

Bighorn-Desert View Water Agency

Board of Directors

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A Public Agency

BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Monday, October 25, 2010 - 6:00 PM

- **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. **PUBLIC PARTICIPATION-** Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.
2. **DISCUSSION AND ACTION ITEMS** - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.

a. STATUS OF THE ENVIRONMENTAL PROTECTION AGENCY STATE AND TRIBAL ASSISTANCE GRANT (moved from PLEGS Committee)

RECOMMENDED ACTION:

- 1) Discuss project progress and remaining balance of the grant funds; and
- 2) Discuss initiation of the Johnson Valley Hydrogeologic Investigation outlined in EPA approved Work Plan; and
- 3) Direct staff to move the item to the full board for further consideration including financial participation in order to proceed with the Johnson Valley Hydrogeologic Investigation.

b. WATER INFRASTRUCTURE RESTORATION PROGRAM/EPA STAG GRANT: TODD ENGINEERS CHANGE ORDER NO. 2 AND BUCKNAM & ASSOCIATES CHANGE ORDER NO. 1 (moved from PLEGS Committee)

RECOMMENDED ACTION:

- 1) Authorize General Manager to execute Change Order No. 2 with Todd Engineers for Water Infrastructure Restoration Program/ EPA STAG Feasibility Study, Project Management and Groundwater Management Plan Services related to the Ames/Reche recharge facility in the amount of \$63,900; and
- 2) Authorize General Manager to execute Change Order No. 1 with Bucknam & Associates for Water Infrastructure Restoration Program/ EPA STAG grant administrative services for the period November 30, 2010 through November 30, 2011 in the amount of \$20,500.

c. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION (moved from PLEGS Committee)

RECOMMENDED ACTION:

- 1) Review and discuss proposed Resolution; and
- 2) Recommend to full Board the adoption of said Resolution incorporating by reference the Standard Conflict of Interest and Disclosure Code adopted by the Fair Political Practices Commission

d. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING ITS BANKING POLICY

RECOMMENDED ACTION:

- 1) Review and discuss updates to existing Resolution; and
- 2) Consider approval of same.

3. DISBURSEMENTS SEPTEMBER 2010

RECOMMENDED ACTION:

1) Ratify/authorize payment of bills

- 4. CONSENT ITEMS** - The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that an item be held for discussion or further action.

RECOMMENDED ACTION:

1) Approve as presented (Items a - f)

- a. Financial Statements September 2010
- b. Minutes of the September 21, 2010 Special Meeting
- c. Consumption & Billing Comparison Report September 2010
- d. Production Report September 2010
- e. Service Order Report September 2010
- f. Progress Report on the Ames/Mears Recharge Facility Project

END OF THE CONSENT CALENDAR

5. MATTERS REMOVED FROM CONSENT ITEMS

6. VERBAL REPORTS

- GENERAL MANAGER'S REPORT
- DIRECTORS' REPORTS
- PRESIDENT'S REPORT

7. COMMUNICATION AND PUBLIC INFORMATION ITEMS

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
PLANNING/ENGINEERING/LEGISLATIVE/GRANT
AGENDA ITEM SUBMITTAL**

Meeting Date: October 20, 2010

To: Planning/Engineering/Legislative/Grant
Standing Comm. of Board of Directors

Budgeted: No
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: Status of the Environmental Protection Agency State and Tribal Assistance
Grant (EPA STAG)

SUMMARY

Attached is the approved Work Plan for the EPA STAG grant. Staff will review the progress of the project, the balance remaining and discuss the outstanding task: Johnson Valley Hydrogeologic Investigation.

RECOMMENDATION

That the Committee discuss the progress of the project to date and the remaining balance of the grant funds. In addition that the Committee discuss the initiation of the Johnson Valley Hydrogeologic Investigation outlined in EPA approved Work Plan. Finally, direct staff to move the item to the full board for further consideration including financial participation in order to proceed with the Johnson Valley Hydrogeologic Investigation.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

8/24/2010 Authorize General Manager to execute Change Order No. 3 with Candida Neal, AICP for CEQA/NEPA services related to the Water Infrastructure Restoration Program, specifically the Ames/Means Reche Recharge Facility, in the amount of \$8,260.

6/29/2010 Resolution No. 10R-04 Approving the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program and Pipeline Installation/Replacement Program pursuant to California Environmental Quality Act (CEQA) and state of California CEQA guidelines.

6/15/2010 BOD Public Hearing: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project

3/23/2010 BOD Review of Draft "Principles of Agreement" between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency for the Reche Groundwater Subbasin.

3/19/2010 PLEGS Committee Review of Draft "Principles of Agreement" between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency for the Reche Groundwater Subbasin.

2/18/2010 PLEGS Committee California Environmental Quality Act (CEQA) and Water Master Plan Update

1/26/2010 Overview of the Ames Valley Water Basin Agreement

1/26/2010 Board Authorization of Change Order No. 1 to Todd Engineers for an amount not to exceed \$53,340 for the Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan for the Ames/Reche Project.

11/17/2009 Board authorization of Change Order No. 2 to Candida Neal, AICP for an amount not to exceed \$37,842.90 for CEQA/NEPA services related to the Water Infrastructure Improvement Program.

11/5/2009 Finance/Public Relations/Education/Personnel Standing Committee Report on status of Water Infrastructure Restoration Program Pending Change Order No. 2 to Candida Neal, AICP for CEQA/NEPA services specifically related to the Ames/Means Reche Recharge Facility

8/25/2009 Motion to authorize staff to execute Memorandum of Understanding by and between Mojave Water Agency and Bighorn Desert View Water Agency regarding Project Management of Phases for Phase I and II Planning and Design of the Ames-Means Recharge Project (aka Reche Recharge Facility) and accepting financial participation from Mojave Water Agency in the amount of \$279,495.

7/28/2009 Draft financial participation MOU with MWA presented to Board for information and discussion only.

1/27/2009 R09-03 Resolution of Board of Directors approving the Guidance Document for the Development of a Groundwater Management Plan and Construction of an Artificial Recharge Project in the Reche Groundwater Subbasin of the Ames Valley Groundwater Basin.

1/15/2009 PLEGS Planning/Legislative /Engineering/Grant /Security Standing Committee recommending the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin be brought before the full board on January 27, 2009.

8/26/2008 Introduction of the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin.

6/16/2008 Motion to authorize staff to seek formal partnerships with interested parties to participate financially in the Agency's EPA Grant Program – Water Infrastructure Restoration Program CEQA/NEPA documentation.

5/27/2008 Authorize issuance of Change Order No. 1 to Candida Neal, AICP in the amount of \$32,250.48 for completion of Water Infrastructure Restoration Program CEQA/NEPA documentation which includes Reche Recharge Project.

1/22/2008 Review and discuss the status and history of monitoring of the Reche Subbasin pursuant to the Ames Valley Water Basin Agreement (aka Stipulated Judgement)

9/30/2007 Motion to authorize staff to execute a Professional Services Agreement with Candida Neal, AICP in the amount of \$44,193.24 for preparation of the Water Infrastructure Program CEQA/NEPA documentation which includes Reche Recharge Project

9/18/2007 Board Workshop to discuss the results of the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC.

4/24/2007 Motion to accept the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC.

4/24/2007 Motion to accept Water Master Plan Report by Don Howard Engineering which includes recharge facilities.

12/20/2006 06R-18 Resolution of the Board of Directors of the Bighorn-Desert View Water Agency declaring its intention to draft a Groundwater Management Plan for the Ames/Mean/Johnson Valley Groundwater Basins

3/28/2006 06R-04 Resolution authorizing General Manager to enter Grant Agreement of \$477,000.

<p align="center">Bighorn-Desert View Water Agency Environmental Protection Agency Appropriations Act Grants FY 2005 + FY2006</p>

EPA Grant XP-96937401-1

Revised Work Plan
September 15, 2009

Background

The Bighorn-Desert View Water Agency (Agency or BDVWA) is located in the Mojave Desert area of southern California in San Bernardino County, approximately 100 miles west of the City of Los Angeles. Its office is located in Yucca Valley, California. The Bighorn Desert View Water Agency serves water to the communities of Johnson Valley, Landers, and Flamingo Heights.

The Bighorn Desert View Water Agency is a special act agency created by the California legislature in 1989 by the consolidation of Desert View Water District, a county water district, and the Bighorn Mountain Water Agency, another special act agency. In accordance with the Act, the Agency is empowered to:

1. Acquire waterworks or a waterworks system, water rights, and to construct, maintain and operate facilities necessary to store, convey, supply, or otherwise make use of water for the benefit of the Agency,
2. Lease and operate water storage, transportation or distribution facilities and to sell water to cities and other public corporations within the Agency boundaries, and if available, to dispose of surplus water,
3. Acquire, control, distribute, store , spread, sink, treat, purify, reclaim, recapture and salvage any water for the beneficial use and protection of the Agency or its inhabitants,
4. Commence, maintain, intervene in, defend and compromise actions and proceedings involving the ownership or use of water or water rights for the common benefit of lands within the agency or its inhabitants and to prevent, control or abate pollution,
5. Distribute water to persons in exchange for ceasing or reducing groundwater extractions, and
6. Finance the acquisition and construction of water-related facilities.

The Bighorn-Desert View Water Agency's mission statement states:

"To provide high quality water and reliable service at a reasonable rate."

It is with this authority and mission that the Agency wishes to assure long-term water supply reliability, water quality security, and seismic reliability of its water system. With the assistance provided by the Environmental Protection Agency (EPA) through the FY 2005 and FY 2006 grant funds, the Bighorn-Desert View Water Agency can take action toward achieving this goal.

Since the grant award on November 23, 2005 and its subsequent amendment on June 22, 2006, BDVWA has been using federal grant funds for grant administration services, the preparation of a system-wide Water Master Plan (WMP) to evaluate the water system and to identify a comprehensive Water System Improvement Plan, and the preparation of environmental documents in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Bucknam & Associates is our grant administration consultant and continues to assist BDVWA in this regard. Don Howard Engineers prepared the Water Master Plan which was completed in March 2007 and submitted to EPA on April 26, 2007. Candida Neal, AICP, is currently preparing the environmental documents.

The current Work Plan also includes tasks associated with the Johnson Valley Groundwater Basin Hydrogeologic Investigation and Recharge Facilities/Spreading Grounds Analysis. The studies/projects in the Work Plan are intended to improve the water supply reliability and water quality in these portions of the Agency's service area. These projects were identified as potential grant projects prior to the preparation of the Water Master Plan.

This revised Work Plan is an update to the approved tasks associated with the consultant services discussed plus the addition of NEPA tasks that were not included as part of the last Work Plan revision. The purpose of this Work Plan revision is to support a request for extension of the Grant period up to December 31, 2010.

Bighorn-Desert View Water System

The Bighorn-Desert View Water Agency encompasses 45 square miles of desert area serving the communities of Flamingo Heights, Landers, and Johnson Valley. The system includes approximately 1,820 lateral service lines. The Agency also provides 80 metered bulk water services via four separate water hauling stations. The bulk services are available to both commercial and private individuals. The Agency currently supplies an average of 500 acre feet per year to its customers.

Water supplies to the Agency are obtained from eight deep wells pumping water from three underground basins (Ames Valley Basin, Means Valley Basin and Johnson Valley Basin). The system is divided into seven separate pressure zones, which are served from four storage reservoir sites and supplied by well pumps or booster pumps through

transmission and distribution system pipelines. The Agency operates and maintains about 600 fire hydrants and 130 miles of water main pipelines.

Project Goals/Objectives

Following the major Landers earthquake in the early 1990's, the Agency has determined the need for planning, design and construction funds to provide for various upgrades to its system. These upgrades would not only protect the system and assure continuance of critical water supplies following another major seismic event, but also would assist in enhancing groundwater storage through conjunctive use of State Project Water delivered through the Mojave Water Agency Pipeline. The importance of the management of groundwater supplies was also recognized as very important to the region.

The first step in meeting its goals for system upgrades entailed the preparation of the Water Master Plan document which identified water infrastructure improvements and further studies in the region that would result in meeting the following goals and objectives:

- 1) Significantly increase the capacity to store water,
- 2) Manage groundwater supplies in the region,
- 3) Upgrade the Agency's aging water system infrastructure,
- 4) Increase water system reliability in the event of an earthquake or other major emergency,
- 5) Increase the capability to fight fires, particularly earthquake-related fires, and
- 6) Increase public health and safety.

The EPA funding will enable the Agency to initiate the implementation of important projects toward reaching these objectives.

Matching Funds

The Mojave Water Agency (MWA) is a regional water agency. The MWA's boundaries encompasses approximately 4,900 square miles of the High Desert in San Bernardino County. As a state water contractor, MWA is entitled to receive an annual allotment of 75,800 acre feet of water from the State Water Project via the California Aqueduct. This facility extends south from the Sacramento Delta and runs locally through the communities of Baldy Mesa and Hesperia. In 1990, the communities of Yucca Valley, Joshua Tree, Flamingo Heights, Landers and portions of Johnson Valley voted to create a Tax Assessment District for the purpose of financing and constructing the Morongo Basin Pipeline which extends the SWP into the Bighorn Desert View Water Agency service area. The imported water supply is crucial to the area's survival, because, according to recent studies, local aquifers have been in overdraft for the past four decades which means residents have been using more water than is replaced naturally.

MWA has contributed \$40,000 in cash toward the BDVWA's matching fund requirement to date. Through a new Memorandum of Understanding, approved September 10, 2009 MWA is contributing another \$279,495 in matching funds this fiscal year to continue progress on these projects/studies.

Deliverables/Work Products

The Deliverables or Work Products resulting from this revised Work Plan include:

- 1) grant administration and project management services including water resources plan administrative and technical support and the preparation of all reports required as a condition of the grant
- 2) the preparation of a Water Master Plan document that includes the components described below
- 3) the preparation of environmental documents in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) [as necessary]
- 4) the study of the management of groundwater supplies in the region resulting in a Ground Water Management Plan
- 5) the preparation of a Reche Basin (previously named Ames/Means) Recharge Facilities/Spreading Grounds Hydrogeologic Investigation and analyses Report and, if time permits, a Johnson Valley Groundwater Basin Hydrogeologic Investigation and analyses Report

The Water Master Plan is a flexible guide for future improvement and operation of the Agency's water system. The Water Master Plan includes the following:

- Research and Assessment of Data
- Water Supply
- Existing Facilities
- Future Water Requirements
- Water System Hydraulic Analysis Modeling
- System Deficiencies
- Proposed Projects/System Improvement Plan
- Connection Fee Recommendation
- Water Master Plan Report

As indicated earlier, the WMP was completed in March 2007 using EPA grant funds.

Tasks

The following tasks are included in the program. Deliverables/work products, anticipated completion date, and estimated federal and BDVWA costs associated with each task are identified.

Task 1 ***Retain Grant Administration and Project Management
Consultant Services***

- a) Prepare request for proposals for Grant Administration Services - This task includes the development of a Request for Proposals (RFP) for the administrative services of grant oversight. The RFP includes the required services, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants.
- b) Issue RFP for Grant Administrative Services - This task includes issuing an RFP for the Grant Administrative Services in accordance with the Agency's standard procedures for requesting proposals. Proposals are reviewed and evaluated by the Agency for conformance to the Agency's needs and requirements, and a consultant is selected.
- c) After selection of the consultant for Administrative Grant Services, the Agency awards a contract and enters into a contract agreement as required.
- d) Prepare request for proposals for Project Management Services - This task includes the development of a Request for Proposals (RFP) for the administrative services of project oversight. The RFP includes the required services, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants.
- e) Issue RFP for Project Management Services - This task includes issuing an RFP for the Project Management Services in accordance with the Agency's standard procedures for requesting proposals. Proposals are reviewed and evaluated by the Agency for conformance to the Agency's needs and requirements, and a consultant is selected.
- f) After selection of the consultant for Project Management Services, the Agency awards a contract and enters into a contract agreement as required.

