

MEETING AGENDA

Wednesday November 18, 2009

PUBLIC PARTICIPATION IS INVITED. Any member of the public may speak on any matter within the subject matter jurisdiction of the Board. If you wish to be heard on any item on the Regular Meeting agenda, including matters not on the agenda but within the subject matter jurisdiction of the Board, please so indicate by filling out a **REQUEST TO SPEAK** form and give to the Board Secretary at the beginning of the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the Board may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. Public Comments are *suggested to be* limited to three (3) minutes per speaker.

The Board recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Board Secretary at (760) 810-9856 two working days prior to the scheduled meeting for any requests for reasonable accommodations.

Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet will be made available for public inspection.

Meeting Location: Mama Carpino's Italian Restaurant
22010 Outer Hwy 18
Apple Valley, Ca. 92307

Time: 9:00 a.m.

I. CALL TO ORDER: Chairman Cambridge

II. ROLL CALL:

Board Members: Carpino____, Gilmore____, Hitt____, Johnson____,
Nassif____, Robinson____, Sparks____, Squire____, Vice Chairman
Cusack____, Chairman Cambridge_____.

III. PUBLIC COMMENTS

IV. CONSENT AGENDA ITEMS:

Recommendation: Adopt all below listed items on the Consent Agenda in one motion. The Consent Agenda is composed of routine non-controversial items of business and will be adopted in whole in one motion.

- a) **Approval of Minutes of October 21, 2009**
Recommendation:
Approve the subject minutes as part of the consent agenda.
- b) **Treasurer's Report**
Recommendation:
Receive and file.
- c) **Executive Board Job Description, Responsibilities and Contractual Services**
Recommendation:
Receive, ratify and file the job descriptions as presented.
- d) **Agreed Upon Procedures Report-Town/Association Agreement**
Recommendation:
Receive, ratify and file the procedures report as presented.

V. **NEW BUSINESS**

- a) **Status Update: Continuing Appropriation Budget 2008-2009 and Annual Budget Report 2009-2010**
Orlando/Chairman Cambridge

Open public comments
Close public comments

Recommended Board Action:
Information only.

- b) **Status Update: Marketing – Ryan Orr**

Open public comments
Close public comments

Recommendation:
Discussion

- c) **Status Update: Landscape - Chris Hitt**

Open public comments
Close public comments

Recommendation:
Discussion

- d) **Landscape Maintenance of Highway 18 Median – Orlando**

Open public comments
Close public comments

Recommendation:

Discussion

- e) **General Plan: Revisited – Vice Chairman Cusack**

Open public comments

Close public comments

Recommendation:

Discussion

VI. ACTION ITEMS

- a) **Reduce Board – Chairman Cambridge**

Open public comments

Close public Comments

Recommended Board Action:

Call for a motion to reduce Board per by laws and call for a vote, approve and file.

VII. BOARD COMMENTS: Chairman Cambridge

VIII. ADJOURNMENT: Chairman Cambridge

**Apple Valley Village
Property Business Improvement District
Board Meeting
Minutes – October 21, 2009**

I. CALL TO ORDER:

Vice Chairman Cusack called to order the meeting of the AVVPBID at 9:00 am.

II. ROLL CALL

Roll call was taken with the following Board Members present.

Roll Call

Present: Carpino; Gilmore; Hitt; Johnson arrived at 9:10am; Nassif; Robinson; Sparks; Vice Chairman Cusack.

Absent: Squire and Chairman Cambridge

III. PUBLIC COMMENTS:

Kim Scully wants to volunteer as a Board Member and is unable to hire local people for her business. She voiced concerns about having to hire a lawyer.

Janice Moore from the Apple Valley Chamber of Commerce extended an invitation to all the members to be her guest at the Chamber Luncheon. The Speaker will be Passantino and San Bernardino County has new programs supporting Small Business. The Chamber has resources at no charge for the Village Merchants.

Milt Holland, accused Board in being in violation of the Brown Act Quoted statute from 1986 made accusations against Chris Hitt, Rich Sparks and Rick Cambridge. Says his demands are being ignored.

Eugene Buchanan Advocate of the Scully Family Trust wants information provided on all agenda items.

IV. CONSENT AGENDA

Motion by Board Member Sparks and seconded by Board Member Robinson to accept Consent Agenda item a) as submitted.

Vote: Motion carried 8-0-0-2.

a) Approval of Minutes of September16, 2009.

Public Comments:

Joyce Stevenson received tax bill and can't afford it. When are you going to do something? Have MWA and FD on her tax bill. Why are you paying Soni \$900.00 per months and \$48.00 for cell phone? How much interest are we getting?

