AGENDA ITEM: ____
MEETING DATE: March 20, 2025

Biola Community Services District
Minutes of the
Board of Directors
Regular Board Meeting February 20, 2025
6:00p.m.

The Board of Directors of the Biola Community Services District met for its Regular Board Meeting on February 20, 2025 at the Biola Community Center, Biola, California.

Directors present: **Kinverly Suarez- President & Secretary**
Eugenio Gutierrez -Vice President
Carlos Rodriguez – Board Treasurer
Jennifer Duarte- Board Member

Directors absent: **(1) Vacancy**

Staff Present: **Present**

Public present: James Bell, Juana Hernandez, Maria Soto, Imelda Zarate, Guillermina Cervantes, Candelario Raya, Carmen Zamora, Jalieo *Illegible,* Lucrecia Martinez, Cecilia Diaz, Amelia Ponce, Simon Ponce, Agustin Diaz, Natalio Vasquez, Soledad Lopez, Javier Del Toro, Joel Matias, Juana Santos, Maria Santos, Manuel Aguilar Negrete, Veronica Suarez, Adela Lozano B., Manuel Villareal, Marcelina Lopez, Guillermo Lopez, Phillip Cervantes, Pedro Carmona, Irma Placencia, Maria Almaraz, *Illegible,* Maria Diaz C., Maria Guerrero, Fabian Reyes Olea, Rosalba *Illegible,* Arturo Alaniz, Primitiva Diaz, Araceli Diaz, Mercedes Ramos, *Illegible* Martinez, Pete Marcella G., Ofelia Marquez, Martha Villafana, Carmillo Lopez, Gabriel Mendoza, *Illegible,* Horacio Carbajal, Maria Carbajal, Ernestina Mendez, Margarita Altamirano, Rene Diaz, Manuel Diaz, Eduardo Antunez, Eduardo Antunez Jr., and Antonio Camacho.

Carmen Zamora, a member of the public, submitted an attachment to the board clerk containing tables with financial information on Verizon, Cricket, and LCW for distribution to the board.

Roll Call- Roll Call was called.

Call to Order- Director Kinverly Suarez called the meeting to order at 6:09 PM. Spanish Translation was provided for this meeting.

1. PUBLIC COMMENT

- Michael Placencia- commented on the removal of FCRTA's rural microtransit service and expressed his desire for it to be reinstated or retained in Biola, as his mother relies on it.

- Marcelina Lopez- thanks the new board members, requests the presentation of all the money collected for water by the District from its customers for transparency. She read the relevant law.
- Carmen Zamora- referenced the handout she distributed to the board clerk for the board and requested the removal of the General Manager and Legal Counsel. She also mentioned her review of the finances for FY 2023-2024 & FY 2024-2025, including Verizon, Cricket, and LCW, and demanded transaction details for transparency. Additionally, she recommended not renewing the General Manager's contract and replacing the current Legal Counsel.
- Mercedes Ramos- Former board member for 21 years, she noted many changes and expressed disappointment over unprofessional conduct in meetings by board members. While disagreements are fine, she stated the board president needs to remind members of proper communication. Regarding the General Manager, she recalled requesting her resume and noting qualifications she lacked.
- Amelia Ponce- concerned about the $200,000 loss and urges the board to investigate. The General Manager mentioned the loss in September 2024, but in October, the public demanded names of those who had access to the account. In November, the GM claimed the money was used to pay old receipts [*bills*] but provided no proof. As of February 2025, no proof has been shown. Amelia asks the board to continue the investigation if the GM cannot provide evidence.
- Martha Villafana- Unhappy with the administration, thanks new board members, demands Elaine Cervantes' resignation. Criticizes Jennifer Duarte's ethics, calls for officials who will serve the community. Demands reinstatement of the 20,000 gallons of water. Seeks clarity on the $200,000.
- Maria Soto- calls for transparency, stating that excessive staff leads to overspending. She questions the need for legal counsel favoring the GM and demands the return of the water gallons. She emphasizes the community's financial struggle, saying they can't afford to pay bills.

CONSENT CALENDAR

2. (a) Approval of Regular Meeting Minutes

Dated December 19, 2024

(b) Approval of Financials

Ending December 31, 2024

(c) Approval of Special Meeting Minutes

Dated January 15, 2025

(d) Approval of Regular Meeting Minutes

Dated January 16, 2025

(e) Approval of Financials

Ending January 31, 2025

Director Eugenio Gutierrez pulls the financial items 2b and 2e for discussion.

