



A STATE OF
CALIFORNIA
PUBLIC AGENCY

QUAIL VALLEY WATER DISTRICT

BOARD OF DIRECTORS

Mike Biglay
Jean Grodewald
Rita Leonard
Enrique Lopez
Joan Tyer

AGENDA FOR A REGULAR MEETING OF THE BOARD OF DIRECTORS OF QUAIL VALLEY WATER DISTRICT

To be held at 24750 Sand Canyon Road, Tehachapi, CA
Saturday, May 16, 2020 at 8:30 AM.

NOTE: To comply with the Americans with Disabilities Act, to participate in any Board meeting please contact Dawnette Boatman at 661-822-1923 at least 48 hours prior to a Board meeting to inform us of your needs and to determine if accommodation is feasible.

Agenda item materials are available for public review at the District's office, 24750 Sand Canyon Road, Tehachapi. Please contact Dawnette Boatman for public review of materials.

PUBLIC COMMENT GUIDELINES: The prescribed time limit per speaker is three minutes. Please refrain from public displays or outbursts such as unsolicited applause, comments, or cheering. Any disruptive activities that substantially interfere with the ability of the District to carry out its meetings will not be permitted and offenders will be requested to leave.

Each agenda item shall be deemed to include any appropriate motion, resolution, or ordinance to take action on any item

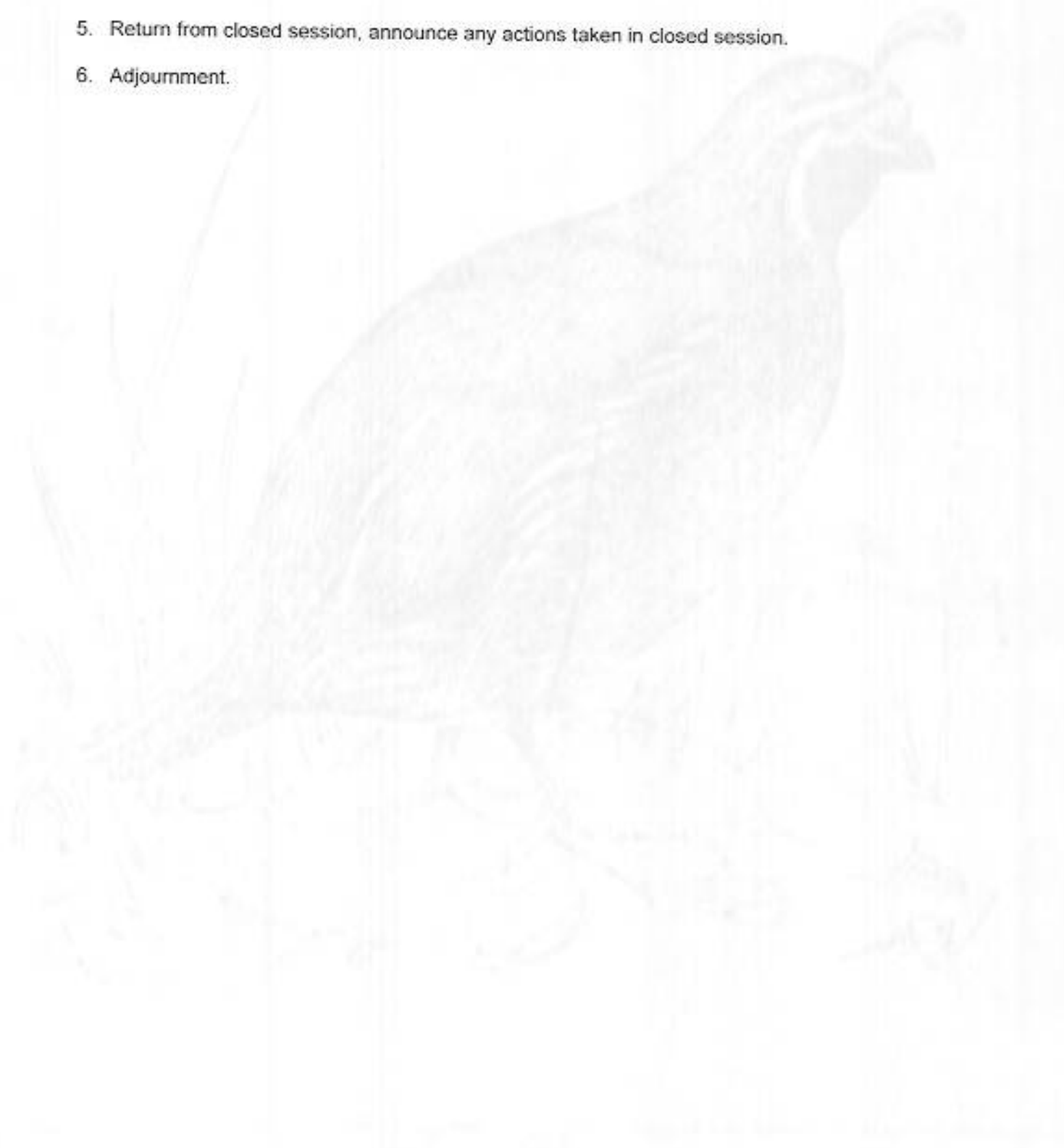
The public shall have an opportunity to comment on non-agenda items at the beginning of the meeting. Public shall have an opportunity to comment on each agenda item prior to any action taken.