Task Responsible Parties: Bighorn-Desert View Water Agency

Task Deliverable Work Product: Grant Administration Services Contract and Project Management Services Contract

Anticipated Task Completion Date: December, 2005 [Grant Administrative Services Contract Task Completed]. November 2009 for Project Management Services Contract

Estimated Task Federal Costs: \$0 [All cost associated with this task is borne by BDVWA]

Estimated Task Non Federal Costs: \$0 [All cost associated with this task is borne by BDVWA]

Task 2 ***Grant Consultant Services and Project Management Services***

The grant consultant provides administrative support while the project management consultant provides technical support to BDVWA as identified in the subtasks below. The deliverables include the preparation of all reports required by EPA under this grant. Grant consultant services will be conducted throughout the grant period or until the BDVWA no longer requires its services. This contract may be amended at the discretion of BDVWA, in accordance with BDVWA Board Approval.

Project reporting will be prepared by the grant consultant with assistance and review by BDVWA staff. Reporting consists of status reports, reimbursement requests, financial reports and all other items necessary in accordance with EPA federal funding requirements. The Project Management Consultant, in coordination with BDVWA, serves as liaison to legal counsel, engineering consultants, County of San Bernardino, and the Mojave Water Agency as necessary in the preparation of the Water Master Plan, Ground Water Management Plan, and other studies and plans. Examples of tasks include:

Grant Consultant Services

- a) Preparing MBE/WBE reports
- b) Preparing Annual Financial Reports to the EPA
- c) Preparing Quarterly Status Reports to the EPA
- d) Preparing all necessary project documentation, including financial recording keeping, and submit to BDVWA in a 3 ring binder
- e) Interfacing with BDVWA administration for all funds disbursements relative to the WRP program

Project Management Services

- a) Preparation of RFP for various consultant needs identified (eg. Engineering)
- b) Selection of identified Consultants, if needed
- c) Oversight of the project progress including all Consultant's work efforts as described in the previously mentioned tasks including CEQA and NEPA review, groundwater management plan, and required project permits (eg. Bureau of Land Management, Regional Water Quality Control Board, and Department of Health Services).
- d) Conducting monthly contract performance reviews with the General Manager and/or other BDVWA representatives to ensure that both performance and fiscal goals are met
- e) Interfacing, assisting, reviewing, etc of CEQA/NEPA requirements, Groundwater Management Plan, Feasibility Studies and project permits

Task Responsible Parties: BDVWA & Project Management Consultant and Grant Consultant

Task Deliverable Work Products: Monthly Status Reports, MBE/WBE Reports, Financial Reports, miscellaneous documentation and a Project Recordkeeping Notebook

Task Due Date: Ongoing

Estimated Total Task Federal Costs: \$57,805

Estimated Total Task Non Federal Costs: \$47,295

Note: The increased cost for this task is associated with the continuation of grant administration and project management technical support services through to the end of the EPA grant period.

Task 3

Retain Engineering Consultant Services – Water Master Plan

- a) Prepare request for proposals for Water Master Plan - This task includes the development of a Request for Proposals (RFP) for the preparation of the Water Master Plan. The RFP includes the required elements of the plan, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants.
- b) Issue RFP for the Water Master Plan - This task includes issuing an RFP for the preparation of the Water Master Plan in accordance with the Agency's standard procedures for requesting proposals. Once proposals are received from consultants, the Agency reviews the documents for conformance to the Agency's needs and requirements, evaluates the proposals and recommends a selected consultant for preparation of the Water Master Plan.
- c) After selection of the consultant for the preparation of the Water Master Plan, BDVWA awards the contract, enters into a contract agreement as required and issues a Notice to Proceed.

Task Responsible Parties: BDVWA & Grant Consultant

Task Deliverable Work Product: Engineering Services Contract & Notice to Proceed

Anticipated Task Completion Date: March, 2006 [Task Completed]

Estimated Task Federal Costs: \$0 [All Grant Consultant costs associated with this task are included in Task 2]

Estimated Task Non Federal Costs: \$0 [All Grant Consultant costs associated with this task are included in Task 2]

Task 4

Preparation of Water Master Plan by the Engineering Consultant

This task includes the preparation of the Water Master Plan. The deliverable work product is the Water Master Plan document. Don Howard Engineers prepared the Water Master Plan which was completed in March 2007 at a cost of \$130,581.45 (\$71,819.80 federal, \$58,761.65 match). The WMP was submitted to EPA on April 26, 2007.

Task Responsible Parties: BDVWA & Engineering Consultant

Task Deliverable Work Product: Final Water Master Plan Report
Anticipated Task Completion Date: March 14, 2007 [Task Completed]
Estimated Total Task Federal Cost: \$71,820
Estimated Total Task Non-Federal Cost: \$58,762 [includes \$20,000 cash contribution by MWA]

Task 5

Retain Consultant Services for Preparation of Environmental Documents for Project(s)

- a) Prepare request for proposals for consulting services - This task includes the development of a Request for Proposals (RFP) for the preparation of environmental documents in accordance with CEQA and NEPA, as necessary for the specific projects which BDVWA has selected for inclusion in the water infrastructure program under this grant. The specific projects will be identified in the WMP. The RFP includes the required elements of the environmental analysis and document preparation, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants. Since there may be multiple projects that will be selected under this program, there may be more than one environmental document needed.
- b) Issue RFP for the environmental documents preparation - This task includes issuing an RFP for the preparation of the environmental documents in accordance with the Agency's standard procedures for requesting proposals. Once proposals are received from consultants, BDVWA reviews the documents for conformance to the BDVWA's needs and requirements, and state and federal requirements, and evaluates the proposals and recommends a selected consultant for preparation of the environmental documents.
- c) After selection of the consultant(s) for the preparation of the environmental documents, BDVWA awards the contract(s), enters into contract agreement(s) as required and issues the Notice(s) to Proceed.

Task Responsible Parties: BDVWA & Grant Consultant
Task Deliverable Work Product: Consulting Services Contract & Notice to Proceed
Anticipated Task Duration Dates: May, 2007 – October, 2007 [Task Completed]
Estimated Task Federal Costs: \$0 BDVWA will conduct this task in accordance with Grant Consultant [All Grant Consultant costs associated with this task are included in Task 2]
Estimated Task Non Federal Costs: \$0 BDVWA will conduct this task in accordance with Grant Consultant [All Grant Consultant costs associated with this task are included in Task 2]

Task 6

Preparation of Environmental Documents for Project(s) by the Consultant

This task includes the preparation of environmental documents for the specified water infrastructure projects as necessary. The specific projects are identified in the WMP and/or other planning documents. The CEQA document is being prepared for the projects included in the WMP. Documents under this task will be prepared in accordance with CEQA and NEPA requirements as required.

This revised Work Plan is focused and includes only studies, investigative analyses and design. It no longer contains construction of water infrastructure components. However, the project has been located on land owned by the Federal Government and managed by the Bureau of Land Management. Accordingly, BLM will require documents in accordance with NEPA to approve the right-of-way application.

BDVWA will be the lead agency for all documents required in accordance with CEQA, and BLM will be the lead agency for all documents in accordance with NEPA. BDVWA will prepare all required documents and anticipates that will also include the completion of a "Biological Opinion" on behalf of BLM to maintain the project schedule.

The focus of the deliverable work product(s) will be the interim and final preparation of environmental documents for the project(s) most specifically the Reche Basin Recharge Facilities/Spreading Grounds which will include NEPA. The appropriate NEPA environmental document for any other specific project will be determined if other specific projects are identified in the WMP or other planning documents.

Task Responsible Parties: BDVWA & Environmental Consultant

Task Deliverable Work Products: CEQA and/or NEPA Environmental Documents for project(s), if required

Anticipated Task Duration Dates: November 2007 – March 2010

Estimated Total Task Federal Costs: \$55,000

Estimated Total Task Non Federal Costs: \$45,000

Note: The increased cost for this task is associated with the need to complete cultural and additional biological surveys and analyses in accordance with state and federal requirements for protected and/or endangered species. The task will also include the preparation of the Biological Opinion for the NEPA document. BDVWA will fund the preparation of the Biological Opinion on behalf of BLM to save time in the processing of the right-of-way permit. The task also includes an on-site survey of cultural resources as required by BLM and also through the San Bernardino County Museum and documentation resulting from a California Historic Resources Survey records search. It also includes an increased effort for a general biological resources survey and focused surveys for specific animal species

which may potentially be affected by implementation of the Reche Basin Recharge Facilities/Spreading Grounds project.

Task 7 ***Retain Consultant Services – Ground Water Management Plan***

- a) Prepare request for proposals for Ground Water Management Plan - This task includes the development of a Request for Proposals (RFP) for the preparation of the Ground Water Management Plan for the Reche Basin (previously named Ames/Means). The RFP includes the required elements of the plan, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants.
- b) Issue RFP for the Ground Water Management Plan - This task includes issuing an RFP for the preparation of the Ground Water Management Plan in accordance with the BDVWA's standard procedures for requesting proposals. Once proposals are received from consultants, BDVWA reviews the documents for conformance to BDVWA's needs and requirements, evaluates the proposals and recommends a selected consultant for preparation of the Ground Water Management Plan.
- c) After selection of the consultant for the preparation of the Ground Water Management Plan, BDVWA awards the contract, enters into a contract agreement as required and issues a Notice to Proceed.

Task Responsible Parties: BDVWA & Project Manager Consultant

Task Deliverable Work Product: Consultant Services Contract & Notice to Proceed

Anticipated Task Completion Date: November 2009

Estimated Task Federal Costs: \$0 [All Project Management Consultant costs associated with this task are included in Task 2]

Estimated Task Non Federal Costs: \$0 [All Project Management Consultant costs associated with this task are included in Task 2]

Task 8 ***Preparation of Ground Water Management Plan by the Consultant***

This task includes the preparation of the Ground Water Management Plan (GWMP) for the Reche Groundwater Basin (previously named Ames/Means Basins). The GWMP is the framework by which the Reche groundwater basin will be conjunctively managed. The GWMP is a regionally important plan. The GWMP establishes the parties' right to pump water, and spread, store and recover imported water. It establishes the manner in which rights to native and imported water may be transferred among parties and how the management plan is to be validated. The Groundwater Management Plan is an important regional component to the overall planning of the basin because it is a collaboration between several municipal water providers and MWA.

Task Responsible Parties: BDVWA & Consultant (part of the Project Management Team)

Task Deliverable Work Product: Final Ground Water Management Plan Report

Anticipated Task Completion Date: July 2010

Estimated Total Task Federal Cost: \$82,500

Estimated Total Task Non-Federal Cost: \$67,500

Task 9

Retain Consultant Services – Reche Recharge Facilities/Spreading Grounds Analyses (RF/SGA) and Johnson Valley Ground Water Basin Hydrogeologic Investigation (JVHI)

- a) Prepare two Request for Proposals (RFP) for the Reche Recharge Facilities/Spreading Grounds Analyses (RF/SGA) and a separate Johnson Valley Ground Water Basin Hydrologic Investigation (JVHI) - This task includes the development of two RFP's for the preparation of a feasibility study/hydrologic investigation for the Reche Recharge Facilities/Spreading Grounds Analyses and a second RFP for the preparation of a feasibility study/hydrologic investigation of the Johnson Valley Ground Water Basin. The RFP's will include the required elements of the plan, the schedule for completion, proposal guidelines and other pertinent information as needed to solicit the most qualified applicants.
- b) Issue RFP's for Reche Recharge Facilities/Spreading Grounds Analyses and the Johnson Valley Ground Water Basin Hydrologic Investigation - This task includes issuing an RFP for the preparation of the Johnson Valley Ground Water Basin Hydrologic Investigation and Recharge Facilities/Spreading Grounds Analyses in accordance with the BDVWA's standard procedures for requesting proposals. Once proposals are received from consultants, BDVWA reviews the documents for conformance to BDVWA's needs and requirements, evaluates the proposals and recommends a selected consultant for preparation of the Reche Recharge Facilities/Spreading Grounds Analyses and the Johnson Valley Ground Water Basin Hydrologic Investigation.
- c) After selection of the consultant for the preparation of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation and, BDVWA awards the contract, enters into a contract agreement as required and issues a Notice to Proceed.

Task Responsible Parties: BDVWA & Consultant (part of the Project Management Team for Reche Recharge Facilities/Spreading Grounds Analyses)

Task Deliverable Work Product: Consultant Services Contract & Notice to Proceed

Anticipated Task Completion Date: November 2009 (for Reche Recharge Facilities/Spreading Grounds Analyses) and May 2010 for Johnson Valley Ground Water Basin Hydrologic Investigation

Estimated Task Federal Costs: \$0 [All Project Management Consultant costs associated with this task are included in Task 2]

Estimated Task Non Federal Costs: \$0 [All Project Management Consultant costs associated with this task are included in Task 2]

Task 10

Preparation of the Reche Recharge Facilities/Spreading Grounds Analyses (RF/SGA) and Johnson Valley Ground Water Basin Hydrologic Investigation (JVHI) by the Consultants

This task includes the completion of one study for the Reche Recharge Facilities/Spreading Grounds Analyses and a separate study for the Johnson Valley Ground Water Basin Hydrologic Investigation. A Conjunctive Use Project utilizing artificial recharge has already been identified for the Reche Groundwater Basin. This task therefore includes the preparation of the Recharge Facilities/Spreading Grounds Analyses. It is presumed that the spreading basins will become integral to the management program for the Reche Basin. The analyses will evaluate the long-term infiltration capacity of the sediments and the potential mounding/water quality changes to groundwater. It includes acquisition of all necessary property encroachment permits, installation of two or three monitoring wells with a minimum 6-inch casing for aquifer testing with geophysical logging, and four soil borings and piezometers. It will also include a small pilot basin or recharge well for testing and development of a computer model. Regarding the Johnson Valley Groundwater Basin Hydrologic Investigation, a Conceptual Model and Assessment of Water Supply for the Johnson Valley Area completed in 2007 suggests there are 900 acre feet of unused water in that groundwater basin. Previous studies indicate that there is adequate ground water storage and available groundwater storage capacity for another conjunctive use project. Before planning a groundwater storage project additional studies are needed to better define the characteristics of the basin for the benefit of the region. It will be necessary to conduct geophysical resistivity surveys across the area in order to understand the subsurface geometry, and to install monitoring wells as needed. It also includes ground borings and sampling and analysis activities.

Task Responsible Parties: BDVWA & Consultant

Task Deliverable Work Product: Reche Recharge Facilities/Spreading Grounds Analyses Report and Johnson Valley Ground Water Basin Hydrologic Investigation

Anticipated Task Completion Date: October 2009

Estimated Total Task Federal Cost: \$306,975

Estimated Total Task Non-Federal Cost: \$251,161

Budget

A budget spreadsheet for all tasks is located at the end of this Work Plan.

Timeline/Schedule

A Program Plan Schedule for completion of the above outlined tasks is located at the end of this Work Plan.

Available Funding and Costs

The FY 2005 EPA grant amount is \$96,200 and the match requirement by the Agency is \$78,709 for a total of \$ 174,909. The Mojave Water Agency is assisting the Bighorn-Desert View Water Agency by providing a portion of the Agency's match fund requirement by providing \$40,000 in cash.

The FY 2006 EPA grant amount is \$477,900 with a match requirement of \$391,009 of which \$279,495 has been pledged by Mojave Water Agency with the remainder to be provided by BDVWA. The total EPA share of the combined funding is \$574,100 with a BDVWA/MWA match of \$469,718, resulting in \$1,043,818 available under the grant.

