



**Agenda for the December 21, 2009 Homestead Valley Community Council Meeting  
at the Johnson Valley Improvement Association, 3:00 P.M.**

Flag Salute

Roll Call / Delegate List

Approve Agenda

Approve Minutes of Previous Meeting

Treasurer's Report:

1. Guest Comments
2. Community Clean-up Coordination – Mike Romage, Code Enforcement Supervisor
3. Committee Reports:
  - Fund Raising / Events
  - Advisory
  - Sphere of Influence
  - Hwy 247 Zoning
  - Public Outreach
  - Community Services / Improvements / Cooperation
4. Homestead Valley road signs
5. SB County building permits and hauled water
6. HVCC sponsored workshops for Brown Act and CA Public Records Act
7. Nettie Pena windmill documentary
8. President's Report
9. Items for Next Agenda – meeting Monday January 18th at 3:00 P.M. in Flamingo Heights

## HVCC DELEGATES

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Phyllis BURNS . . . . .FHCA . . . . .364-4391 . . .pburns979@verizon.net  
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Alan RASMUSSEN . . .228-5400 . . . . .arasmussen@sbcounty.gov

12/21/09

**HOMESTEAD VALLEY COMMUNITY COUNCIL  
MINUTES OF MEETING IN YUCCA MESA, NOVEMBER 16, 2009**

Opened with Flag Salute at 3:05 pm

Betty Munson requested that meeting be recorded.

Present were Maryan Barkley, Phyllis Burns, Jim Hanley, Jim Harvey, Elizabeth Karman, Earlene McCloskey, Mike McGrath, Betty Munson, Barbara Renton, Nancy Sammons, Carl Schmitt, Joyce Wheeler.

Guests: Adrienne Bishop (Landers Assn.), John Burkhart, Terry Burkhart, (Johnson Valley), Larry Calandar, (Flamingo Heights), Michelle Corbin (BDVWA), Judy Corl-Lorono (Landers Assn.), Carl Gorham, Janea Jackson (MCAGCC, G-5), Phil Johnson (Landers Assn.), Suzanne Johnson, Jerry Kaye, Joann Kidwell, Charlie McHenry (YMIA), Martha Oswalt, Randy West, Joanna Wright (JVIA), Alan Rasmussen 3rd District Field Representative.

**Delegate List** was changed previously, removing Ken Stermetz as a Landers delegate.

**Agenda** was approved with modifications: Yucca Mesa delegates added as 3B, letter of protest from YMIA to FHCA delegate Elizabeth Karman. Elizabeth Karman changed Item 6, to By-Laws and Standing Rules Discussion. Item 7 was withdrawn by Elizabeth, but Jim Harvey asked to retain it for discussion.

-The delegates agreed to a procedural change: that minutes be approved by motion; and that agenda items be first discussed by the delegates, allowing them to speak freely and possibly arrive at a consensus, then guest comments could be made.

**Minutes** of October meeting, posted to the Website in draft form, approved by motion after discussion:

-No retroactive changes to be made.

-Delegates disagreed with Judy Corl-Lorono that a joke by Martha Oswalt in the October meeting should be in the minutes.

-Jim Harvey noted that he had become aware of a meeting of Bighorn people planning to challenge us on items in the minutes; that the audio was humorous, childish and petty, but did not surprise him.

-Jim Hanley added that the audio almost sounded like a serial meeting, a Brown Act violation, and that the attempt to make a big deal out of the joke was a blatant attempt, caught on tape, to try to disrupt and discredit the HVCC, that those involved had lost all credibility with the Council. Jim Harvey commented that Judy's tone reading the HVCC minutes was unusual and unique, and if we ever needed someone to read our minutes aloud he would recommend her.

Martha asked if it would be out of line to play the audio for the Delegates. Jim thought it would be inappropriate to play the audio at the meeting but offered to make it available for Council members afterward if they wished.

**Treasurer's report:** Earlene McCloskey.

Beginning balance 6,709.97; Income 55.48; Expenses 3.00; Balance 6,762.45

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Funds were moved from CD to Money Market as approved. Earlene confirmed the annual 100.00 donation from FHCA.

