



Biola Community Services District
Minutes of the
Board of Directors
Regular Board Meeting November 21, 2024
6:00p.m.

The Board of Directors of the Biola Community Services District met for its Regular Board Meeting on November 21, 2024 at the Biola Community Center, Biola, California.

Directors present: Jennifer Duarte, President
Carlos Rodriguez, Vice President
Martha Madera, Treasurer
Reyes Lozano, Board Member

Directors absent: None, (1) Vacancy

Staff Present: Present

Public present: Present

Roll Call- Roll Call was called.

Call to Order- Director Jennifer Duarte called the meeting to order at 6:01 PM. Spanish translation was provided for this meeting.

Director Jennifer Duarte reads a message from the BCSD Board of Directors.

Responses to previously asked questions:

- **Agenda Postings-** agendas are posted at the District's website homepage, Biola Community Center, Best Market, and Shaw Market.
- **Public's Speaking Rights-** currently all public comments are at the beginning.
- **Engagement During Public Comments:** The board and staff are unable to respond to or engage with speakers during the public comment period.
- **Board and Staff Capabilities:** The board and staff are fully equipped to manage the District's affairs. While some decisions may be unpopular, they are made with careful consideration of the community's needs.
- **Racial Comments:** The board addressed these comments as unfounded and encourages individuals making such remarks to cease, as they negatively affect the community.
- **Electric Car Services:** District does not control the operations of the program. It is managed by FCRTA, which determine the availability and pricing. A driver has been recently hired and service has resumed its operations.

- **Names of Board Members on Former CVCB Bank Account-** As of July 31, 2020, the account included the following individuals: Vice President Monique Dolores, Treasurer Mercedes Ramos, and the General Manager at that time.
- **Allegations of Bill Discrepancies-** Transparency and ethical practices are important for all operations and the services provided to the community. Residents with questions and concerns related to their accounts should be directed to the District office where staff will address any concerns.

AGENDA ITEM

1. PUBLIC COMMENT

The following people made a public comment:

- **Carmen Zamora-** ByLaws Modifications, Brown Act Violations, Failure to Post Agenda on Website, Public Comment Restrictions per code 54954.3, Failure to Provide Documents in Spanish per California Gov't Code 7290, Criticism of Board Members and General Manager, Board Member and Staff Phone Use During Meetings, Lack of Transparency with Bylaw Changes, Overcharging Customer Accounts for Water Usage, Criticism on Board Treasurer Martha Madera, Access to Spanish Translation of Documents
- **Eugenio Gutierrez-** 2 Posts at Center of Sidewalk on E. side of Biola Ave, Overcharging Customers on Water Bills, Management Criticism, Moral Concerns, Job posting for Maintenance, Opposing ByLaw Changes, Disappointment in the WWTP Presenter from Last Month's Agenda
During item 4 on this Agenda- requested a physical sample of the different pipes.
- **Joaquin Soto-** Qualities Expected of a Public Servant, Urged Resignation of Jennifer Duarte, Urged Martha Madera to Withdraw Application for Vacancy.
- **Mercedes Ramos-** 21 Years as Board Member, Recollection on Residents Voting Members In, Opposing Amending Bylaws, Against Restrictions on Public Comment After Each Item, Expressed Public Comment 3-Minute Limit Too Short

The Board consensus to allow individuals to donate their 3 minutes of public comment time to another person for this meeting only at this time only (one yield).

Jennifer Duarte- Yes
 Carlos Rodriguez- Yes
 Martha Madera- Yes
 Reyes Lozano- Yes

- **Monique Dolores-** Biola resident and Former Board Member, Dissatisfaction with Board and General Manager, Confidentiality Request: Name Not to Be Mentioned Again on the Platform Under Threat of Legal Action, Supported Tabling Bylaws, Complaint-Doors closed at the July 30, 2024 Meeting, Misleading Budget Workshop Flyer, Public Comment Order Change, Unethical Practices, Criticism of Board Treasurer
- **Amelia Ponce-** Comments on Revelation of Missing \$200,000 for overdue bills, Criticism on General Manager-demanding her resignation.
- **Juana Hernandez-** Comments on: President Jennifer Duarte, Board Treasurer Martha Madera, and General Manager Elaine Cervantes, Inquiry: Who Pays for Attorney's

