

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, PG, General Manager

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A Public Agency

BOARD OF DIRECTORS' REGULAR MEETING MINUTES

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

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Led by Mark Johannes.

ROLL CALL

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

Staff Present: Marina West
Lyni Tompkins

President Burkhart read the Bighorn-Desert View Water Agency Statement of Conduct.

APPROVAL OF AGENDA

General Manager West requested items 14h and 14i be pulled from the agenda.
Motion to approve the agenda with the removal of items 14h & 14i.
MSC¹ (Corl-Lorono/McBride) unanimously approved.

PUBLIC PARTICIPATION

Public comments:

Duane Lisiewski, of Flamingo Heights, commented on the letter from the San Bernardino County District Attorney regarding Bighorn-Desert View Water Agency and the Brown Act.

Jim Hanley, of Johnson Valley, commented on the letter from the San Bernardino County District Attorney regarding Bighorn-Desert View Water Agency and the Brown Act.

President Burkhart commented that the contents of the District Attorney's letter is a closed matter long ago.

Adjourned for a break at 6:10 p.m. - Reconvened from break at 6:15 p.m.

CLOSED SESSIONS

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position title being reviewed: General Manager. Designated Board Representative: Ad Hoc Committee of Larry Coulombe and Michael McBride. Pursuant to Government Code Section 54957.

CONFERENCE WITH LABOR NEGOTIATORS

Unrepresented Employee: General Manager.

Designated Board Representative: General Manager Performance/Compensation "2-Member" Ad Hoc Committee of Larry Coulombe and Michael McBride.

Pursuant to Government Code Section 54957.6

Public Comments:

Jim Hanley, of Johnson Valley, commented about possible compensation for the General Manager.

Duane Lisiewski, of Flamingo Heights, commented about original and possible compensation for the General Manager.

Marina West left the conference room at 7:06 p.m., which was after the Closed Session: Public Employee Performance Evaluation and before the Closed Session: Conference with Labor Negotiators.

Adjourned for closed session at 6:19 p.m. - Reconvened closed session at 7:28 p.m.

CLOSED SESSION REPORTS

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Director McBride reported the Board to give the closed session report of the General Manager's evaluation during that open session Agenda item.

CONFERENCE WITH LABOR NEGOTIATORS

Director McBride reported the Board set the contract negotiation parameters for the General Manager Performance/Compensation "2-Member" Ad Hoc Committee (which

consists of Vice President Coulombe and Director McBride), so the committee would know the desires of the Board to enable them to negotiate with the General Manager.

PERFORMANCE EVALUATION OF THE GENERAL MANAGER

Director McBride reported that in the past the Agency did not have a written format for the performance appraisal. This time, the Board used a written format in order to provide for a thorough examination of the General Manager's performance. The Board members independently completed a 6 page performance appraisal, and the Ad Hoc committee combined the independent performance appraisals into one appraisal which all Board members signed. The Board is extremely pleased with the General Manager. General Manager West got an excellent performance appraisal.

Public comment:

Duane Lisiewski, of Flamingo Heights, questioned when the public gets a chance to look at the performance evaluation and would like to know the format (blank form) used to do the evaluation.

General West commented the details/results about the performance evaluation are confidential. She will consult with the Agency's General Counsel about releasing the blank forms.

President Burkhart commented if the Agency's attorney agrees that the blank form can be released to the public, the Agency will make it available to the public.

EXTENSION OF GENERAL MANAGER'S EMPLOYMENT AGREEMENT BEYOND THE EXPIRATION DATE OF APRIL 30, 2011

Director McBride reported it is not likely we are going to be able to finish the contract negotiations with General Manager West by the time her contract expires. Therefore, the Ad Hoc Committee is asking the Board for more time to complete the contract negotiations.

Public comment:

Duane Lisiewski, of Flamingo Heights, questioned how long it was going to take to complete the labor negotiations for the General Manager.

The Board commented that the Agency is extending the current contract indefinitely until the negotiations are complete to allow an appropriate amount of time to negotiate the new contract with General Manager West.

General Manager West commented that the actual language of her existing contract states "if the parties are in negotiations of arrangements to continue employment of the general manager beyond the termination date then the existing contract can continue to be in full force and effect until the negotiations are either "A" are terminated or "B" the contract is replaced or "C" the terms of this contract are continued.

Gerry Kay, of Yucca Valley, wanted to discuss the Agency's audit.

President Burkhart commented the Board cannot discuss the audit as it is not part of this agenda item.

MOTION NO. 11-011

Director Corl-Lorono made a motion to extend the General Manager Employment Agreement beyond April 30, 2011 during the period of active contract negotiations. Director Larson seconded the motion.

MSC¹ (Corl-Lorono/Larson) unanimously approved.