Essentially, all funds will be expended through awards to consultants/contractors for the preparation of the Water Master Plan, grant administration and project management technical support services, preparation of environmental documents, preparation of the Ground Water Management Plan, and preparation of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Groundwater Basin Hydrogeologic Investigation.

Measures to Evaluate Success

There are many ways to evaluate the measures of success for the Water Infrastructure Improvement Program and its various components. Depending upon the project, task or component, some of the measures are more tangible or quantifiable than others; notwithstanding, the measures are important to the overall evaluation of the program and its success. Whether the projects include planning or study documents, engineering design and/or construction, less tangible and quantifiable evaluations of the project's success are important parts of the overall satisfaction of the end result.

In many cases, professional and administrative judgment is necessary and is an essential part of evaluating the program's success, particularly in the case of design and construction. Such judgment is not readily quantifiable, but is a valuable method to judge the performance of consultants and contractors, and evaluate the overall success of the program. In design engineering and construction projects, there are accepted practices and procedures and acceptable industry standards that must be applied to projects, many of which are not easily quantified by a number or a dollar amount. Applying the industry standard, and assessing compliance with federal, state and local

agencies' requirements are important means to measure the overall satisfactory completion of design and construction projects.

It is with this in mind, that the following measures to evaluate success are included in this Work Plan for the BDVWA water infrastructure improvements program and its components.

- The satisfactory development and operation of a Water System Hydraulic Analysis that yields useful and accurate data,
- The satisfactory completion of the Water System Improvement Plan, acceptable to the Agency's Board,
- The satisfactory completion of a Water Master Plan Report in accordance with industry standards, which is judged to present reasonable and sound conclusions, and which is acceptable to the Agency's Board,
- The satisfactory completion of the Environmental Review Process in accordance with CEQA and NEPA requirements, where necessary, resulting in acceptable documents by the Agency's Board and EPA, and resulting in adoption or certification by the lead agencies,
- The satisfactory completion of the environmental documents in accordance with CEQA and NEPA requirements, where necessary, resulting in minimal or no comments received by reviewing agencies and the public,
- The satisfactory completion of the Environmental Review Process in accordance with CEQA and NEPA requirements, where necessary, resulting in no legal or formal challenges by other agencies, parties or the public,
- The satisfactory completion of the environmental documents in accordance with CEQA and NEPA requirements, where necessary, resulting in the proper and timely filing of the documents with the appropriate local (County clerk) or state (State Clearing House) agencies, as required,
- The institution of various levels of quality control review during preparation of the Groundwater Management Plan,
- The completion of the Groundwater Management Plan on schedule per contract requirements,
- The completion of the Groundwater Management Plan within budget per contract requirements and in accordance with industry standards for acceptable costs associated with project changes resulting in higher than original contract project costs,

- The completion of a Groundwater Management Plan that yields useful and accurate data upon which further BDVWA program planning can be made,
- The completion of a Groundwater Management Plan acceptable to the BDVWA's Board,
- The completion of timely periodic submittals (preliminary drafts, interim drafts, final document) by the consultant during preparation of the Groundwater Management Plan,
- The institution of various levels of quality control review during preparation of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation,
- The completion of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation on schedule per contract requirements,
- The completion of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation within budget per contract requirements and in accordance with industry standards for acceptable costs associated with project changes resulting in higher than original contract project costs,
- The completion of a Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation that yields useful and accurate data upon which further BDVWA program planning can be made,
- The completion of a Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation acceptable to the BDVWA's Board,
- The completion of timely periodic submittals (preliminary drafts, interim drafts, final document) by the consultant during preparation of the Reche Recharge Facilities/Spreading Grounds Analyses and Johnson Valley Ground Water Basin Hydrologic Investigation,
- The completion and filing of grant reports with EPA in a timely manner,
- The compiling of pertinent records associated with grant funding expenditures in an orderly recordkeeping system and readily available for EPA inspection,
- The administrative review of the BDVWA's program by EPA grant specialists to ensure administrative and financial compliance with grant terms and conditions.

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/ENGINEERING/LEGISLATIVE/GRANT
AGENDA ITEM SUBMITTAL**

Meeting Date: October 20, 2010

To: Planning/Engineering/Legislative/Grant
Standing Comm. of Board of Directors

Budgeted: Yes

Budgeted Amount: 45% participation
funded by MOU with Mojave Water Agency

Cost: CO2 is \$84,400

Funding Source: EPA Grant Funds 55%
/BDVWA match 45%

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: Yes

Subject: Water Infrastructure Restoration Program/EPA STAG Grant: Todd Engineers Change Order No. 2 for Feasibility Study, Project Management and Groundwater Management Plan Services Related to the in the Amount of \$63,900 and Bucknam & Associates Change Order No. 1 for Grant Administrative Services through November 30, 2011 in the amount of \$20,500.

SUMMARY

The EPA Grant Work Plan includes tasks to complete a Groundwater Management Plan and Feasibility Study as well as administration of the grant.

Two Change Orders are necessary at this time to cover anticipated out-of-scope costs and unforeseen activities under the grant. These are for Todd Engineers and Bucknam & Associates.

Regarding Todd Engineers, the Bureau of Land Management allowed access to their property to construct two monitoring wells for the Feasibility Study. However, BLM required on-site protections for the desert tortoise not envisioned in the original scope of work. A new task will be added which allows the Agency to move from the Principles of Agreement to a formal Memorandum of Understanding for the governance of the Ames/Reche facility. Staff proposes to utilize special counsel James Markman who has no conflict of interest with any of the parties to facilitate this effort. In addition, difficulties encountered during drilling led to time extensions not previously envisioned. Lastly, there was a clerical error that needs to be reconciled with respect to Change Order No. 1. The total amount of Change Order No. 2 is \$63,900.

The original grant was set to expire on November 30, 2010. However, staff negotiated a one year extension until November 30, 2011. Change Order No. 1 to Bucknam & Associates is for an additional year of grant administrative services. The total amount of Change Order No. 1 is \$20,500.

Staff anticipates that Mojave Water Agency Board of Directors will approve the request for 45% financial participation for these Change Orders at a meeting in November 2010.

RECOMMENDATION

That the Board take the following action:

1. Authorize General Manager to execute Change Order No. 2 with Todd Engineers for Water Infrastructure Restoration Program/ EPA STAG Feasibility Study, Project Management and Groundwater Management Plan Services Related to the Ames/Reche Recharge Facility, in the Amount of \$63,900; and
2. Authorize General Manager to execute Change Order No. 1 with Bucknam & Associates for Water Infrastructure Restoration Program/ EPA STAG grant administrative services for the period November 30, 2010 through November 30, 2011 in the amount of \$20,500.

BACKGROUND/ANALYSIS

Todd Engineers - Change Order No. 2:

Task 3.1 covers additional staff time for field activities related to the construction of the two monitoring wells. Essentially, projections regarding the timeline to complete the drilling effort were underestimated as difficult drilling conditions were encountered. In addition, permission to construct the monitoring wells was obtained from Bureau of Land Management after issuance of the Todd scope of work. In the end, BLM required BDVWA to strictly comply with a written tortoise monitoring and awareness training program for all on-site personnel and a physical barrier (tortoise fencing) which led to this out-of-scope effort.

Task 3.4 covers acquisition of customer usage data from BDVWA's database through a third party software programmer (Datastream). This data was essential to the development of the groundwater flow model.

Task 3.6 covers direct costs for water quality samples obtained from MW-2 which were not included in the original scope of work.

Task 4.2 covers legal support for the Groundwater Management Plan. Now that the Principles of Agreement has been drafted and agreed upon its terms will need to be converted to a more formal document which will serve as both an MOU for the participating parties as well as the basis for approaching the court regarding an amendment to the "Ames Agreement" between HDWD and BDVWA. Staff has selected Mr. James Markman of Richards/Watson/Gershon to facilitate this process. Mr. Markman will be contracted as special counsel to BDVWA through SmithTrager LLP who has the contractual relationship with Todd Engineers for this task. The important thing to note is that BDVWA is the "lead agency" on this project and therefore financially responsible. However, Mr. Markman has specifically been chosen not only because of his relevant experience in the subject matter but also because he has no conflict of interest with any of the involved parties. Approval of the

formal agreement will require input from the representative legal counsel from the various entities and staff has received written approval from the participants regarding the selection of Mr. Markman to complete this particular task.

Lastly, there is an accounting error that needs to be reconciled with respect to Change Order No. 1. The total amount of Change Order No. 1 was \$64,443 however; the executed BDVWA Amendment to the Professional Services Agreement incorrectly noted the amount to be \$60,765 which was short by \$3,678.

Therefore, the total amount of financial participation from BDVWA, requested from MWA, for the Todd contract is: \$28,755 (45% of \$63,900).

Bucknam & Associates – Change Order No. 1:

Efforts to obtain a long-term lease from BLM for the Ames/Reche recharge site depend on the outcome of the NEPA (National Environmental Policy Act) process. Processing of the Right of Way application has taken much longer than anticipated. In addition, tortoises are present in the vicinity of the proposed recharge facility as well as some California sensitive plant species. At this point, we are convinced that various "take permits" will be required from both US Fish and Wildlife Service and California Department of Fish and Game. We also knew these permits could not be executed prior to the original EPA STAG deadline of November 30, 2010. It is because of these requirements that BDVWA requested and was granted a one year extension on the grant. The new expiration date is November 30, 2011. Therefore, a Change Order is needed for administration of the grant for the one year extension period.

The total amount of financial participation from BDVWA, requested from MWA, for the Bucknam & Associates contract is: \$9,225 (45% of \$20,500).

Staff is seeking funding participation for the grant match from Mojave Water Agency and MWA staff has agendized this matter for consideration by their Personnel, Finance & Security Committee in November with full Board consideration scheduled thereafter.

Staff recommends the Board approved Change Order No. 2 to Todd Engineers in the amount of \$63,900 and Change Order No. 1 to Bucknam & Associates in the amount of \$20,500.

PRIOR RELEVANT BOARD ACTION(S)

8/24/2010 Authorize General Manager to execute Change Order No. 3 with Candida Neal, AICP for CEQA/NEPA services related to the Water Infrastructure Restoration Program, specifically the Ames/Means Reche Recharge Facility, in the amount of \$8,260.

6/29/2010 Resolution No. 10R-04 Approving the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program and Pipeline Installation/Replacement Program pursuant to California Environmental Quality Act (CEQA) and state of California CEQA guidelines.

6/15/2010 BOD Public Hearing: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project

3/23/2010 BOD Review of Draft "Principles of Agreement" between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency for the Reche Groundwater Subbasin.

3/19/2010 PLEGS Committee Review of Draft "Principles of Agreement" between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency for the Reche Groundwater Subbasin.

2/18/2010 PLEGS Committee California Environmental Quality Act (CEQA) and Water Master Plan Update

1/26/2010 Overview of the Ames Valley Water Basin Agreement

1/26/2010 Board Authorization of Change Order No. 1 to Todd Engineers for an amount not to exceed \$53,340 for the Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan for the Ames/Reche Project.

11/17/2009 Board authorization of Change Order No. 2 to Candida Neal, AICP for an amount not to exceed \$37,842.90 for CEQA/NEPA services related to the Water Infrastructure Improvement Program.

11/5/2009 Finance/Public Relations/Education/Personnel Standing Committee Report on status of Water Infrastructure Restoration Program Pending Change Order No. 2 to Candida Neal, AICP for CEQA/NEPA services specifically related to the Ames/Means Reche Recharge Facility

8/25/2009 Motion to authorize staff to execute Memorandum of Understanding by and between Mojave Water Agency and Bighorn Desert View Water Agency regarding Project Management of Phases for Phase I and II Planning and Design of the Ames-Means Recharge Project (aka Reche Recharge Facility) and accepting financial participation from Mojave Water Agency in the amount of \$279,495.

7/28/2009 Draft financial participation MOU with MWA presented to Board for information and discussion only.

1/27/2009 R09-03 Resolution of Board of Directors approving the Guidance Document for the Development of a Groundwater Management Plan and Construction of an Artificial Recharge Project in the Reche Groundwater Subbasin of the Ames Valley Groundwater Basin.

1/15/2009 PLEGS Planning/Legislative /Engineering/Grant /Security Standing Committee recommending the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin be brought before the full board on January 27, 2009.

8/26/2008 Introduction of the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin.

6/16/2008 Motion to authorize staff to seek formal partnerships with interested parties to participate financially in the Agency's EPA Grant Program – Water Infrastructure Restoration Program CEQA/NEPA documentation.

5/27/2008 Authorize issuance of Change Order No. 1 to Candida Neal, AICP in the amount of \$32,250.48 for completion of Water Infrastructure Restoration Program CEQA/NEPA documentation which includes Reche Recharge Project.

1/22/2008 Review and discuss the status and history of monitoring of the Reche Subbasin pursuant to the Ames Valley Water Basin Agreement (aka Stipulated Judgement)

9/30/2007 Motion to authorize staff to execute a Professional Services Agreement with Candida Neal, AICP in the amount of \$44,193.24 for preparation of the Water Infrastructure Program CEQA/NEPA documentation which includes Reche Recharge Project

9/18/2007 Board Workshop to discuss the results of the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC.

4/24/2007 Motion to accept the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC.

4/24/2007 Motion to accept Water Master Plan Report by Don Howard Engineering which includes recharge facilities.

12/20/2006 06R-18 Resolution of the Board of Directors of the Bighorn-Desert View Water Agency declaring its intention to draft a Groundwater Management Plan for the Ames/Mean/Johnson Valley Groundwater Basins

3/28/2006 06R-04 Resolution authorizing General Manager to enter Grant Agreement of \$477,000.

TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

October 7, 2010

To: Marina West
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, California 92284

From: Daniel Craig, Project Manager

Subject: **Revised Scope of Work and Cost Estimate for Additional Services**
Project Management, Permitting, Hydrogeologic Feasibility Study and
Groundwater Management Plan Project

Change Order No. 2
Bighorn-Desert View Water Agency and Todd Engineers

Todd Engineers (Todd) is pleased to submit this scope of work and cost estimate for additional Professional Services in support of the Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project (Project). We discussed these additional tasks during our recent telephone conversations.

The following lists the proposed additional tasks, provides a concise scope of work, and presents a cost estimate for each task. Our estimated costs, including labor hours and subcontractor services by task, are also summarized in the attached Table 1.

REQUESTED NEW FUNDING

1. **Monitoring Well Installation [Project Task 3.1]** – Additional costs for this task include standby time for desert tortoise training, contractor costs to install desert tortoise fencing, and geologist standby time during Well BDVWA MW1 well drilling. The estimated additional cost for this Task is \$21,755.95.
2. **Groundwater flow Model Water Consumption Data [Project Task 3.4]** - We obtained and analyzed water consumption data from Datastream solutions for all BDVWA customers between 1995 and 2009 and used these data to estimate septic return flows for use in the Pipes and Reche water balance. The estimated additional cost for this Task is \$1,712.03.

3. ***Sample Groundwater Quality in MW2 [Project Task 3.5]*** – Per your request, we collected a groundwater quality sample from monitoring well BDVWA MW2 and submitted the sample to Clinical Laboratories for analysis of including general minerals, major cations and anions, and gross alpha radiation. The estimated additional cost for this Task is \$2,256.60.

The total additional funding requested for the work described above is \$25,721.58. Todd will perform this work in accordance with the existing terms and conditions of our Contract dated November 20, 2009.

If you have any questions or need additional information, please do not hesitate to contact me at the phone number below.

