

# 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

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## BOARD OF DIRECTORS' REGULAR MEETING MINUTES

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, February 22, 2011 - 6:00 p.m.**

### CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:02 p.m.

### PLEDGE OF ALLEGIANCE

Led by Lois Johnson.

### ROLL CALL

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

Directors Absent: David Larson

Staff Present: Marina West  
Lyni Tompkins

### APPROVAL OF AGENDA

President Burkhart requested item 12b be pulled from the agenda.  
Motion to approve the agenda with the removal of item 12b.  
MSC<sup>1</sup> (Corl-Lorono/McBride) unanimously approved.

**PUBLIC PARTICIPATION** - Addressing items not appearing on this agenda.

No public comments.

### RETENTION OF CPA FIRM MAYER HOFFMAN MCCANN, P.C. AS AUDITOR

General Manager West gave the staff report.

No public comments.

Board commented the auditors, CPA firm Mayer Hoffman McCann, are professional and have done an excellent job for the agency. They have gone out of their way to be supportive in getting the Agency's problems solved. In addition, there is a misunderstanding of what auditors do. These auditors have not been charged with any wrong doing at the City of Bell, and retaining them is the right thing to do.

**MOTION NO. 11-008**

*After board discussion, Director Corl-Lorono made a motion to retain CPA firm Mayer Hoffman McCann, P.C. as auditor for a third term. Director McBride seconded the motion.*

MSC<sup>1</sup> (Corl-Lorono/McBride) unanimously approved.

**CONTRACT SERVICES AGREEMENT WITH ALESHIRE & WYNDER LLP FOR GENERAL AND SPECIAL COUNSEL SERVICES**

General Manager West gave the staff report indicating that the Agency's Legal Counsel Ms. Susan Trager has joined the firm as "of Counsel" and will remain the appointed legal counsel for the time being.

No public comments.

The Board commented they do not see how retaining this law firm would be in conflict with their engagement to the Town of Yucca Valley. They like that Counsel Wesley Miliband has courtroom and water law experience. The Agency cannot go without legal counsel.

**MOTION NO. 11-009**

*Director McBride made a motion to approve retaining Aleshire and Wynder LLP as our general and special counsel on an interim basis while we proceed with a competitive process to formally appoint an Agency attorney pursuant to section 112-14 of the Bighorn-Desert View Water Agency law. Director Coulombe seconded the motion.*

MSC<sup>1</sup> (McBride/Coulombe) unanimously approved.

**DEPARTMENT OF PUBLIC HEALTH NOTICE: GROSS ALPHA AND URANIUM CONCENTRATIONS AT WELL NO. 2 AND WELL NO. 3**

General Manager West gave a presentation.

Public comments:

Robert Garcia, of Flamingo Heights, asked if the Agency has any type of filtration system.

General Manager West responded the Agency has several options to treat the water.

Robert Garcia, of Flamingo Heights, asked if the Wells are going back on-line.

General Manager West responded the intention is to put Well No. 2 & Well No. 3 back on-line because they are in compliance.

Board directed staff to send a letter to the California Department of Public Health notifying them of our intention before putting the Wells back on-line.

## **GENERAL MANAGER PERFORMANCE/COMPENSATION "2-MEMBER" AD HOC COMMITTEE**

No public comments.

President Burkhart with Board consensus created the General Manager Performance/Compensation "2-Member" Ad Hoc Committee. She appointed Director McBride as Chairperson and Vice President Coulombe as member.

## **REGISTRATION TO ATTEND A PUBLIC FORUM ON "THE IMPACT OF POLITICS" HOSTED BY THE VICTORVILLE CHAMBER OF COMMERCE**

General Manager West gave the staff report.

No public comments.

### **MOTION NO. 11-010**

*Director Corl-Lorono made a motion that the Directors who want to attend can attend the public forum on "The Impact of Politics" hosted by Victorville Chamber of Commerce. Director McBride seconded the motion.*

MSC<sup>1</sup> (Corl-Lorono/McBride) unanimously approved.

## **DISBURSEMENTS JANUARY 2011**

No public comments.

*Director Corl-Lorono made a motion to approve the disbursements for January 2011. Director McBride seconded the motion.*

MSC<sup>1</sup> (Corl-Lorono/McBride) unanimously approved.

## **CONSENT ITEMS**

- a. Financial Statements January 2011
- ~~b. Consumption & Billing Comparison Report January 2011~~
- c. Service Order Report January 2011
- d. Production Report January 2011

No public comments.

*Director Corl-Lorono made a motion to approve consent items a, c, and d. Director McBride seconded the motion.*

MSC<sup>1</sup> (Corl-Lorono/McBride) unanimously approved.

## **MATTERS REMOVED FROM CONSENT ITEMS**

Item 12b Consumption & Billing Comparison Report January 2011 to be corrected and brought to the next Regular Board meeting for Board approval.

## **VERBAL REPORTS**

**GENERAL MANAGER'S REPORT:**

General Manager West reported the upcoming SDRMA Board Nominations and Elections.

**DIRECTORS' REPORT:**

Vice President Coulombe reported attending the Special District and Local Government Institute (SDI) Governance Conference on February 17 & 18, 2011.

**PRESIDENT'S REPORT:**

President Burkhart reported attending the Special District and Local Government Institute (SDI) Governance Conference on February 17 & 18, 2011.

**ITEMS FOR NEXT AGENDA**

Board of Directors' Special Meeting will be scheduled March 1, 2011 at 6:00 p.m.  
Bad Debt expenses "write-off".

**ADJOURNMENT** - President Burkhart adjourned the meeting at 7:18 p.m.

Approved by:

  
Judy Corl-Lorono  
Board Secretary

MSC<sup>1</sup> - Motion made, seconded, and carried.