

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhart, President
Michael McBride, Director
David Larson, Director
Judy Corl-Lorono, Director
Director Vacancy



Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

www.bdvwa.org

Marina D West, P.G., General Manager
Lyni Tompkins, Executive Secretary

A Public Agency

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, May 31, 2011 - 5:00 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 5:07 p.m.

PLEDGE OF ALLEGIANCE

Led by Roger Taylor.

ROLL CALL

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

Staff Present: Marina West
Lyni Tompkins

APPROVAL OF AGENDA

Motion to approve the agenda.
MSC¹ (Corl-Lorono/McBride) unanimously approved.

PUBLIC PARTICIPATION - Addressing items not appearing on this agenda.

No public comment:

CLOSED SESSIONS

Adjourned for closed session at 5:14:30 p.m. - absent General Manager -
Reconvened from closed session at 5:34 p.m.

CONFERENCE WITH LABOR NEGOTIATORS:

The Board went into closed session with the Agency's designated Board representatives, General Manager Compensation Ad Hoc Committee, for an unrepresented employee, the General Manager, pursuant to Government Code Section 54957.6.

No public comment.

CLOSED SESSION REPORT:

President Burkhart reported "no reportable action".

Public comments following closed session:

Jim Hanley, of Johnson Valley, commented on the pending General Manager employment agreement clause, "Termination Without Cause in the 180 Days Following an Election".

Court Prittie, of Johnson Valley, commented about General Manager West's role of Johnson Valley's Improvement Association pursuit in drilling a well.

General Manager West discussed a couple of Mr. Prittie's specific comments in the General Manager's Report section of the agenda.

Director Larson commented about the Johnson Valley Association regarding their pursuit of drilling a well.

EMPLOYMENT AGREEMENT FOR THE POSITION OF GENERAL MANAGER OF THE BIGHORN-DESERT VIEW WATER AGENCY

Director McBride of the Ad Hoc committee explained and reported on the General Manager's pending employment agreement.

Public comments:

Jim Hanley, of Johnson Valley, commented on the car allowance, and the educational allowance in the pending General Manager's employment agreement. He also commented on other public servants' salaries.

Jim Harvey, of Johnson Valley, commented on the Brown Act.

Director Larson commented on the "termination without cause in the 180 days following an election" clause and the General Manager's compensation in the pending General Managers employment agreement.

MOTION NO. 11-025

After Board discussion, Director Corl-Lorono made a motion approving of and authorize execution of the Bighorn-Desert View Water Agency Employment Agreement (which includes compensation) with Marina D. West, P.G. for the position of General Manager. Director McBride seconded the motion.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

Adjourned for a break at 6:03 p.m. - reconvened at 6:15 p.m.

RESOLUTION NO. 11R-05 FIXING AND ADOPTING THE AGENCY BUDGET FOR THE FISCAL YEAR 2011-2012

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-026

After Board discussion, Director Corl-Lorono made a motion to adopt Resolution No. 11R-05, A Resolution Fixing and Adopting the Agency Budget for the Fiscal Year 2011/2012 for the Bighorn-Desert View Water Agency. The motion was seconded by Director McBride.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

RESIGNATION OF VICE PRESIDENT J. LARRY COULOMBE FROM THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-027

After brief Board discussion, Director Larson made an amended motion accepting a letter with regret received May 26, 2011 from J. Larry Coulombe resigning from the Bighorn-Desert View Water Agency Board of Directors. Director McBride seconded the motion.

MSC¹ (Larson/McBride) unanimously approved.

BOARD TO DISCUSS PROCESS FOR FILLING VACANT BOARD OF DIRECTOR SEAT

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-028

After Board discussion, Director Larson made a motion to defer the decision to fill the Board vacancy until the next Board meeting to allow time for the General Manager to verify in writing that calling such an election would not be a special election at extra cost to the Agency. The motion was seconded by Director McBride.

MSC¹ (Larson/McBride) unanimously approved.

VERBAL REPORTS - Including Reports on Courses/Conferences/Meetings.

GENERAL MANAGER'S REPORT

General Manager West commented that she feels bad that Mr. Prittie did not stay until the end of the meeting to hear the General Manager's comments, and address his comments that "the General Manager has done nothing to help us" and "has gone behind our backs". If anything it would appear that the Johnson Valley Improvement Association chose not to involve the Agency in their pursuit of drilling a well, General Manager West had offered her services. However, the majority of the Johnson Valley Board did not accept them. So to say that the General Manager went behind their back is really not a true statement. To say that nothing was done to help is also a false statement, because General Manager West did offer hydrogeologic information from the 2007 Conceptual Model which is the people's information, so that they would not fall short of their goal and possibly hit a dry well by not drilling deep enough. She offered financial assistance so that the Agency could garner additional information from this location. The Agency is in the best position to know where a production well ought to be drilled based on a lot of extensive studies and funds that have been expended to give the Agency that information. That is public information and it was offered to the Johnson Valley Board. It is believed the Agency is dealing with people that are not being careful enough with accusations. They are hearing false information from the public, and they believe that false information without coming forth and getting their own information. Just because certain individuals have pre-judged the General Manager does not make it factual. General Manager West personally cannot tell what the issue really is with the people that are giving the false information, but she wanted to help the whole entire time and made offers to help through the channels.

The goals and objectives by obtaining this particular facility (JVIA well) were not in conjunction with the incremental steps that the Agency has taken to provide what the residents in Johnson Valley desire. Those desires began with bulk hauling; they moved to obtaining a well known as Well No. 10 (the community well); they moved from that to a survey, as anonymous as it might have been, it represented the voice of the property owners in those jurisdictions. A majority of the respondents said that they wanted water. If a majority of those respondents said we do not want any water then the Agency would take that information whole heartily as it took the information that we do want water; it was merely a planning tool. The next incremental step was to complete the Johnson Valley Hydrogeologic Investigation, which is a study that has been on the books since

long before this General Manager ever arrived on scene and long before any of the present Board members arrived on scene. So it is a mission and goal of past Boards and the present Board that the grant money available be used in JV; that is the next incremental step for Johnson Valley. The next incremental step will be what ever that turns out to be. Johnson Valley Improvement Association has every right to have its own well to serve its needs. The question becomes, because of all the secrecy, the lack of transparency at the county level about where these funds are from; where these funds are going; it has been very difficult to get a straight answer out of the Supervisors office about these funds. Therefore, the Agency has been cautious the entire time and the Agency has reason to believe that there is something more to it, because people do not want to be honest and straight forward and tell the truth. This meeting is in open session to discuss these issues and provide the public the opportunity to comment. In this case, unfortunately, Mr. Prittie seems to have his information and wants to run with it; unfortunately he ran out the door before he could hear a response from General Manager West at the appropriate time. She apologized for that.

DIRECTORS' REPORT

Director McBride commented about the cell tower across the street from the Board room, wanted to know the status of the Reche project, and wanted to know if there were any current correspondences with Johnson Valley

Director Corl-Lorono reported on a demonstration garden.

PRESIDENT'S REPORT

President Burkhart commented that she agrees with General Manager West; she lives in Johnson Valley and has been on the Johnson Valley Board. She stated that help has been offered by this Agency to Johnson Valley, but has been refused multiple times. She reported that several Johnson Valley residents want piped/pressurized water.

ITEMS FOR NEXT AGENDA

ADJOURNMENT - President Burkhart adjourned the meeting at 6:40 p.m.

Approved by:


Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.