Sincerely,

Daniel J. Craig, PG, CHG
Project Manager

Attachment:
Table 1. Project Fee Estimate for Change Order #2



Table 1. Project Fee Estimate for Change Order No. 2

Todd Engineers and Kennedy/Jenks Consultants

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan

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TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

October 19, 2010

To: Marina West
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, California 92284

From: Daniel Craig, Project Manager

Subject: **Revised Scope of Work and Cost Estimate for Additional Services**
Project Management, Permitting, Hydrogeologic Feasibility Study and
Groundwater Management Plan Project

Addendum to Change Order No. 2
Bighorn-Desert View Water Agency and Todd Engineers

Todd Engineers (Todd) is pleased to submit this addendum to Change Order No. 2 for additional Professional Services in support of the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan* Project (Project). Additional funding is requested for Task 4.2, *Provide Additional Technical and Legal Support for MOU and Water Agreement Amendment*.

REQUESTED ADDITIONAL NEW FUNDING

Provide Additional Technical and Legal Support for MOU and Water Agreement Amendment [Project Task 4.2] – Mr. James Markman, Esq. of Richards|Watson|Gershon Attorneys at Law will provide additional legal support for the MOU and Water Agreement Amendment. Mr. Markman will work with Ms. Susan Trager, Esq. of Smith-Trager to provide the legal support. Total additional costs for this Task are \$34,500.

In our October 8, 2010 letter, we requested additional funding of \$25,721.58 for Tasks 3.1, 3.4, and 3.5. Including the fees for Task 4.2, the total additional funding requested Change Order No. 2 is \$60,221.58. Todd will perform this work in accordance with the existing terms and conditions of our Contract dated November 20, 2009.

If you have any questions or need additional information, please do not hesitate to contact me at the phone number below.

Sincerely,

Daniel J. Craig, PG, CHG
Project Manager

Attachment:
Table 1. Revised Project Fee Estimate for Change Order #2



Todd Engineers and Kennedy/Jenks Consultants

Midyear Desert View Water Agency
Project Management, Permitting, Hydrogeologic Feasibility Study
and Groundwater Management Plan Project, Revised Change Order No. 2

RW WATSON GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

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Telephone 714.990.0901 Facsimile 714.990.6230

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harry l. gershon
(1922–2007)

steven l. dorsey
william i. strausz
mitchell e. abboti
gregory w. stepanicich
rochelle browne
quinn m. barrow
carol w. lynch
gregory m. kunert
thomas m. jimbo
robert c. ceccon
steven h. kaufmann
kevin g. ennis
robin d. hamis
michael estrada
laurence s. wiener
steven r. ort
b. tilden kim
saskia t. asamura
kayser o. sume
peter m. thorson
james l. markman
craig a. steele
t. peter pierce
terence r. boga
lisa bond
janet e. coleson
roxanne m. diaz
jim g. grayson
ray a. claike
william p. curley iii
michael f. yoshida
regina n. danner
paula gutierrez baeza
bruce w. gallaway
diana k. chuang
patrick k. bobko
norman a. dupont
david m. snow
lolly a. enriquez
kirsten r. bowman
billy d. dunsmore
amy greyson
deborah r. hakman
d. craig fox
susan e. rusnak
g. inder khalsa
ginetta l. giovino
trisha ortiz
candice k. lee
david g. alderson
maricela e. maroquin
gena m. stinnett
jennifer petrusis
steven l. flower
christopher j. diaz
erin l. powers
taussaint s. bailey
whitney g. mcdonald
serita r. young
veronica s. gunderson
shiri klima
diana h. varat
katrina c. gonzales
christopher i. hendricks

of counsel
mark l. lamken
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teresa ho-urano

los angeles office
telephone 213.626.8484

san francisco office
telephone 415.421.8484

October 11, 2010

Susan M. Trager
19712 MacArthur Boulevard, Suite 120
Irvine, California 92612

Re: Legal Services Agreement - Proposed Ames/Reche Groundwater
Management Plan

Dear Susan:

We are very pleased to have the opportunity to provide services to Smith/Trager ("Firm") for the benefit of Bighorn-Desert View Water Agency ("Agency" hereinafter) concerning the formation of an Ames/Reche Groundwater Management Plan

We will represent Firm in regard to Agency's interests in the subject groundwater. As we have discussed, we write to set forth the terms upon which the firm will provide legal services to Firm, and the basis upon which we will bill for our services and expenses.

Our firm maintains a conflict of interest database. Based on the information you have provided, we will examine this database to determine whether we might have a professional conflict of interest with respect to the parties listed below. If we find no previous or current relationships that would interfere with our ability to represent Firm in this matter, we will inform you and this Agreement will then become effective. If there are other parties who would be affected by this matter or who you otherwise feel we should consider, please provide those names to us so we can determine whether there are conflicts as to those parties.

The names we utilized in determining whether any potential or actual conflicts of interest exist are the following:

Smith/Trager
Todd Engineers
Bighorn-Desert View Water Agency
Hi Desert Water District
County of San Bernardino Special Districts W-1 and W-4

Susan M. Trager
October 11, 2010
Page 2

We are advised that Mojave Water Agency may help implement the formation of the management plan, but has no interest in or asserted right to pump water from this basin. Accordingly, MWA is not considered adverse to your interests in this matter or those of the Agency. Nevertheless, we do disclose to you that we have represented MWA regarding a potential assessment on water producers of minimal amounts within the Mojave River Basin, a distinct and distant basin. We may be asked to perform such work for MWA in the future and can discern no conflict with this engagement which could arise from such work for MWA.

We will add these names to our database for consultation in regard to future matters. We will proceed on the understanding that the above listing is accurate and complete unless we hear from Firm to the contrary.

The undersigned James L. Markman will have primary responsibility for your representation. We may also use other attorneys, legal assistants and other law firm personnel as may be helpful in representing Firm's interests.

We will bill Firm for fees on a monthly basis. When a bill is to be sent, we will review it before it is issued to ensure that the amount charged is appropriate and accurately reflects the services rendered.

Our time will be charged at the following rates: James L. Markman - \$325 per hour; all other Shareholders - \$275 per hour; and Associates - \$225 per hour.

In addition, we will bill Firm for costs in connection with our representation of you. Such costs include copying documents (\$.25/page), facsimile transmission of documents (\$1.00/page), long distance telephone, court fees, litigation costs, messenger and delivery services, and other similar costs. Such costs frequently are billed to the firm from third-party vendors. Therefore, there sometimes will be a delay between the time such costs are incurred and the time when they appear on your bill.

The nature of legal representation makes it impossible for us to accurately estimate the total amount of fees and costs that may be incurred over time. We will keep Firm informed of significant developments in the matter, including those that might have a substantial effect on the cost of this representation. Please feel free to inquire at any time about expected future costs.

Susan M. Trager
October 11, 2010
Page 3

Naturally, we expect Firm to ask us about the likely results of our work. We will respond as best we can, but cannot and do not guarantee any particular result. We can make no promises about the outcome of litigation or negotiations and any opinions about likely outcomes are not intended to constitute a guarantee.

If litigation is involved in this representation, we will not settle such case without Firm's approval. Firm will have the absolute right to accept or reject any settlement. We will notify Firm promptly of the terms of any settlement offer received by us. In turn, Firm agrees to keep us informed of all significant developments in matters relating to this representation, including any payments received by Firm on Firm's case.

We rarely have fee disputes with clients. Nevertheless, Firm should be aware that they are entitled to require that any fee dispute be resolved through the mandatory fee arbitration provisions of the California Business & Professions Code. One such program is operated under the auspices of the Los Angeles County Bar Association. Many other local bar associations have similar programs.

In the event that Firm chooses not to utilize the County Bar arbitration procedures, Firm agrees that all fee disputes between us shall be submitted to binding arbitration in Los Angeles to be conducted by the American Arbitration Association, in accordance with its commercial arbitration rules.

In any dispute concerning billing for services rendered, the prevailing party, as defined in California Code of Civil Procedure section 1032, will be entitled to recover its reasonable attorney's fees and costs.

Firm has the right to terminate our representation at any time. We have the same right, subject to our obligation to provide Firm with reasonable notice to arrange alternative representation. In either circumstance, Firm agrees to secure new counsel to represent it as quickly as possible and to cooperate fully in the substitution of the new counsel as counsel of record in any litigation in which we

may be involved. If Firm elects to terminate the firm, we will be paid all fees and costs incurred prior to the termination within 30 days after delivery of a final bill for services.

Susan M. Trager
October 11, 2010
Page 4

We are also required to inform Firm that we currently maintain professional liability insurance.

Our legal relationship and the terms of this agreement will be governed by the substantive laws of the State of California.

I apologize for the formal tone of this letter required to discharge our ethical obligations. We do look forward to representing you and aiding the Agency on this project.

We have enclosed a return envelope for your convenience in returning an executed copy of this letter agreement to us.

Very truly yours,

James L. Markman

Agreed by: Smith/Trager

By: _____

Date: _____

Enclosures

October 1, 2010

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

Attn: Ms. Marina West
General Manager

Subject: Proposal for On-Call Professional Services - Federal Water Resources Program
(WRP) Support Services through November 2011

Dear Marina:

Thank you for the opportunity to present this proposal for the Agency's consideration. Based upon our recent discussions, we are presenting this proposal to provide continuing on-call consultation to the Agency in conjunction with the subject program. The work will involve the following basic services:

A. Scope of Services

1. Federal Water Resources Program Support

Act as Program Manager for the Agency in federal grant administrative oversight matters with the EPA relating to the Agency's Water Resources Program (WRP). Preparation of grant closeout documentation will also be included as a part of this work effort. Please see the attached "Administrative Responsibilities Overview," for a detailed description of the proposed administrative oversight services.

- Assist in tracking federal legislation and regulations, potentially affecting the administration of the EPA funded WRP.

It is suggested that contract performance reviews with the General Manager or their representative be conducted on a periodic basis throughout the duration of the consulting assignment, to assure that both performance and fiscal goals are met.

B. Program Schedule

The above-described services will be provided through November 30, 2011

C. Water Resources Program Team

These services will be provided under the leadership of C. Stephen Bucknam Jr., P. E. who will serve as Water Resources Program Manager. Mr. Bucknam, a former Deputy City Manager, City Engineer and Chief Engineer of Utilities has over 42 years of experience, half of which was in the public sector in responsible management positions. Recent consulting assignments have included: Water Resources grant support contracts for the cities of Huntington Beach, Newport Beach, Whittier, Sierra Madre, Santa Monica, Norwalk, San Juan Capistrano, Mission Springs Water District, South Montebello Irrigation District, the Raymond Basin Management Board, and the Twentynine Palms Water District. Other services have included development of a Water Division Program Plan for the City of Whittier, a Financial and Infrastructure Management Plan for the City of Glendale, a Water Systems Operations Plan for the City of Huntington Beach, a Water Resources Program Plan for the City of Westminster, Program Planning for Development Services for the cities of Huntington Beach and Newport Beach as well as Public Works Maintenance planning for the City of Rancho Cucamonga.

He has also directed the preparation of Urban Water Management Plans for the cities of Norwalk (1990, 1995, 2000 and 2005), Sierra Madre (2000 and 2005), Inglewood (2000), and Santa Ana (1985).

Our sub-consultant for grant administrative matters is Wayne T. Grandin. These support services would be provided where appropriate and only if pre-approved by the Agency. Detailed resumes for Mr. Bucknam and the key support staff are attached for your reference.

D. Fee Estimate

Task A1 can be accomplished on a time and materials, not-to-exceed basis in accordance with the standard hourly rate schedule, attached. The anticipated budget for our services, through November 30, 2011, would be **\$20,500.**


Should the Agency desire to increase or decrease the service level described above or require other services not described herein, a fee adjustment could be negotiated and mutually agreed upon by both parties. Please note that we consider the level of work efforts described above and compensation for same to be fully negotiable.

I would be glad to meet with you to discuss the specifics of this proposal at your convenience. Thank you for considering our services; we look forward to providing consulting services to the Agency on its water resources programs. Please call me if you have any questions in regard to this proposal at (949) 363-6461.

BUCKNAM & ASSOCIATES INC.

30131 Town Center Drive, Suite 268, Laguna Niguel, California 92677
T.949.363.6461 F.949.363.6505 www.bucknam.net info@bucknam.net

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Stephen Bucknam Jr.", written in a cursive style.

C. Stephen Bucknam Jr., P.E.
President

Encl.:

cc: J. Bucknam
W. Grandin

Bighorn-Desert View Water Agency – Water Resources Program Environmental Protection Agency - Administrative Responsibilities Overview

1. Prepare Quarterly Status Reports for FY2005 and FY2006 and subsequent grants, including cover letters and memos to EPA
2. Prepare Minority Business Enterprise (MBE) / Woman Owned Business Enterprise (WBE) reports for FY2005 and 2006 Grants, including cover letters and memos to EPA
3. Upon request, assist in preparing Board Reports on federal funds, requesting authorization for General Manager to sign grant application and commit the Agency to providing match funds for grant programs.
4. If required attend Meetings with EPA Auditor (Corps of Engineers) on Program
5. Gather and send data to Corps (Reports, consultant contract information, photos, data etc.)
6. Coordinate Site visits to WRP area with Corps upon request
7. Preparation of Federal Reimbursement Requests for FY 2005, FY 2006 and subsequent grants
8. Support General Manager in Interfacing/Negotiations with EPA Project Manager on grant matters (Application, Agreement, Work Plan revisions, etc.)
9. Support General Manager in Interfacing with EPA Grants Manager (Financial and Administrative Matters)
10. Support General Manager in Interfacing with EPA MBE/WBE Coordinator
11. Provide updates of the following data sheets as needed:
 - a. Spreadsheets for FY2005, FY2006 and subsequent grants
 - b. Grant Summary Spreadsheet
 - c. Grant Conditions Summary
 - d. Progress payment summaries for grant reimbursement purposes
 - e. Distribution of Funds Balance sheet for FY 2005, FY 2006 and subsequent grants
12. Gather data from sources for reports and spreadsheets, including copies of invoices, payrolls, change orders, checks, Board meeting summaries, notices of completion, etc.
13. Interface with EPA financial center for all checks issued relative to the grant program.
14. Interface with consultants for information for Quarterly Status Reporting, Federal Reimbursement Reporting and MBE/WBE reporting
15. Copy and file material in project notebooks.
16. Provide copies of project notebooks for FY 2005, FY 2006 and subsequent grants
17. Prepare Annual Financial Reports to EPA
18. Prepare Annual MBE/WBE Reports to EPA
19. Prepare grant administrative items to close out the grant at the end of the grant period, including:
 - a. Final status report
 - b. Final federal reimbursement request
 - c. Final financial report
 - d. Final MBE/WBE report
 - e. Final Technical/Performance report (for entire grant period)
 - f. Providing coordinates of project (Latitude and Longitude) to EPA
 - g. Environmental Benefits Report, including specific data on the completed projects
 - h. Final Lobbying and Litigation Certification document
 - i. Final filing of all records in notebook
 - j. Make and submit one copy of final notebook

STANDARD HOURLY RATE SCHEDULE

<u>Category</u>	<u>Rate</u>
Principal	\$ 290
Senior Project Manager / Planner	215
Project Manager	195
Senior Engineer / Planner	185
Construction Manager	175
Management Analyst	165
Project Engineer / Planner	160
Engineer / Planner / Senior Inspector / Senior Technician	130
Database Programmer / Project Planner	120
Assistant Engineer / Technician / Planner / Inspector	115
CADD Operator	110
Administrative Assistant	105
Clerical / Word Processing	85
Field Technician	80
Forensic Services	Quote

Reimbursables

Mileage	\$ 0.60/mile
Subconsultant Services	Cost + 15%
Reproduction	Cost + 15%
Travel & Subsistence	Cost + 15%
Fees & Permits	Cost + 15%
Computer Services (External)	Cost + 15%

Rates Effective 9/1/10

2010 Local Agency Biennial Notice

Name of Agency: Bighorn Desert-View Water Agency
Mailing Address: 622 South Jemez Trail, Yucca Valley, CA 92284
Contact Person: GM Marina G. West, P.G. Office Phone No: 760-364-2315
E-mail: bdvwa2@mindspring.com Fax No: 760-364-3412

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- ☒ An amendment is required. The following amendments are necessary:
(Mark all that apply.)
- ☐ Include new positions (including consultants) that must be designated.
 - ☐ Delete positions that manage public investments from the list of designated positions.
 - ☐ Revise disclosure categories.
 - ☐ Revise the titles of existing positions.
 - ☐ Delete titles of positions that have been abolished.
 - ☒ Other (describe) Update to reflect changes in FPCC Regulation 18730.