A motion was made to approve the minutes, items numbers 2a, 2c, and 2d.
Motion made by: Jennifer Duarte
Motion seconded by: Kinverly Suarez
Voting:
Eugenio Gutierrez- Yes
Kinverly Suarez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes
Vote Count 4-0. Motion passed.

Director Concerns Regarding the Financials

- **Sporting Goods purchase:** Director Eugenio Gutierrez questioned a July 2, 2024, Sporting Goods purchase; the GM confirmed it was the purchase for four blue tarps for food drives.
- **Verizon:** Director Eugenio Gutierrez also inquired about the Verizon bills. Director Kinverly Suarez requested all the Verizon invoices, with legal counsel advising redaction of phone numbers and private info. GM Elaine Cervantes stated she would provide that information.
- **Legal fees:** Director Eugenio Gutierrez questioned LCW's legal fees. He questioned who authorized the General Manager to send matters to legal.
- **Bank Statements:** Director Carlos Rodriguez requests the bank statements. Director Jennifer Duarte advises redacting sensitive information if needed but asks the General Manager to provide them to move forward with business.

A motion was made to table item 2b of the financials for the period ending December 31, 2024.
Motion made by: Carlos Rodriguez
Motion seconded by: Kinverly Suarez
Voting:
Eugenio Gutierrez- Yes
Kinverly Suarez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes
Vote Count 4-0. Motion passed.

Additional Director Concerns Regarding the Financials

- **Check Signing:** Director Eugenio Gutierrez concerned of checks signed by former signers once the new signers were authorized due to delays by staff. Director Carlos Rodriguez stated he wishes to see the hard copies before approving item.

A motion was made to table item 2e of the financials for the period ending January 31, 2025.

Motion made by: Jennifer Duarte
Motion seconded by: Carlos Rodriguez
Voting:

Eugenio Gutierrez- Yes
Kinverly Suarez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes

Vote Count 4-0. Motion passed.

NEW BUSINESS

3. DISCUSSION ON SITE VISIT TO THE JAMESTOWN WASTEWATER TREATMENT PLANT

Presenter: James Bell and Randy Johnson, Biola Water Operators from MVES, presented this item. James Bell, along with Director Eugenio Gutierrez and Carlos Rodriguez, toured the Wastewater Treatment Plant (WWTP) in Jamestown. The tour was scheduled to gather information, as Biola had a proposed plant similar to Jamestown's. Jamestown has three full-time operators, while we have only one part-time operator.

Public Comments: Eduardo Antunez inquired about the impact of the new system on water production through percolation. Randy Johnson clarified that the system will not increase the amount of water but will improve its quality. He explained that the current water contains high nitrate levels, which cause problems, and the proposed plant will remove these nitrates, resulting in better-quality groundwater.

Director Comments: Director Eugenio Gutierrez inquired about the amount of clean water returned from the sewer system. He also asked whether the District could sell its treated water. Randy responded that if the District implemented an NBR system, the water could be sold for use in parks or irrigation for local farmers.

Informational item only.

4. DISCUSSION AND APPROVAL TO AMEND THE ORIGINAL WWTP BIOLA DESIGN TO NOT EXCEED $5.6 MILLION DUE TO FINANCIAL CONSTRAINTS

Presenter: Alfonso Manrique, PE, of AM Consulting Engineers, expanded on Director Eugenio Gutierrez's inquiry about selling clean water. He previously explored the idea and stated that farmers declined to purchase it, and Actagro (a Biola water user) cited issues with using recycled water for fertilizer, along with high costs. He provided an example and noted that Fresno's NBR plant provides water for free since farmers won't pay for it. Such water is typically used for golf courses and high-end resorts. NBR plants are expensive to operate.

Regarding the agenda item, the State confirmed that due to no violations, the District is limited to the $5 million funding agreement. Alfonso met with BCSD staff to determine necessary improvements to reduce costs. The revised project scope includes:

- Mobilization & Demobilization: $350,000
- Influent Lift Station Improvements: $1,000,000
- New Aerators: $150,000
- Sludge Removal Piping: $450,000
- Sludge Drying Beds: $500,000
- Effluent Storage Pond Improvements: $250,000
- Main Electrical Switchgear Upgrade: $400,000
- SCADA System: $150,000
- Groundwater Monitoring Wells: $250,000
- Solar PV System: $7,000,000
- Contingency (15%): $630,000
- Engineering & Construction Management: $420,000

Total Construction= $5,250,000.00

Public Comments: Eduardo Antunez asked why change our current WWTP system if its working? Alfonso answers the method the District uses right now is the lowest treatment method that the State allows.

