

MINUTES OF A REGULAR MEETING OF THE COMMISSION OF THE
GREATER BAKERSFIELD SEPARATION OF GRADE DISTRICT

Held: September 9, 2024

A regular meeting of the Commission of the Greater Bakersfield Separation of Grade District was held on September 9, 2024, at 1800 30th Street, Suite 260, Bakersfield, California.

CALL TO ORDER: _____)
_____)

President Mark J. Smith called the meeting to order at 5:00 p.m. and presided thereat.

ROLL CALL: _____)
_____)

The following Commissioners were present:

Mark J. Smith
Steven M. Ruettgers
Jeremy Tobias
Jeevan Muhar
Jake Wood

Also present were Sheila K. Plane and John D. Schuler, District Engineers; and Ben LeBeau, District Legal Counsel.

PUBLIC STATEMENTS _____)
& COMMENTS: _____)
_____)

None.

PENDING RESIGNATION _____)
OF COMMISSIONER SMITH: _____)
_____)

Commissioner Smith announced to the Commissioners that he would be moving his residence from the City of Bakersfield to the central coast in November and would need to resign from the District. Mr. Smith further notified the Commissioners that he would be recommending his colleague, Barry Hibbard, to fill the vacancy that will be left by Commissioner Smith's resignation.

APPROVAL OF MINUTES,)
REGULAR MEETING OF)
July 8, 2024)
_____)

On motion of Commissioner Ruetters, seconded by Commissioner Muhar, and unanimously carried, the minutes of the regular meeting of July 8, 2024, were approved.

ATTORNEY OF DISTRICT)
REPORT:)
_____)

Mr. LeBeau recommended that the Commissioners approve a resolution declaring that the District’s lack of any staffing constitutes a hardship exempting the District from maintaining its own website in compliance with SB 929.

ADOPTION OF RESOLUTION)
RE HARDSHIP EXEMPTION)
PURSUANT TO SB 929:)
_____)

The Commissioners were presented with a copy of Resolution 24-2 in the form attached here as **Exhibit A** declaring hardship for SB 929 Compliance. After discussion concerning website requirements and exemptions for hardship pursuant to SB 929, on motion of Commissioner Wood, seconded by Commissioner Muhar, and unanimously carried, Resolution 24-2, declaring that the District is exempt from SB 929 website requirements due to hardship, was approved and adopted.

- | | |
|----------|---|
| Ayes: | Mark J. Smith
Steven M. Ruetters
Jeremy Tobias
Jeevan Muhar
Jake Wood |
| Noes: | None |
| Absent: | None |
| Abstain: | None |

DISTRICT ENGINEER'S)
REPORT:)
_____)

Mr. Schuler reported as follows:

1. Project Funding Sources:

- a) CRISI: Anticipated submittal to next cycle in Spring 2025
- b) Railroad Crossing Elimination (RCE) Program: \$1.2 billion NOFO came out in July, due September 23, 2024.
- c) BNSF grants team is writing RCE grant for “bundled” project with Renfro and Cherry crossings of the BNSF

2. Project Funding Strategies and TY Lin Coordination:

- a. RCE Grant Opportunity
 - a. Combined local project with Bakersfield, Shafter and County
 - b. BNSF Grants team preparing document
 - c. Kern County as lead agency submitting to FRA
 - d. \$84 million estimate for combine Renfro & Cherry crossings
 - e. \$16.8 million local match commitment
 - f. Broad range of support letter

3. High Speed Rail Impacts/Santa Fe Way Corridor/Edison Highway Corridor:

- a. Shafter to Bakersfield section: Design is moving forward to 60%, including BNSF track elevation through Shafter.

4. Specific Plan Lines:

- a. Renfro, Kratzmeyer and Cherry crossing – BNSF grants team assisting with RCE Grant Application for these crossings. Local funding commitment is \$16.8 million (COB, County, City of Shafter, Wonderful, and BNSF). Total funding requested is \$84 million.