1. Roll Call.
2. Adoption of Agenda.
3. Public comments for NON-agenda items.
4. Action Items:
 - 4.1. Discussion and possible action approving special terms of service for Lot 2/5704.
 - 4.2. Discussion and possible action declaring "Spring Creek Wells" as surplus property and authorizing sale of same.
 - 4.3. Discussion and possible action appointing person(s) as real property negotiator for the purposes of negotiating the sale of certain property commonly known as "Spring Creek Wells" with Hillcrest Investments, et al.

4.4. Adjourn to closed session: Pursuant to Government Code Section 54956.8, conference with real property negotiator appointed in item 5 above, to discuss negotiation of price and terms of payment for the sale of "Spring Creek Wells" with Hillcrest Investments, et al.

5. Return from closed session, announce any actions taken in closed session.

6. Adjournment.





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QUAIL VALLEY WATER DISTRICT

BOARD OF DIRECTORS

Mike Biglay
Jean Grodewald
Rita Leonard
Enrique Lopez
Joan Tyer

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF QUAIL VALLEY WATER DISTRICT

Held at 24750 Sand Canyon Road, Tehachapi, CA
Saturday, May 16, 2020 at 8:30 AM.

1. Roll Call.
*Meeting called to order at 8:31 AM. There were present, representing a quorum:
Director Grodewald;
Director Leonard;
Director Lopez;
Director Tyer;
Absent were Director Biglay.*
2. Adoption of Agenda.
Director Leonard moved, seconded by Director Lopez, to adopt agenda. Motion approved by unanimous assent.
3. Public comments for NON-agenda items.
None.
4. Action Items:
 - 4.1. Discussion and possible action approving special terms of service for Lot 2/5704.
(General Manager Hardenbrook)
General Manager Hardenbrook advised Board that in anticipation of eventual reconnection of service, service connection removed during road construction has been reconnected and a new meter and meter pit have been installed. General Manager Hardenbrook also provided Board with the suggestion that Board may wish to consider allowing reconnection of water service subject to payment of past due water service charges, reconnection fee and required deposit along with evidence that property owner has entered into agreement for home purchase and that installation of home will include payment of remaining connection fees.
 - 4.2. Discussion and possible action declaring "Spring Creek Wells" as surplus property and authorizing sale of same. (General Manager Hardenbrook)
General Manager Hardenbrook advised Board that an offer has been made to District for the purchase of Spring Creek wells and that the District has no current or likely future need for these wells along with known issues with wells and that District would need to determine that the wells are surplus prior to any sale. Director Leonard

moved, seconded by Director Lopez, to declare the Spring Creek Wells as surplus and authorizing sale of same. Motion approved by unanimous assent.