Director Comments: Director Carlos Rodriguez wanted confirmation that the ~$5.7 million is a grant, which Alfonso states it is. Director Eugenio Gutierrez asks how accurate the projected costs amount is, which Alfonso says its an estimate. If we think project will go over, we can break some of these improvements, prioritize them, and/or put as bid additives.

A motion was made to approve.

Motion made by: Carlos Rodriguez
Motion seconded by: Jennifer Duarte
Voting:

Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes

Vote Count 4-0. Motion passed.

5. ADOPTION OF RESOLUTION 2025-02 AWARDING THE CONSTRUCTION OF THE GROUNDWATER RECHARGE IMPROVEMENTS PROJECT TO A.J. EXCAVATION INC.

Presenter: Alfonso Manrique, PE, of AM Consulting Engineers, explained that the District received a CDBG grant a few years ago to enlarge the pond basin behind Actagro on a 5-acre parcel. The project aims to bring canal water into the pond during summer for groundwater recharge to meet new SGMA requirements. The project went to bid, with A.J. Excavation Inc. submitting the lowest bid at $239,632. The grant amount was increased to $375,000. Phase 1 involved installing pipeline on Third St. from N. Shaw Ave. to G St. An additional 300 feet of piping was completed with ARPA funding. The final step is enlarging the pond.

Public Comments: Eduardo Antunez asked if there was already a separate grant for this. Alfonso confirmed there was one for Phase 1, but the pipeline didn't reach the pond. However, costs were covered with surplus ARPA funds.

Director Comments: Director Carlos Rodriguez clarified the budget amount and asked if there would be extra money leftover. Alfonso responded that it was unknown at the time.

A motion was made to adopt.
Motion made by: Jennifer Duarte
Motion seconded by: Carlos Rodriguez
Voting:
Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes
Vote Count 4-0. Motion passed.

6. DISCUSSION AND APPROVAL OF 2025 BOARD TRAINING OPPORTUNITIES WELL 2025 ANNUAL CONFERENCE

WELL 2025 Annual Conference
– March 7-8, 2025, Garden Grove, CA
CSDA Leadership Conference
- April 25-28, 2025 – La Quinta, CA
- October 5-8, 2025 – Redding, CA
- November 16-19, 2025 – Monterey, CA

Presenter: Elaine Cervantes, General Manager, Biola CSD stated some board members were interested in attending this conference, which is vital to learn of the rules and regulations. She added that the District gets a yearly $2,500 scholarship for training from CSDA.

Public Comments: Eduardo Antunez supported the idea of training and suggested being mindful of expenses. Mercedes Ramos emphasized the importance of keeping and providing receipts for any related costs.

Director Comments: Director Carlos Rodriguez suggested in-house training to save the District money while also training the community. Director Jennifer Duarte asked for clarification on whether the reimbursement covers mileage rather than gas. The General Manager confirmed it covers mileage. Director Kinverly Suarez suggested the November training date.

A motion was made to approve one of the training sessions, with the board to follow up on the dates.
Motion made by: Kinverly Suarez
Motion seconded by: Eugenio Gutierrez
Voting:
Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Abstain
Jennifer Duarte- Yes

Vote Count 3-1. Motion passed.

Director Carlos Rodriguez recommended proceeding with the Early Bird registration, with details to be finalized later. The General Manager clarified the Board just approved the training and will be added to the March agenda for further discussion. By that time, a new board member will be in place, and their availability, along with attendee participation, will be considered.

Legal counsel advised that a budget should be prepared to outline the total cost, including early registration fees, hotel expenses, and mileage. Director Jennifer Duarte noted that full names of attendees are required at the time of registration. According to the General Manager, the Early Bird registration deadline for Monterrey, CA, is October 18, 2025.

Director Carlos Rodriguez motioned to move agenda item 13- Closed Session before agenda item 7. After the General Manager explains item 7, he withdrew his motion.

7. APPROVAL OF ACCESS RIGHTS TO THE DISTRICT'S COMMUNITY WEST BANK (FORMERLY CENTRAL VALLEY COMMUNITY BANK)

Presenter: Elaine Cervantes, General Manager of Biola CSD, stated that the bank requires authorization for credit card holders. Currently, there is no credit card, which has limited her ability to make office purchases. Additionally, a letter is needed to specify who will have access to online services, such as remote deposits. She recommended granting access to the General Manager, Executive Assistant, and CPA.