5. Morning Drive @ UPRR:

- a. County – possible pursuit of federal funding next year

6. Baker/Truxtun/Beale @ BNSF & UPRR:

- a. No change

7. Baker Street @ UPRR:

- a. COB conducting feasibility study of pedestrian crossing and minimalized vehicular underpass in connection with Sumner Station revitalization

8. Rosedale Highway @ Landco Branch SJVRR:

- a. Ongoing discussions re Caltrans relinquishment of Rosedale Hwy to local agencies

9. Cherry Avenue & Los Angeles Street/Beech Avenue @ BNSF:

- a. Bundled with Renfro crossing in the RCE grant application

FINANCIAL REPORT:)
_____)

The Secretary then presented the Financial Report for November 11, 2024, in the form attached as **Exhibit B**. Following discussion, on motion of Commissioner Ruettgers, seconded by Commissioner Muhar, and unanimously carried, the report was approved and ordered filed.

Ayes:	Mark J. Smith Steven M. Ruettgers Jeremy Tobias Jeevan Muhar Jake Wood
Noes:	None
Absent:	None
Abstain:	None

COMMITTEE REPORTS:)
_____)

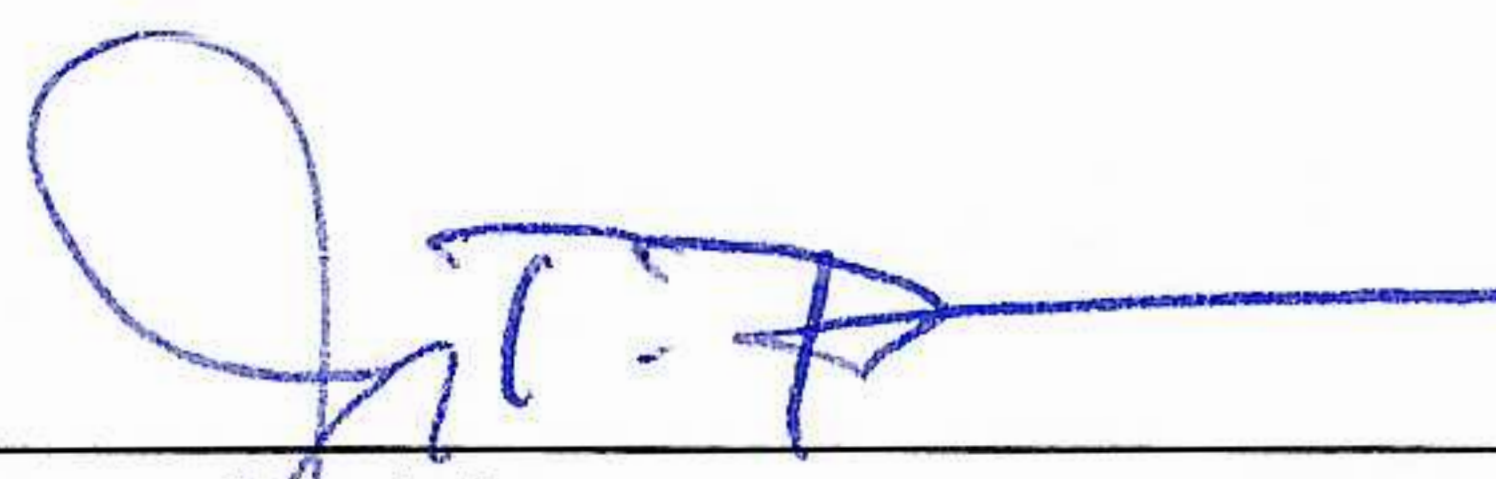
1. Right of Way: None
2. Advance Planning: None
3. Budget: None
4. Regulatory & Audit: None
5. Government Relations: None

CORRESPONDENCE:)
_____)

