

BIGHORN-DESERT VIEW WATER AGENCY

FINANCE/PUBLIC RELATIONS/EDUCATION & PERSONNEL COMMITTEE SPECIAL MEETING AGENDA

BOARD MEETING OFFICE 1720 N. Cherokee Trail, Landers, CA 92285 Wednesday, May 12, 2010 - 1:00 PM

Note: New Time

The BDVWA Finance/Public Relations/Education & Personnel Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to the Finance/Public Relations/Education & Personnel Committee may participate as observers at the meeting.

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL
- APPROVAL OF THE AGENDA

PUBLIC PARTICIPATION - Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment, please state your name and have your information prepared. Due to time constraints, a three-minute time limit may be imposed. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

- 1. **PUBLIC PARTICIPATION** Any person may address the Committee on any matter within the District's jurisdiction on items <u>not</u> appearing on this agenda.
- 2. COMMITTEE TO REVIEW AND DISCUSS DRAFT RESOLUTION NO. 10R-XX
 ESTABLISHING A POLICY FOR COMPENSATION OF THE BOARD OF DIRECTORS
 FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL
 AND NECESSARY EXPENSES ("POLICY") -

RECOMMENDATION:

- 1) Discuss draft Resolution and proposed Official Duties Policy;
- 2) Provide direction to staff for possible Board action.
- 3. COMMITTEE TO REVIEW AND DISCUSS DRAFT ORDINANCE NO. 100-XX PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO -

RECOMMENDATION:

- 1) Discuss draft Ordinance;
- 2) Provide direction to staff for future Board action.
- 4. COMMITTEE TO REVIEW DRAFT RESOLUTION ESTABLISHING PROCEDURES FOR THE SALE AND DISPOSAL OF SURPLUS PROPERTY -

CONSIDERATION:

- 1) Discuss Draft Resolution;
- 2) Provide direction to staff for future Board action.
- 5. LIEN PROCESS UPDATE -

NO ACTION REQUESTED:

- 1) Information and discussion purposes only.
- UPDATE ON FY10/11 BUDGET -

NO ACTION REQUESTED:

- 1) Information and discussion purposes only.
- 7. CONSENT ITEMS -

The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless

a member of the public or a Committee member requests that an item be held for discussion or further action.

a. Committee Report from the March 10, 2010 Meeting

RECOMMENDATION:

1) Approve as presented

END OF THE CONSENT CALENDAR

STANDING COMMITTEE PROJECT LIST

7. VERBAL REPORTS

- > COMMITTEE MEMBERS' COMMENTS/REPORTS
- > GENERAL MANAGER'S REPORT

8. ITEMS FOR NEXT AGENDA

9. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Agency Secretary. Backup material for the Agenda is available at the Agency offices for public review and can be viewed online at the Agency's website: www.bdvwa.org.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.bdvwa.org. Copies of these materials and other discloseable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL AGENDA ITEM SUBMITTAL

Meeting Date: May 12, 2010

To: Financial/PR/Education/Personnel Comm. Budgeted: N/A

Board of Directors Budgeted Amount: N/A

Cost: N/A

Funding Source: N/A

From: Marina D. West General Counsel Approval: Under Review

CEQA Compliance: N/A

Subject: Draft Resolution No. 10R-XX Policy for Compensation for Performance of Official

Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties

Policy")

SUMMARY

Agency General Counsel Trager requested the Board consider a revision to Policy No. 05P-01 which defines the criteria for reimbursement of expenses to eliminate any discrepancies or confusion regarding the intent of the Board, official duties, Agency policies and reimbursement procedures. The Board announced its' intent to revise the "per diem" Ordinance and Duties Policy at the February 16, 2010 meeting. Staff has drafted a new "Official Duties Policy" for the Committee's review prior to consideration by the full Board.

RECOMMENDATION

Agendize for the June 15 Board Meeting:

1. Adopt Resolution No. 10R-XX Establishing a Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy")

BACKGROUND/ANALYSIS

General Counsel Trager reviewed the Agency Policy No. 05P-01 regarding reimbursement of expenses in 2008. The results of the review concluded that the existing policy should be refined to eliminate any discrepancies or confusion regarding intent of the Board, official duties, Agency policies and reimbursement procedures.

Staff has drafted a new Resolution No. 10R-XX Establishing a Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses; an "Official Duties Policy". Staff suggests that the Committee review the draft Resolution and obtain answers to any outstanding questions regarding the purpose of the "Official Duties Policy" before recommending the Board consider adoption on June 15, 2010.

PRIOR RELEVANT BOARD ACTION(S)

February 16, 2010 Board announced its intent to consider a new Ordinance providing for compensation of the Board of Directors and new policy for compensation for performance of official duties and reimbursement of actual and necessary expenses. Authorized staff to proceed with updates to the Ordinance (05O-01) providing for compensation of the Board of Directors and updates to the Policy (05P-01) defining the criteria for reimbursement of expenses.