Public Comments: Juana Hernandez emphasized that the Board Treasurer has the right to access the bank account. The General Manager should grant this access and allow him to fulfill his duties. His request should not be denied. Eduardo Antunez asked Director Carlos Rodriguez if he is able to provide certain financial reports right now as Treasurer, which he answered no because he doesn't have online access. Carmen Zamora agreed with the previous comments and suggested adding to the bylaws that the board treasurer should have full account access to provide public reports. Mercedes Ramos does not understand the denial of access to the board treasurer.

Director Comments: Director Jennifer Duarte agreed with the public that the board treasurer should have access and stated that she does not recall Director Carlos Rodriguez ever requesting financials. Director Kinverly Suarez asked for clarification on the item. The general manager explained that it concerns assigning a credit card to a current signer. Legal counsel advised properly agendizing the item for the next meeting, specifying that the access pertains to a credit card. The general manager then stated this item is recommended to grant account access to the General Manager, Executive Assistant, and CPA.

Director Jennifer Duarte motioned to allow Kinverly Suarez access to the Central Community West Bank. Director Carlos Rodriguez seconded. After board discussions and clarification, both Jennifer and Carlos withdrew their motions.

Legal counsel clarified that the recommended motion was to approve granting Elaine Cervantes, General Manager, Marisol Camacho, Executive Assistant, and CPA Stephen Huerta access for the purpose of conducting necessary actions, including online banking, online deposits, inquiries related to statements, fees, bounced checks, debit inquiries, and any other required account management.

Due to lack of clarity, Legal recommended that this item be tabled and that a report be provided to clearly articulate the purpose of this item

Board consensus for staff to bring back a staff report that clearly articulate what the general manager is asking the board to do with this item. Director Jennifer Duarte requested that Board Treasurer Carlos Rodriguez be included among those with access rights, alongside the General Manager, Executive Assistant, and CPA. Director Kinverly Suarez recommended including herself as well. Legal suggested bringing back a Resolution.

Director Kinverly Suarez also suggested keeping a log of purchases to be made. Legal recommended treating this as a separate item and developing a procedure that outlines who is responsible for logging the credit card purchases and maintaining those records. Director Kinverly Suarez suggested establishing protocol/procedure to avoid confusion.

The Executive Assistant /Board Clerk sought clarification on whether she could continue making weekly Friday deposits online via remote deposit. Legal advised that she is not authorized for bank account access, so deposits must be made in person. The General Manager stated that staff would handle the deposits manually.

A motion was made to table this item to bring back a resolution that clearly identifies who is being authorized for granted access and the specific access that is being and to include the treasurer and board president.

Motion made by: Jennifer Duarte
Motion seconded by: Kinverly Suarez
Voting:
Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes

Vote Count 4-0. Motion passed.

8. APPROVAL TO UPDATE THE COUNTY OF FRESNO AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR SPECIAL ACCOUNTING DIVISION SPECIAL DISTRICT/ORGANIZATION DATA SHEET – SIGNER UPDATES

Presenter: Elaine Cervantes, General Manager of Biola CSD, stated that this item updates the signers for one of the reserve accounts. Directors Kinverly Suarez, Eugenio Gutierrez, and Carlos Rodriguez will be authorized signers, allowing any of them to withdraw funds if needed.

Public Comments: None

Director Comments: Director Carlos Rodriguez inquired whether they needed to go in and sign. Elaine responded that they only need to sign the paper she has.

A motion was made to approve.

Motion made by: Jennifer Duarte
Motion seconded by: Carlos Rodriguez
Voting:
Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes
Vote Count 4-0. Motion passed.

9. APPROVAL TO UPDATE AUTHORIZED SIGNERS ON THE DISTRICT'S LOCAL AGENCY INVESTMENT FUND (LAIF) ACCOUNT

Presenter: Elaine Cervantes, General Manager of Biola CSD, stated that two authorized signers are required for this account. Director Kinverly Suarez and Carlos Rodriguez have been placed as the signers.