Board Member Nassif checked with Board Member Gilmore and stated that we are receiving approx. 1%.

b) Treasurer's Report

Recommendation:

To approve the Treasurer's Report as submitted.

Motion by Board Member Nassif and seconded by Board Member Hitt to accept Consent Agenda item b) as submitted.

Vote: Motion carried 8-0-0-2.

V. NEW BUSINESS

a) Executive Board Job Description, Responsibilities and Contractual Services

Comments:

Eugene Buchanan stated concerns for amount being paid to attorney for responsibilities.

Board Comments and Discussion:

Chairman Cambridge: Sent responsibilities he drew up to each board member for review. Board will bring back final draft to next meeting.

b) Status Update: Landscape – Chris Hitt

Comments:

Eugene Buchanan concerned that if the Corridor came through it will rip out landscape and waste money.

Board Member Hitt has a tentative approval from Cal Trans. He provided copies of a PBID Boundary Map to all members plus it is on the Web Site www.avvillage.org .

Board Member Nassif stated Hi Desert Corridor would replace anything destroyed. It would be phase 2 in 10 or 15 years. Village will be a destination and sign will not be affected.

c) Status Update: Marketing – Web Site

Comments:

None

Board Member Nassif reported address of new website as www.avvillage.org and

encouraged all members to visit Project updates. Encourage members to send information to Soni on space for rent or properties for sale so they may be posted on the web site.

VI. ACTION ITEMS

a) Marketing – Scott Nassif – RFP

Comments:

Eugene Buchanan wants to know when committee happened. Wants to be included in meeting.

Board Member Nassif gave details on 3 proposals by TMG, Passantino and McGregor. Recommendation from Committee is Passantino.

Board Member Johnson questioned if marketing is going to help empty buildings.

Motion made by Board Member Robinson to approve the proposal from Passantino with a second by Board Member Sparks. All ayes motion passed.

Vote: 8-0-0-2

b) Capital Improvement Program- Scott Nassif

Board Member Nassif explained in detail the Guidelines and Application for the Grant Program. The information is on the website under Project update. You may print out the application and submit it by January 1, 2010.

Motion made by Board Member Sparks to approve the Guidelines and Application with a second by Board Member Carpino. All Ayes motion passed

Vote: 8-0-0-2

Board Comments:

Board Member Sparks concerned about negative comments about Soni.

Board Member Gilmore questions if Council has approved Sheriffs Contract.

Orlando Acevedo stated the contract has not gone to Council and he will bring a report to next meeting.

Vice Chairman Cusack showed sample ballot and explained directions stating the importance of the deadline of December 1, 2009 post mark. He informed members if they have not received a ballot by the first week of November to please contact us.

ADJOURNMENT

Motion by Board Member Sparks, seconded by Board Member Gilmore, and unanimously carried to adjourn the meeting of the Apple Valley Village Property Business Improvement District Meeting at 9:55 a.m. to the next meeting of November 18, 2009 at 9:00 a.m. at Mama Carpino's.

Respectfully Submitted

Soni Beckman
Administrative Consultant

Approved:

Larry Cusack
Vice Chairman

**APPLE VALLEY VILLAGE PBID
REVENUE & EXPENDITURE REPORT
CHECKING ACCOUNT AT AMERICAN SECURITY BANK
FOR THE MONTH ENDING OCTOBER 31, 2009**

REVENUES

TRANSFER OF FUNDS FROM ING ACCOUNT (10-23-09) \$10,000.00

EXPENDITURES

Administrative Consultant (SBCREO /Soni Beckman)	\$1,000.00
Cell Phone	48.52
Survey (J.E.Miller & Assoc)	<u>1,000.00</u>
Total Expenses	\$ <u>2,048.52</u>

BALANCE IN CHECKING ACCOUNT as of 10-31-09 \$ 12,381.15

SAVINGS ACCOUNT WITH ING (opened 2/13/09)