July 7, 2005 Policy No. 05P-01: Policy Statement of the Bighorn Desert View Water Agency Defining the Criteria for Reimbursement of Expenses.

RESOLUTION NO. 10R-XX

A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES ("OFFICIAL DUTIES POLICY")

WHEREAS, pursuant to Government Code section 53232.1, the Bighorn-Desert View Water Agency ("Agency") may pay compensation to each member ("Director") of the Board of Directors of the Agency ("Board") for attendance at certain occurrences only if the Board has adopted in a public meeting, a written policy specifying the types of occasions that constitute the performance of official duties for which a Director may receive payment; and

WHEREAS, pursuant to Government Code section 53232, if the Agency is to reimburse Directors for actual and necessary expenses incurred in the performance of official duties, then the Board must adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a Director to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses; and

WHEREAS, the Agency adopts this Policy For Compensation For Performance of Official Duties and Reimbursement of Actual and Necessary Expenses (the "Official Duties Policy") to allow the Agency to pay Directors for attendance at those occasions that constitute the performance of official duties and for reimbursement of their actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the intent of the Policy is to provide guidance to Directors on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, and to provide guidance to Agency employees on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies;

NOW, Therefore, Be It Resolved By the Board Of Directors of the Bighorn-Desert View Water Agency as follows:

A. Findings

This Policy provides guidance to elected and appointed officials on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured. In addition, this Policy satisfies the requirements of Government Code sections 53232.1 and 53232.2 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This Policy also

provides guidance to employees of the Agency on the use and expenditure of Agency resources, as well as the standard against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies.

B. Director Compensation

1. Amount of Per Diem Compensation

Directors shall receive a daily meeting stipend in the amount set by the current Ordinance in force for each day of service rendered as a Director. Such compensation is in addition to any reimbursement for meals, lodging, travel and other actual and necessary expenses consistent with this Policy.

2. "Day of Service" and "Authorized Meeting" Defined

For purposes of determining eligibility for compensation of Directors, the term "day of service" is defined as attendance by a Director, in person, at an Authorized Meeting with one or more other persons for the performance of official duties on behalf of the Agency.

All meetings, that fall under Directors' Compensation List, Categories A or B in the attached Exhibit A, are to be recognized as an "Authorized Meeting". Any other seminar, conference, meeting, or public event is to be recognized as an "Authorized Meeting" only if the Board, in open session at a meeting of the Board, approves that event as a "Authorized Meeting" before the event occurs.

3. Daily Limits

If a Director affends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

4. Aggregate Limits

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and set by the current Ordinance in force or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

5. Travel Days

Whenever practical and in keeping with established Board policy stating that whenever a particular educational opportunity exists via Webinars or other online course formats, these be considered first as the preferred method of education for Directors.

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved by the Board in advance, Directors shall not count travel to meeting within 125 miles of the Agency's office as a reimbursable per diem travel day.

C. Authorized and Unauthorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Agency business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

- 1. Communicating with representatives of regional, state and national government on Agency adopted policy positions; and
- 2. Attending educational seminars designed to improve officials' skill and information levels;
- 3. Participating in regional, state and national organizations whose activities affect the Agency's interests;
- 4. Recognizing service to the Agency (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
- 5. Attending Agency events;
- 6. Meetings such as those listed above for which a meeting stipend is expressly authorized under this Policy.

Examples of personal expenses that the Agency will not reimburse include, but are not limited to:

- The personal portion of any trip;
- 2. Political or charitable contributions or events:
- 3. Family expenses, including partner's expenses when accompanying an official on Agency-related business, as well as children or pet-related expenses;
- 4. Entertainment expenses, including theater, movies, sporting events, or other cultural events;
- 5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

6. Personal losses incurred while on Agency business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the Agency **before** the expense is incurred.

D. Payment of Expenses

To conserve Agency resources and keep expenses within community standards for public officials, expenditures incurred in the performance of official duties should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines.

1. Transportation

- a) Directors must use government and group rates offered by a provider of transportation services for travel when available. If such rates are not available, the Agency reimbursement rate for Director transportation shall be the actual amount incurred (except for airfare, which shall not exceed the cost of round-trip coach airfare, see Section D. 1. c).
- b) The Agency reimbursement rate for mileage by use of a Director's own vehicle shall be calculated on the total miles driven for Agency purposes at the rate specified by the Internal Revenue Service in Publication 463 or any successor publication in effect at the time of vehicle usage. Mileage will be calculated using a standard trip program on the Internet and shall be verified by the Agency staff.
- Travel to meetings, conferences or seminars outside Agency boundaries where air travel is available may be reimbursable through a mileage rate should the Director choose to drive their own vehicles; however, the total reimbursable amount for mileage may not exceed the cost of round trip coach airfare.
- d) The Agency reimbursement rate for vehicle parking by a Director shall be the actual amount incurred.

