

Bighorn-Desert View Water Agency



Board of Directors

Terry Burkhart, President
J. Larry Coulombe, Vice President
Michael McBride, Director
David Larson, Director
Judy Corl-Lorono, Director

Agency Office

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Marina D West, P.G., General Manager

A Public Agency

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, February 8, 2011 - 6:00 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Led by Rebecca Unger

President Burkhart asked for a moment of silence for Delmour Maybury and Betty Lawson, former Board members.

ROLL CALL

Directors Present: Michael McBride
Judy Corl-Lorono
Larry Coulombe
David Larson
Terry Burkhart

Staff Present: Marina West

APPROVAL OF AGENDA

President Burkhart requested item 8d be pulled from the agenda.
Motion to approve the agenda with the removal of item 8d.
MSC¹ (Corl-Lorono/Larson) unanimously approved.

PUBLIC PARTICIPATION - Addressing items not appearing on this agenda.

No public comments.

CLOSED SESSION

General Manager West reported the Board will go into closed session to confer with Legal Counsel for the purpose of deciding whether to initiate litigation (one matter – unidentified).

No public comments.

Adjourned for closed session at 6:06 p.m. – reconvened at 6:34 p.m.

CLOSED SESSION REPORT:

President Burkhardt reported the Board has decided not to initiate litigation at this time.

AGENCY FINANCIAL AUDIT FOR FISCAL YEAR 2009-2010. CONDUCTED BY THE INDEPENDENT CPA FIRM OF MAYER, HOFFMAN, MCCANN, P.C.

Ken Al-Iman of Mayer, Hoffman, McCann P.C. gave a presentation on the 2009-2010 Audit for the Bighorn-Desert View Water Agency for fiscal year ending June 30, 2010.

Highlights from the Audit Presentation:

Throughout the fiscal year the Agency operated with a surplus.

All revenues of the Agency (not just tax revenues) are restricted to the geographical areas associated with each of the two predecessor Districts (Bighorn Mountains Water Agency and Desert View Water District).

Each of the two geographical areas has about an even amount of debt assets assigned to it. However, The Bighorn Mountains Water Agency geographical area has more invested in capital facilities which has resulted in a deficit in available resources.

This all came about when Bighorn Mountains Water Agency and Desert View Water District consolidated as an Act of the California State Legislator without a vote of the "people". That brought into play all of the issues and the legal research that are in the audit under note 11.

Auditor listed recommendations for consideration

General Manager West commented there could be one or more options of dealing with the accounting of Bighorn Mountains Water Agency and Desert View Water District; we need to explore those options. The easy answer is the general ledger needed to be "split" for more accurate accounting of the revenue and expenses of the predecessors. That is actually the current written interpretation. There may be other possible avenues which may involve a vote of the constituents to formally consolidate.

The Board directed staff to explore the alternatives regarding the restriction of revenues for Bighorn Mountains Water Agency and Desert View Water District and commented this situation existed in the past, but it appears no previous General Manager looked into it and/or acted on it.

The auditor, Ken Al-Iman, thanked and expressed his appreciation for the support of Marina West. He kept Ms. West very busy with all the analysis she had to do to support the audit. He believes not many agencies this size would have been able to take this

project on in such a short time frame. It took an enormous amount of time and it was amazing all the work was done by Ms. West.

The Board directed staff to implement as many of the five recommendations to approve upon as feasible. The Board thanked and expressed their appreciation for all the hard work done by General Manager West. The list of recommendations given to the agency last year were very long and the list has been cut down to just five; the Agency has made great strides in the past year.

The Board thanked the auditor for his services and a job well done.

No public comments.

MOTION NO. 11-001

After board discussion, Director McBride made a motion to receive and file the Agency Financial Audit for fiscal year 2009-2010. Director Corl-Lorono seconded the motion.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

ELECTION OF OFFICER - VICE PRESIDENT

No public comments.

MOTION NO. 11-002

Director Corl-Lorono made a motion to nominate Director Coulombe as Vice President of the Board. Director McBride seconded the motion.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

COMMITTEE ASSIGNMENTS CALENDAR YEAR 2011

General Manager West gave the staff report.

No public comments.

President Burkhart with Board consensus appointed Board members to the committees as noted:

Planning/Legislative/Engineering/Grant & Security Committee was assigned to President Burkhart and Director Larson.

Financial/Public Relations/Education & Personnel Committee was assigned to Vice President Coulombe and Director McBride.

Morongo Basin Pipeline Commission was assigned to Director Larson and Vice President Coulombe as alternate.

Mojave Water Agency Technical Advisory Committee was assigned to Vice President Coulombe and Director Larson as alternate.

Ames/Means Ad Hoc Committee was assigned to Director Corl-Lorono and Director McBride.

