

## Bighorn-Desert View Water Agency

### Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
Martha Oswald, Director



**Agency Office**  
622 S. Jemez Trail  
Yucca Valley, CA 92284-1440

760/364-2315 Phone  
760/364-3412 Fax

Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

[www.bdvwa.org](http://www.bdvwa.org)

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# THE BOARD OF DIRECTORS PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Thursday, June 17, 2010 - 8:45 AM**

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting is announced 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 this Committee who attend will participate only 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. When giving your public comment, please first 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, should contact the Board Secretary at 760-364-2315 during Agency business hours.

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

- a. Committee Report from the March 19, 2010 Special Meeting

**RECOMMENDED ACTION:**

- 1) Approve as presented

**END OF THE CONSENT CALENDAR**

**2. CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE -**

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

**3. PUBLIC PARTICIPATION -** Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.

**4. DISCUSSION AND ACTION ITEMS -** The Committee and Staff will discuss the following items and consider taking action, if so inclined.

**a. PRESENTATIONS BY ENGINEERING FIRMS WHICH HAVE SUBMITTED A STATEMENT OF QUALIFICATION FOR THE AGENCY'S DISTRICT ENGINEER (ON-CALL SERVICES)**

**RECOMMENDED ACTION:**

- 1) Information and Discussion Only

**6. VERBAL REPORTS**

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

**7. ITEMS FOR NEXT AGENDA**

**8. 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](http://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](http://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  
A PUBLIC AGENCY

**SPECIAL MEETING REPORT  
FOR THE PLANNING/LEGISLATIVE/ENGINEERING  
GRANT & SECURITY COMMITTEE**

Friday, March 19, 2010 - 10:00 AM

- **CALL TO ORDER**

Meeting convened by Director Burkhart at 10:01 A.M.

- **PLEDGE OF ALLEGIANCE**

- **ROLL CALL**

Directors Present: Terry Burkhart, Chairperson  
David Larson, Member

- Staff Present: Marina West, General Manager  
Joanne Keiter, Board Secretary

- Public Present: 14 Noted, including one pet dog  
(Directors Coulombe and Oswalt attended as observers)

- **APPROVAL OF AGENDA** - Committee approved, as presented

**1. THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) PRESENTATION**

**ACTION:** Information and discussion purposes only. No action taken.

GM West introduced Kathleen Rollings-McDonald, an Executive Officer with San Bernardino County LAFCO, and her assistant, Michael Tuerpe, a LAFCO Analyst. Both have worked on the Service Review and Sphere of Influence Update for Bighorn-Desert View Water Agency (Case No. LAFCO 3148) and were attending this meeting to seek and solicit public input on the potential expansion.

Ms. Rollings-McDonald began with a Power Point presentation providing some background information about San Bernardino LAFCO's "sphere of influence" process and policy. She described a "sphere of influence" as a long-term planning tool used by the Commission to determine probable physical boundaries, identify spheres within designated communities, and establish service areas of a local agency. She stated that LAFCO had the sole responsibility to define a sphere of influence.

She explained that LAFCO's policy was to take a "community-by-community" approach when conducting a service review. She said that while performing this review, it was discovered that no community identification had been established for the overall Landers, Flamingo Heights, and Johnson Valley areas (that concurs with the County's definition of the Homestead Valley area, excluding Yucca Mesa). She said that the intent of this service review would be to make such a designation in keeping with the time horizon of the 2030-2035 General Plan.

Ms. Rollings-McDonald outlined six factors that had been evaluated during the service review (per Government Code 56430):

1. Growth and Population projections;
2. Present and planned capacity of public facilities, adequacy of public services, including agency needs and/or deficiencies;
3. Financial ability of agency to provide service;
4. Status of and opportunities for shared facilities;
5. Accountability for community service needs, including government structure and operational efficiencies; and
6. Any other matters, as required by the Commission that might be related to effective or efficient service delivery.