- 4.3. Discussion and possible action appointing person(s) as real property negotiator for the purposes of negotiating the sale of certain property commonly known as "Spring Creek Wells" with Hillcrest Investments, et al. (General Manager Hardenbrook)
General Manager Hardenbrook advised Board of the need to designate a representative to serve as real property negotiator for the possible sale of Spring Creek wells and provided suggestion of persons who could be appointed. Director Grodewald moved, seconded by Director Lopez, to appoint General Manager Hardenbrook as real property negotiator for the possible sale of Spring Creek wells. Motion approved by unanimous assent.
- 4.4. Adjourn to closed session: Pursuant to Government Code Section 54956.8, conference with real property negotiator appointed in item 4.3 above, to discuss negotiation of price and terms of payment for the sale of "Spring Creek Wells" with Hillcrest Investments, et al.
Meeting adjourned to closed session at 8:41.
5. Return from closed session, announce any actions taken in closed session.
The meeting reconvened at 8:51am. Direction was provided to General Manager Hardenbrook regarding acceptable price and terms.
6. Adjournment.
There being no further business before the Board, Director Lopez moved, seconded by Director Leonard, to adjourn at 8:53 AM. Motion approved by unanimous assent.

I attest this is a true and complete copy of the minutes of a regular meeting of the Board as read and approved by the Board of Directors of the Quail Valley Water District.


Dawnette Boatman, Secretary

Invoice**Quail Valley Water District**

24750 Sand Canyon Road
 Tehachapi, Calif 93561
 (661) 822-1923
 customerservice@qwd.org

Date	Invoice #
5/12/2020	31
Account #	2/5704

Bill To

Juanita Miller
 5022 W. Ave N, Suite 102 #97
 Palmdale, Calif 93551

**Invoice Due Upon
 Receipt.
 PAST DUE if not
 received by:
 6/30/2020**

NEXT BOARD MEETING

May 30, 2020 @ 8:30 AM

Item	Quantity	Description	Rate	Amount
Connection ...	*****	Connection Principal Due Original Balance Due: \$12,000.00, Down Payment Received: \$2,500.00, Balance: \$9,500.00 Previous Payments Received: \$1,843.50, \$660.81 Applied to Principal, \$1,182.69 Applied to Interest Principal Balance due: \$8,839.19	1.00	8,839.19

**If you would like to have your monthly Invoices e-mailed,
 please send a request via e-mail to "customerservice@qwd.org".
 You will then have the option to pay your invoice on-line.**

Make Checks Payable To: Quail Valley Water District.
 Please Write Account Number on Checks

Invoice Total \$8,839.19

www.qwd.org

A Late Fee of 10% will be charged if
 not Paid by end of Month

Total Balance **\$8,839.19**



Quail Valley Water District
 24750 Sand Canyon Road
 Tehachapi, Calif 93561
 (661) 822-1923
 customerservice@qvwd.org

Statement

Date
 5/12/2020

**NEXT BOARD MEETING
 May 30, 2020 @ 8:30 AM**

To:

 Juanita Miller
 5022 W. Ave N, Suite 102 #97
 Palmdale, Calif 93551

Account #	Due Date	Amount Due
2/5704	6/30/2020	\$920.47

Date	Item	Qua...	Description	Rate	Amount	Balance
12/04/2015			Monthly Service-			
01/07/2016			INV #2255. Orig. Amount \$74.18.		69.00	69.00
02/03/2016			INV #2328. Orig. Amount \$91.53.		91.53	160.53
03/01/2016			INV #2411. Orig. Amount \$84.29.		84.29	244.82
			INV #FC 126. Orig. Amount \$6.55. Finance Charge		6.55	251.37
03/03/2016			INV #2488. Orig. Amount \$79.02.		79.02	330.39
03/29/2016			INV #2561. Orig. Amount \$30.00.		30.00	360.39
05/12/2020			INV #6453. Orig. Amount \$560.08.		560.08	920.47

If you would like to have your monthly invoices e-mailed, please send a request via e-mail to "customerservice@qvwd.org". You will then have the option to pay your invoice on-line.

