a thank you note in addition to the one that PCVFD sent.

They are starting to work on their Christmas Dinner and Raffle.

5. *Risk Manager Report*: Nothing new to report.

6. *Board Member/Staff reports*:

Rae Bell reported that the road sign at hwy. 49 has been replaced.

She also reported that she did file a complaint with the Public Utilities Commission as instructed by the board at the June meeting. First she had to talk to AT&T a few times because before filing a formal complaint with the PUC they ask that you provide documentation that you have contacted the utility directly. She has not heard back from the PUC yet, but the local repairman for AT&T told her recently that AT&T does not know what is causing the problem. He is very frustrated because he keeps getting sent to Alleghany with a list of numbers having the problem but so far he has not been able to catch it actually happening. [loud noise on line and line not working] President Babros stated that he was not able to call 911 for this reason when he had his medical emergency in May and Vicky Tenney (his neighbor) had to call for him.

7. *Standing Committee Reports: Streetlights*: Bruce reported [again] that PG&E has not responded to the requests for the shields on the streetlights nor have they responded to the issue of the wrong lights being upgraded in Forest City and some lights in Alleghany not being upgraded OR shut-off as instructed. The treasurer reported that extra lights are on in Forest but the district is not being billed for them. (They were not supposed to be turned back on). That PG&E's database is a complete mess.

Budget Committee: Met earlier in the evening and finalized proposed final budget (later on the agenda).

5. ACTION ITEMS

a) *Unfinished Business*

1. *Ongoing Policy & Procedure review/update*: The district's conflict of interest code was reviewed as is required by State Law very two years. It was decided by consensus that it is adequate and that no changes are needed at this time.

2. *Regarding the Alleghany Firehouse project*: Rae Bell reported that she talked to Mark Jokerst about what his engineering fees would be so that it could be included in the budget and he estimated around \$1,500 which is 40% off his normal hourly rate.

She also stated that Kip the engineer for the Water District project is still on track to prepare the site plan for free.

3. *Regarding the Pike Firehouse projects*: Roland Robertson reported that the staircase is installed; as-well-as, the exit lights. They will start painting it soon.

No report on the Lift Project.

4. *Dispatch Office in Alleghany*: Vicky Tenney reported that she has been in contact with OES but there is still no word on the grant. Gracie Knowles wanted to know what is going on with the areas 911 system. Jim Buckbee reported that evidently there is a problem with it being routed to Canada. This is impacting the whole county. Everybody was advised to call the sheriff's office directly for emergencies 530-289-3700. Jim saw lots of AT&T trucks coming up the hill that day, so they are working on it.

5. *Tree removal at Station 1 in Alleghany:* Rae Bell reported that Tom Roth did come cut the trees at the end of June and she wanted to confirm with the board that the wood would be offered on a “first come, first serve” basis to whoever wants it. After some discussion it was decided that the best approach would be to advertise “volunteers wanted to remove wood” so that whoever gets the wood is acting as a volunteer for the district for insurance purposes. Rae will post something on the bulletin board with David and Ned as the people to contact.

6. *CDF 50/50 Firefighter’s Assistance Grant* The request submitted by the district on behalf of Alleghany for the lights was denied funding. The request for turn-outs for Pike submitted by the PCVFD Auxiliary was awarded. It was explained that CDF got more requests than the amount of funding available this year and Personal Protective Equipment is the highest priority (gets funding first).

d) New Business

1. *Adoption of the final budget for FY 18/19* After reviewing the proposed final budget as prepared by the budget committee a motion was made by Daniel Guyer to approve the budget as presented, 2nd by Bruce Coons vote: **5 Ayes, 0 Nays, 0 Absent, 0 Abstain, 0 Vacant, Motion carried.**

2. *Accept equipment donations (direct purchases) from non-profit Auxiliaries for fiscal year 17/18* A list of direct purchases by the PCVFD auxiliary was presented. A motion to accept these purchases as a donation and add them to the district’s equipment inventory was made by Wayne Babros seconded by Gracie Knowles vote: **5 Ayes, 0 Nays, 0 Absent, 0 Abstain, 0 Vacant, Motion carried.**

NEXT MEETING AGENDA ITEMS

The Wayman Dam project needs to be added back to the agenda. The next regular meeting is scheduled for October 17, 2018 at the Alleghany Firehouse 6:30 pm.

ANNOUNCEMENTS None

ADJOURNMENT:

There being no further business before the board the meeting was adjourned at 7:55 PM.