**1. Guest Comments:** none

**2. Scott Wexton and Grey Hill** introduced their non-profit organization, **Keep Our Desert Clean**, trying to establish drop-off and pick-up service to prevent trash dumping in the desert. Hoping to launch soon, taking web donors, hoping for grants. Tires, and tires with rims, will be a priority, plus furniture, recyclables and electronics. All four communities do some type of clean-up day, and could coordinate with them. Delegates approved a donation of \$200 from HVCC.

**3. Committee Reports**

**-Fund Raising/Events:** The Christmas Party venue is now Yucca Mesa, Saturday, Dec. 19, 5.00 tickets now available for sale, 8 to each delegate. For benefit of children, admission to include a unwrapped gift \$10 or more value, which gets you two free drinks. Toys go to Tender Loving Christmas. Time 6 pm. Other details in agenda packet. Party committee meeting at YMIA Nov 30 at 1:00.

**-SOI Committee:** Elizabeth said the LAFCO hearing will not be sooner than February 2010.

**-Hwy 247 Zoning:** Phyllis Burns discussed Oct 29 meeting in Alan Rasmussen's office, including conference call to Jim Squires as described in minutes in Agenda packet. The commission meeting in San Bernardino was postponed until Dec 17. A forum similar to the one held last year in Flamingo Heights was deemed appropriate for Landers residents, too. Jim and

Phyllis attended the Landers board meeting to inform them of the issue. Jim asked Alan Rasmussen to contact Jim Squires for a convenient time. The question was raised about the large area off the highway, around Whalen's Wash, and why it would be zoned commercial.

**Item 8. Hwy 247 shoulders:** discussed at this point since Alan had to leave early. He said a letter from county official, Brendan Biggs, requested for his meeting he invite Mohammed Ali and Yu Jianxiong (pronounced Johnson) from CalTrans. Jim got a callback from Mark Shelsky whose name was on the public notice, who wanted the special meeting to be at the next HVCC meeting. Why the rush, since the project not expected to start until 2015. Alan suggested the public meeting be held in January. Jim reminded us that his contact with CalTrans was approved in our last meeting, otherwise we would have missed the deadline to ask for a public hearing.

### **Back to Committee Reports**

**-Public Outreach Committee:** Discussed announcing meetings in the local news columns and in the Briefs in the Hi-Desert Star. Maryan Barkley will call the radio station. Jim will print more brochures for Welcome Center.

**-Community Services/Improvements/Communications:** made responsible for the issue of the county and the formation of a Municipal Advisory Council (MAC) in Yucca Mesa. Jim reported there was a lot of interest in the HVCC from the community during a forum/workshop the previous week. Many were unaware of the Council and did not know we were meeting today. Alan mentioned the HVCC plans for a workshop about the Brown Act and the reaction was enthusiastic. CalAware lead counsel ready to have meeting in late January. Best time for meeting was discussed.

**3B. Complaint by YMIA,** about conduct by an HVCC delegate toward other delegates and a member community organization. Jim was requested to read a letter filing a complaint by unanimous vote of YMIA board against Elizabeth Karman, delegate from Flamingo Heights, that by her actions at public meetings she is not performing in the best interests of the member organization or the HVCC. E-mails were attached.

-Mike McGrath commented that Elizabeth had made derogatory comments about YMIA. Even as a Coalition member, she could not "bad mouth" everybody in public, then come sit at the Council table. Jim said he felt language in e-mails was alarming and unbecoming of one delegate toward another delegate or member organization. The letter and e-mails were given to Elizabeth, and Jim requested copies from Charlie McHenry.

-Since Elizabeth is a delegate from FHCA, this issue was referred to their board.

-Elizabeth stated that the Stop Yucca Mesa Coalition was not under the purview of HVCC or YMIA. Jim replied that the people sitting at the table are the last people she had to tell that to.

**4. Hwy 247 Homestead Valley signs:** Mike McGrath e-mailed Chuck Favel at dotca.gov and received a callback. Mike explained that the Homestead Valley consisted of four communities and we want recognition of that fact with signs entering and leaving the area. He was told that we got signs in 2003, and could not get more. Mike will contact Neil Derry. Discussion of wording on signs: The county calls us "Homestead Valley." Also historic highway considerations, homestead communities now over 50 years old, legally historic. Earlene McCloskey commented that years ago they were told we did not have the population for them to spend the money on signs. Betty commented that the more isolated and scattered we are, the more need there is for signs. Motion passed to have "Community Name," large, "A Homestead Valley Community" smaller. Phyllis, Mike and Carl opposed. Communities will be presented with mockup of signs as we proceed.