Balance as of 10-31-09 interest 1.14% (\$45.83) \$ 40,441.30

ASSESSMENT MONEY HELD BY TOWN

As of 6-30-09 \$483,429.46

**Respectfully submitted
Donna Gilmore
Treasurer
Apple Valley Village PBID**

BOARD CHAIR/C.E.O. JOB DESCRIPTION

1. Is a member of the board
2. Serves as the Chief Volunteer of the organization
3. Outline and achieve the organization's mission
4. Provide leadership to the Board of Directors, who sets policy and to whom the Chief Executive is accountable
5. Chairs meetings of the board of Directors after developing the agenda
6. Encourages Board's role in strategic planning
7. Appoints the chairpersons of committees, in consultation with the other Board members
8. Serves ex officio as a member of committees and attends their meetings when invited
9. Discusses issues confronting the organization with the Board as required
10. Helps guide and mediate Board actions with respect to organizational priorities and governance concerns
11. Subject to the control of the Board, shall have general supervision, direction and control of the business and affairs of the Corporation
12. Shall have the necessary authority and responsibility to operate the Corporation's day to day activities
13. Plays a leading role in fundraising activities
14. Evaluates annually the performance of the organization in achieving it's mission
15. Performs other responsibilities assigned by the Board
16. Monitors financial planning and financial reports in conjunction with the Vice Chair

VICE CHAIR JOB DESCRIPTION

This position is typically successor to the Chair position. In addition to the responsibilities outlined in the Committee Member job description;

1. Is a member of the Board
2. Performs Chair responsibilities when the Chair cannot be available
3. Reports to the Board's Chair
4. Works closely with the Chair and other staff to perform day to day activities
5. Participates closely with the Chair to develop and implement officer transition plans
6. Performs other responsibilities as assigned by the Board

BOARD MEMBER JOB DESCRIPTION

1. Regularly attends board meetings and important related meetings
2. Makes serious commitment to participate actively in committee work
3. Volunteers for and willingly accepts assignments and completes them thoroughly and on time
4. Stays informed about committee matters, prepares themselves well for meetings, and reviews and comments on minutes and reports
5. Gets to know other committee members and builds a collegial relationship that contributes to consensus
6. Is an active participant in the committee's annual evaluation and planning efforts
7. Participates in fund raising for the organization

BOARD SECRETARY JOB DESCRIPTION

1. Is a member of the Board
2. Maintains records of the board and ensures effective management of organization's records
3. Manages minutes of board meetings
4. Ensures minutes are distributed to members shortly after each meeting
5. Is sufficiently familiar with legal documents to note applicability during meetings

BOARD TREASURER JOB DESCRIPTION

1. Is a member of the Board
2. Manages finances of the organization
3. Administrates fiscal matters of the organization
4. Provides annual budget to the board for members' approval
5. Ensures development and board review of financial policies and procedures
6. Disburses Corporate funds as ordered by the Board

**EXECUTATIVE ASSISTANT / RECORDING SECRETARY
JOB DESCRIPTION**

Under general direction of the Board of Directors and the specific oversight of the Board President, performs administrative tasks in support of the Board and President. Completely uses a variety of office equipment, computers, and software programs necessary to complete assigned tasks.

1. Assists the Board Chair in developing and posting Board meeting agendas
2. Accurately completes various reports, letters, charts and documents by utilizing a variety of computer software programs and other office equipment
3. Composes correspondence on behalf of the Board Chair ensuring proper grammar, composition, and spelling and prepares proper signature
4. Performs a variety of duties related to the Board of Directors which include attending Board meetings; taking, compiling, and finalizing Board Meeting Minutes; ensuring election and annual economic disclosures are followed and completed; and assisting Board Members as needed/requested
5. Maintains and updates filing system of pertinent documentation related to the Board and PBID. Ensures filing system meets or exceeds local, state and federal record keeping requirements
6. Responds to requests from the public or legal entities in a timely and professional manner. Follows guidelines in releasing confidential or sensitive information, ensuring release only to authorized parties
7. Maintain calendar for filing dates along with critical financial posting dates
8. Researches and compiles information as requested by Board Chair and other Chief Officers; and stays up to date on changing laws that impact human resources procedures
9. Performs as an integral part of the PBID's senior management team

Apple Valley Village PBID Association
AGENDA MATTER – NOVEMBER 18, 2009 BOARD MEETING

Subject Item:

AUTHORIZE “CONTINUING APPROPRIATIONS” OF FISCAL YEAR 2008-09 BUDGET

Summary Statement:

On October 29, 2008, the Village Property and Business Improvement District Association Board approved the attached Fiscal Year 2008-09 Budget projects and programs.

Because these activities were not completed during FY2008-09, it is necessary for the Board to reauthorize the continued use of these funds.

Upon the Board’s approval of this item, the Town Council will also review this item at its December 8, 2009, regular meeting (tentative date).

Recommended Board Action:

Authorize Continuing Appropriations of FY2008-09 Budget.