Next, Ms. Rollings-McDonald showed an overhead map of the Homestead Valley Community Plan and the sphere of influence as it currently exists. She continued by discussing several of the areas that were being studied as part of this potential SOI expansion; those were:

- ✓ The Section 35 development project (and the possibility for future sewer service within those boundaries);
- ✓ The Agency's Reche Recharge project (a facility is planned for land leased from the Bureau of Land Management);
- ✓ The 17 customers, residing on approximately 5,200 acres within the Service Area 70 Improvement Zone, currently being served by the Agency (through a contract with County);
- ✓ The Homestead Valley Community Plan and its boundaries;
- ✓ The public lands, within the Agency's western sphere, which are administered by the Bureau of Land Management;
- ✓ Three individual properties serviced by the Agency, yet located outside the Agency's boundaries; and
- ✓ The Johnson Valley area and the water service available there (from on-site private wells or hauled water, delivered either by the individual property owner or a commercial bulk-hauler).

During her presentation, additional issues surfaced such as LAFCO's discovery (during their review) that the County Landfill (in Landers) is actually within Joshua Basin Water District's boundaries, although water service to the site is not practical

and therefore should be considered by the Commission as part of this sphere of influence expansion.

Ms. Rollings-McDonald concluded this portion of her presentation and asked for any questions.

Director Burkhart had prepared several questions for Ms. Rollings-McDonald: primarily regarding correspondence that LAFCO might have received (concerning past Agency wrongdoing or financial/audit issues); distinctions between CSA's (County Service Areas) and CSD's (California Special Districts); the process of annexation (referencing 17 detached properties currently in CSA W1); LAFCO oversight responsibilities; and the possibility of sewer (package treatment plants) within the Agency's boundaries in the future.

Ms. Rollings-McDonald commented that she responds to anyone from the public who raises questions. She continued that during the past 25 years, there have been some posed regarding the Agency and as long as she's been there (31+ years), LAFCO's involvement with the Agency has been on going.

Next, she cited an example where the 17 properties (originally part of the Bighorn sphere) in response to their request were "detached" in 1995 and made part of the County W1 boundary. She added that LAFCO has no direct supervision over County Service Zones, nor was LAFCO taking the role of "planners" and thus, she wouldn't speculate or hazard a guess about general growth trends, or the demand for potential sewer/package treatment plants.

Director Burkhart opened for public comment/questions.

Judy Corl-Lorono commented about the "deplorable" service that County W1 provided to the 17 "detached" properties.

GM West mentioned that the audit sheet was missing from the W1 review that she had received.

Chris Gubler handed the Board a letter, which expressed his concerns about the impact that this expansion would have to his property and his business enterprise, Gubler's Orchids. (He acknowledged that he would not have even known about this review if it hadn't been for GM Marina West notifying him. He said that he'd had a good relationship with the Agency over the years and clarified that his opposition to this expansion was unrelated to the Agency.)

GM West reported this was the reason that we were here today...to draw out the public and give them an opportunity to respond. (The Development Review Committee public comment period expires April 19, 2010.)

Ms. Rollings-McDonald remarked that LAFCO had announced this review two years ago and that there had been no other public correspondence received pertaining to the review and potential sphere of influence expansion.

Director Larson made a comment about the Landers landfill being outside of the Bighorn boundaries.

GM West mentioned a recent application received from a private well owner for service. She also briefly commented about package treatment plants and how under the current regulations, Bighorn was not able to provide that service in any shape or form. Ms. Rollings-McDonald agreed that LAFCO would require a professional to maintain a sewer system.

GM West then asked what would happen if the Johnson Valley area opposed the "sphere expansion".

Ms. Rollings-McDonald concluded by saying that LAFCO would consider all responses and public comment received; however, LAFCO can override and retains the sole responsibility for a determination.

Director Burkhart called for a break @ 11:11 AM; the meeting reconvened at 11:28 AM.