☐ No amendment is required.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9/21/2010

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than October 1, 2010, to:

San Bernardino County
Clerk of the Board of Supervisors
385 N. Arrowhead Ave., 2nd Floor
San Bernardino, CA 92415-0130



GREGORY C. DEVEREAUX
County Administrative Officer

June 10, 2010

**COUNTY OF
SAN BERNARDINO**
Clerk of the Board of Supervisors

County Government Center
385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130
www.sbcounty.gov/cob

(909) 387-3841 Fax (909) 387-4554

BOARD OF SUPERVISORS

Brad Mitzelfelt *First District*
Paul Bianc *Second District*
Neil Derry *Third District*
Gary C. Ovitt *Fourth District*
Josie Gonzales *Fifth District*

LAURA H. WELCH
Clerk of the Board of Supervisors

SUBJECT: 2010 Biennial Notice for Conflict of Interest Codes

Dear Sir or Madam:

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. No later than October 1 of each even-numbered year, each agency must submit to the County Board of Supervisors a notice indicating whether or not an amendment is necessary. To assist you in making that determination, please review the enclosed "How to Review a Conflict of Interest Code" and "How to Amend a Conflict of Interest Code" documents. The enclosed "2010 Local Agency Biennial Notice" form must be returned to the Board of Supervisors, via the Clerk of the Board, no later than **October 1, 2010**.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the Board for approval within **90 days** of filing the biennial notice. For example, if your agency files its notice on October 1, 2010, indicating that an amendment is necessary, the amendment is due to the Board of Supervisors by December 30, 2010. An agency's amended code is **not effective** until it has been approved by the Board of Supervisors. Our County Counsel has advised that amended code information must include either of the following:

- A copy of the resolution adopted by your governing body showing that these Conflict of Interest Code changes were approved, or
- A copy of the minutes from the board meeting where the Conflict of Interest changes were discussed and approved

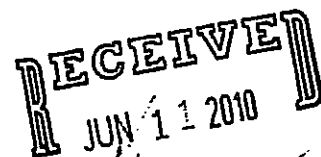
The Fair Political Practices Commission (FPPC) offers free seminars on how to amend a conflict of interest code. To register for a seminar, call the FPPC at (866) ASK-FPPC, and press 4. Information is also available on the FPPC's website at www.fppc.ca.gov.

If you have any questions, please contact me at (909) 387-4265.

Sincerely,

Becky Griffin
Board Services Supervisor

enclosures



How to Amend a Conflict-of-Interest Code

The following are the FPPC's guidelines of the steps necessary to amend a conflict-of-interest code. Additional information may be required depending on the specific amendment. The FPPC's website, www.fppc.ca.gov, has available all of the necessary forms and documents to prepare an amendment. When the code reviewing body is a City Council or Board of Supervisors, contact the local code reviewing body concerning their code amendment procedures.

Non-Substantive Amendments

1. Provide a letter or memorandum describing the positions that have been deleted or renamed.
2. Include a copy of the entire code showing the changes in strikeout/underscore format.
3. Include a declaration by the chief executive officer.

Substantive Amendments

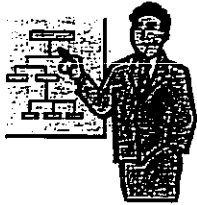
1. Prepare the proposed amendment using strikeout/underscore format.
2. Prepare a Notice of Intention and conduct a public comment period. Multi-county agencies must have a 45-day comment period. Other local agencies must follow the city's or county's requirements. Provide a copy of the notice to:
 - a. Members of the public and to each employee affected by the proposed amendment.
 - b. Multi-county agencies should also forward the notice to the FPPC.
3. Submit to the code reviewing body the proposed code amendment in strikeout/underscore format. Multi-county agencies must provide the following:
 - a. A declaration by the Chief Executive Officer
 - b. A summary of any hearing, including the names and addresses of any participants
 - c. Copies of all written comments
 - d. Written justification for all changes
 - e. The most current organizational chart of the agency
 - f. Job descriptions of all positions being added or whose disclosure category is being changed
 - g. Minutes of the last two agency board meetings, if applicable.

Example strikeout/underscore format

<u>III. PUBLIC WORKS OFFICE</u>	
<u>MAINTENANCE DIVISION</u>	
1. Maintenance Superintendent.....	2
<u>2. Maintenance Supervisor.....</u>	<u>2</u>
2. Asst. Maintenance Superintendent.....	2
3. Senior Equipment Technician.....	3
3. Equipment Services Technician.....	3
• The Public Works Office became the Maintenance Division.	
• The Asst. Maintenance Superintendent was reclassified to Maintenance Supervisor.	
• The Equipment Services Technician position has been deleted.	

How to Review a Conflict-of-Interest Code¹

Who is a Designated Employee?



Designate these Positions:

High level positions that have authority to vote on a matter, appoint a person, obligate or commit his or her agency to a course of action, or enter into any contractual agreement on behalf of his or her agency.

Mid-Level positions that have authority to negotiate decisions on behalf of the agency, without significant substantive review; or

Employees that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

Who Should Not be Designated?



A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. (*Government Code Section 82019.*)

Do Not Designate these Positions:

- Board of Supervisors
- Chief Administrative Officers
- District Attorneys
- County Counsels
- County Treasurers
- Planning Commissioners
- City Council Members
- Mayors
- City Managers
- City Attorneys
- City Treasurers
- Other city, county, and local agency public officials who manage public investments
- Solely clerical, ministerial, or manual positions
- Unsalaries members of boards or commissions that are solely advisory

Check Duty Statements Review Disclosure Categories



Review:

First, eliminate positions outlined above that are not designated employees.

Second, evaluate the remaining employees, committees, officers, or consultants. Top level management personnel are normally broad policy makers and should be designated. Beyond that, read duty statements and talk to supervisors. Each position should be analyzed to determine if it makes decisions. Be sure all positions that have authority to authorize contracts are designated.

Next, review the disclosure categories. Employees should only disclose economic interests that relate to their job. Do not assign the same disclosure to every position as jobs are different. The disclosure category assignments must adequately differentiate between positions.

Contact other counties for examples and guidance. The FPPC also posts model disclosure categories on its website.

¹ This information sheet should not be used to determine whether an agency is required to adopt a conflict-of-interest code. Contact the FPPC for assistance in making that determination.

RESOLUTION 10R-XX INCORPORATING BY REFERENCE THE
STANDARD CONFLICT TO INTEREST AND DISCLOSURE CODE
ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION

**THIS VERSION SHOWS CHANGES MADE TO
EXISTING RESOLUTION NO. 02R-11**

RESOLUTION 10R-XX
OF THE BOARD OF DIRECTORS OF
BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY
REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY
THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, pursuant to said Act, on November 6, 2002 per Resolution 02R-11 the Bighorn-Desert View Water Agency adopted a Conflict of Interest and Disclosure Code; and

WHEREAS, within that resolution the San Bernardino County Clerk was designated as the official filing clerk; and

WHEREAS, it is necessary from time to time to amend the Agency's Conflict of Interest Code to conform its disclosure obligations to recent changes in the law; and

WHEREAS, the Board of Supervisors of San Bernardino County, as the Code reviewing body for this Agency, and the Fair Political Practices Commission (FPPC) recommend that public agencies adopt the standard Conflict of Interest Code promulgated by the FPPC, and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Bighorn-Desert View Board of Directors that;

1) The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated in the Bighorn-Desert View Water Agency Conflict of Interest Code by this reference; and

2) That 2 California Code of Regulations Section 18730 (current version available upon public request) and the attached Exhibit A, designating officials and employees, and Exhibit B, establish disclosure categories, shall constitute the Bighorn-Desert View Water Agency Conflict of Interest Code; and

3) That the original statements for all designated officials and employees shall be retained by the Agency which shall will be made available for public inspection and/or reproduction upon request and

4) That a secretarially certified copy of this Resolution including the attached exhibits to the FPPC Standard Code, shall be forwarded to the San Bernardino County Board of Supervisors as the Conflict of Interest and Disclosure Code of the Bighorn-Desert View Water Agency and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code submitted.

5) That Resolution 02R-11 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Board of Directors' of Bighorn-Desert View Water Agency held on September 21, 2010.

Terry Burkhardt, Board President

Resolution 10R-XX Conflict of Interest Code

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Exhibit A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of Board of Directors	1, 2
General Manager	1, 2
Consultant*	3
General Counsel	1, 2, 3

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* The disclosure, if any, required of a consultant will be decided on a case-by-case basis, which determination will be made in writing. The determination should include a description of the consultant's duties and the extent of the consultant's disclosure requirements, where applicable. Such written determination is a public record and is to be retained for public inspection in the same manner and location as this Conflict of Interest Code

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Resolution 10R-XX Conflict of Interest Code

Disclosure Categories

Category 1: Persons in this category shall disclose, in accordance with this Code, all interests in real property within the Agency, except personal residences. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

Category 2: Persons in this category shall disclose, in accordance with this Code, all income from and investments and business positions in businesses that produce products or provide services of a type utilized by the Agency, including, but not limited to, the areas of: building materials; construction; motor vehicles; specialty vehicles; vehicle replacement parts; petroleum products; water quality testing; water transmission; water treatment; water distribution; geological tests and reports; maintenance; repair; safety; engineering; provision of water or power; brokering; accounting; auditing; banking; underwriting; money management; law; insurance; printing; and office equipment or office supplies.

Category 3: Individuals who perform under contract the duties of any designated position, as set forth on Exhibit B, shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interests, shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the General Manager or Secretary of the Agency

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FPPC Regulation 18730. Provisions of Conflict of Interest Codes

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(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after

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the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not

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apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$390.

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(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

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Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

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3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor

who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating ~~\$390~~ or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

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(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

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(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

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NOTE: Authority cited: Section 83112, Government Code.

Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

ENDNOTES

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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Section 83112, Government Code. ¶
Reference: Sections 87103(e),
87300-87302, 89501, 89502 and
89503, Government Code. ¶
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Resolution 10R-XX Conflict of Interest Code

RESOLUTION 10R-XX INCORPORATING BY REFERENCE THE
STANDARD CONFLICT TO INTEREST AND DISCLOSURE CODE
ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION

FINAL DRAFT

RESOLUTION 10R-XX
OF THE BOARD OF DIRECTORS OF
BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY
REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY
THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, pursuant to said Act, on November 6, 2002 per Resolution 02R-11 the Bighorn-Desert View Water Agency adopted a Conflict of Interest and Disclosure Code; and

WHEREAS, within that resolution the San Bernardino County Clerk was designated as the official filing clerk; and

WHEREAS, it is necessary from time to time to amend the Agency's Conflict of Interest Code to conform its disclosure obligations to recent changes in the law; and

WHEREAS, the Board of Supervisors of San Bernardino County, as the Code reviewing body for this Agency, and the Fair Political Practices Commission (FPPC) recommend that public agencies adopt the standard Conflict of Interest Code promulgated by the FPPC, and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Bighorn-Desert View Board of Directors that;

1) The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated in the Bighorn-Desert View Water Agency Conflict of Interest Code by this reference; and

2) That 2 California Code of Regulations Section 18730 (current version available upon public request) and the attached Exhibit A, designating officials and employees, and Exhibit B, establish disclosure categories, shall constitute the Bighorn-Desert View Water Agency Conflict of Interest Code; and

3) That the original statements for all designated officials and employees shall be retained by the Agency which shall will be made available for public inspection and/or reproduction upon request and

4) That a secretarially certified copy of this Resolution including the attached exhibits to the FPPC Standard Code, shall be forwarded to the San Bernardino County Board of Supervisors as the Conflict of Interest and Disclosure Code of the Bighorn-Desert View Water Agency and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code submitted.

5) That Resolution 02R-11 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Board of Directors' of Bighorn-Desert View Water Agency held on September 21, 2010.

Terry Burkhart, Board President

Exhibit A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of Board of Directors	1, 2
General Manager	1, 2
Consultant*	3
General Counsel	1, 2, 3

* The disclosure, if any, required of a consultant will be decided on a case-by-case basis, which determination will be made in writing. The determination should include a description of the consultant's duties and the extent of the consultant's disclosure requirements, where applicable. Such written determination is a public record and is to be retained for public inspection in the same manner and location as this Conflict of Interest Code

Exhibit B

Disclosure Categories

Category 1: Persons in this category shall disclose, in accordance with this Code, all interests in real property within the Agency, except personal residences. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

Category 2: Persons in this category shall disclose, in accordance with this Code, all income from and investments and business positions in businesses that produce products or provide services of a type utilized by the Agency, including, but not limited to, the areas of: building materials; construction; motor vehicles; specialty vehicles; vehicle replacement parts; petroleum products; water quality testing; water transmission; water treatment; water distribution; geological tests and reports; maintenance; repair; safety; engineering; provision of water or power; brokering; accounting; auditing; banking; underwriting; money management; law; insurance; printing; and office equipment or office supplies.

Category 3: Individuals who perform under contract the duties of any designated position, as set forth on Exhibit B, shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interests, shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the General Manager or Secretary of the Agency

FPPC Regulation 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after

the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not

apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$390.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor

who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$390 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

NOTE: Authority cited: Section 83112, Government Code.

Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

ENDNOTES

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

**RESOLUTION NO. 10R-XX
RESOLUTION OF THE BOARD DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING ITS BANKING POLICY**

WHEREAS, the Bighorn-Desert View Water Agency ("Agency") has previously established Account No. 43301XXXXX with Union Bank of California as the Financial Institution with a general operating account for the Agency; and

WHEREAS, it is necessary to specify those persons who are authorized to take action with regard to any account the Agency has established with Financial Institution or any financial institution; and

NOW, THEREFORE, BE IT RESOLVED, that any financial institution is directed to deposit and pay without further inquiry any item bearing the following appropriate number of signatures of signers drawn against the above referenced account or any account held by Agency with the Financial Institution or any financial institution, even if the item so drawn is payable to cash, bearer or an authorized signer of the Agency.; **Terry Burkhart, Michael McBride, J. Larry Coulombe, David A. Larson, and Judy Corl-Lorono**, any **two** of the foregoing acting together.

BE IT FURTHER RESOLVED, that any **two** of the foregoing signers, acting together are expressly authorized to endorse all checks, overdrafts, notes and other items payable to or owned by the Agency for deposit with, encashment or collection by any financial institution and to execute such other agreements and perform such other acts as they deem reasonably necessary to carry out the provisions of the agreement with any financial institution.

BE IT FURTHER RESOLVED, that authority given to the signers shall remain in full force and effect until written notice of revocation is delivered to and received by the financial institution in question. Any such notice shall not affect items in process at the time the notice is given. An agent of the Agency will notify any such financial institution of any change in the composition, name or any assumed business names or any aspect of organization affecting the deposit relationship between the Agency and any financial institution.

BE IT FURTHER RESOLVED, that the Board Secretary is authorized to deliver a certified copy of this resolution to Union Bank of California, Government Services Department.

BE IT FURTHER RESOLVED, that Resolution 09R-25 is rescinded as of October 25, 2010.

BE IT FURTHER RESOLVED, that this resolution shall become effective on the official date of adoption, October 25, 2010.

