

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhardt, President
J. Larry Coulombe, Vice President
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A Public Agency

BOARD OF DIRECTORS' REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, December 28, 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.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: At this time, the Board will go into Closed Session to confer with Legal Counsel pursuant to subdivision (c) of Government Code Section 54956.9 and Government Code Section 54954.5 for the purpose of deciding whether to initiate litigation (one matter - unidentified).

Special Legal Counsel Susan M. Trager will be participating via teleconference from the following location: 19712 MacArthur Blvd., Suite 120, Irvine, California 92612, pursuant to Government Code Section 54953.

CLOSED SESSION REPORT

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. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY APPROVING THE APPOINTMENT OF BOARD SECRETARY

RECOMMENDED ACTION:

1) Board to select a Director to be appointed as Board Secretary, effective December 28, 2010.

b. PUBLIC HEARING: ORDINANCE 10O-02 - AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO

RECOMMENDED ACTION:

1) Review Staff Report;

2) Receive Questions from the Board of Directors;

3) Open Public Hearing;

4) Receive Public Comments;

5) Close Public Hearing;

6) Board Discussion; and

7) Board to Consider the following Proposed Actions:

a. Adopt Ordinance Providing For Compensation of The Board of Directors and Establishing Procedures Related Thereto

b. Defer Action until a later date

c. Decline to Adopt Ordinance Providing For Compensation of The Board of Directors and Establishing Procedures Related Thereto

c. CONSIDER ADOPTION OF THE WATER SUPPLY ASSESSMENT FOR THE PROPOSED MORRIS LODE MINE AND ISSUANCE OF A WILL SERVE LETTER TO HAHM INTERNATIONAL, INC.

RECOMMENDED ACTION:

- 1) Accept the draft *Water Supply Assessment for the Proposed Morris Lode Mine*, dated December 21, 2010; and
- 2) Acknowledge that there is an adequate supply of water for the project based on the *Water Supply Assessment for the Proposed Morris Lode Mine*; and
- 3) Authorize issuance of a Will Serve Letter to Hahm International, Inc. for the proposed Morris Lode Mine project.

**d. CORRECTIONS TO PRIOR BOARD ACTIONS CONCERNING TODD ENGINEERS
CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2**

RECOMMENDED ACTION:

1. Authorize funding \$7,425.00 for legal fees associated with Task 4.2 of the Todd Engineers Professional Services Agreement Change Order No. 1 proposal dated January 21, 2010 retroactive to January 26, 2010 and affirming the total amount of Change Order No. 1 to be \$60,765.00; and
2. Board to affirm the actual amount of the Todd Engineers Professional Services Agreement Change Order No. 2 is \$62,093.05 and that this action is retroactive to coincide with the date of original Board approval on October 25, 2010.

**E. CHANGE ORDER NO. 4 TO CANDIDA NEAL, AICP FOR CEQA/NEPA SERVICES
RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM**

RECOMMENDED ACTION:

1. Authorize Change Order No. 4 to Candida Neal, AICP for CEQA/NEPA Services related to the Water Infrastructure Restoration Program, specifically the Ames/Reche Spreading Grounds, in the amount of \$8,350.

**f. CHANGE ORDER NO. 5 TO CANDIDA NEAL, AICP FOR CEQA/NEPA SERVICES
RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM**

RECOMMENDED ACTION:

1. Authorize Change Order No. 5 to Candida Neal, AICP for CEQA/NEPA Services related to the Water Infrastructure Restoration Program, specifically the Ames/Reche Spreading Grounds, in the amount of \$8,250.

3. DISBURSEMENTS OCTOBER 2010 AND NOVEMBER 2010

RECOMMENDED ACTION:

- 1) Ratify/authorize payment of bills for October 2010 and November 2010.

- 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 October 2010
 - b. Financial Statements November 2010
 - c. Consumption & Billing Comparison Report November 2010
 - d. Service Order Report November 2010
 - e. Production Report November 2010
 - f. Progress Report on the Ames/Reche Recharge Facility Project

END OF THE CONSENT CALENDAR

5. MATTERS REMOVED FROM CONSENT ITEMS

6. VERBAL REPORTS

- GENERAL MANAGER'S REPORT
- DIRECTORS' REPORTS
 - > Reports on Courses/Conferences/Meetings Attended at Agency Expense
- 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.bdvwva.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.