**5. Posting of Draft Minutes prior to approval:** Elizabeth commented the general public gets a chance to see them, and there might be mistakes. Betty said queried items were checked on audio and put in word for word. That actually a majority had approved by e-mail. Motion made not to post minutes before approval. Jim remarked it is very common and traditional for unapproved draft minutes to be posted prior to a meeting. Motion was withdrawn. Second motion approved, to post draft minutes on Website. Elizabeth opposed.

**6. By-Laws and Standing Rules Discussion:** Elizabeth had copies of By-Laws and her questions distributed to Council and guests. Jim asked that materials for meetings be submitted when the request for agenda items goes out on Wednesday, for inclusion in Agenda packet posted on Friday before the Monday meeting.

Elizabeth submitted to the secretary "for the record" a copy of the HVCC By-Laws and her list of points for discussion.

-To the question, should we take on projects that benefit all four of the member organizations, not other organizations or residents within the four communities, she was answered that anyone is welcome to take issues to the community organization.

-Do we need a litmus test to determine projects? Water hauling and SOI discussed. Answer, we can't be rigid. Things decided

on case-by-case basis, whatever the Council decides.

Issues can be brought to member organizations or directly to the HVCC as the clearing house for the four communities, to work with other communities if necessary.

After confusing guest comments, Jim Harvey stated, for those not familiar with HVCC, that we are a Council, we are advisory. We are not a governing body; we do not legislate. We simply meet, listen to the people in the community, and advise on County, State and Federal issues. We have the ear of Alan Rasmussen, to the office of our Supervisor. We can take issues to our State and Federal lawmakers, and have done that in the past, as an advisory council.

-Elizabeth questioned by what authority has HVCC been granted the right to function as community representatives, have County, State or Federal bodies acknowledged this declaration? If so would HVCC need to be reorganized as a government body, under Brown act regulations. Is HVCC acting as a quasi or pseudo government? The response was, that those questions were just answered. That the authority came from the people of the member organizations.

Jim recommended a committee be formed to review this, separately from the By-Laws committee. Nancy Sammons to chair.

-Earlene commented that YMIA had asked to join the Tri-Communities Council to form the HVCC. Elizabeth stated that 92% of the Yucca Mesa population not members of YMIA. She was answered that they choose not to belong, and HVCC does not make any laws. She then objected that we say we are a body that represents the Mesa. When asked who else would represent the Mesa, she said it should be up to the people to decide.

-Jim read a statement written in 1991 by Bob Dockendorff, one of the HVCC founders, "HVCC vs the MAC Concept." It pointed out that the problems of a County-appointed body during times of administrative change was a reminder of the HVCC's unique position with the county, as a link to government. The formation of a MAC is time-consuming, and requires the supervisors to make judgments appointing people to the MAC that they are totally unfamiliar with. Dockendorff said that Yucca Mesa joined in 1997 after its unsatisfactory attempt to form a MAC. In addition to HVCC being immune to the effects of administrative change, our Third District Supervisor preferred the Council's guaranteed representation of each of its four communities. Because of its structure it works for all the residents of the Homestead Valley, taking on whatever tasks are in the best interest of this expansive, unincorporated area. Dennis Hansberger and Bruce Davis helped put the HVCC together.

-Elizabeth repeated that people on the Mesa feel that YMIA is not representing them.

-Mike McGrath stated Elizabeth is asking for clarification, therefore he asked Elizabeth for clarification as to whom she represents. She is a delegate from Flamingo Heights. Jim pointed out she had invited the MAC forum/workshop meeting to a MAC meeting, but had not invited them to this HVCC meeting. Elizabeth complained that at that meeting she was suppose to be explaining what a MAC was, that delegates from HVCC and YMIA thwarted that. Jim disagreed and responded, that as a president of HVCC he was concerned that a delegate conducted herself disrespectfully to the people attending the meeting, and may affect the reputation of the HVCC. When asked why the unrepresented people of the Mesa could not come to the HVCC, Elizabeth said they don't know about it. Publicity efforts were mentioned, trying to reach out to everyone. A guest comment was made, about the doors that HVCC has opened for the small communities who could not do it on their own.