By _____
Terry Burkhart, Board President

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
SEPTEMBER 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10456	09/03/10	TERRY BURKHART	
		MWA TAC 80410, REG MTNG 82410	150.00
10457	09/03/10	BURRTEC WASTE & RECYLING SVCS	
		TRASH FEES, SEP	72.71
10458	09/03/10	CA DEPT OF PUBLIC HEALTH-OCF	
		CARUSO, TI EXAM FEE	50.00
10459	09/03/10	CANDIDA NEAL	
		ENVIRONMENTAL STUDIES, JUL	6,167.75
10460	09/03/10	CLINICAL LABORATORY OF	
		BULK SYS/BAC-T, PLATE COUNT,	
		GEN PHY	145.00
10461	09/03/10	LARRY COULOMBE	
		REG MTNG 82410	100.00
10462	09/03/10	GOODSPEED DISTRIBUTING INC	
		UNLEADED FUEL	1,341.73
10463	09/03/10	HI-DESERT STAR	
		12 MONTH SUBSCRIPTION	35.00
10464	09/03/10	INLAND WATER WORKS	
		FIELD MATERIALS & SUPPLIES	63.08
10465	09/03/10	DAVID LARSON	
		REG MTNG 82410	100.00
10466	09/03/10	MAID TO ORDER	
		CLEANING SVC 82610,JEMEZ OFF	68.00
10467	09/03/10	MAYER HOFFMAN MCCANN P.C.	
		AUDITED FINANCIAL STMTS	
		2009-2010 PYMT#2	11,469.00
10468	09/03/10	MICHAEL MCBRIDE	
		REG MTNG 82410	100.00
10469	09/03/10	MOJAVE DESERT RESOURCE	
		ORCHID FEST, WILDFLOWER SEEDS	100.00
10470	09/03/10	PETTY CASH	
		MISC PETTY CASH	375.67
10471	09/03/10	UNDERGROUND SERVICE ALERT	
		DIG ALERTS, 20 TICKETS	30.00
10472	09/03/10	VERIZON CALIFORNIA	
		OFFICE PHONES & AUTO CONTROLS,	
		72010-81910	529.05
10473	09/03/10	YUCCA VALLEY SUNSET ROTARY	
		ORCHID FEST, 2 BOOTHS	100.00
10474	09/10/10	ACWA-HBA SERVICES CORP.	
		ACWA/HEALTH BENEFITS	476.39
10475	09/10/10	AT&T MOBILITY	
		COMMUNICATIONS EXPENSE	283.64
10476	09/10/10	BARR LUMBER CO INC	
		SUPLIES	33.88
10477	09/10/10	BUCKNAM & ASSOCIATES, INC.	
		GRANT CONSULTING FEES	1,720.00
10478	09/10/10	CINTAS CORPORATION #150	
		UNIFORM SVC, AUG	205.15
10479	09/10/10	CLINICAL LABORATORY OF	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
SEPTEMBER 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		BAC-T, PLATE COUNT	
		BAC-T, PLATE COUNT	36.00
10480	09/10/10	LARRY COULOMBE	
		AD HOC CMTE/FINANCE 90110	50.00
10481	09/10/10	HI-DESERT STAR	
		BASIN BASICS AD	95.00
10482	09/10/10	SOUND BILLING	
		2010 F/RANG OIL & FILTER	58.49
10483	09/10/10	PITNEY BOWES	
		INK CARTRIDGE	228.44
10484	09/10/10	PROTECTION ONE	
		OFFC/QTLY, SHOP/MO SEC SVC	
		92610-122510, 92610-102510	169.34
10485	09/10/10	SDRMA	
		OCT-DEC WORK COMP PREMIUM	2,435.00
10486	09/10/10	STEVE'S OFFICE SUPPLY	
		OFFICE SUPPLIES	30.08
10498	09/17/10	JAMES BOYD	
		BOYD, D-2 LIC RENEWAL	55.00
10499	09/17/10	CLINICAL LABORATORY OF	
		LEAD/COPPER TESTING	460.00
10500	09/17/10	EAST VALLEY WATER DISTRICT	
		ERNIE EXERCISE	150.00
10501	09/17/10	THE HOME DEPOT #6971	
		SUPPLIES & MAINT, OFFICE BLINDS	337.00
10502	09/17/10	INLAND WATER WORKS	
		FIELD MATERIALS & SUPPLIES	26.10
10503	09/17/10	DAVID LARSON	
		MWA, PIPELINE COMMISSION 90810	
		ALTERNATE ATTENDEE	50.00
10504	09/17/10	MAID TO ORDER	
		CLEANING SVC, 9/11-JEMEZ,	
		9/12-CHEROKEE (DETAIL)	180.00
10505	09/17/10	* VOID *	
10506	09/17/10	SDRMA	
		SDRMA MEDICAL BENEFITS	4,973.92
10507	09/17/10	SMITH TRAGER LLP	
		LEGAL FEES, TRAGER/APR	4,359.38
10508	09/24/10	CONNIE ANN CHAPMAN	
		BALANCE RFND ACCT# 0200773	3.47
10509	09/24/10	CONTRERAS MARIA LUZ	
		BALANCE RFND ACCT# 0704704	72.02
10510	09/24/10	DAVID LAWRENCE EVANS	
		BALANCE RFND ACCT# 0311905	57.99
10511	09/24/10	EB INVESTMENTS	
		BALANCE RFND ACCT# 0104106	91.75
10512	09/24/10	EMILY H SPRAUER	
		BALANCE RFND ACCT# 1002137	17.64
10513	09/24/10	JANE CRAWFORD	
		BALANCE RFND ACCT# 1107001	61.20
10514	09/24/10	JERRY J ANDRE	
		BALANCE RFND ACCT# 0402351	41.74
10515	09/24/10	PATRICIA HUNT	
		BALANCE RFND ACCT# 0209555	59.78

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
SEPTEMBER 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10516	09/24/10	SALLY HAYMOND	
		BALANCE RFND ACCT# 0307704	3.46
10517	09/24/10	STEPHEN CARO	
		BALANCE RFND ACCT# 0501403	46.07
10518	09/24/10	WALTER ROOT	
		BALANCE RFND ACCT# 0413804	54.97
10519	09/24/10	TERRY BURKHART	
		SF CONF REIM 9/8-9/10	121.33
10520	09/24/10	TERRY BURKHART	
		SF FINANCE CONF 9/8-9/10	300.00
10521	09/24/10	CANYON AUTO SERVICES, INC SERVICE AND	
		PARTS FOR FORD DUMP TRUCK	1,982.56
10522	09/24/10	CLINICAL LABORATORY OF	
		BAC-T, PLATE COUNT	
		BAC-T, PLATE COUNT, URANIUM,	
		GROSS ALPHA	445.00
10523	09/24/10	LARRY COULOMBE	
		SF FINANCE CONF 9/8-9/11	400.00
10524	09/24/10	LARRY COULOMBE	
		SF CONF REIM 9/8-9/11	336.08
10525	09/24/10	DATASTREAM BUSINESS SOLUTIONS	
		SOFTWARE MAINT 100110-123110	645.00
10526	09/24/10	FIRST BANKCARD	
		WINDSHIELD REPLC, MEETING EXP	
		SDI FINANCE CONF HOTEL EXP,	
		COULOMBE & BURKHART	1,133.87
10527	09/24/10	GOODSPEED DISTRIBUTING INC	
		UNLEADED & DIESEL FUEL	1,277.51
10528	09/24/10	INLAND WATER WORKS	
		INVENTORY & FIELD SUPPLIES	981.58
10529	09/24/10	SOUND BILLING	
		2010 F/RANGER OIL & FILTER	53.45
10530	09/24/10	SOUTHERN CALIFORNIA EDISON	
		POWER EXP, AUG	6,637.68
		TOTAL	52,233.95

M. Cleveland
10/21/10
[Signature]

GENERAL FUND

ASSETS

TOTAL CASH & CASH EQUIVALENTS	74,170.27	
TOTAL INVESTMENTS	688,167.65	
TOTAL ACCTS RECEIVABLE, WATER	137,380.07	
TOTAL ACCTS RECEIVABLE, OTHER	0.00	
TOTAL INVENTORY	75,438.18	
TOTAL PREPAID EXPENSES	31,819.86	
TOTAL FIXED ASSETS	3,824,269.87	
TOTAL WORK IN PROGRESS (OTHERS)	14,709.05	
TOTAL WORK IN PROGRESS (AGENCY)	386,169.15	
TOTAL DEBT ISSUANCE COST	2,011.24	
 TOTAL ASSETS		5,234,135.34
		=====

LIABILITIES

TOTAL ACCOUNTS PAYABLE	76,285.95	
TOTAL ACCRUED PAYROLL	(64.10)	
TOTAL CUSTOMER DEPOSITS	50,864.00	
TOTAL WORK IN PROGRESS DEPOSIT	16,000.00	
TOTAL LIAB PYBL FRM REST ASSET	6,487.21	
TOTAL LONG TERM DEBT	1,083,977.05	
 TOTAL LIABILITIES		1,233,550.11

EQUITY

TOTAL EQUITY	4,000,585.23	
 TOTAL LIABILITIES & EQUITY		5,234,135.34
		=====

Prepared By MP Cleveland
Date 10/21/10
Reviewed By MM

BALANCE SHEET
PERIOD ENDING 09/30/10

GENERAL FUND

ASSETS

CASH & CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	72,620.27
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00

TOTAL CASH & CASH EQUIVALENTS		74,170.27

INVESTMENTS

01 13303	CASH LAIF-UNRESTRICTED	688,167.65

TOTAL INVESTMENTS		688,167.65

ACCOUNTS RECEIVABLE, WATER

01 13710	A/R WATER	137,380.07

TOTAL ACCTS RECEIVABLE, WATER		137,380.07

ACCOUNTS RECEIVABLE, OTHER

TOTAL ACCTS RECEIVABLE, OTHER		0.00

INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	72,645.11
01 14302	INVENTORY-DIESEL FUEL	1,152.87
01 14303	INVENTORY-UNLEADED FUEL	1,640.20

TOTAL INVENTORY		75,438.18

PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	2,434.94
01 14402	PREPAYMENTS PL & PD LIAB INS	23,388.68
01 14403	POSTAGE	5,996.24

TOTAL PREPAID EXPENSES		31,819.86

FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11140	FA LAND & BUILDINGS	298,457.41
01 11150	FA YARDS	57,934.48
01 11160	FA FUELS TANKS	16,604.30
01 11170	FA WATER SYSTEM	7,693,768.41
01 11180	FA SHOP EQUIPMENT	99,211.92
01 11181	FA MOBILE EQUIPMENT	444,996.56
01 11190	FA OFFICE EQUIPMENT	139,079.33
01 11400	ACCUMULATED DEPRECIATION	(5,262,053.90)

TOTAL FIXED ASSETS		3,824,269.87

WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
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GENERAL FUND

01 12006	WIP FLAMINGO HTS ASSN, SEC35	14,597.53	

	TOTAL WORK IN PROGRESS (OTHERS)	14,709.05	
WORK IN PROGRESS (AGENCY)			
01 12005	WIP EPA GRANT	444,817.15	
01 12017	WIP METER REPLACEMENT PROGRAM (58,648.00)	

	TOTAL WORK IN PROGRESS (AGENCY)	386,169.15	
DEBT ISSUANCE COST			
01 15400	BOND ISSUE COSTS	2,011.24	

	TOTAL DEBT ISSUANCE COST	2,011.24	
TOTAL ASSETS		5,234,135.34	
		=====	
LIABILITIES			

ACCOUNTS PAYABLE			
01 22400	CAPITAL LEASE	(0.48)	
01 22520	ACCRUED INTEREST PAYABLE	3,750.00	
01 22700	ACCOUNTS PAYABLE	72,536.43	

	TOTAL ACCOUNTS PAYABLE	76,285.95	
ACCRUED PAYROLL			
01 22900	ACCRUED PAYROLL LIABILITIES (64.10)	

	TOTAL ACCRUED PAYROLL	(64.10)	
CUSTOMER DEPOSITS			
01 22550	CUSTOMER DEPOSITS PENDING	1,520.00	
01 22600	CUSTOMER DEPOSITS	49,344.00	

	TOTAL CUSTOMER DEPOSITS	50,864.00	
WORK IN PROGRESS DEPOSIT			
01 23004	WIP-DEP-BLUCKER ANNEXATION	7,500.00	
01 23006	WIP DEP-FLAMINGO HTS ASSN S35	7,500.00	
01 23038	WIP DEP HAHM INTERNATIONAL	1,000.00	

	TOTAL WORK IN PROGRESS DEPOSIT	16,000.00	
LIAB PYBL FRM RESTRICTD ASSETS			
01 22950	ACCRUED INT PAYABLE DV ID BNDS	4,487.21	
01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00	

	TOTAL LIAB PYBL FRM REST ASSET	6,487.21	

GENERAL FUND

LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	311,977.05
01 22300	REVENUE BONDS PAYABLE - BH	772,000.00

TOTAL LONG TERM DEBT		1,083,977.05

TOTAL LIABILITIES 1,233,550.11

EQUITY

01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88
01 30111	FMHA GRANTS	758,297.76
01 31000	FUND BALANCE	2,404,908.58
01 31001	FUND BALANCE FEMA & OES	427,895.00
01 31111	CURR YEAR NET REVENUE/EXPENSE	118,448.01
TOTAL EQUITY		4,000,585.23
TOTAL LIABILITIES & EQUITY		5,234,135.34
		=====



STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 09/30/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
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REVENUE					

TOTAL OPERATING REVENUE	1,084,296.00	98,917.68	326,607.32	757,688.68	30.12%
TOTAL NON-OPERATING REVENUE	238,600.00	0.00	65,508.08	173,091.92	27.46%
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TOTAL REVENUE	1,322,896.00	98,917.68	392,115.40	930,780.60	29.64%
EXPENSE					

TOTAL OPERATIONS EXPENSE	452,280.00	24,649.57	45,510.44	406,769.56	10.06%
TOTAL BULK SYSTEM EXPENSE	0.00	779.92	1,981.25	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE	607,175.00	41,394.99	156,829.55	450,345.45	25.83%
TOTAL OPERATING EXPENSE	1,059,455.00	66,824.48	204,321.24	855,133.76	19.29%
TOTAL NON-OPERATING EXPENSE	137,200.00	20,590.21	69,346.15	67,853.85	50.54%
	-----	-----	-----	-----	-----
TOTAL EXPENSE	1,196,655.00	87,414.69	273,667.39	922,987.61	22.87%
	-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND	126,241.00	11,502.99	118,448.01	7,792.99	93.83%
	=====	=====	=====	=====	=====

Prepared By 
Date 10/6/10
Reviewed By 

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 09/30/10

GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
		-----	-----	-----	-----	-----
REVENUE						

OPERATING REVENUE						
01 41000	SERVICE LINE INSTALLATION FEES	2,510.00	0.00	1,320.00	1,190.00	52.59%
01 41001	BASIC FACILITIES CHARGE	8,196.00	0.00	4,098.00	4,098.00	50.00%
01 41100	INCOME METERED WATER	444,931.00	40,138.18	136,847.44	308,083.56	30.76%
01 41300	BASIC SERVICE CHARGE	559,350.00	49,921.66	149,340.03	410,009.97	26.70%
01 41400	INCOME METERED BULK WATER	0.00	5,894.91	21,492.05	0.00	0.00%
01 41600	INCOME REVENUE BONDS DV FMHA	47,709.00	6.53	8,363.77	39,345.23	17.53%
01 41700	INCOME OTHER (OPERATING)	21,600.00	2,956.40	5,146.03	16,453.97	23.82%
		-----	-----	-----	-----	-----
TOTAL OPERATING REVENUE		1,084,296.00	98,917.68	326,607.32	757,688.68	30.12%
NON-OPERATING REVENUE						
01 49100	INCOME GEN TAX ID A 1% BH GA02	52,100.00	0.00	-3,662.85	55,762.85	-7.03%
01 49101	INCOME BOND DEBT BH FMHA DA01	125,900.00	0.00	2,081.07	123,818.93	1.65%
01 49102	INCOME GENERAL TAX 1% DV GA01	52,100.00	0.00	-3,009.76	55,109.76	-5.78%
01 49200	INTEREST INCOME	2,000.00	0.00	1,032.15	967.85	51.61%
01 49201	INTEREST INCOME BOND FUNDS	6,000.00	0.00	0.00	6,000.00	0.00%
01 49600	INCOME OTHER (NON OPERATING)	500.00	0.00	0.00	500.00	0.00%
01 49999	FEDERAL/STATE GRANTS FEMA/OES	0.00	0.00	69,067.47	0.00	0.00%
		-----	-----	-----	-----	-----
TOTAL NON-OPERATING REVENUE		238,600.00	0.00	65,508.08	173,091.92	27.46%
		-----	-----	-----	-----	-----
TOTAL REVENUE		1,322,896.00	98,917.68	392,115.40	930,780.60	29.64%
EXPENSE						