Legal Counsel Services and Are They Necessary If Operations Are Running Smoothly, Request for Board Members to Withhold Approval of Today's Topics

- **Maria Soto-** Complaint of Insufficient Public Comment Time, Desires Different Representation, Demands Resignations
- **Eduardo Antunez-** Community Needs, Board Member and Staff Phone Use During Meeting, One-Month Circulation Period for Changes to District Bylaws, Comments directed to General Manager and Board President Jennifer Duarte
- **Lorena Lopez-** Complaints on Board Member Jennifer Duarte: Phone Use, Lack of Attention, Eating during Board Meeting

2. CONSENT CALENDAR

- APPROVAL OF REGULAR MEETING MINUTES DATED October 17, 2024**
- APPROVAL OF FINANCIALS ENDING October 31, 2024**

A motion was made to approve.

Motion made by: Reyes Lozano

Motion seconded by: Martha Madera

Voting:

Jennifer Duarte- Yes

Carlos Rodriguez- Yes

Martha Madera- Yes

Reyes Lozano- Yes

Motion passed.

NEW BUSINESS-

3. DISCUSSION AND APPROVAL OF AMENDMENT I TO AGREEMENT 23-641 FOR THE BIOLA GROUNDWATER RECHARGE PROJECT FOLLOWING INCREASE IN CDBG FUNDING FROM \$300,000 TO \$375,000

Presenter: General Manager Elaine Cervantes announced that Fresno County has increased the funding for the Biola Recharge project by an additional \$75,000. Originally set at \$300,000, the total funding has now been amended to \$375,000.

Director Comments: Director Carlos Rodriguez asked if any out-of-pocket contributions are required from the community. General Manager Elaine Cervantes clarified it's a full grant of \$375,000.

A motion was made to approve the amendment to item 3.

Motion made by: Martha Madera

Motion seconded by: Reyes Lozano

Voting:

Jennifer Duarte- Yes

Carlos Rodriguez- Yes

Martha Madera- Yes

Reyes Lozano- Yes

Motion passed.

4. UPDATE ON LEAD AND COPPER RULE REVISIONS (LCRR): SUBMISSION OF LEAD SERVICE LINE (LSL) INVENTORY TO INFORMATION THE STATE

Presenter: Randy Johnson from Mountain Valley Environmental Services, which manages Biola's Water System, explained that the U.S. EPA has mandated a nationwide lead service line inventory. The task was handed to the State, prompting inspections of water lines. Fortunately, no lead has been found in Biola, but many lines remain undocumented, especially on private property, where access is restricted.

A notice was sent to Biola residents, asking them to inspect lines near their meters to identify if they are PVC, galvanized, or copper. Residents are encouraged to dig on their property, take a photo, and report the material and size to the District office. Randy offered to discuss details with residents after the meeting.

He is also reviewing old drawings to assess lines between the main and meters, which so far appear to be plastic and lead-free. If lead or galvanized lines are found downstream, they must be replaced within 13 years, though regulations may change. To date, no lead has been detected on the District side.

Director comments: Director Carlos Rodriguez asked how to differentiate between lead, copper, and galvanized piping. Randy explained that if a magnet sticks, it's galvanized; if not, it's likely copper. Lead is softer, easier to scratch than copper or galvanized, and appears gray, while copper is brighter. Randy will bring a lead sample next time. Director Reyes Lozano commented on pipelines on his property.

Informational Item only.

5. DISCUSSION AND APPROVAL OF BIOLA ORDINANCE 11-2024 ON ORGANICS WASTE IN COMPLIANCE WITH SB 1383

Presenter: General Manager Elaine Cervantes explained that to comply with SB 1383, CalRecycle and Mid Valley Disposal (MVD) require proof of board approval for the ordinance. Former Management and legal prepared it on December 9, 2021, and it was set for board approval on December 16, 2021, but the related minutes and documentation are missing. The Board can have the current legal counsel to review if needed.

Director comments: Directors Jennifer Duarte and Carlos Rodriguez request clarification on why this item was revisited. Director Jennifer Duarte suggests having MVD provide an informational presentation for the community. General Manager Elaine Cervantes stated they will follow up in January.

A motion was made to approve.

Motion made by: Jennifer Duarte

Motion seconded by: Martha Madera

Voting:

Jennifer Duarte- Yes
Carlos Rodriguez- Yes
Martha Madera- Yes
Reyes Lozano- Yes

Motion passed.