## **2. REVIEW OF DRAFT AMES/RECHE "PRINCIPLES OF AGREEMENT"**

**ACTION:** Information and discussion purposes only. No action taken.

GM West gave a brief overview of the Ames/Reche Groundwater Management Plan and highlighted the "drawbacks" that exist with regards to the 1990 Agreement. She mentioned the term "safe yield" and how the Reche Basin was in jeopardy. In fact, both Water Level and Water Quality Monitoring documentation confirmed that drawdowns have exceeded the terms of the initial Ames Agreement, made between Hi-Desert Water District (HDWD) and Bighorn-Desert View Water Agency.

She stated that over the past six years, she had been in discussions with the managers from Hi-Desert Water District, County Special Districts (representing W-1/Landers and W-4 Pioneertown), and Mojave Water Agency regarding cooperative management of the Reche Groundwater Subbasin.

She next introduced the "draft" Principles of Agreement, which represented a "coalition of ideas from several managers" that was fundamental to developing a new Groundwater Management Plan. This new plan was intended to address and move beyond the shortcomings of the existing Agreement, and outline specific management practices (like reasonable allocation of available native water combined with recharge of State Water Project supplies) that would sustain the

Reche Groundwater Subbasin and make it available to all three of the municipal users. She said that by having a formal agreement in place, it would also enable the tracking of water purchases received by any of the three entities since pumping and recharge to the same basin could occur at different times.

She continued that these Principles of Agreement would become the foundation of the proposed Groundwater Management Plan and would allow the Agency to enter into a second Memorandum of Understanding with Mojave Water Agency to fund the construction of the Reche Recharge Facility, a project the Board of Directors has envisioned for many years.

She reminded everyone that the Board has not yet approved the Reche Groundwater Subbasin project, through the California Environmental Quality Act (CEQA) process. She stated that this Groundwater Management Plan and site Feasibility Study for a recharge facility were projects defined and approved for funding in the EPA STAG Grant Work Plan. She elaborated on a timeline issue with the Bureau of Land Management noting that their anticipated completion date was said to be September 10, 2010 and the EPA STAG Grant Work Plan expires on November 30, 2010.

Director Burkhart asked if there were any other concerns (such as desert tortoises found on the site) that could affect the Agency from meeting this deadline. GM West remarked that none were cited, but tortoises do move.

GM West concluded by saying that her purpose for today's presentation was to review the draft Principles of Agreement information with the Committee members, receive any public comment and if the Committee agrees, forward the same document to the full Board for the March 23, 2010 agenda.

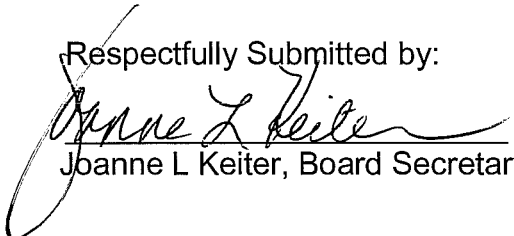
**3. PUBLIC PARTICIPATION - None**

**4. ITEMS FOR NEXT AGENDA -**

Conference call with MWA's Legal/Legislative Alliance

**5. ADJOURNMENT - Director Burkhart adjourned the meeting @ 12:20 AM**

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary





Engineers...Working Wonders With Water™

May 14, 2010  
30020.520

Bighorn-Desert View Water Agency  
622 South Jemez Trail  
Yucca Valley, CA 92284

Attention: Ms. Marina West, P.G., General Manager

Subject: Statement of Qualifications for On-Call, As-Needed Water and Wastewater  
Engineering Services

Dear Ms. West:

The Carollo Engineers (Carollo) team is pleased to submit our qualifications for on-call, as-needed water and wastewater engineering services to the Bighorn-Desert View Water Agency (Agency). The team is excited about the opportunity to work with the staff and Board of the Agency, and our qualifications in working with water and wastewater agencies provides the breadth of knowledge and experience that will benefit the Agency.