2. Lodging

Directors must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the



maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Directors at the time of booking. If a government or group rate is not available, the Agency reimbursement rate for Director lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

3. Meals

The Agency reimbursement rate for Director meals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard meal allowance established for Southern California by the Internal Revenue Service in Publication 463 or any successor publication.

4. Other

Agency reimbursement of all other actual and necessary expenses incurred by a Director shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in Publication 463, or any successor publication. All expenses that do not fall within this reimbursement Policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

E. Budget Limits

A pool of funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at major conferences and seminars, to be identified in the budget as "Directors' Meeting Expense". The intent is that no individual Director receives reimbursement of expenses in excess of one-tifth of the monies established in this pool account, specific circumstances notwithstanding. Such conferences/seminars may include, but are not limited to ACWA, AWAC, CSDA and Special Districts Institute, or other major events or meetings. If insufficient monies exist in the account to pay for those expenses or if request for payment by the Board of Directors is denied, the Director would then be required to pay for those expenses out of his or her own personal funds.

F. Expense Forms

The Agency shall provide expense report forms to be filed by the Directors for reimbursement for actual and necessary expenses incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet the Policy for expenditure of public resources. Directors shall submit to

the Agency's Accounting Department on said form their expense reports for the calendar month no later than (10) days prior to the next regular Board meeting of the following month, and the reports shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Policy set forth herein as relates to Category "A" and Category "B" expenses, then the Agency's General Manager is hereby authorized to approve the reimbursement requests. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis prior to the expense being incurred.

G. Audits of Expense Reports

All expenses are subject to verification that they comply with this Policy.

H. Reports to Board of Directors

Directors shall provide brief reports on meetings attended at the expense of the Agency during the next agendized meeting of Board. Activities shown on the Directors' Compensation List under Category "A" do not require a report. Activities shown on the Directors' Compensation List under Category "B" shall be made orally or in writing, or orally and by reference to any minutes.

I. Compliance with Other Laws

Agency directors, official and employees, as applicable, should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

J. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this Policy may result in any of all of the following: 1) Loss of reimbursement privileges, 2) a demand for restitution to the Agency, 3) the Agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

K. Ethics Training

1. Requirement

- a) Service Prior To 2007 Each local agency official in Agency service as of January 1, 2007, except for Directors whose term of office ends before January 2, 2008, must receive training in ethics laws before January 1, 2008. Thereafter, each local agency official must receive such training at least once every two years.
- b) Service on or After 2007 Each local agency official who commences service with the Agency on or after January 1, 2007, must receive training in ethics laws no later than one year from the first day of service with the Agency. Thereafter, each local agency official must receive such training at least one every two years.

2. Application

- a) Local Agency Official as used in Section K. Fof this Resolution, the term "local agency official" means the following:
 - (i) All Directors; and
 - (ii) All executive staff of the Agency.
- b) Ethics Laws as used in Section K.1 of this Resolution, the phrase "ethics laws" includes, but is not limited to, the following:
 - (i) Laws relating to personal financial gain by public servants; including, but not limited to, laws prohibiting bribery and conflict of interest laws;
 - (ii) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;
 - (iii) Government transparency laws, including but not limited to, financial interest disclosure requirements and open government laws; and
 - (iv) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public

contracts, and disqualification for participating in decisions affecting family members.

3. Agency Responsibilities

- a) Records The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section K of this Resolution and the entity that provided the training. The Agency shall maintain these records for at least five years after local agency officials receive the training. These records are public records subject to disclosure under the California Public Records Act.
- b) Notice The Agency is required to provide information on training available to meet the requirements of Section K of this Resolution to its local agency officials at least once every two years.

L. Review of Resolution on Annual Basis

Each year the Board shall review this Resolution to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

M. Severability

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

Effective Date

This Resolution shall become effective immediately upon adoption.

O. Rescission

Policy 05P-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES:		
NOES:		
ABSENT:		
	Ву	
	Terry Bur	khart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a regular meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By ______ Joanne L Keiter, Board Secretary



EXHIBIT "A"

POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES

DIRECTORS' COMPENSATION LIST

The Following Category "A" Meetings Require No Pre-Approval And No Report Is Required Since Minute Action For These Agency Meetings Meets The Reporting Requirement Through AB 1234.

Category "A" Activity/Description	Eligibility
BDVWA Board of Directors Meetings (Regular, Special or Workshop)	All Directors
BDVWA Standing Committee Meetings	Appointed by Board President
BDVWA AD Hoc Committee Meetings	Appointed by Board President
Morongo Basin Pipeline Commission	Appointed by Board President
MWA Technical Advisory Committee	Appointed by Board President
Other Water Districts'/Agencies' Board	Any Director
Meetings and Committee Meetings	refl garage

The Following Category "B" Meetings Require No Pre-Approval And A Report Is Required