Please Write Account Number On Check One Unit Equals 100 cubic feet = 748 Gallons			A Late Fee of 10% will be charged if not Paid by end of Month		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
560.08	0.00	0.00	0.00	360.39	\$920.47



Quail Valley Water District

24750 Sand Canyon Road
Tehachapi, Calif 93561
(661) 822-1923
customerservice@qvwd.org

Invoice

Date	Invoice #
5/12/2020	6453
Account #	2/5704

Invoice Due Upon Receipt.
PAST DUE if not received by:
6/30/2020

NEXT BOARD MEETING
May 30, 2020 @ 8:30 AM

Bill To

Juanita Miller
5022 W. Ave N, Suite 102 #97
Palmdale, Calif 93551

Item	Quantity	Description	Rate	Amount
Reconnect ...		Reconnect Charge (service disconnected for non-payment, unauthorized use, etc.)	250.00	250.00
Deposit for ...		Deposit for Service Connection	310.08	310.08

If you would like to have your monthly invoices e-mailed, please send a request via e-mail to "customerservice@qvwd.org". You will then have the option to pay your invoice on-line.

Make Checks Payable To: Quail Valley Water District. Please Write Account Number on Checks	Invoice Total	\$560.08
www.qvwd.org	Total Balance	\$920.47
A Late Fee of 10% will be charged if not Paid by end of Month		

Quail Valley Water District

24750 Sand Canyon Road

Tehachapi, Calif 93561

(661) 822-1923

Credit Memo

Date	Credit No.
5/12/2020	6452

Customer
Juanita Miller 5022 W. Ave N, Suite 102 #97 Palmdale, Calif 93551

Description	Qty	Rate	Amount	P.O. No.	Project
					Monthly Service
Waive finance and other charges assessed after termination of service.	-1,060.9	1.00	-1,060.90		
				Total	-1,060.90
				Invoices	\$1,060.90
				Balance Credit	\$0.00



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QUAIL VALLEY WATER DISTRICT

BOARD OF DIRECTORS

Mike Biglay
Jean Grodewald
Rita Leonard
Enrique Lopez
Joan Tyer

BOARD MEMO

Re: 2/5704
Date: 11/29/19
By: Randy Hardenbrook

Subject: Request for special dispensation for connection fee.

The Owner of Lot 2 of Map 5704 has contacted the District advising of financial hardship and requesting the District provide a reduction to the balance due on her account for connection fees and that she again wishes the District provide water service to her property. She also inferred that the District cannot impose late fees and finance charges as the District is a non-profit.

In 2011, the property owner purchased a water service connection and a water storage tank from the District for a total of \$12,000.00. In June of 2011, a down payment of \$2,500.00 was received.

Two payments were received in 2011 totaling \$1,050.00. One payment of \$220.00 was received in 2012 and three payments totaling \$573.50 were received in 2013. No further payments have been received against the connection fees due.

As of November 1, 2019, the principal balance is \$8,839.19 and interest accrued is \$6,204.25. In addition to connection fees, fees for water service remain unpaid totaling \$1,373.48, including finance charges. The last record of payment for water fees was on 1/15/16. Water service was turned off and locked on April 4, 2016 and as a result of construction on Umtali Road, the water service line and meter have since been removed.

In regards to the water fees, District practices have allowed for the waiver of finance charges for payment in full of past due balances. Additionally, prior to re-establishing water service, a reconnection fee of \$250.00 is assessed. These fees would be due and payable in advance. It would also be consistent with past practices to waive fees for water service after service was terminated. Waiver of finance charges and fees for service after termination would result in a balance of \$360.39 plus the \$250.00 re-connection fee.

In regards to connection fees, an offer was made on March 26, 2018 to property owners with delinquent fees with three options to settle the accounts. The owner of Lot 2/5704 did not choose to accept this offer at the time.

The three options offered were:

- Immediate cash settlement for remaining principle balance, waiving interest and penalties.
- Abandon connection in lieu of payment. Principal previously paid will be credited to the then current connection fee if a connection is requested in the future.
- Terminate existing agreement and enter new agreement at current connection fee for 5-year term at 10% interest with previously paid principal credited to current connection fee.