Alliance for Water Awareness and Conservation (AWAC) was assigned to Director Corl-Lorono and Vice President Coulombe as alternate.

Finance Research Ad Hoc Committee was assigned to President Burkhart and Vice President Coulombe.

President Burkhart with Board consensus dissolved the Legislation Ad Hoc Committee formed on February 24, 2009.

RESOLUTION NO 11R-01 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AUTHORIZING INVESTMENT OF MONIES INTO THE LOCAL AGENCY INVESTMENT FUND (LAIF)

General Manager West gave the staff report.

No public comments.

MOTION NO. 11-003

Director McBride made a motion to adopt Resolution 11R-01 authorizing investment of monies into the Local Agency Investment Fund. Director Corl-Lorono seconded the motion.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

WATER SCIENCE PROJECT

General Manager West gave the staff report.

No public comments.

MOTION NO 11-004

After brief Board discussion, Director McBride made a motion to approve an agendaized Special Board of Directors' Meeting to start at 4:30 p.m. on April 26, 2011 so the members of the Board can participate as judges for the Water Science Project participants from Landers Elementary School. Director Larson seconded the motion.

MSC¹ (McBride/Larson) unanimously approved.

SPECIAL DISTRICT AND LOCAL GOVERNMENT INSTITUTE (SDI) GOVERNANCE CONFERENCE

General Manager West gave the staff report.

No public comments.

MOTION NO 11-005

After brief board discussion, Director Corl-Lorono made a motion the Board authorize attendance at the Special District and Local Government Institute (SDI) Governance Conference scheduled for February 17 & 18, 2011 in Anaheim California at an approximate cost of \$1,465.00 per Board member. Director McBride seconded the motion.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

CHANGE ORDER NO. 3 TO TODD ENGINEERS FOR PROJECT MANAGEMENT, PERMITTING, HYDROGEOLOGIC FEASIBILITY STUDY AND GROUNDWATER MANAGEMENT PLAN PROJECT
General Manager West gave the staff report.

No public comments.

MOTION NO 11-006

Director McBride made a motion to approve change order No. 3 to Todd Engineers for project management, permitting, hydrogeologic feasibility study and groundwater management plan project. Director Corl-Lorono seconded the motion.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

CHANGE ORDER NO. 6 TO CANDIDA NEAL, AICP FOR CEQA/NEPA SERVICES RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM

General Manager West gave the staff report.

No public comments.

MOTION NO. 11-007

After brief board discussion, Director McBride made a motion to approve change order No. 6 to Candida Neal, AICP for CEQA/NEPA services related to the water infrastructure restoration program. Director Larson seconded the motion.

MSC¹ (McBride/Larson) unanimously approved.

DISBURSEMENTS DECEMBER 2010

No public comments.

Director Larson made a motion to approve the disbursements for December 2010. Director McBride seconded the motion.

MSC¹ (Larson/McBride) unanimously approved.

CONSENT ITEMS

- a. Financial Statements December 2010
- b. Consumption & Billing Comparison Report December 2010
- c. Service Order Report December 2010
- d. Revised Production Report November 2010
- e. Production Report December 2010
- f. Special Board Meeting Minutes, October 25, 2010
- g. Special Board Meeting Minutes, November 15, 2010
- h. Regular Board Meeting Minutes, December 28, 2010
- i. Progress Report on the Ames/Reche Recharge Facility Project

No public comments.

Director Corl-Lorono made a motion to approve the consent items a through i. Director McBride seconded the motion.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

MATTERS REMOVED FROM CONSENT CALENDAR

Adjourned for a break at 7:29:30 p.m. – Reconvened at 7:37:30 p.m.

VERBAL REPORTS

GENERAL MANAGER'S REPORT:

General Manager West reported since the Agency is considered longevity members (long term members) of the Special District Risk Management Association, we received a refund of \$1100.00 from our Workers' Compensation account and \$2043.00 from the property liability account.

DIRECTOR'S REPORT:

None

PRESIDENT'S REPORT:

President Burkhart reported nominations for the Special District Risk Management Authority (SDRMA) Board of Directors will be announced soon should any directors be interested in being nominated.

COMMUNICATION AND PUBLIC INFORMATION ITEMS

None

ITEMS FOR NEXT AGENDA

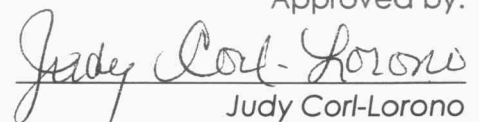
Create an Ad Hoc Committee to Evaluate the General Manager's Employment Contract.

Create an Ad Hoc Committee to Negotiate the General Manager's Employment Contract.

Board Secretary.

ADJOURNMENT - President Burkhart adjourned the meeting at 7:42 p.m.

Approved by:


Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.