Category "B" Activity/Description	Eligibility
Meetings with Legislators (State or Federal)	Any Director
Ethics Training required by law	Any Director
Integrated Regional Wastewater	Assigned by Board President
Management Plan Committee	
Mojave Water Agency (MWA) Tours	Any Director
Mojave Water Agency (MWA) Seminars	Any Director
Meetings, hosted by Association of California	Any Director
Water Agencies (ACWA), excluding	
conferences	
Meetings of the Alliance for Water Awareness	Appointed by Board President
and Conservation (AWAC)	
Meetings of the Homestead Valley Community	Appointed by Board President
Council (HVCC)	

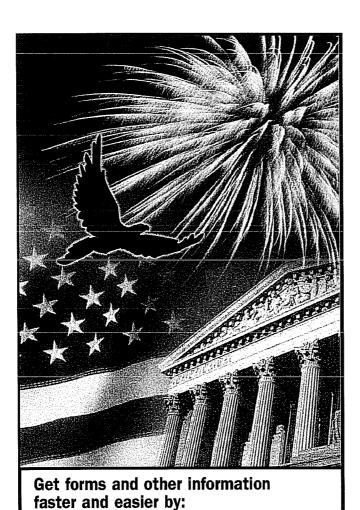


Service

Publication 463
Cat. No. 11081L

Travel, Entertainment, Gift, and Car Expenses

For use in preparing **2009** Returns



Internet www.irs.gov

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\$ IRS Per Diem Rates

(Effective October 1, 2008 – September 30, 2009)

The standard ("low") rate of \$158 (\$113 for lodging and \$45 for Meals & Itemized Expenses) applies to most locations within the continental United States (CONUS). The "higher" rate of \$256 (\$198 for lodging and \$58 Meals & Itemized Expenses) applies to specific localities within California (such as Los Angeles, Monterey, Napa, San Diego, San Francisco, San Luis Obispo, Santa Barbara, Santa Cruz, Santa Monica, South Lake Tahoe, Sunnyvale, San Jose, Truckee and Yosemite National Park) which are eligible for the higher amounts of Per Diem.

\$ IRS 2010 Standard Mileage Rates

50 cents per mile for business miles driven

POLICY STATEMENT 05P-01

POLICY STATEMENT OF THE BIGHORN-DESERT VIEW WATER AGENCY DEFINING THE CRITERIA FOR REIMBURSEMENT OF EXPENSES

The Board of Directors of the Bighorn-Desert View Water Agency has previously established Policies 91P-07 and 97P-01 for the reimbursement of expenses incurred by Directors and Staff while on Agency business or while attending Board approved seminars and meetings. It has been determined there is a need to update this policy based on the current needs of the Agency.

The Board, after due deliberation, now finds and determines, that the following Policy shall become effective immediately:

- 1. REIMBURSEMENT REQUESTS: All claims for reimbursement must be applied for on the attached form labeled Exhibit "A" and documented with an actual receipt for each expenditure claimed.
- 2. MEALS: While on Agency business, the actual cost of meals as evidenced by receipts shall be reimbursable not to exceed \$35.00 per day. Gratuities and the purchase of alcoholic beverages are not reimbursable. Discretionary hosting may be covered for meals as evidenced by receipts as long as the maximum daily amount is not exceeded. There shall be no reimbursement for spouses or non-business friends.
- 3. LODGING: While on Agency business, the actual cost of lodging including telephone and fax calls for Agency business shall be paid for by the Agency. A copy of the lodging bill itemizing each charge shall be provided to the Agency along with all receipts documenting any request for reimbursement.
- 4. VEHICLE COST REIMBURSEMENT: When employees are authorized to use their personal vehicle in the performance of Agency work or for transportation while on Agency business, they shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

Use of personal vehicles shall not be authorized for the performance of Agency work or for transportation if a suitable Agency vehicle is available and safely operational.

Every attempt shall be made to coordinate work and transportation needs so that Agency vehicles are available for use.

- 5. AGENCY CREDIT CARD USE: The use of Agency credit card is absolutely restricted to use for Agency business and must always be documented with actual receipts for each use.
- 6. OTHER EXPENSES: No other expenses shall be reimbursed, except as otherwise specifically authorized in advance by the Board of Directors.
- 7. TIMELINE FOR REIMBURSEMENT: All requests for reimbursement must be received within 30 days of the end of the month in which the expense was incurred and is being requested. Failure to submit a request within this timeframe will constitute a forfeiture of reimbursement.

Policy Statement No. 91P-07 and 97P-01 are hereby rescinded in their entirety.

Policy Statement 05P-01 was adopted at a regular Board meeting held on July 5, 2005.