Respectfully submitted,

Rae Bell Arbogast
Secretary



Pliocene Ridge Community Services District

Serving the Communities of Alleghany, Forest City and Pike City

100 Pike City Road

Pike City, CA 95960

Treasurer's Report for September 2018

Checking Account Beginning Balance \$ 11,765.61

DEPOSITS	Date	From:	For:	Amount
	9/26/18	Geico	Emergency Response call in July Pike Only	\$ 750.00

Deposits Total \$ 750.00

Ck #	Date	To:	For:	Amount
EFT	9/4/18	PG&E		\$ 475.88
			PG&E Alleghany	\$ 54.35
			PG&E Pike	\$ 82.79
			Streetlights - Forest	\$ 21.76
			Streetlights - Alleghany	\$ 316.98
2493	9/4/18	Interspiro		\$ 810.00
			Pike 4 SCBA bottles recert	\$ 405.00
			Alleghany 4 SCBA bottles recert	\$ 405.00
EFT	9/5/18	Transfer to Savings		\$ 4,000.00
704	9/24/18	Solon, Fire		\$ 348.88
			Annual Fire Ext. ck Alleghany	\$ 263.38
			Annual Fire Ext. ck Pike	\$ 85.50
705	9/24/18	Postmaster	100 stamps	\$ 50.00
EFT	9/22/18	West America Bank Credit Card		\$ 635.84
			Trash pumps and hoses Alleghany	\$ 591.98
			Paint for engine 6790	\$ 43.86

Expenditures Total \$ 6,320.60

Reserve Account Detail	
Contingency	\$ 24,500.00
Alleghany Fire Unallocated	\$ 2,700.00
Pike City Fire Unallocated	\$ 6,100.00
Streetlights	\$ 3,718.40
Pike City Firehouse	\$ 2,308.14
Pike City Engines	\$ 3,107.91
Alleghany Firehouses	\$ 822.37
Alleghany Engines	\$ 7,446.25
Interest Earned	\$ 3.69
Reserve Account Total	\$ 50,706.76
Recent emergency response \$ not moved yet.	

Checking Account Ending Balance \$ 6,195.01

Savings account Starting balance \$ 13,795.09
 interest earned \$ 1.13
 transfer from checking \$ 4,000.00
 transfer to FUNDS \$ (2,101.96)
Savings Account Ending Balance \$ 15,694.26

General Fund (accounts listed above) Total \$ 21,889.27

Reserve account Starting Balance \$ 48,601.11
 interest earned \$ 3.69
 transfer from savings \$ 2,101.96
Reserve account Ending Balance \$ 50,706.76

Total ALL FUNDS \$ 72,596.03

Public Benefit Non-Profit Corporation/Special District Research Part 2

Prepared by Rae Bell for PRCSD meeting date 10/17/18

Definitions:

“District” refers to Pliocene Ridge Community Services District

“VFDs” or “non-profit entities” refers to Alleghany Volunteer Fire Dept AND Pike City Volunteer Fire Dept.

“Special District” refers to local government agencies such as Community Services Districts, Fire Districts and Water Districts formed to provide specific services. Pliocene Ridge CSD is a “Special District”.

“Public Benefit Non-Profit Corporation” is a type of Charitable Organization that is formed to provide services that “Benefit the Public”. Both Alleghany Volunteer Fire Dept and the Pike City Volunteer Fire Dept were incorporated as Public-Benefit Non-Profit corporations in the early 1980s. Many private schools are also organized this way.

In part 1 of this research (6/20/18) it was stated that part 2 would look at existing partnerships between Public Benefit Non-Profit Corporations and Special Districts. While I did find a few such partnerships, the research took a different direction all-together.

Before I go any further I want to make a personal background statement for the record: I have ALWAYS been in favor of keeping both non-profit VFDs in place. As the Chair of AVFD at the time that the district formed I had assumed that the by-laws of both non-profits would be adjusted to accommodate their new role as fundraising entities after the district formed. I remember that shortly after the district was formed a question arose about whether-or-not changing the bylaws might threaten their non-profit status. This sounded like a reasonable concern to me and by then all of my attention was focused on the district.

The Elephant in the Room Part 2

In May of this year the district’s insurance company asked me for a copy of both VFD’s bylaws. Since they are insured as FUNDRAISING ENTITIES this made me nervous, so I simply explained the situation to them (that the bylaws have not been changed since the district formed). The insurance company advised me that this should be done, and said that after it is done they would like copies for their records. I really did not want to broach this topic with the VFD’s and I was trying to figure out a delicate way to approach it. However; this same topic kept coming up, first with PCVFD in a string of emails between myself and Denise Ruane; then most recently AVFD brought it up at last month’s meeting. Obviously we can’t ignore it any longer.

After the conversation with the insurance company in May I began looking for an answer to the question about whether-or-not changing the bylaws would impact the VFD’s non-profit status.

At this point I had already verified that the authority to provide Fire Protection lies with the district and no longer applies to the VFD’s as explained in part 1 of my research: “The authority of the newly formed special district takes precedence over that of any pre-existing non-government entities.”

I contacted Lee Adams to see if County Counsel might be able to offer advice, but the answer was an apologetic “no”.

I did talk to the legal analyst for the Calif. Special District Association and he basically confirmed what the insurance company said about the bylaws; but when I tried to get more specific he told me that we should seek legal counsel.