-Elizabeth then questioned: were the financial records open to the public, in particular who was making donations to HVCC. Earlene said donors were mentioned in the public meeting.

-Mike again asked for the clarification, who is Elizabeth representing? She said she was representing Flamingo Heights. He asked if the people of Flamingo Heights had given their permission to make all these requirements and requests. Elizabeth did not answer him and abruptly left the meeting.

Jim said the Committee to discuss these issues would be formed.

**Item 7.** Not discussed.

**9. President's report:** Documentary regarding the the effects of wind farms available. Suggested a community event sponsored by HVCC and possibly the Alliance for Responsible Energy Policy. There are two proposals now to cover the flat topped mesas in Flamingo Heights with windmills.

No cost to present this documentary, except for rent of room, about \$35. Motion approved to sponsor, for up to \$150. Referred to Community Services/Improvements/Cooperation Committee.

**10. Item suggested for the next agenda:** Bulk rate postage, Maryan Barkley

Meeting adjourned 5:15

Late request for public comment: Larry Calandar asked if anyone had information on High Desert Water District rate increase. Meeting on Dec 16. Jim will discuss with Dave Cooper.

Betty Munson, Secretary

**Homestead Valley Community Council Committees**  
**12/21/09**

**Ad Hoc Committees**

**Hwy 247 Zoning:** Chairperson Phyllis Burns and Maryan Barkley

**Sphere of Influence:** chairperson to be appointed  
Betty Munson  
Rick Sayers

**Nominating:** assembled in April for May nominations and June election

**Standing Committees**

**Fundraising / Events:** Chairperson Earlene McCloskey  
Phyllis Burns  
Nancy Sammons

**Advisory:** Chairperson Nancy Sammons  
Presidents of the 4 HVCC community organizations:  
Wilma Ochoa, Landers  
Tory Preston, FHCA  
Charlie McHenry, YMIA  
Betty Munson, JVIA  
Alan Rasmussen, Third District Field Representative

**Public Outreach:** Chairperson Betty Munson  
Maryan Barkley  
Mike McGrath  
Linda Willgues

**Community Services / Improvements / Cooperation:** Chairperson Rick Sayers  
Jim Hanley  
Betty Munson

## Minutes of the HVCC Advisory Committee meeting at 6:00 P.M. in Landers on 11/23/09

Nancy Sammons, chairperson

Presidents of the 4 HVCC community organizations:

Wilma Ochoa, Landers;

Tory Preston, FHCA;

Charlie McHenry, YMIA;

Betty Munson, JVIA

President of HVCC: Jim Harvey

Third District Field Representative, Alan Rasmussen

This meeting was called to address unprecedented problems; the Council's lack of authority to refuse an undesirable Delegate, or to expel a Delegate whose actions were detrimental to the HVCC, other Delegates or a member organization.

In a discussion of Standing Rules concerning Delegate Membership:

Alan pointed out that the Item 2 under Membership seemed incomplete; there was no method for the Council to terminate a Delegate's membership. Only absences are addressed.