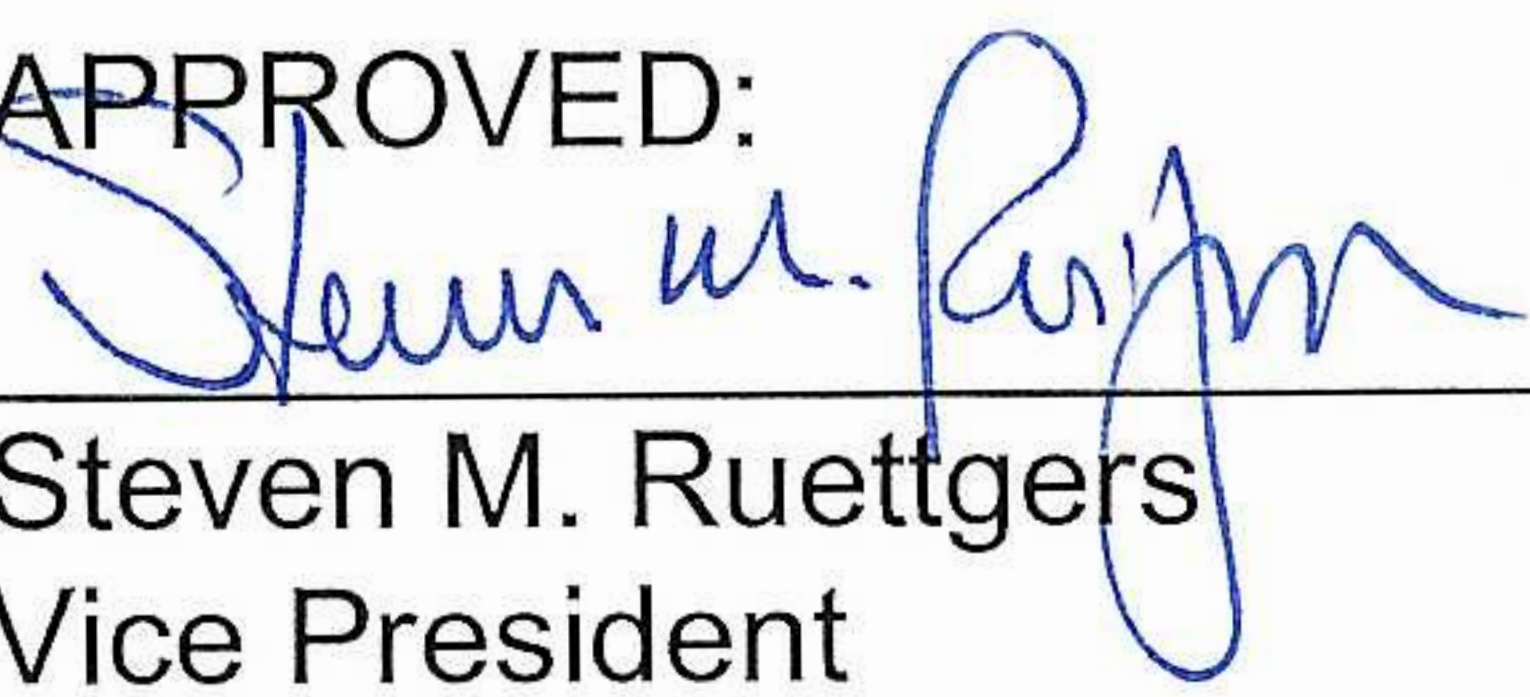
1. The District received the CalPERS Annual Information Request letter. On motion of Commissioner Wood, seconded by Commissioner Tobias, and unanimously carried, the letter was received and filed.

NEXT MEETING AND)
ADJOURNMENT:)
_____)

There being no further business to come before the Commission, it was, on motion of Commissioner Wood, seconded by Commissioner Ruettgers, and unanimously carried, adjourned at 5:21 p.m. The next regular meeting is scheduled for November 11, 2024, at 5:00 p.m.