If the Board desired to extend this offer, the first option would result in a balance due of \$8,839.19 for an immediate cash payment. The second option would leave a credit of \$3,160.81 against a future connection for Lot 2/5704. Since the current connection fee has not increased, the third option would result in a new connection fee payment agreement for \$9,500.00 plus \$2,500 for the water tank purchased, less \$3,160.81 prior principal paid for a balance of \$8,839.19.

Recommendations:

In review of account history, it would be my opinion that acceptance of the third option for settlement of connection fees will not be successful and the likely result would be a return to the current situation and is therefore not recommended.

The second option would not provide for water service to the subject property and is therefore not a solution in regards to the current request although it would provide a satisfactory resolution of the past due connection fees owed to the District and, provided a satisfactory resolution of past due water service fees was also consummated, would be a recommended option from the District's perspective.

The third option is recommended, provided water service fees are also paid along with the reconnection fee. Further, it would be recommended to waive the finance charges and fees assessed following termination of service. This option would settle all past due balances and re-establish water service to the subject property. This option would result in a total balance due of \$9,449.58. It would also be recommended to condition this offer on an acceptance and payment window of 90 days or less.

NOTE:

Since a new meter will be required, it is expected that the installation necessary will take 2 to 4 weeks after acceptance and payment.

to enable the District to determine the credit worthiness of the Applicant.

1.12.3.1. Deposit Requirements:

Upon determination of a lack of creditworthiness, the District shall require the Applicant to deposit with the District three (3) times the applicable monthly meter charge. A deposit shall not earn interest and shall only be applied to reduce or satisfy amounts due the District in the event of termination of service. A deposit does not constitute payment of charges and the Customer shall be required to comply with payment requirements to continue receiving water service.

1.12.3.2. Waiver of Deposit:

1.12.3.2.1. Except for restoration of service, an Applicant who is the Owner of the property requesting water service shall not be subject to the deposit requirements.

1.12.3.2.2. Public agencies shall not be subject to the deposit requirements.

1.12.3.2.3. A letter of credit, in a form approved by the General Manager, may be submitted to the District to satisfy the deposit requirements.

1.12.3.2.4. Existing Customers who have at least one (1) year water service history with the District and during the last twelve (12) months of that prior service meet the requirements for a refund of deposit as prescribed in Section 1.12.3.3., Refund of Deposit, may establish water service at the same or a new location.

1.12.3.3. Refund of Deposit:

One (1) year after the date a deposit for water service was made, such deposit may be refunded if the Customer requests a refund in writing and does not have a history in the past twelve (12) months of a Termination of Service for Delinquency, a rejected payment (NSF check, credit card chargeback, etc.) or two (2) or more late payments.

1.12.4. Water Service to Non-Owned Properties:

Water service will not be provided to non-owned properties. Property owner may delegate, in writing in a form acceptable to the District, authority to apply for water service to a lessee, renter or property management company in the name of the property owner, who shall remain the Customer of Record and the property owner agrees to accept all responsibility and liability for such water service.

1.12.5. Refusal to Serve:

Dawnette Boatman, Secretary

From: Dan Raytis <dan@bbr.law>
Sent: Thursday, May 14, 2020 9:44 PM
To: randy@qvwd.org
Subject: RE: smeed verdict.pdf history

Thanks, Randy. Let me know what the Board decides.

Dan

From: randy@qvwd.org <randy@qvwd.org>
Sent: Thursday, May 14, 2020 3:06 PM
To: Dan Raytis <dan@bbr.law>
Subject: RE: smeed verdict.pdf history

Hi Dan,
I have a board meeting scheduled for this Saturday and it looks like we will have a quorum in attendance to discuss the Spring Creek wells.

Randy Hardenbrook

General Manager
Quail Valley Water District
24750 Sand Canyon Road
Tehachapi, CA 93561
Office: (661) 822-1923
Cell: (661) 332-1547
www.qvwd.org

From: Dan Raytis <dan@bbr.law>
Sent: Tuesday, May 12, 2020 15:12
To: randy@qvwd.org
Subject: RE: smeed verdict.pdf history

Randy,

I am assuming it's for both wells also since my email to him addressed the District's interest in the "wells in Spring Creek" estates. Your proposal as to the method/extent of a potential transfer is exactly what I had in mind. All it really accomplishes from his perspective would be to remove the cloud on title that the District's claim represents.