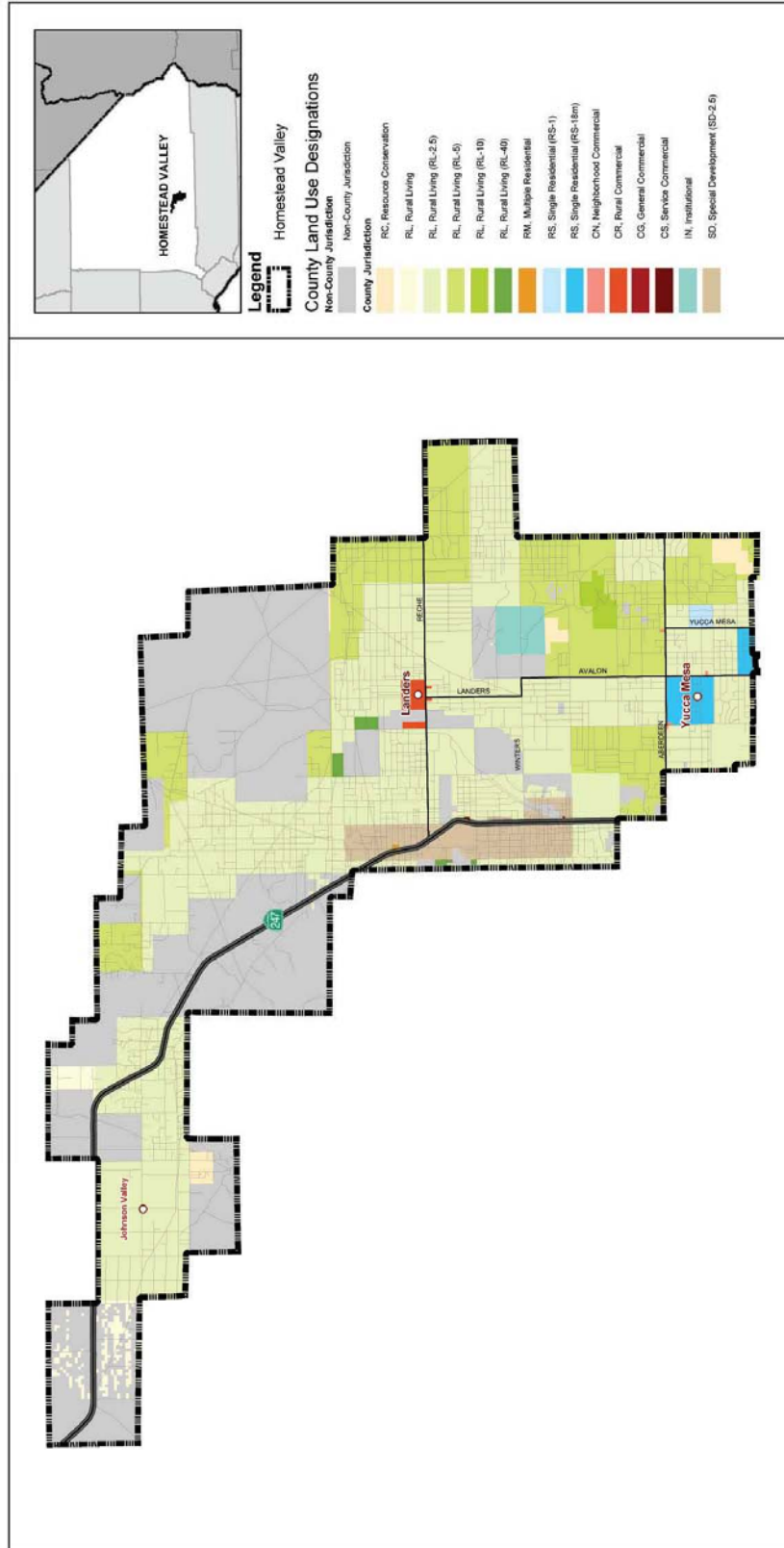
Suggested changes to Standing Rules (new material in red):

### DELEGATE MEMBERSHIP

1. Each Organization shall select up to four of its paid-up, active, interested members in good standing to be their Delegates to the Council, **subject to the approval by a quorum of existing Delegates. HVCC President or Secretary to be informed as soon as possible of the selection of a new Delegate.**
2. **Residents of one member community cannot be made a Delegate from another member community.**  
**Community Boundaries agreed upon:**
  - Johnson Valley: on the west, Mile Marker 28 on Hwy 247; on the east, Bodick Rd.; on the north and south. BLM land.
  - Landers:
  - Flamingo Heights:
  - Yucca Mesa:
3. **Delegate's status of good standing will be subject to Council review if the Delegate's behavior does not conform to the Code of Conduct or is deemed detrimental to the Council or a member organization.**

Maps and boundary names to be filled in ASAP. Alan will try to get a map showing what area the County considers to be Homestead Valley.