OPERATIONS EXPENSE						
01 54102	OPERATIONS COMPENSATION	200,000.00	11,148.07	14,004.50	185,995.50	7.00%
01 54103	UNIFORMS	2,650.00	343.52	620.80	2,029.20	23.43%
01 54105	AUTO CONTROLS	4,500.00	43.13	474.22	4,025.78	10.54%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	2,333.25	2,458.63	6,541.37	27.32%
01 54107	VEHICLE EXPENSE - FUEL	20,000.00	1,557.40	5,157.85	14,842.15	25.79%
01 54109	FIELD MATERIALS & SUPPLIES	25,000.00	1,454.58	5,128.30	19,871.70	20.51%
01 54111	WATER TESTING	9,000.00	1,008.00	1,792.00	7,208.00	19.91%
01 54112	CONTRACTUAL SERV- ENGINEERING	50,000.00	0.00	0.00	50,000.00	0.00%
01 54114	WATER SYSTEM REPAIRS	30,000.00	0.00	0.00	30,000.00	0.00%
01 54115	BUILDING MAINTENANCE/REPAIR	8,680.00	585.77	2,310.56	6,369.44	26.62%
01 54117	AMES BASIN MONITORING	9,500.00	0.00	0.00	9,500.00	0.00%
01 54119	COMMUNICATIONS EXPENSE	2,150.00	283.64	371.12	1,778.88	17.26%
01 54121	DISINFECTION EXPENSE	4,000.00	639.28	1,877.88	2,122.12	46.95%
01 54125	POWER WELLS & PUMPS	67,000.00	5,252.93	10,751.10	56,248.90	16.05%
01 54130	OTHER OPERATIONS EXPENSES	10,800.00	0.00	563.48	10,236.52	5.22%

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 09/30/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
TOTAL OPERATIONS EXPENSE	452,280.00	24,649.57	45,510.44	406,769.56	10.06%
BULK SYSTEM EXPENSE					
01 55001 PUMPING PLANT EXPENSE	0.00	779.92	1,981.25	0.00	0.00%
TOTAL BULK SYSTEM EXPENSE	0.00	779.92	1,981.25	0.00	0.00%
ADMINISTRATIVE EXPENSE					
01 56001 DIRECTOR FEES	15,000.00	1,100.00	3,350.00	11,650.00	22.33%
01 56002 DIRECTOR MEETING EXPENSES	5,000.00	1,342.55	3,377.87	1,622.13	67.56%
01 56003 ADMINISTRATIVE COMPENSATION	225,000.00	18,598.48	35,043.88	189,956.12	15.58%
01 56005 ADMINISTRATIVE MEETING EXPENSE	1,000.00	7.89	47.32	952.68	4.73%
01 56006 CONTRACTUAL SERV-AUDITOR	28,000.00	0.00	24,462.00	3,538.00	87.36%
01 56007 CONTRACTUAL SERV-LEGAL	80,000.00	4,359.38	-9,212.97	89,212.97	-11.52%
01 56008 PERS CONTRIBUTION	34,675.00	3,447.59	7,480.97	27,194.03	21.57%
01 56009 PAYROLL TAXES	10,000.00	807.42	1,711.60	8,288.40	17.12%
01 56011 TELEPHONE/FAX/INTERNET/WEB	8,500.00	59.99	1,409.23	7,090.77	16.58%
01 56012 MAILING EXPENSES	8,800.00	428.52	1,599.26	7,200.74	18.17%
01 56014 CONTRACTUAL SERV-OTHER	37,400.00	2,091.01	9,479.93	27,920.07	25.35%
01 56016 PROPERTY/LIABILITY EXPENSE	30,600.00	2,543.19	7,629.57	22,970.43	24.93%
01 56017 WORKERS COMP INSURANCE	15,000.00	811.66	2,435.00	12,565.00	16.23%
01 56018 DUES & SUBSCRIPTIONS	8,000.00	0.00	1,649.26	6,350.74	20.62%
01 56020 POWER OFFICES & YARDS	5,200.00	658.16	1,491.87	3,708.13	28.69%
01 56022 BAD DEBT EXPENSE	6,000.00	0.00	41,977.00	-35,977.00	699.62%
01 56025 PROPANE	1,500.00	0.00	0.00	1,500.00	0.00%
01 56030 OFFICE SUPPLIES	4,000.00	244.52	1,139.88	2,860.12	28.50%
01 56100 EMPLOYEE BENEFITS INSURANCE	77,500.00	4,689.63	19,977.77	57,522.23	25.78%
01 56110 EMPLOYEE EDUCATION	6,000.00	205.00	1,780.11	4,219.89	29.67%
TOTAL ADMINISTRATIVE EXPENSE	607,175.00	41,394.99	156,829.55	450,345.45	25.83%
TOTAL OPERATING EXPENSE	1,059,455.00	66,824.48	204,321.24	855,133.76	19.29%
NON-OPERATING EXPENSE					
01 56200 OFFICE EQUIPMENT EXPENSE	3,450.00	462.43	578.99	2,871.01	16.78%
01 56300 CUSTOMER RELATIONS	3,000.00	125.82	431.24	2,568.76	14.37%
01 56400 OTHER ADMINISTRATIVE EXPENSES	3,000.00	0.00	508.12	2,491.88	16.94%
01 57000 INTEREST EXPENSE - BH BONDS	39,000.00	0.00	0.00	39,000.00	0.00%
01 57100 DEPRECIATION EXPENSE	0.00	20,001.96	60,028.38	0.00	0.00%
01 57350 MWA PIPELINE DEBT	73,000.00	0.00	0.00	73,000.00	0.00%
01 59100 INTEREST EXPENSE - DV BONDS	15,750.00	0.00	7,799.42	7,950.58	49.52%
TOTAL NON-OPERATING EXPENSE	137,200.00	20,590.21	69,346.15	67,853.85	50.54%
TOTAL EXPENSE	1,196,655.00	87,414.69	273,667.39	922,987.61	22.87%

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 09/30/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND	126,241.00	11,502.99	118,448.01	7,792.99	93.83%
	=====	=====	=====	=====	=====

GENERAL ACCOUNT (UNION BANK)

Sep-10

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	0.00
BASIC FACILITIES CHARGE	0.00
A/R - WATER	118,217.64
MISCELLANEOUS REVENUE	969.03
1% GENERAL TAX	0.00
BIGHORN AD VALOREM TAX	0.00
WIP DEP HAHM INTERNATIONAL	1000.00
WITHDRAW FROM LAIF	0.00
CUSTOMER DEPOSITS	<u>1,550.00</u>

TOTAL	<u><u>121,736.67</u></u>
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USE OF FUNDS:


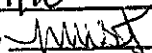
DEBT SERVICE	0.00
CAPITAL PURCHASES	7,887.75
INVENTORY PURCHASES	3,492.50
PREPAYMENTS - INSURANCE & POSTAGE	2,435.00
PAYMENTS FOR SALARIES & WAGES	38,490.13
ADMINISTRATIVE EXPENSE	27,870.58
OPERATIONS EXPENSES	11,179.45
TRANSFER TO INCREASE LAIF	35,000.00
MISCELLANEOUS & CUSTOMER REFUNDS	<u>530.92</u>

TOTAL	<u><u>126,886.33</u></u>
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Prepared By McClure
Date 10/2/10
Reviewed By WJ

UNION BANK OF CALIFORNIA
DISBURSEMENTS SEPTEMBER 2010

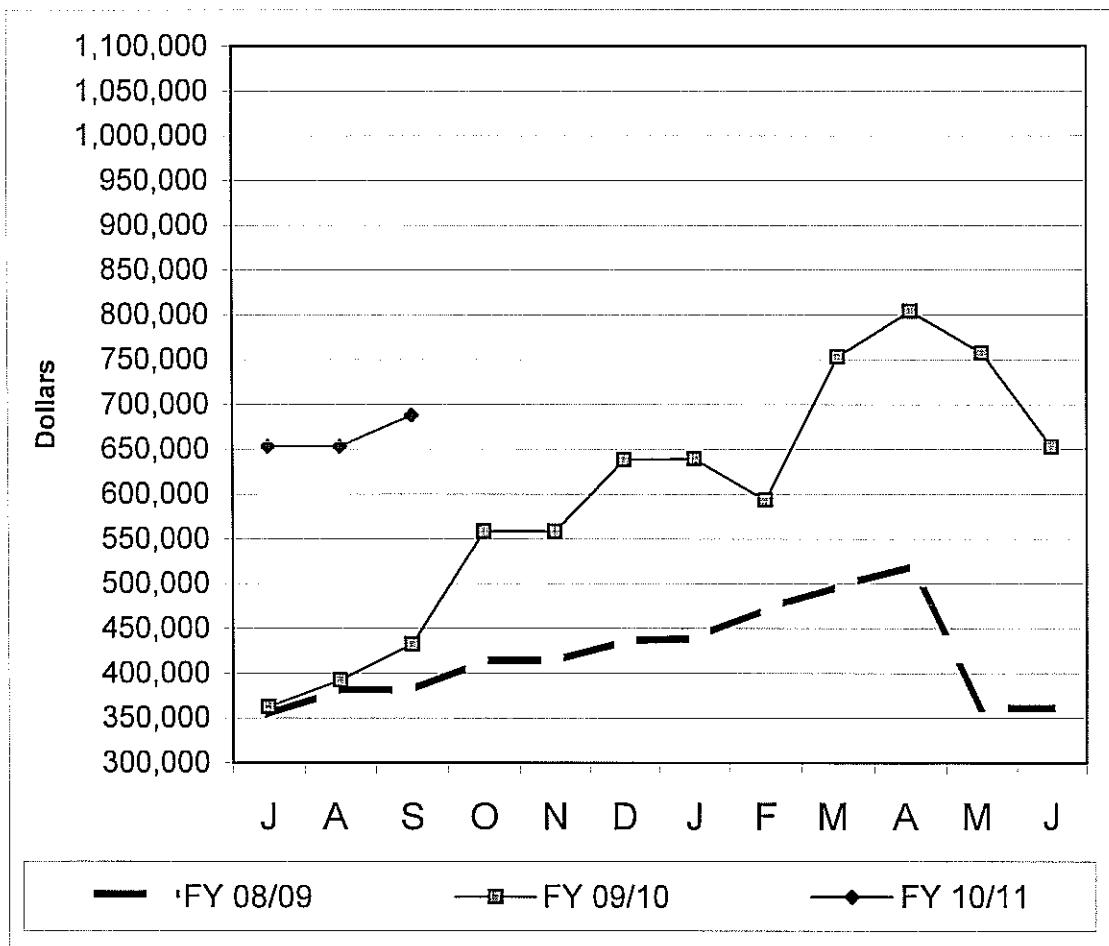
Datastream Check Register	52,233.95	52,233.95
EFT for Vendor Services		
Bank Fees	199.30	
Credit Card Fees	902.96	
Internet Access Fee	59.99	
Total EFT for Vendor Services		1,162.25
Wages for Paydate 09/02/10		
Employee Tax Withholdings	2,023.05	
Employer Tax Expenses	216.80	
Wages check # 10445-10455	10,653.34	
		12,893.19
Wages for Paydate 09/16/10		
Employee Tax Withholdings	1,723.92	
Employer Tax Expenses	217.41	
Wages check # 10487-10497	10,974.52	
		12,915.85
Wages for Paydate 09/30/10		
Employee Tax Withholdings	1,763.07	
Employer Tax Expenses	213.91	
Wages check # 10531-10541	10,704.11	
		12,681.09
Transfers to LAIF	35,000.00	35,000.00
Total Disbursements		126,886.33

Prepared By 
Date 10/21/10
Reviewed By 

Local Agency Investment Fund Balance Timeline

Balance as of September 30, 2010

	FY 08/09	FY 09/10	FY 10/11
July	354,364	362,520	653,168
August	381,364	392,520	653,168
September	381,364	432,520	688,168
October	414,076	558,397	
November	414,076	558,397	
December	436,076	638,397	
January	438,737	639,258	
February	471,737	593,258	
March	496,737	753,258	
April	518,901	804,136	
May	360,901	757,136	
June	360,901	652,136	



Prepared By: John Cleveland
 Date: 10/21/10
 Reviewed By: Wust

Bighorn-Desert View Water Agency

Board of Directors

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



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

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, September 21, 2010 - 6:00 PM

- **CALL TO ORDER**

Meeting convened by Board President Terry Burkhart at 6:03 PM

- **PLEDGE OF ALLEGIANCE**

Led by Randy West

- **ROLL CALL**

Directors Present: Terry Burkhart, President
J. Larry Coulombe, Vice President
Michael McBride, Director
David Larson, Director

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

Public Present: 18 noted

- **APPROVAL OF AGENDA** - MSC Larson/Coulombe (Item 5, in its entirety, was pulled from the agenda - 4 ayes)

(GM West stated that before the October 1, 2010 deadline, the 2010 Local Agency Biennial Notice would be submitted to the County Board of Supervisors indicating that an amendment was necessary.)

1. PUBLIC PARTICIPATION - None

Director Burkhart adjourned the meeting at 6:06 PM, at which time, the Board entered into a "CLOSED SESSION" teleconferencing with Legal Counsel Trager from her office.

At 6:25 PM, Director Burkhart reconvened the meeting.

2. CLOSED SESSION REPORT

Director Burkhart reported that the existing litigation with Maryan Barkley, (San Bernardino Superior Court Case No. 900916) had been settled.

Director Burkhart then moved onto the next agenda item.

3. BOARD TO CONDUCT CANDIDATE INTERVIEWS FOR FILLING VACANT BOARD SEAT

Director Burkhart explained how the interviews would proceed and outlined the steps that would be followed; each candidate had the opportunity to make an opening statement before the individual Directors asked them two identical questions, totaling up to 8 questions per applicant. Director Burkhart remarked that at the conclusion of the interviews, the Board would cast ballots for the candidate of their choice until a majority vote was determined.

GM West mentioned that three (3) of the candidates were present. She also reported that Barbara Renton would be unable to make the meeting, so she would be interviewed by speakerphone.

Director Burkhart next directed the Agency staff to sequester the applicants in the conference room until being called in alphabetical order.

Brian Comp was called first; followed by Judy Corl-Lorono at 6:45 PM, then Duane Lisiewski at 6:53 PM. By 7:00 PM, Barbara Renton was connected via teleconference from her home. Warren Strodel did not attend the meeting.

GM West stated that the candidates were not required to attend the interview sessions to be considered for this appointment. However, the Directors would then be subject to making a decision based on the candidate's submitted application.

At the conclusion of the interviews, Director Burkhart asked if there were any public comments, there were none.

Next, GM West distributed paper ballots to the Directors. She stated that since Barbara Renton had "officially" withdrawn her application, her name was "stricken" from the ballots. GM West asked that after the Board's written votes were cast, they should be returned to her so that the results could be read aloud.