Jeremy Tobias,
Secretary of the Commission

APPROVED: 

Steven M. Ruettgers
Vice President

GREATER BAKERSFIELD SEPARATION OF GRADE DISTRICT

Resolution 24-2

RESOLUTION OF THE COMMISSION OF THE GREATER
BAKERSFIELD SEPARATION OF GRADE DISTRICT DECLARING
A HARDSHIP FOR SB 929 COMPLIANCE

WHEREAS, in 2018, Governor Brown signed Senate Bill 929 (McGuire) into law, codified as Government Code section 53087.8;

WHEREAS, SB 929 requires every independent special district to maintain a website that complies with certain requirements;

WHEREAS the Greater Bakersfield Separation of Grade District (**District**) is an independent special district under SB 929;

WHEREAS, SB 929 exempts an independent special district from its provisions if, by a majority vote of its governing body at a regular meeting, the district adopts a resolution declaring its determination that a hardship exists that prevents the district from maintaining a compliant website;

WHEREAS, SB 929 requires a hardship resolution to include detailed findings, based on evidence set forth in the minutes of the meeting, supporting the board's determination that a hardship prevents the district from maintaining a compliant website, and insufficient staff resources is a qualifying hardship;

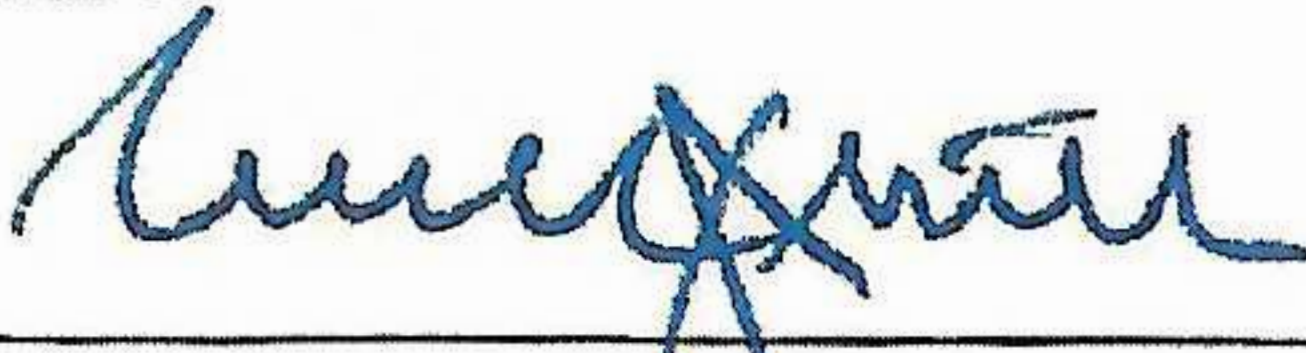
WHEREAS, SB 929 makes a hardship resolution valid for one year and requires the governing body of an independent special district to adopt a hardship resolution annually so long as the hardship exists; and

WHEREAS, the District maintains a page on the Kern County website that contains much of the information that SB 929 requires, but the District has no office, no employees, and no dedicated staff available to maintain a website that strictly complies with SB 929 at all times;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the GREATER BAKERSFIELD SEPARATION OF GRADE DISTRICT as follows:

1. Each of the matters above is true and correct, and the Commission so finds.
2. The District does not employ any full time staff. Therefore, insufficient staff resources prevent the District from continually maintaining a website that strictly complies with SB 929.

PASSED, APPROVED AND ADOPTED by the Commissioners of Greater Bakersfield Separation of Grade District on September 9, 2024.


Mark Smith
President of the Commission

ATTEST:


Jeremy T. Tobias
Secretary of the Commission

GREATER BAKERSFIELD SEPARATION OF GRADE DISTRICT

SECRETARY'S CERTIFICATE

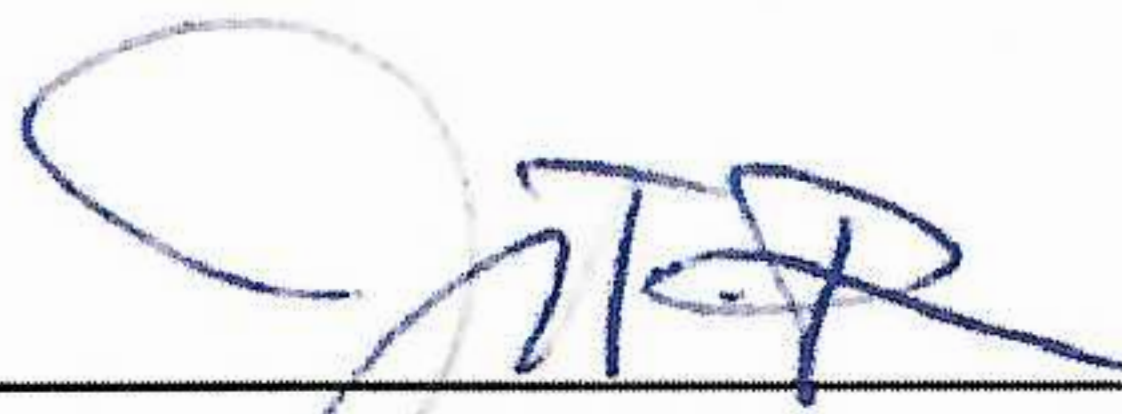
I HEREBY CERTIFY that the above Resolution No. 24-2 was duly passed and adopted by the Commission of the Greater Bakersfield Separation of Grade District at its regular meeting held on September 9, 2024, on the following roll call vote:

AYES: Mark J. Smith
Steven M. Ruettgers
Jeremy T. Tobias
Jake Wood
Jeevan Muhar

NOES: None

ABSENT: None

ABSTAIN: None



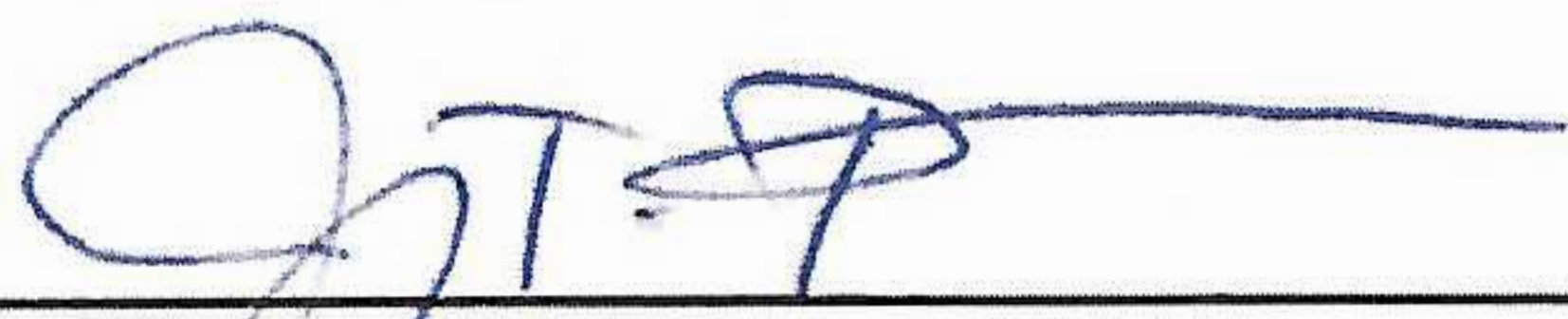
Jeremy T. Tobias, Secretary

STATE OF CALIFORNIA)
COUNTY OF KERN)

I, Jeremy T. Tobias, Secretary of the Commission of the Greater Bakersfield Separation of Grade District, Bakersfield, California, hereby certify the foregoing and annexed to be a full, true, and correct copy of the original Resolution No. 24-2 on file in this office and that I compared the same with the original.

WITNESS my hand and the seal this 9th day of September, 2024.

ATTEST:

A handwritten signature in blue ink, appearing to read 'J.T. Tobias', is written over a horizontal line.

Jeremy T. Tobias, Secretary,
Commission of the Greater Bakersfield
Separation of Grade District

Exhibit B

MONTHLY MEETING SEPTEMBER 2024

ACCOUNTS PAYABLE

DISTRICT EXPENSE FUND:

LeBeau Thelen, LLP	Legal Services - July 2024	\$ 2,015.00
TY Lin International	Professional Services through August 31, 2024	\$ 28,099.44
Ruettgers & Schuler	Engineering Services - July & August 2024	<u>\$ 27,705.00</u>
		<u>\$ 57,819.44</u>