Jessica Tiffany, Board Secretary

Exhibit A

Request for Compensation and Reimbursement

Meeting Type	<u>Fee</u>	<u>Lodging*</u>	Meals*	Mileage**	Misc*
Date \$ □ Regular Meeting \$ □ Special Meeting \$ □ Standing Committee \$ □ Ad Hoc Committee \$ □ Other \$,			
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Signature					
Date* Receipts required for reimbursement					
** Number of miles driven		L	01-56001	01-5600	2

Exhibit B

Di	rector
Fu	nction of Attendance
Da	ite
_	Opinion of speaker and presentation
-	
2	Major points
3	Recommendation to Board and staff (if any)
	(II arry)
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4	Comments and personal notes

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BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL AGENDA ITEM SUBMITTAL

Meeting Date: May 12, 2010

To: Financial/PR/Education/Personnel Comm. Budgeted: N/A

Board of Directors Budgeted Amount: N/A

Cost: N/A

Funding Source: N/A

From: Marina D. West General Counsel Approval: Under Review

CEQA Compliance: N/A

Subject: Draft Ordinance No. 10O-XX Providing for Compensation of the Board of

Directors and Establishing Procedures Related Thereto

SUMMARY

Agency General Counsel Trager requested the Board consider a revised Ordinance providing for compensation of the Board of Directors as a result of her review of the existing Ordinance 05O-01. The Board announced its' intent to revise the "per diem" Ordinance and Duties Policy at the February 16, 2010 meeting. Staff has drafted a new Ordinance for the Committee's review prior to consideration by the full Board.

RECOMMENDATION

Agendize for the June 15 Board Meeting:

1. Adopt Ordinance 10O-XX Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto.

BACKGROUND/ANALYSIS

General Counsel Trager reviewed the Agency Ordinance regarding payment of per diem in 2008. The results of the review concluded that the existing procedure for paying per diem is inadequate because it gives to much rise to confusion as to what meetings are covered and what process is required to obtain per diem. In addition, it was stated that the Ordinance should be changed to eliminate the suggestion that committee membership provide blanket authorization for paid attendance at non-Agency meetings. Lastly, General Counsel Trager recommended an updated Official Duties Policy.

Staff has drafted a new Ordinance No. 10O-XX Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto. This Ordinance is strictly limited to the issue of compensation and <u>no changes have been made</u> regarding compensation amounts or days of service from the existing Ordinance No. 05O-01. Staff suggests that the Committee review the draft Ordinance and obtain answers to any outstanding questions

regarding the purpose of the Ordinance before recommending the Board consider adoption on June 15, 2010. If the Committee agrees staff will execute the appropriate steps required to bring a new Ordinance before the Board for consideration. These steps include two public notifications in the Hi Desert Star newspaper advertising the public hearing regarding the proposed Ordinance. Following the public hearing, the full Board may deliberate and then vote on the Ordinance. If approved the Ordinance becomes formal 60 days thereafter.

PRIOR RELEVANT BOARD ACTION(S)

February 16, 2010: Board announced its intent to consider a new Ordinance providing for compensation of the Board of Directors and new policy for compensation for performance of official duties and reimbursement of actual and necessary expenses. Authorized staff to proceed with updates to the Ordinance (05O-01) providing for compensation of the Board of Directors and updates to the Policy (05P-01) defining the criteria for reimbursement of expenses.

<u>May 24, 2005 Ordinance 05O-01</u>: Ordinance of the Board of Directors of Bighorn Desert View Water Agency Fixing Compensation and Setting Reimbursement of Expenses Guidelines for the Directors of the Bighorn Desert View Water Agency.

ORDINANCE NO. 100-XX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO

WHEREAS, Water Code Appendix section 112-12 and Water Code section 20200 et seq. sets forth the authority and procedure for establishing compensation for members (each, a "Director") of the Board of Directors ("Board") of the Bighorn-Desert View Water Agency ("Agency"). In particular, Water Code section 20201 provides that the Board, may by ordinance, provide compensation to Directors in an amount not to exceed \$100 per day for each day's attendance at meetings of the board, or for each day of service rendered as a member of the board by request of the board. Water Code section 20202 authorizes an increase in the compensation that may be received by the Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase and limits compensation to no more than ten (10) days in any calendar month. Water Code section 20201.5 provides that reimbursement of expenses of Directors is subject to the requirements set forth in sections 53232.2 and 53232.3 of the Government Code; and

WHEREAS, the Board desires to establish the amount of compensation by way of this Ordinance in accordance with the provisions of the Water Code; and

WHEREAS, in accordance with Section 20203 of the California Water Code and
section 6066 of the California Government Code, a public hearing was held on
2010, at P.M., or as soon thereafter, at the meeting room of the Board at 1720 N.
Cherokee Trail, Landers, CA 92285, and a notice of said hearing was duly published in
the, a newspaper of general circulation, once a week for two weeks
as follows: on, 2010 and, 2010.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The amount of compensation to be received by Directors for each day's attendance at meeting of the Board, and for each day's service rendered by a Director by request of the Board, shall be one hundred dollars (\$100.00). The amount of compensation for each day's attendance at meetings of standing committees, Ad Hoc committees, subcommittees of the Board or a Board assignment on a Commission or Committee outside the Agency's jurisdiction shall be fifty dollars (\$50.00). The only meetings, service, and events for which said compensation shall be paid shall be those set forth by resolution and made part of the Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy").