AVVPBID Budget - Fiscal 7-1-2008 thru 6-31-2009

Descriptions - G&A Expenses	Year One Budget	
Outside Secretarial	12,000.00	
Phone	1,200.00	
Consulting Services	12,000.00	
Insurance	2,000.00	
Postage	1,200.00	
Website - PBID Communications	4,200.00	
Legal and Accounting	8,000.00	
Board Training (conferences)	2,000.00	
Office Expense	1,000.00	
Business Meals	1,200.00	
Office Equipment	600.00	
	<u>45,400.00</u>	
	General and Administrative Sub-total =	45,400.00
	15.73%	

Descriptions - Improvement Expenses		
Security - Police, Soft Sec. or Private (funds to remain with Town)	30,000.00	
Circulation, Drainage, Aesthetic (Funds to remain with Town)	161,220.29	
Marketing-Directory, Mailers, General Advertising (release funds)	15,000.00	
Previous Expenditures (repayment to Town)	36,996.60	
	<u>243,216.89</u>	
	Cost of Goods for Improvements Sub-total =	<u>243,216.89</u>
	Total Expenditures =	288,616.89

Revenues to Date 6-30-2008	282,886.02	
Interest earnings 07/01/08 to 09/30/08	4,604.22	
Interest earnings to be received	1,126.65	
	<u>288,616.89</u>	
	Total Revenues to Date =	288,616.89

Summary of Budget		
Funds to be transferred into AVVPBID account (per budget)	60,400.00	
Funds budgeted for current fiscal year payments by Town	191,220.29	
Funds to be paid to Town for previous 50/50 expenditures	36,996.60	
	<u>288,616.89</u>	
		288,616.89

Apple Valley Village PBID Association
AGENDA MATTER – NOVEMBER 18, 2009 BOARD MEETING

Subject Item:

LANDSCAPE MAINTENANCE OF THE HIGHWAY 18 RAISED MEDIAN

Summary Statement:

On October 29, 2008, the PBID Association Board approved the Highway 18 Raised Median Project as part of its FY2008-09 Budget. The Project includes engineering and landscape design, construction of a raised concrete median, and installation of landscaping and irrigation on Highway 18 from Navajo Road to Central Road. On December 9, 2008, the Town Council also approved the Association's Budget and the Project.

Due to budget constraints the project is expected to be constructed in four phases (four 1/4-mile sections) over five years. The PBID estimated expenditures are \$150,000 in FY2008-09 and \$125,000 in FY2009-10, FY2010-11, FY2011-12 and FY2012-13. On May 12, 2009, the Council also approved an allocation of \$143,824 from the FY2009-10 Community Development Block Grant (CDBG) program. In FY2010-11, FY2011-12 and FY2012-13, Town staff will submit an annual CDBG application to potentially garner additional construction funds.

In order to obtain a permit to construct and subsequently maintain the landscaped median in the State Highway, the Town needs to execute a Landscape Maintenance Agreement with the California Department of Transportation (Caltrans). Annual maintenance costs should also be addressed as part of this agenda item. Although maintenance fund sources have been briefly discussed at several previous Board and Council meetings; no formal commitments have been made by the Board or Council.

Due to recent developments, it is recommended that the PBID absorb the first three years of annual maintenance costs for two main reasons: First, because of continued declines in construction costs, the PBID may realize construction cost savings allowing for the maintenance costs to be absorbed into the existing Project budgets without increasing the approved budgets. Second, due to input from the PBID Association Landscape Committee, the project landscape architect has reduced maintenance costs by incorporating xeriscaping; that is, selecting native plants, shrubs and trees that require less maintenance and less irrigation.

When construction bids are received and work commences, construction budgets (and savings) will be more detailed. Until then, no increases are anticipated to the PBID's future Project budgets. If costs do increase beyond the existing budget allocations, this item would be reviewed by the Board. For now, estimated monthly maintenance costs are \$500 per ¼-mile section. When each section of the project is constructed, maintenance costs will proportionally increase. At build-out, monthly maintenance for the mile-long median is estimated at \$2,000.

If, at the end of the third year of maintenance, the PBID does not continue (if it is not reestablished) at the end of its fifth and final year, in 2013, the Village property and business owners may establish a new Landscape Assessment District wherein assessments would only go to fund the maintenance of the median and not other PBID-related activities.

As such, and based upon the foregoing, staff recommends the PBID Association Board approve the form motion prior to seeking the Town Council's approval of the Landscaped Maintenance Agreement.

Recommended Board Action:

That the Board agrees to approve the allocation of a portion of the Project's existing construction budget, and, as necessary, to set aside annual funds, for the landscape maintenance of the Highway 18 Raised Median Project.