Let me know if you get a Board meeting together. If you approve, I'll respond to Mr. Ford letting him know that you are trying to schedule a Board meeting to consider his offer.

Dan

From: randy@qvwd.org <randy@qvwd.org>
Sent: Tuesday, May 12, 2020 3:05 PM
To: Dan Raytis <dan@bbr.law>
Subject: RE: smeed verdict.pdf history

Thank you Dan,

I am advising the Board of the offer and I will work on getting an agenda posted for a meeting as soon as I hear back from board members on their availability.

Depending on how quickly I get responses I may be able to schedule a meeting for this Saturday.

He seems to be a man of few words

Randy Hardenbrook

General Manager

Quail Valley Water District

24750 Sand Canyon Road

Tehachapi, CA 93561

Office: (661) 822-1923

Cell (661) 332-1547

www.qvwd.org

From: Dan Raytis <dan@bbr.law>
Sent: Tuesday, May 12, 2020 14:09
To: Randy Hardenbrook (randy@qvwd.org) <randy@qvwd.org>
Subject: FW: smeed verdict.pdf history

Randy,

Dan

From: Robert Ford <rf702@yahoo.com>
Sent: Tuesday, May 12, 2020 1:33 PM
To: Dan Raytis <dan@bbr.law>
Subject: Re: smeed verdict.pdf history

20,000.00

Sent from my iPhone

On May 8, 2020, at 5:28 PM, Robert Ford <rf702@yahoo.com> wrote:

Robert Ford

----- Forwarded Message -----

From: Dan Raytis <dan@bbr.law>
To: Robert Ford <rf702@yahoo.com>
Sent: Friday, May 8, 2020, 04:13:00 PM PDT
Subject: RE: smeed verdict pdf history

Mr. Ford,

Please find attached various documents evidencing the District's ownership of the wells in Spring Creek estates. You may contact me with any questions. An additional email with an additional attachment will follow.

As I mentioned previously, the District would be willing to entertain a reasonable offer to purchase the wells. Please let me know if you would like to make such an offer.

Thanks,

Dan Raytis
<[image002.jpg](#)>
Phone: 661-864-7826
Cell: 661-444-5770
Email: dan@bbr.law
5016 California Ave, Ste 3 | Bakersfield, CA 93309

From: Robert Ford <rf702@yahoo.com>
Sent: Thursday, April 30, 2020 8:08 AM
To: Dan Raytis <dan@bbr.law>
Subject: Re: smeed verdict.pdf history

PLEASE PROVIDE ME WHAT YOU SHOWS QUAIL OWNERSHIP AND PRICE I HAVE TO CLOSE ESCROW ON THE LAND

Robert Ford

On Wednesday, April 22, 2020, 10:45:04 AM PDT, Dan Raytis <dan@bbr.law> wrote:

Mr. Ford,

I am not sure exactly what status you are looking for. I have reviewed the documents you provided and have spoken with the District. All indications are that the Spring Creek wells are the District's property and have not been transferred (by deed or otherwise) to anyone other than the District. The District would be willing to sell the wells for a reasonable price. Let me know if you are interested.

Thanks,

Dan Raytis
<[image003.jpg](#)>
Phone: 661-864-7826
Cell: 661-444-5770
Email: dan@bbr.law

5016 California Ave, Ste 3 | Bakersfield, CA 93309

From: Robert Ford <rf702@yahoo.com>
Sent: Monday, April 20, 2020 8:40 AM
To: Dan Raytis <dan@bbr.law>
Subject: Re: smeed verdict pdf history

I NEED THE STATUS PLEASE

Robert Ford

On Friday, March 27, 2020, 11:19:23 AM PDT, Dan Raytis <dan@bbr.law> wrote

Mr. Ford,

I hope this email finds you well. This Court opinion is certainly an interesting read.

Is there any chance I could get a copy of the "Galtar-Smeed Contract" that gave rise to all of this? Or could I at least get a copy of the list of personal property, equipment and/or records that were to be sold under the contract?