Section 2. No Director shall receive the compensation set forth in Section 1 of this Ordinance for more than 6 days in any calendar month.

Section 3. All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

Section 4. The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto, and pursuant to section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

Section 5. If any section, subsection, clause, or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Section 6. This ordinance may only be amended or modified by an Ordinance duly adopted by a majority vote of the Board of Directors.

Section 7. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

Section 8. Ordinance No. 050-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES:	
NOES:	
ABSENT:	
	Ву
	Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Ordinance 10O-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

Ву	
	Joanne L Keiter, Board Secretary

ORDINANCE 05O-01

ORDINANCE OF THE BOARD OF DIRECTORS
OF BIGHORN-DESERT VIEW WATER AGENCY
FIXING COMPENSATION AND SETTING REIMBURSEMENT OF
EXPENSES GUIDELINES FOR THE DIRECTORS
OF THE BIGHORN-DESERT VIEW WATER AGENCY

WHEREAS, Pursuant to section 112-12 of the Bighorn-Desert View Water Agency Law and California Water Code section 20200 et. seq., the Board of Directors of the Bighorn-Desert View Water Agency shall receive compensation for attendance at board meetings, standing committees meeting, ad hoc committee meetings and attendance at other meetings authorized in advance by the Board of Directors and that compensation shall be set by the Board of Directors of Bighorn-Desert View Water Agency by an ordinance.

BE IT ORDAINED, by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

1. Meetings are defined and compensation is set as follows-

Regular/Special Meetings	\$100.00
Standing Committee Meetings	\$50.00
Ad Hoc Committee Meetings	\$50.00
Attendance at meetings as the assigned representative of the Agency Board of Directors, such as the Morongo Basin Pipeline Commission	\$100.00
Other previously Board authorized attendance at seminars and conferences	\$100.00

- 2. No director shall be paid for more than six meetings (days of service) in any calendar month.
- Additional expenses incurred by a Director in the performance of his or her duties, required or authorized by the Board of Directors, shall be reimbursed in accordance with Agency policy in addition to the specified fixed compensation amount.
- 4. All requests for compensation of above referenced fees and reimbursement of expenses shall be submitted to the Agency on the attached form labeled Exhibit "A", following the end of the month for which it is requested. All requests for reimbursement

must be received within 30 days of the end of the month for which requested. Failure to submit a request within this timeframe will constitute forfeiture of reimbursement.

- 5. Directors shall prepare and present to the Board a written report summarizing what occurred at the non-Agency function attended and/or for the day of service rendered as a member of the Board. A form will be provided upon request. See Exhibit "B".
- 6. Compensation or reimbursement shall be granted for only one meeting per day if meetings are consecutive or occur at the same location on the same day.
- 7. This ordinance shall be effective 60 days from the date of its passage and shall be published once, in the Hi Desert Star newspaper, within 10 days from the date of its passage.
- 8. This ordinance may only be amended or modified by an ordinance duly adopted by a majority vote of the Board of Directors.
- 9. The following ordinances and resolutions are hereby rescinded in their entirety- Ordinance 90-04, Ordinance 90-05, Resolution 90R-20, Resolution 93R-07, Resolution 94R-11.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 24th day of May, 2005 by a roll call vote as follows- Director Maline- abstain, Director Johnson- aye, Director Williams-aye, Director Edwards- aye, Director Maybury- aye.

Mike Maline, Board President

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on May 24, 2005, the foregoing Ordinance No. 05O-01 was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

Jessica Tiffany, Board S

Exhibit A Request for Compensation and Reimbursement

<u>Meeting Type</u>	Fee	Lodging*	Meals*	Mileage**	Misc*
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*Receipts required for reimbursement

** Number of miles driven

01-56001 01-56002

Exhibit B

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BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL AGENDA ITEM SUBMITTAL

Meeting Date: May 12, 2010

To: Financial/PR/Education/Personnel Comm. Budgeted: N/A

Board of Directors Budgeted Amount: N/A

Cost: N/A

Funding Source: N/A

From: Marina D. West General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Draft Resolution No. 10R-XX Establishing Procedures for the Sale and Disposal of

Surplus Property

SUMMARY

The Agency does not have a procedure for the sale and disposal of surplus property. Staff has drafted Resolution No. 10R-XX Establishing Procedures for the Sale and Disposal of Surplus Property for the Committee's review prior to consideration by the full Board.