The Board instructs staff to coordinate with Mid Valley Disposal to provide a seminar on green waste, ensuring everyone is on the same page.

6. DISCUSSION AND APPROVAL OF AMENDED BCSD BOARD OF DIRECTORS BYLAWS

Presenter: General Manager Elaine Cervantes stated that the Bylaws have been on the agenda since last month. Updates were made to clarify the roles and responsibilities of the Board of Directors, General Manager, and Executive Assistant, ensuring compliance with the Brown Act and allowing the Board President to vote and make motions.

Legal Counsel noted most revisions addressed compliance with the Brown Act or California law. She stated revisions were made for clarification, including updating the quorum calculation. The attendance section was cleaned up, with no added language, only the removal of references to unexcused absences and Board Member removal. A board member can only be removed if they resign, pass away, or are recalled by the community. A new paragraph on Conflict of Interest and Board Member duties was added. Quorum and disruption language was updated per the 2022 law changes. The final revision needed is on page 8, where "present" should be removed in the bylaws amendment section. Lastly, the Executive Assistant position title was corrected, previously listed as administrative.

Director comments: Director Carlos Rodriguez asked about attendance via Zoom or teleconference. Legal counsel noted that while not in the Bylaws, the Brown Act allows it with rules for teleconference within 72 hours, unless there's an emergency. Director Rodriguez requested time to review the Bylaws, as it differs from the version he received on Friday.

A motion was made to table to review.

Motion made by: Carlos Rodriguez

Motion seconded by: Reyes Lozano

Voting:

Jennifer Duarte- Yes
Carlos Rodriguez- Yes
Martha Madera- Abstain
Reyes Lozano- Yes

Motion passed.

7. RATIFICATION OF EMPLOYMENT HIRE: MAINTENANCE EMPLOYEE

Presenter: General Manager Elaine Cervantes reported that after posting the position on the District website and at three Biola locations (Best Market, Shaw Market, and the Post Office), 30 applicants applied, and 11 were interviewed. The position was filled as of October 23, 2024.

Director comments: Director Carlos Rodriguez thanks the new maintenance person for their help.

A motion was made to approve.

Motion made by: Martha Madera

Motion seconded by: Reyes Lozano

Voting:

Jennifer Duarte- Yes

Carlos Rodriguez- Yes

Martha Madera- Yes

Reyes Lozano- Yes

Motion passed.

8. Discussion on Biola Food Distribution Process and Consider Establishing Protocols to Reduce Risk of Information Injury and Potential Liability

Presenter: Director Carlos Rodriguez volunteered at a recent Biola food drive and acknowledged the changes made after last year's incident. He observed that elderly and disabled individuals struggled with the walk-in setup and suggested returning to a drive-thru with a waiver. General Manager Elaine Cervantes spoke with Angela Vue, the USDA Coordinator, noting that some locations do walk-thru while others do drive-thru. Director Carlos Rodriguez proposes a waiver and seeks legal counsel on whether it's needed. Legal recommends creating a protocol along with the waiver.

Director comments: Director Carlos Rodriguez requests a waiver. Director Jennifer Duarte seeks clarification on who exactly needs protection, and is informed that it applies to both. Director Reyes Lozano asks about car insurance.

Informational item only. The Board reached a consensus to establish a protocol for reverting to a drive-thru model.

9. BOARD MEMBER COMMUNICATIONS

- Director Jennifer Duarte honors Directors Martha Madera and Reyes Lozano for their service to the District with a certificate plaque.

10. STAFF REPORTS

- General Manager Elaine Cervantes provided the staff report.

11. ADJOURNMENT

Meeting adjourned at **7:31PM**

The next regular meeting of the Board of Directors is Thursday, December 19, 2024.

At 7:31 p.m. on November 21, 2024 the Meeting of the Board of Directors was adjourned.

I, Marisol Camacho, Board Clerk to the Board for the Community of Biola, do hereby declare under penalty of perjury that the above Minutes are a true report of all action minutes taken at the Regular Board of Directors meeting held on November 21, 2024 at the Biola Community Services District, 4925 N. Seventh Street, Biola, CA 93606.

Approved:

Date

Marisol Camacho, Board Clerk

NEXT MEETING OF THE BOARD OF DIRECTORS
December 19, 2024 – Regular Meeting, Biola, CA at 6:00PM