HOMESTEAD VALLEY - COMMUNITY PLAN



Source: County of San Bernardino

FIGURE 2-1  
LAND USE POLICY MAP

## Picture of existing sign



Tuesday 12/15/09

Meeting at Johnson Valley Community Center concerning water hauling and building permits, requested by Lucerne Valley Economic Development Association (LVEDA) and the Homestead Valley Community Council (HVCC)

Attendees:

Alan Rasmussen, Field Representative for Third District Supervisor Neil Derry  
John Richardson, Field Representative for First District Supervisor Brad Mitzelfelt  
From Environmental Health Services: Terri Williams, Mike Farrell,  
From LVEDA: Chuck Bell, pres.; Jean Magee, retired realtor; Sam Hart, owner of the certified well in Lucerne Valley.

From Johnson Valley Improvement Association (JVIA): Betty Munson, pres.; Charlene Claybaugh of Johnson Valley Realty; Carl Ripaldi, Environmental Specialist for LA Metro and JV property owner using hauled water; Garry Lindt, licensed water hauler in Johnson Valley.

From HVCC: Jim Harvey, pres.

**NOTES: Actions requested in bold face type.**

This issue was brought to the HVCC last May when the owner of recently-purchased property in Johnson Valley was not allowed a permit to improve his property because he relies on hauled water. This had also one of LVEDA's permit issues they had been addressing with the county. The two organizations decided to work together on it.

Charlene Claybaugh told of her experiences with Building and Safety and Environmental Health Services, and her inability to give a prospect full disclosure of the policy, since no written description of it could be found. What she was told by various county departments was contradictory.

Betty Munson described Johnson Valley's settlement, largely by weekenders seeking recreational opportunity, who improved their property and came to live on it or retire here. This water hauling prohibition prevents newcomers who might become residents in the future from buying inexpensive property, and the requirement for digging a well was cost-prohibitive.

Sam Hart and Garry Lindt discussed the state licensing requirements and the problems licensed haulers have faced. Hart said until he opened the well, he had no idea of how many emergency calls for hauled water for commercial uses there would be. A mine, a mobile home park, etc., had wells which broke down. Water is also supplied to campgrounds. Lindt said his business is dwindling since no newcomers to Johnson Valley are calling him.

Chuck Bell of LVEDA discussed the constitutional question of property rights; that the policy in effect was preventing the property owner from using his property and the County should have to pay for the development rights. Sometimes it is impossible to get water in any way except hauling it. Well drilling is expensive, with no guarantees, and not the best use of water resources.

The issue of the loss of property taxes and other revenues to the state and county were discussed.

Terri Williams said that the Environmental Health Services did not make the policy and did not advise Building And Safety to deny permits to improve existing property. Only new development was affected. EHS considers expansion of a homestead cabin as new development.

The question was asked many times: what is the reason behind the actions against the use of hauled water, and where did it come from? Mike Farrell of EHS finally said they received a "recommendation" to discourage hauled water from the Safe Drinking Water Division of the Department of Public Health. This applies all over the state. **Farrell was asked to send us a copy of the recommendation.**

Carl Ripaldi pointed out that the action was discriminatory, that people with low incomes were most affected, and it was a damnation of all the affected properties. He asked was the policy publicly declared? This kind of discretionary action by a state agency should trigger a study under the California Environmental Quality Act with public allowed to comment.

Betty Munson reported the many calls she had received about this. The latest caller had said he was going to get an appointment with Neil Derry, most of the others asked should they be getting a lawyer.

Jim Harvey said that he feels there is an underlying implication that somehow water from a community well and delivered by a commercial hauler is somehow less safe than other sources. He repeated the news that LADWP rated #83 out of 100 systems, with radioactive isotopes and industrial solvents in the drinking water; that LA might prefer water from Garry Lindt's truck.

Self haulers have the prerogative to use whatever equipment they want to. HVCC and JVIA does not argue against the licensing of wells and commercial haulers. They strongly feel that the property owner has a right to get water to his property the easiest, most economical way for his circumstances, with no restrictions.

Jim Harvey said over-regulation is to be feared. The State is recognizing water purveyors and water haulers as legal, but tells the County in a back door way to not recognize it. He drew the parallel that is was like the DMV licensing your vehicle but the county not allowing you to drive it.

**EHS was asked to keep us informed of their communications with the state.**

Chuck Bell said the County's job description was to protect us from State or Federal oppression. **The County Field Representatives were asked to please ask Supervisors Mitzelfelt and Derry to solve this right away.**

CONTACT LIST (Chuck, please send Robert Eland's information to everyone)

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