RECOMMENDATION

Agendize for the June 15 Board Meeting:

1. Adopt Resolution No. 10R-XX Establishing Procedures for the Sale and Disposal of Surplus Property.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

none

RESOLUTION NO. 10R-XX

A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING PROCEDURES FOR THE SALE AND DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Bighorn-Desert View Water Agency (the "Agency") is a California Special District organized and operated pursuant to the laws set forth in the California Water Code Appendix, Chapter 112; and

WHEREAS, the Board of Directors of the Agency has determined there is a need to promote uniformity in the procedures for the sale and disposal of surplus property owned by the Agency;

NOW, Therefore, it is hereby Resolved by the Board of Directors of the Bighorn-Desert View Water Agency to adopt the following procedures for the sale and disposal of surplus property:

- 1. Surplus property must be so declared by a resolution of the Board of Directors, which contains a description of the property.
- 2. The surplus property shall be sold or disposed of by the Agency's General Manager in the following manner:
 - a. Agency surplus property shall be sold through an auction house or at a publicly-noticed sale subject to sealed bids, with the highest bidder taking title and possession of the property or through an action house. Employees and officers of the Agency many not bid or purchase at any sale conducted by the Agency. The General Manager shall determine the date of the sale. In the event of matching bids, the final decision of disposition will be made by the General Manager. The Agency reserves the right to reject any or all bids.
 - b. At the General Manager's discretion, remaining surplus property may be offered at the next surplus sale or at no cost to any interested public or non-profit entity or disposed of at an appropriate disposal or recycling site.

PASSED AND AYES:	ADOPTED this XX day	of XXX 2010, k	by the following vote:
NOES:			
ABSENT:			
		By	
		-7	Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

Joanne L Keiter, Board Secretar



BIGHORN-DESERT VIEW WATER AGENCY A PUBLIC AGENCY

REGULAR MEETING REPORT FOR THE FINANCE/PUBLIC RELATIONS EDUCATION & PERSONNEL COMMITTEE

Wednesday, March 10, 2010 - 4:00 PM

CALL TO ORDER

Meeting convened by Director McBride at 4:04 PM

PLEDGE OF ALLEGIANCE

Led by Randy West

ROLL CALL

Directors Present: Michael McBride, Chairperson

Larry Coulombe, Member

Staff Present: Marina West, General Manager

Joanne Keiter, Board Secretary

Public Present: 10 Noted

(Directors Burkhart and Oswalt attended as observers)

APPROVAL OF AGENDA - Committee approved, as presented

1. DEVELOPMENT OF QUESTIONNAIRE AIMED AT FUTURE WATER SUPPLY NEEDS OF THE "JOHNSON VALLEY" AREA OF BIGHORN-DESERT VIEW WATER AGENCY

GM West introduced this item for discussion and information

She said that the idea of producing a "Johnson Valley" area questionnaire (aimed at assessing the future water supply wants and needs of those properties owners from the Agency) had been mentioned several times in the past by the Directors. During the February 16, 2010 board meeting, they had directed her to bring this item to the Finance, Public Relations, Education and Personnel Standing Committee for further analysis.

She was now before the Committee to review the concept, and receive feedback pertaining to the sample newsletter and sample response card (containing the appropriate questions to ask) that was being planned.

GM West said that the goal was to hear comments from those within the Agency boundaries who were not current customers. She stated that her research had determined that approximately 1200 property owners (from three different tax rate areas), were outside of the pressurized system, and should be sent this questionnaire. She explained how she intended to generate mailing labels (through DataStream) specific to those tax rate areas.

She described that inside an Agency envelope would be a newsletter, from Terry Burkhart, the Board President, encouraging a response from those property owners including a postage-paid return postcard. It was suggested that each tax rate area would receive a different color paper postcard so that it would be identifiable upon return, but yet anonymous.

GM West reminded the Committee members that the Agency would be using these results simply as a planning tool and that no Improvement District could be created without a public vote. Her closing remarks were that there were "many steps necessary before anything like this would happen".

Director McBride said that he was "in favor" of this, but did not want to give anyone false hope, so he thought the proposed survey question (about the future timeframe for development of a pressurized system) should be amended. He suggested changing the checkbox(s) from 0-5 years to 3-8, and then adjusting to provide selections such as 8-17; 17-26 with the last one being, "NEVER".

It was the Committee members' consensus to authorize the General Manager to proceed as discussed, with the intent of bringing this action before the full Board at the next meeting (scheduled for March 23, 2010) for approval of both content and related production and postage expenses.

2. PROPOSED AGENCY LOGO FOR VEHICLES, SIGNS AND LETTERHEAD

GM West explained that when the Agency purchased new trucks and required logos on them, she discovered that the company that had originally produced them was no longer in business. Therefore, she had no other option than to start over and create a new one.

She showed the Committee the existing one (a mix of a cartoon and a realistic photo) and compared that with the newer version (with brighter colors of blue and a clearer design). She remarked that she had intended that this logo would also be incorporated into new Agency letterhead and signage.

Director McBride thought this looked "extremely professional". He suggested that the font on the letterhead should be larger so it was easier to read.

GM West thought we should also highlight the Agency's website with a bolder font, as well.

The Committee suggested that GM West introduce this new logo and letterhead during a future Board meeting for the Directors' information and acknowledgement, with respect to content and text, as well as public awareness.

3. COMMITTEE TO REVIEW AND DISCUSS POSSIBLE CHANGES TO EXISTING DIRECTOR'S COMPENSATION AND EXPENSE REIMBURSEMENT POLICY

GM West opened this item for discussion.