RESOLUTION 11R-02 CONGRATULATING AND SUPPORTING THE 75TH ANNIVERSARY OF THE JOSHUA TREE NATIONAL PARK

Director Larson recused himself from this item on the agenda and left the room due to the fact he is an employee of the Federal Government specifically the National Park Service. Therefore, he may have a conflict of interest.

General Manager West gave the staff report.

No public comment.

The Board direction staff to create a conforming copy of the resolution to look more artistic.

MOTION NO. 11-012

Director McBride made a motion to adopt Resolution 11R-02 congratulating the Joshua Tree National Park on its 75th Anniversary. The motion was seconded by Director Corl-Lorono.

MSC¹ (McBride/Corl-Lorono) motion carried. Director Larson was not present for this vote.

Adjourned for a break at 7:43 p.m. - Reconvened from break at 7:45 p.m.

AGENCY BAD DEBT EXPENSES "WRITE-OFF" FOR THE PERIOD OF 2009 TO PRESENT

General Manager Marina West gave the staff report.

No public Comment.

Director McBride commented this amount is less than budgeted and that is because the Agency's staff is doing a good job at doing the process so the Agency gets its invoices paid.

MOTION NO. 11-013

Director Corl-Lorono made a motion to approve the Bad Debt expenses "write-off" in the amount of \$3,920.19 for the period 2009 to present. Vice President Coulombe seconded the motion.

MSC¹ (Corl-Lorono/Coulombe) unanimously approved.

DISBURSEMENTS FEBRUARY 2011

No public comment.

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

MSC¹ (Corl-Lorono/McBride) unanimously approved.

CONSENT ITEMS

- a. Corrected Financial Statement (Disbursements Summary page only) January 2011
- b. Financial Statements, February 2011
- c. Corrected Consumption & Billing Comparison Report, January 2011
- d. Consumption & Billing Comparison Report, February 2011
- e. Service Order Report, February 2011
- f. Production Report, February 2011
- g. Special Board Meeting Minutes, February 8, 2011
- ~~h. Regular Board Meeting Minutes, February 22, 2011~~
- ~~i. Special Board Meeting Minutes, March 1, 2011~~
- j. Progress Report on the Ames/Reche Recharge Facility Project. Todd Engineers, January 2011
- k. Progress Report on the Ames/Reche Recharge Facility Project. Todd Engineers, February 2011

No public comments.

GM West asked that consent items a and b for further discussion.

Director Corl-Lorono made a motion to approve consent items c through g, j & k. The motion was seconded by Director McBride.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

MATTERS REMOVED FROM CONSENT ITEMS

Item a, Corrected Financial Statement (Disbursements Summary page only) January 2011. General Manager West commented she noticed an error on the Disbursement Summary Page only on the January 2011 Financial Statement. So she is bringing only this page back to the Board for approval.

Item b, Financial Statements, February 2011. General Manager West noted that this report shows the health of the Agency.

Item h (pulled prior to approval of the agenda), Regular Board Meeting Minutes, February 22, 2011 to be corrected and brought to the next Regular Board meeting for Board approval. Correct who led the pledge.

Item i (pulled prior to approval of the agenda), Special Board Meeting Minutes, March 1, 2011 to be corrected and brought to the next Regular Board meeting for Board

approval. Add General Manager West left the conference room for the Closed Session discussion with Labor Negotiators.

No public comments.

Director McBride made a motion to approve consent items a & b. The motion was seconded by Vice President Coulombe.

MSC¹ (McBride/Coulombe) unanimously approved.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

General Manager West reported late last year she was selected by the California State University system to represent the students on a search committee for a new Chair for the Public Administration Department. That process concluded toward the end of last year; the person selected accepted the offer. Then General Manager West was asked to be representative of California State University of San Bernardino as the student member of the Dean Search Committee for the College of Business and Public Administration. They made their final selections and recommendations to the Provost today. GM West stated that she was honored to represent the CSU system, the Morongo Basin and the Bighorn Desert View Water Agency in this process.

DIRECTORS' REPORT

Vice President Coulombe reported on attending the Victorville Chamber of Commerce Public Policy Forum, "The Impact of Politics" on March 11, 2011. The guest speakers were Dan Schnur, Chairman of the California Fair Political Practices Commission, and Assemblyman Steve Knight.

Director Corl-Lorono also reported on attending the Victorville Chamber of Commerce Public Policy Forum, "The Impact of Politics" on March 11, 2011.

PRESIDENT'S REPORT

President Burkhart also reported on attending the Victorville Chamber of Commerce Public Policy Forum, "The Impact of Politics" on March 11, 2011.

ITEMS FOR NEXT AGENDA

Request for property negotiations.

ADJOURNMENT - President Burkhart adjourned the meeting at 8:12 p.m.

Approved by:


Judy Corl-Lorono
Board Secretary

MSC¹ - Motion made, seconded, and carried.