Please let me know if you have those materials and, if so, whether you can send me a copy

Take care and stay safe

Dan Raytis
<image001.jpg>
Phone: 661-864-7826
Cell: 661-444-5770
Email dan@bbr.law
5016 California Ave, Ste 3 | Bakersfield, CA 93309

From: Robert Ford <rf702@yahoo.com>
Sent: Monday, March 16, 2020 12:14 PM
To: Dan Raytis <dan@bbr.law>
Cc: John Wagenaar <john.allhill@gmail.com>; Elaine Wagenaar <elainewagenaar@hotmail.com>
Subject: smeed verdict.pdf history
Sent from my iPhone

<Spring Creek Well # 2_Driller's Log.pdf>
<Chelsea_Development for Sale.pdf>
<Minutes_12-19-89.pdf>
<Spring Creek Well # 2 Job Card.pdf>
<image001.jpg>
<image003.jpg>
<image002.jpg>

MINUTES OF THE REGULAR MEETING
OF THE
QUAIL VALLEY WATER DISTRICT
19 DECEMBER 1989

The regularly scheduled meeting of the Board of Directors of the Quail Valley Water District was called to order at 6:30p.m. at the Water District Headquarters, Oak Park Tower, Suite 401, Bakersfield, California on Tuesday, 19 December 1989.

DIRECTORS PRESENT:	J.R. Smeed Claire Smeed Elana Bonaventura Del Minick Roger Narinian LeRoy Jackson Zara Hansen
DIRECTORS ABSENT:	None
OTHERS PRESENT:	None

The Secretary stated that the minutes of the 20 October 1989 Board meeting would be read and approved at the next regularly scheduled meeting along with the minutes of this meeting.

Under "Old Business", regarding the Weaver lawsuit, President Smeed stated that we have filed on them and it will go to Municipal Court in January. A further report will be made at the next meeting.

President Smeed then gave an update on the status of our problems with the Kern County Environmental Health Department. The Pacific Legal Foundation has suggested that we sue them in the name of one of the property owners on the system who applied for a permit to build and was denied. The suit should be filed in Fresno Civil Court and should be on the basis that it violates their civil rights since they are not giving a permit to an innocent third party. At that time P.L.F. will consider filing a Friend of the Court Brief on our behalf. It will be necessary to find a civil rights lawfirm in Fresno and find someone willing to file the suit. There will be a further report at the next meeting.

Under "New Business", President Smeed called upon Director Bonaventura to present the current accounts payable. Upon presentation of the bills paid during the past month, as well as pending statements, it was moved by Director Minick, seconded by Director Hansen, and unanimously approved to ratify all bills paid and pay all statements pending with the exception of the bill from John Gaines which should be held until it is checked against last years charge.

President Smeed then asked the Board if they might be interested in selling the wells in the Spring Creek section to a developer who is interested in buying the entire section of land. The District paid \$15,000 to drill these wells and it would be possible to sell the wells without relinquishing the water rights. Following a discussion it was moved by Director Jackson, seconded by Director Narinian, and unanimously approved that the Board set a price of \$60,000 for the wells and will consider selling them to the developer at this price with the clear understanding that the water rights remain in the jurisdiction of the District.

President Smeed then gave a report on the status of the Montclair wells being drilled. When we filed for a permit to drill the first well they would not give it to us without paying for it which gives us a basis for a lawsuit. We then drilled two more wells without a permit taking the position that we do not come under County jurisdiction in this regard. We now have three wells, one with a permit and two without. Following discussion by the Board, it was moved by Director Jackson, seconded by Director Hansen, and unanimously approved, with Directors J.R. and Claire Smeed abstaining, that Chelsea Investment Company advance the District the funds to pay for the drilling of these wells, the money to be repaid to Chelsea in a timely manner.

There being no further business, it was moved by Director Bonaventura, seconded by Director Claire Smeed, and unanimously approved that the meeting be adjourned at 7:30p.m.

Respectfully submitted,


ELANA BONAVENTURA, SECRETARY

ATTEST:

J.R. SMEED, PRESIDENT