Our team will be led by Daniel Baker, P.E., who is Carollo's San Diego office manager. Mr. Baker has more than 18 years of experience in engineering and management consulting for water and wastewater utilities throughout the United States. He has worked for many agencies throughout Southern California and specializes in business consulting services such as financial planning, asset management, capital program development, and operations assessments. Mr. Baker is supported by the depth of Carollo staff company-wide, including select individuals whose qualifications are provided in this Statement of Qualifications: Gary Meyerhofer, P.E., partner-in-charge; Inge Wiersema, P.E., associate; and Jeffrey Weishaar, P.E., project engineer.

Our on-site project manager will be Joseph Glowitz, P.E., PMP. Joseph has 30 years of experience in the water, wastewater, utility, and public works sectors for local government and special districts in California. Recently, as district engineer at the Hi-Desert Water District, Joseph was involved in the full breadth of water and wastewater issues that concern the Morongo Basin and agencies working with the Mojave Water Agency.

Please find enclosed three copies of our Statement of Qualifications. We would be happy to discuss our qualifications with you, at your convenience. Please do not hesitate to call us for further clarification or information. Thank you for the opportunity to be of service to the Agency and your customers.

Sincerely,

CAROLLO ENGINEERS, P.C.

Daniel P. Baker, P.E.  
San Diego Office Manager

DPB:blm

Enclosures

ORIGINAL STATEMENT OF QUALIFICATION AVAILABLE AT THE AGENCY BUSINESS OFFICE

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**DONALD R. HOWARD, P. E.**

Principal Engineer

**REGISTRATION**

California Civil Engineer, Registration No. 12786

**LICENSES**

California Engineering Contractor, License No. 635878 Class A and B

**EDUCATION**

B.S., Engineering, 1958, University of California, Los Angeles, California

M.S., Civil Engineering, 1967, University of Southern California, Los Angeles, California

**EXPERIENCE AND PROFESSIONAL BACKGROUND**

Mr. Howard has over fifty years experience in groundwater basin and river system management, groundwater hydrology, design and construction engineering of municipal waterworks, utility management, and master planning. Mr. Howard was an active participant in the adjudication and management of the Main San Gabriel Basin, San Gabriel River System, Raymond Basin, Puente Basin, and Mojave River System. Mr. Howard's experience also includes two special assignments as the Interim General Manager of the Mojave Water Agency and the San Bernardino Valley Water Conservation District. Mr. Howard assisted the Industry Urban-Development Agency in negotiations with the USEPA and potentially responsible parties for the clean up of the Puente Valley Operable Unit.

For over 20 years, Mr. Howard acted as the staff of San Gabriel River Watermaster, wherein he provided ongoing technical assistance to the Watermaster and agencies charged with the management of the San Gabriel River. Each year a report was prepared that divided the river flow between the major groundwater basins on the river. The report was used to determine the necessity of providing supplemental water to the downstream areas.

Mr. Howard supervised the collection and processing of data for the adjudication of the Main San Gabriel Basin. These data were used to determine water rights allocations. When the legal process was complete, Mr. Howard was responsible for the preparation of the annual report to the Watermaster. The report included recommendations as to allowable pumping and other management decisions concerning the water supply of the Basin together with summaries of the activities in the Basin. Mr. Howard was also responsible for the District's annual report summarizing the Basin's water quality data and related activities.

Mr. Howard was a key player in the adjudication of the Puente Basin in 1985. Mr. Howard supervised the collection and processing of data for the adjudication of the Puente Basin. These data were used to determine water rights allocations. The Judgment was entered in 1986. He currently serves on the Puente Basin Watermaster and Don Howard Engineers serves as the Watermaster staff.

Mr. Howard has assisted various agencies and committees in arriving at a solution to the overdraft problems of the Mojave River and associated groundwater basins, and in the development of the management plan. He has served on several committees during the process; between 1987 and 1990 he served as Chairman to the Engineering Committee of the Technical Advisory Committee and in 1991 he was appointed as Chairman of the Surface Water Committee. The stipulated Judgment was entered in 1994.