Public Comments: Mercedes Ramos recalls that this account was never to be touched, as it is an investment bank account. She does not understand why that has changed. Eduardo Antunez explained that this is not a reserve fund but is held by the County for a reason, often tied to grants or other projects. Juana Hernandez suggested that the signers always double-check what they are signing. They need to be well-informed and given enough time, as those signers will be questioned about the whereabouts of the funds. Amelia Ponce requested that the board investigate who initiated the transfers and what they were used for. She also asked for receipts, as the transfers were made without notifying the board, which she is unacceptable.

Director Comments: Director Carlos Rodriguez says LAIF is an acronym for what? [*Local Agency Investment Fund*]

After inquiries from the public and comments from Directors Jennifer Duarte and Eugenio Gutierrez, Legal suggested that the item be brought back on a later agenda. This will allow for an overview of the account, its purpose, and any transfers over a specified period, so that everyone can address the questions raised by the public.

Director Kinverly Suarez motioned to table the item but later withdrew it.

A motion was made to approve the signers and bring back an agenda item with more information on the LAIF account.

Motion made by: Carlos Rodriguez
Motion seconded by: Jennifer Duarte
Voting:
Kinverly Suarez- Yes
Eugenio Gutierrez- Yes
Carlos Rodriguez- Yes
Jennifer Duarte- Yes

Vote Count 4-0. Motion passed.

10. APPROVAL OF PROPOSED AMENDED BCSD BOARD OF DIRECTORS BYLAWS

Presenter: Elaine Cervantes, General Manager of Biola CSD, stated that a meeting on Tuesday [*February 18, 2025*] was held for this. Then Legal Counsel submitted the corrections from the directors that were present made. Under direction of the board, Yesenia Carrillo, legal counsel, revised the quorum section, attendance section, revised language on stipend

Public Comments: Carmen Zamora opposed the changes to the bylaws, stating that they were neither requested nor authorized by the board. She requested that any further payments to LCW be halted and that LCW be contacted to request new legal counsel due to a conflict of interest. Additionally, she called for the removal of Elaine Cervantes from her position. Mercedes Ramos finds the changes problematic and recalled that the former attorney did not have any issues with the District's bylaws.

Director Comments: Director Jennifer Duarte recalls that the suggestion to revise the bylaws dates back to when she noticed discrepancies. The bylaws stated that, as president, she did not have a vote, but during training, she learned that she did and confirmed with legal counsel. Director Carlos Rodriguez is not ready to vote on this. Director Kinverly Suarez also commented there weren't any major changes at the special meeting on Tuesday.

Director Jennifer Duarte motioned to approve but after no second, the motion failed.

A motion was made to approve the ByLaws.

Motion made by: Carlos Rodriguez
Motion seconded by: Jennifer Duarte
Voting:

Kinverly Suarez- No
Eugenio Gutierrez- No
Carlos Rodriguez- No
Jennifer Duarte- Yes

Vote Count 1-3. Motion failed.

11. BOARD MEMBER COMMUNICATIONS

- Director Carlos Rodriguez makes a comment *[Illegible]*
- Director Eugenio Gutierrez expressed his gratitude to the community for their continued support. He acknowledged the challenges faced but encouraged ongoing support to overcome the obstacles.
- Director Kinverly Suarez says they are working in the communitys best interests.

12. STAFF REPORTS

- General Manager, Elaine Cervantes, stated the staff report is attached.

Public Comments: Carmen Zamora asked about the Biola Chamber of Commerce. Juana Hernandez commented also.

13. CLOSED SESSION-

NOTICE TO THE PUBLIC

As provided in the Ralph M. Brown Act, Government Code., the Governing Board may meet in closed session with members of its staff and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Board will meet on in closed session are identified appropriately in open sessions as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in closed session will be made in accordance with Government Code.

Public Comments: None

CONFERENCE WITH BOARD OF DIRECTORS AS PER GOVERNMENT CODE SECTION 54957; PUBLIC EMPLOYEE PERFORMANCE EVALUATION TITLE: Employee Evaluation (General Manager) California Government Code sec.54957(b)(1).

14. ADJOURNMENT

Meeting adjourned at **10:19PM**

The next regular meeting of the Board of Directors is Thursday, March 20, 2025.

At 10:19 p.m. on February 20, 2025 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 February 20, 2025 at the Biola Community Services District, 4925 N. Seventh Street, Biola, CA 93606.

Approved:

4/17/25 _____

Date

_____

Marisol Camacho, Board Clerk

NEXT MEETING OF THE BOARD OF DIRECTORS

March 20, 2025 – Regular Meeting, Biola, CA at 6:00PM