She commented that it was by the request of the Board, during their February 16, 2010 meeting, that the Committee was now reviewing the Director's current compensation and expense reimbursement policies and procedures with the intent of suggesting possible updates to the existing guidelines, set forth by Ordinance (05O-01).

GM West recommended that the Committee approach this review by first creating a new "Official Duties" policy specifying the types of events that constitute the performance of official duties for which a Director may receive per diem, such as the meetings of the Morongo Basin Pipeline Commission, Mojave Water Agency Technical Advisory Committee, and the Alliance for Water Awareness and Conservation. Concurrently, when drafting this revised policy, the Committee should consider a review of any related expense reimbursement allowances (i.e. meals, lodging, mileage, etc.) and what process (travel and expense forms, etc.) is required of the Director's by the Board in order to obtain payment from the Agency.

Next, propose a new Ordinance, which corrects the various aspects of the existing Ordinance that need clarification and which were identified by legal counsel as inadequate. She gave an example of how the current Ordinance lacked a provision that would allow the annual (5%) increase in per diem, per California Water Code.

GM West reminded the Committee of a recent survey comparing our Agency's Director's compensation amounts and other fringe benefits to several other local districts; she asked if the members would like to consider any of these issues in our amendments.

The Committee suggested that an increase from 6 to 10 days of service be included with a revision, as well as an amendment from a required written report to oral ones which would be presented during a public meeting.

Director McBride said he was opposed to offering Directors "fringe benefits", but he would like to consider an increase from \$50.00 to \$100.00 in the per diem compensation for Committee attendance.

GM West said it would be better to first develop a policy framework/guideline and then have a financial discussion (i.e. increase of per diem) at a future Board meeting.

GM West referenced as samples two different policy formats that included itemized lists of official duties (from Hi-Desert Water District and Mojave Water Agency) asking if the Committee preferred one style over the other.

Both members agreed on a simple table similar to the HDWD's layout and asked the GM return to the Committee a draft policy that contained an official duties proposal for their review and possible recommendation to the Board.

Director McBride noted that there was no public comment heard on this item.

4. CONSENT ITEMS - Committee approved, as presented

END OF THE CONSENT CALENDAR

6. STANDING COMMITTEE PROJECT LIST - Omitted from packet

GM West briefly mentioned that the analysis of the construction meter rates was still pending.

7. VERBAL REPORTS

> COMMITTEE MEMBERS' COMMENTS/REPORTS

Director Coulombe said that this was his first "official" meeting and therefore, had no report to make.

Director McBride had no comment.

- > GENERAL MANAGER'S REPORT None
- 8. ITEMS FOR NEXT AGENDA None
- 9. ADJOURNMENT Director McBride adjourned the meeting @ 5:02 PM

Respectfully Submitted by:

banne L Keiter, Board Secretary

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FINANCIAL/PU	JBLIC RELAT	FINANCIAL/PUBLIC RELATIONS/EDUCATION/PERSONNEL STANDING COMMITTEE PROJECT LIST
SUBJECT	STATUS	COMMENTS
Public Relations	ongoing	Committee to discuss public relations and community outreach planning objectives
Employee Relations		
Employee Handbook Update	completed	
Job Descriptions	ongoing	Executive Secretary/Personnel Administration - done.
Organizational Chart	completed	- Annual
Medical Benefits	completed	Board adopted medical plan changes October 27, 2009
Dental, Vision and Life Insurance (non "medical" benefit portion)	ongoing	Agency needs to appeal Delta Dental to transfer service provision to SDRMA who is also a Delta Dental provider.
Water Loss Billing Relief Policy)	
	introduce to Committee	Recommend that Committee address existing water loss relief policy
Board of Directors Compensation Policies	referred to committee	
Ordinance 100-01 Revision	5/12/2010	5/12/2010 Draft Ordinance setting Director "per diem" presented
Official Duties Policy	5/12/2010	5/12/2010 Draft Official Duties Policy presented
Mission/Vision/Value Statement	2/28/2009	Goal was to update mission statement as an assignment from Workshop 2/28/2009 2009. Not addressed in December 2009 Board Workshop
Inactive Meters		Staff has calculated 96 customers on Desert View, and 131 customers in
	4/28/2009	Bighorn have opted to keep meter connections and are paying. No 4/28/2009 communication from the remaining customers.
Guidelines for use of audio and visual recording		
equipment at Agency meetings.	9.10.2008	Chair McBride requested staff to look into guidelines. No progress to date.
Bulk Hauling Rates and Fees	done	New rate in place.
Agency Logo for Vehicles and Signs	Completed	New logos are on vehicles.
Review all Agency memberships to Associations, etc	introduo to	Davinu momborchin bonofito of participation is ACMAN C
	committee	committee etc.
Review Rates/Fees for Temporary Construction Metered	introduo to	in the second se
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Updated for 5.12.2010