The Mojave Water Agency retained Mr. Howard in 1990 when the management staff of the Agency resigned unexpectedly. Mr. Howard oversaw the daily activities of the office staff, assisted the Agency in its search for a General Manager, and aided in the selection of an engineering firm to prepare a feasibility study for the Morongo pipeline. Mr. Howard also hired the project manager and the bond counsel. The pipeline was 60 miles in length and brought water from the SWP to Morongo Basin. The Morongo pipeline was dedicated in 1997.

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April 12, 2010

Ms. Marina West, PG  
General Manager  
Bighorn-Desert View Water Agency  
622 South Jemez Trail  
Yucca Valley, CA 92284

**SUBJECT: Statement of Qualifications - On-Call Engineering Services**

Dear Ms. West:

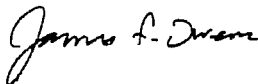
Nolte offers on-call and project specific engineering services to numerous water agencies in Southern California. Nolte's geographic proximity and familiarity with the Water Agency's service area uniquely enable Nolte to provide unmatched on-call services to Bighorn-Desert View Water Agency (Water Agency).

Based out of Palm Desert, and frequently working on projects in the Morongo Basin, I am available to respond quickly to assist the Water Agency in several engineering capacities. These include technical assistance and reviews, funding procurement, project development, review of drawings, and attendance at board meetings. This proposal highlights Nolte's team and experience in several water projects and clients in Southern California. In addition to its project manager, Nolte's team includes several associate engineers who will be able to provide additional manpower and expertise when needed.

This qualifications package also demonstrates the wide spectrum of services available to the Water Agency, including land surveying, financial analysis, construction inspection, and geographic information systems. Although some of these services may not be requested by the Water Agency, Nolte's project manager can coordinate them when they are requested.

Let us know how we can help.

Sincerely,  
**Nolte Associates, Inc.**



James F. Owens, P.E., LEED<sup>AP</sup>  
Associate

**NOLTE ASSOCIATES, INC.**  
73-185 HIGHWAY 111, SUITE A  
PALM DESERT, CA 92260  
760.341.3101 TEL 760.341.5999 FAX  
WWW.NOLTE.COM

April 16, 2010

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Bighorn-Desert View Water Agency  
622 South Jemez Trail  
Yucca Valley, California 92284

Attn: Marina West

Subject: Statement of Qualifications for  
On-Call Engineering Services

Ladies and Gentlemen:

We appreciate the opportunity to submit our qualifications for providing on-call engineering services to Bighorn-Desert View Water Agency (Agency). As you will note in reviewing our submittal, our staff has the experience and qualifications to provide the Agency with all required services throughout all phases of essentially any type of project for the various categories for which we have prepared qualifications. Further, because Krieger & Stewart provides all services out of our offices in Riverside, our project team members will be continually available throughout the course of a project, from initial conferences and planning through completion of construction.

Krieger & Stewart is a consulting engineering firm that specializes in providing engineering services to public agencies throughout California. Formed in 1971, Krieger & Stewart has provided services to a variety of public agencies, many on a continuing basis for as long as we have been in business. Most of our experience has been gained within Riverside, San Bernardino, and Kern Counties, which has given us a firm grasp of the practices and requirements of local, state, and federal jurisdictional agencies and enabled us to establish an excellent working relationship with those agencies. Our sustained relationships, together with what we consider to be an outstanding record of minimizing contract change orders through pragmatic and meticulous design and rigorous construction management practices, makes us well qualified to provide the requested services to the Agency.

As a result of our extensive public works engineering experience, we have a thorough understanding of the Agency's requirements regarding the preliminary design, planning, permitting, and final design services. **In fact, Krieger & Stewart has served as on-call consulting engineer for numerous water agencies throughout our 39 years in business, many on a continuous basis, and most of them located in California's desert communities with systems similar to the Agency's. I have been District Engineer for Indian Wells Valley Water District for almost 20 years and oversee or participate in all District engineering matters, including compliance, funding, planning, capital project design and construction, maintenance, and interaction with the board of directors.**