I played phone tag with Attorney Donna Williamson for over a week when finally on June 28th we talked. Many of her clients are Private Schools organized as Public Benefit Non-profit corporations and she has over 30 years of experience in this field.

I explained the situation to her and the fear about changing the non-profit entities’ by-laws.

Per Donna:

- Amending the bylaws to reflect the role of a fundraising entity would NOT threaten the VFD’s non-profit status.
- Having non-compliant bylaws that can’t be followed DOES threaten the non-profit status of each entity. It is very important to have compliant by-laws.
- If the bylaws say that the entities are fire departments, when in fact they no longer have that authority then the bylaws are out of compliance and should be amended.

Donna said that her firm has an information packet specifically for creating bylaws for Public Benefit Non-Profit Corporations and she would send it to me. She also stated that she would be willing to review the new bylaws (when/if) they get changed and is available to offer legal advice. (Her intentions are good, but she is SO busy it is really hard to pin her down)

Donna did email a document in July which I have made copies of for the VFD’s (pertinent section only). I also spent time in July reading the code that pertains to Public Benefit Non-Profit Corp. Bylaws (corporation code 5151-5153). I won’t go into detail about what I learned but one thing that DID surprise me is that the Articles of Incorporation CAN be amended (in addition to the bylaws). I had assumed that they were sort of “set in stone” but this is not the case.

In addition to maintaining the VFD’s non-profit status I know that maintaining those “latent powers” is also an important thing to address.

Suggestion for moving forward agenda item 5b4 Pliocene Ridge CSD has one-hour of free legal counsel with its Calif. Special District Association membership. This one-hour expires each year and does not accumulate. I suggest utilizing this service in order to get another opinion about the bylaw question.

I also am trying to set up a meeting at the Pike Firehouse with Attorney Donna Williamson. We will try to make it on a weekend with plenty of advance notice.



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Resolution 2018-69

A RESOLUTION TO APPOINT A PROJECT MANAGER FOR THE ALLEGHANY FIREHOUSE PROJECT

WHEREAS:

1. Pliocene Ridge CSD owns the fire station located at 105 Plaza Court, Alleghany
2. A project to improve both drainage and access to the building is underway.
3. This project has been approved by the Pliocene Ridge CSD board of directors and is in need of an authorized project manager.

THEREFORE BE IT RESOLVED THAT:

The Board of Directors of Pliocene Ridge CSD (PRCSD) hereby elects to appoint Rae Bell Arbogast as the district's "Project Manager" to represent PRCSD with full authorization to sign and file, for and on behalf of the PRCSD, all documents related to the planning, design, and construction of The Alleghany Firehouse Project (the "Project"). In the absence of Rae Bell Arbogast, Bob Hale is the authorized Project Manager.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect upon its adoption.

CERTIFICATION

The undersigned Clerk of the Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a regular meeting of the Pliocene Ridge Community Services District held on October 17, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

VACANT: 1

ATTEST:

Wayne C Babros, President
PRCSD Board of Directors

Signature: _____

By: Rae Bell Arbogast
Secretary/Clerk of the Board
Pliocene Ridge Community Services District



Pliocene Ridge Community Services District

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DATE

AVFD Board of Commissioners
P O Box 920
Alleghany, CA 95910

DRAFT

Re: Concerns raised at the September 19th PRCSD regular board meeting by AVFD

Dear AVFD Board of Commissioners & Officers:

Regarding your concern that the Secretary/Treasurer was acting beyond her authority when she requested financial and compliance records from both non-profit VFD auxiliaries: When a person is appointed by the board to fill a position (such as Secretary or Treasurer), the authority to perform the duties associated with that position are delegated to the individual at the time of appointment.

The District's first Secretary, Maris Womack set up binders for the VFD non-profit entities when the district was formed. While no specific policy for this exists, she was acting within the scope of her duty as the official "Record Keeper" of the district. It is our understanding that this was done as a way to help safeguard the records of both entities and to help make sure that both entities remained solvent.

It is also our understanding that Maris made her annual request for the non-profit filings verbally, so perhaps this is why the recent request was not recognized as something that has been done since the inception of the district (minus the last few years). The VFD binders had not been updated since Maris moved-away in 2015 and the written request was an attempt to get that done. It was addressed to your treasurer because the fiscal officer is the person who usually handles these filings for non-profit entities.

Also included in the July 10, 2018 request to both non-profit VFDs was a request for a list of all "non-cash" donations (direct purchases) by the VFD's for the fiscal year just ended. This procedure was written into the district's Policies and Procedures many years ago and falls within the scope of the Treasurer's Duties.

It is true that there is no legal requirement for the non-profit auxiliaries to provide any of these documents to the district. This situation does highlight the need to work out Memorandums of Understanding between our organizations.

Sincerely,

Wayne Babros
President