In the initial round, the votes randomly read were:

- Warren Strodel
- Duane Lisiewski
- Judy Corl-Lorono
- Judy Corl-Lorono

There was no majority, so a second round of voting was called. GM West mentioned that since Brian Comp had not received any votes, his name would be stricken for the next round.

In the second round, the votes randomly read were:

- Duane Lisiewski
- Judy Corl-Lorono
- Warren Strodel
- Judy Corl-Lorono

Again, there was no majority, so a third round of voting was called.

In the third round, the votes randomly read were:

- Judy Corl-Lorono
- Duane Lisiewski
- Judy Corl-Lorono
- Judy Corl-Lorono

For the "official" record, the following roll call vote was recorded, resulting in a majority:

Burkhart	Judy Corl-Lorono
Coulombe	Judy Corl-Lorono
McBride	Judy Corl-Lorono
Larson	Duane Lisiewski

Candidate Judy Corl-Lorono was thereby appointed to the vacant Director's seat, until the next election, November 2011.

The Board adjourned at 7:07 PM and reconvened at 7:19 PM.

MOTION NO. 10-068 APPROVING CASH DISBURSEMENTS

Director Burkhart opened for comments from the Directors or public; there were none.

Director McBride made a motion accepting the August 2010 disbursements as presented; Director Larson seconded.

The following vote was recorded:

Board approved - 4 ayes, motion carried

4. CONSENT ITEMS

The following action was taken:

MOTION NO. 10-069 APPROVING CONSENT ITEMS

Director McBride made a motion approving the August consent items a through h, as presented; seconded by Director Coulombe.

No Board comment; no public comment

The following vote was recorded:

Board approved - 4 ayes; motion carried

END OF THE CONSENT CALENDAR

5. MATTERS REMOVED FROM CONSENT ITEMS - None

6. VERBAL REPORTS

• GENERAL MANAGER'S REPORT

- > GM West announced the Agency's participation in the 2010 Gubler's Orchid Festival (October 2nd and 3rd) and the October 9th High Desert Landscaping Workshop, facilitated by Robin Kobaly and Mike Branning.

• DIRECTORS' REPORT

- > Director McBride - None
- > Director Larson - None
- > Director Coulombe spoke about a 2-day Financing Seminar that he and Director Burkhart had recently attended in San Francisco, which was sponsored by the Special District and Local Government Institute. He reported on some of the workshop highlights: such as Budgets, Audits, and Communication. In conclusion, he stated that the course was very valuable and quite comprehensive.

• PRESIDENT'S REPORT

- > Director Burkhart also briefed the Board on the Special District and Local Government Institute Financing Seminar. She displayed a large handbook, distributed to the workshop participants, which contained materials from each presenter. She continued that the curriculum was well planned, diverse and taught by a group of top-notch speakers, each experienced in finance or other related fields. She shared that one of her favorite course titles was "Raising Revenue Without Being Lynched".

In summary, she mentioned that this seminar was very "worthwhile".

7. COMMUNICATION AND PUBLIC INFORMATION ITEMS

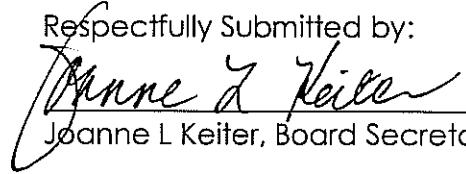
8. ITEMS FOR NEXT AGENDA

GM West inquired about changing the next meeting date from Tuesday, October 26th to Wednesday, October 27th. The Directors had no opposition to this suggestion.

- > Continued Review of the Agency's Conflict of Interest Code
- > Various other housekeeping items

9. **ADJOURNMENT** - Director Burkhart adjourned the meeting @ 7:39 PM

Respectfully Submitted by:


Joanne L Keiter, Board Secretary

Pending Approval

DATE: OCTOBER 2010
TO: Marina West
FROM: Destiny Diaz
RE: Consumption & Billing Comparison September 2010

Consumption

Residential- North- Bighorn		
	Meters	Usage (c.f.)
Book 1	149	256,380
Book 2	182	312,208
Book 3	160	248,132
Book 4	151	184,549
Book 5	129	195,034
Book 6	137	151,893
Total	908	1,348,196

Residential- South- Desert View		
	Meters	Usage (c.f.)
Book 7	166	111
Book 8	178	0
Book 9	188	0
Book 10	179	88
Book 11	191	77
Total	902	276

Bulk -Kickapoo, Well 4, Cherokee		
	Meters	Usage (c.f.)
Book 30	40	14,725
Book 31	6	1,740
Book 32	4	20,690
Total	50	37,155

Construction Meters		
	Meters	Usage (c.f.)
Book 40	0	0
Total	0	0

Billed Consumption	1,409,605
Non Billed Usage	7,393
Total Consumption	1,416,998

Bulk - Well 10		
	Meters	Usage (c.f.)
Book 33	45	23,978
Total	45	23,978

Active Residential Meters	1,810
Active Bulk Meters	95
Total Active Meters	1,905

Billing Comparison

	This Year SEPT 2010	Last Year SEPT 2009	Difference More (Less)
Statistics			
Total Customer Accounts	1003	1016	(13)
Usage in Cubic Feet	1,409,605	1,705,538	(295,933)
Percentage Increase/(Decrease)			-17%

Revenues			
Water Revenues	45,737.55	78,826.81	(33,089.26)
Basic Service Charge	49,921.66	50,490.04	(568.38)
Miscellaneous	356.10	630.00	(273.90)
Delinquent Charges	1,780.51	1,978.26	(197.75)
Total Operating Revenues	97,795.82	131,925.11	(34,129.29)

Debt Service Revenues (pass through)			
FMHA **	6.53	21.42	(14.89)

Total Debt Service Revenues

Additional Information Regarding Pass Through Revenues

** FMHA annual debt service of \$41,150 divided over 6 months equals \$6,858

Total Charges (Proof)	97,802.35	131,946.53	34,144.18
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DATE: 9/3/2010
TO: Board of Directors
FROM: Kit Boyd
RE: SEPTEMBER Production

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	0	0	#DIV/0!	0	0.00
Well 3	0	0	#DIV/0!	0	0.00
Well 4	0	0	#DIV/0!	0	0.00
Well 6	854,070	6,388,444	446	238.5	19.61
Well 7	480	3,590	299	0.2	0.01
Well 8	775,700	5,802,236	988	97.9	17.81
Well 9	92,200	689,656	680	16.9	2.12
Well 10	24,160	180,717	65	46.5	0.55
Total	1,746,610	13,064,643			40.10

Wells 2, 3 and 4 did not run this month

A Boosters	133,710	1,000,151	174	95.7
C Boosters	192,300	1,438,404	277	86.7
Total	326,010	2,438,555		



DATE: October 1, 2010
 TO: Marina West
 FROM: Destiny Diaz
 SUBJECT: Service Order Report July 2010 through June 2011

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
Mainline Leaks:	0	0	0										0
Service Line Repairs:	8	6	3										17
Service Line Replacements:	11	2	0										13
Service Line Installations:	0	1	0										1
Meter Changeouts*	1	0	3										4
Water Quality Complaints:**	2	0	2										4
48 Hour Tags for NSF Checks:	1	1	2										4
Lock Offs for Non-Payment:	12	14	5										31
Unlocks After Payment Made:	4	6	1										11
All Other Miscellaneous:	114	207	183										504
Total	153	237	199										589

*Meter replacement program started 6/18/08 with Route 09. Other meter exchanges included in misc.

** High or low pressure complaints fall within this category.

TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

October 20, 2010

To: Marina West
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, California 92284

From: Daniel Craig, Project Manager

Subject: **Progress Report – September 2010**
Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project
Bighorn-Desert View Water Agency and Todd Engineers

Todd Engineers (Todd) is pleased to submit this Monthly Progress Report for the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project* (Project) for the period of September 1 through September 30, 2010.

The following summarizes the work completed during the period, costs for the period and to date, and anticipated activities for the October monthly period.

Work Completed During September 2010

Task 1 Project Management – Todd provided project management support including tracking of project costs, progress, and schedule.

Task 2 Regulatory Permitting – Todd and Kennedy/Jenks followed up with several permitting agencies regarding recently-submitted applications/letters. The California Department of Fish and Game Streambed Alteration Permit (Section 1602 Permit) is currently under review by Department staff. The US Army Corps of Engineers is still determining whether Pipes Wash is a "jurisdictional" waterway and if they have any authority or permitting requirements for the project. BLM may require a 2081 "consultation" or "take" permit for potential impacts to endangered species.

No additional permits are required by the County of San Bernardino or the California Regional Water Quality Control Board.

Task 3.1 Vadose Zone Investigation and Monitoring Well Installation – Todd and Kennedy/Jenks along with drilling contractor completed the drilling and installation of two monitoring wells BDVWA MW1 and MW2. The wells were installed, developed, and sampled in September 2010.

Task 3.2 HDWD Well No. 24 Aquifer Test – Todd developed testing protocols for the aquifer test, which was performed during the first week of October 2010.

Task 3.5 Water Quality Evaluation – Todd and Kennedy/Jenks conducted water quality sampling of new monitoring wells BDVWA MW1 and MW2. Samples were submitted to Clinical Laboratory of San Bernardino for analysis of water quality parameters.

Task 3.6 Recharge Feasibility Study Report – Todd continued development of the Recharge FS Report including preparation of scope of work text and supporting tables and figures. The scope of work, methodology, and model simulation results were documented. A draft final of the report will be completed receipt of the soil and water sample laboratory data.

Work Planned for October 2010

Task 2 Regulatory Permitting – Todd and Kennedy/Jenks Consultants will follow up with permitting Agencies regarding the letters/applications for necessary regulatory agency permits.

Task 3.2 HDWD Well No. 24 Aquifer Test – Todd will work with Hi Desert Water District to facilitate the aquifer test, to be performed likely in September or October 2010.

Task 3.6 Recharge Feasibility Study Report - Todd will continue development of the Recharge FS Report incorporating the results of the field investigations.

Task 4.1 Groundwater Management Plan - Todd will continue development of the GWMP.

Task 4.2 Support for MOU and Water Agreement Amendment - Todd and Kennedy/Jenks will provide support as-needed for the MOU/Agreement amendment.

Charges to Date and Budget Summary

Charges to date and budget remaining (through September 30, 2010) are summarized in the attached tables. Total professional charges for the Period September 1 through September 30, 2010 are \$136,377.77, bringing total charges to date to \$395,079.50 out of the approved project budget of \$469,228.45. The remaining budget is \$74,148.95.

Attachments:

Table 1. Charges to Date and Budget Remaining

Table 2. Project Costs to Date



Table 1. Charges to Date and Budget Remaining (through September 30, 2010)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan													
Classification	Project Manager Craig \$105	Principal Geologist Blainin \$190	Senior Geologist Lin \$180	Senior Geologist Abbott \$170	Staff Geologist \$150	Graphics	Total Labor Hours	Comm Fee	Travel Admin Costs	Subcontractors Driller Labr Other Direct Costs	Expenses Fee	Subcontractor Kennedy/Jenks	Total Costs
Task 1 – Project Management	89	0.25	4	0	0		93.25	\$ 343.05	\$ 1,183.55	\$ 30.18	\$ 5.87		\$ 18,735.13
Task 1 – Project Management	89	0.25	4	0	0		93.25	\$ 343.05	\$ 1,189.55	\$ 39.70	\$ 5.87		\$ 18,735.13
Task 2 – Permitting Support	31.75	0	11	0	8		42.75	\$ 152.68	\$ -	\$ -	\$ -	\$ 19,899.60	\$ 27,686.03
Task 3 – Hydrogeology Feasibility Studies													
3.1 Vadose Zone Investigation and Monitoring Well Installation	153.5	0	24.5	0	0		178	\$ 640.35	\$ 864.57	\$ 75,564.70	\$ 11,324.71	\$ 43,587.09	\$ 184,295.70
3.2 HDWD Well No. 24 Aquifer Test	23.5	0	0	5	0		28.5	\$ 103.85	\$ -	\$ 260.00	\$ 42.00	\$ 4.20	\$ 5,927.05
3.3 Perennial Yield Assessment	24	0	57	0	0		81	\$ 271.20	\$ -	\$ 1,107.50	\$ -	\$ -	\$ 15,016.70
3.4 Groundwater Flow Evaluation	269	0	131.75	0	0		400.75	\$ 1,416.00	\$ -	\$ 10.00	\$ -	\$ -	\$ 72,271.00
3.5 Water Quality Evaluation	25	0	0	0	0		25	\$ 92.50	\$ -	\$ 4,055.00	\$ 606.25	\$ 1,326.13	\$ 10,706.88
3.6 Hydrogeology FS Report	147	0	0	0	0	7.25	154.25	\$ 557.68	\$ -	\$ -	\$ -	\$ -	\$ 20,441.43
Task 3 Total	642	0	213.25	5	0	7.25	867.5	\$ 3,008.59	\$ 864.57	\$ 81,097.20	\$ 11,894.06	\$ 44,898.28	\$ 288,487.33
Task 4 – Groundwater Management Plan and Water Agreement Amendment													
4.1 GWMP	83	10	82.5	0	0	0	155.5	\$ 545.10	\$ -	\$ -	\$ -	\$ -	\$ 27,800.10
4.2 Agreement Amendment	38	16	3.5	0	0	0	58.5	\$ 220.20	\$ -	\$ 8,308.75	\$ 1,011.56	\$ 3,790.40	\$ 24,400.81
Task 4 Total	121	26	86	0	0	0	215	\$ 765.30	\$ -	\$ 8,368.75	\$ 1,011.56	\$ 3,790.40	\$ 52,201.01
Task 5 - Support Stakeholder Outreach Support							0	\$ -	\$ -	\$ 10,737.50	\$ 2,023.12		
Total Charges to Date through September 30, 2010	883.75	28.25	204.25	5	0	7.25	1216.5	\$ 4,349.00	\$ 2,154.12	\$ 88,505.11	\$ 13,002.39	\$ 88,588.28	\$ 395,078.50



Todd Engineers and Kennedy/Jenks Consultants

Table 2. Charges to Date and Budget Remaining (through September 30, 2010)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan			
Task Name	Task Budget	Charges to Date (September 30, 2010)	Remaining Budget
Task 1 – Project Management	\$36,831.60	\$18,730.13	\$18,101.47
Task 2 – Permitting Support	\$39,356.00	\$27,686.03	\$11,669.97
Task 3 – Hydrogeology Feasibility Studies			
3.1 Vadose Zone Investigation and Monitoring Well Installation	\$132,916.25	\$164,395.78	-\$31,479.53
3.2 HDWD Well No. 24 Aquifer Test	\$18,630.40	\$5,627.65	\$13,010.75
3.3 Perennial Yield Assessment	\$15,381.60	\$15,018.70	\$362.90
3.4 Groundwater Flow Evaluation	\$79,574.40	\$72,271.90	\$7,302.50
3.5 Water Quality Evaluation	\$15,867.00	\$10,706.88	\$5,160.13
3.6 Hydrogeology FS Report	\$34,399.60	\$28,441.43	\$5,958.18
Task 3 Total	\$296,777.25	\$296,462.33	\$314.92
Task 4 – Groundwater Management Plan and Water Agreement Amendment			
4.1 GWMP	\$40,330.80	\$27,800.10	\$12,530.70
4.2 Agreement Amendment	\$41,451.20	\$24,400.91	\$17,050.29
Task 4 Total	\$81,782.00	\$52,201.01	\$29,580.99
Task 6 - Support Stakeholder/Public Outreach			
Support	\$14,481.60	\$0.00	\$14,481.60
Project Total	\$469,228.45	\$395,079.50	\$74,148.95