

Bighorn-Desert View Water Agency

Board of Directors

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



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Marina D West, PG, General Manager
Lyni Tompkins, Board/Exec. Secretary

A Public Agency

www.bdvwa.org

BOARD OF DIRECTORS' REGULAR MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, June 28, 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: David Larson
 Terry Burkhart
 Judy Corl-Lorono
 Michael McBride
 vacant seat

Staff Present: Marina West
 Lyni Tompkins

APPROVAL OF AGENDA

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

REQUEST FOR A BILLING ADJUSTMENT FOR "LEAK RELIEF" FROM MR. & MRS. MARCONNETTE

General Manager West gave the staff report. The bill is approximately \$7,300 and staff had offered \$500 in relief. The Marconnette's are appealing the staff decision and seeking additional relief from the BOD.

Public comment:

Maryann Marconnette, of Yucca Valley, reported on the leak at their second home and asked for some relief for that bill, and requested the balance to be on a payment plan.

Duane Lisiewski, of Flamingo Heights, commented on the budget for leak relief, his opinion on what the Agency should give as leak relief, and how often BDVWA reads meters.

Board consensus was it is not fair to the other rate payers to waive an entire bill. However, the Agency has a program that will help with some relief.

MOTION NO. 11-029

Director McBride made a motion that the Agency reduce the Marconnette's \$7300 bill by \$1825 and the balance of \$5475 is to be paid over 24 months. Director Larson seconded the motion.

MSC¹ (McBride/Larson) unanimously approved.

PUBLIC HEARING: RESOLUTION 11R-06 - A RESOLUTION OF THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY CONFIRMING REPORTS OF DELINQUENT ACCOUNTS FOR WATER CHARGES, METER CHARGES, AND BONDED INDEBTEDNESS, AND FEES AND AUTHORIZING THE PLACEMENT OF PROPERTY LIENS ON THE SECURED TAX ROLLS OF SAN BERNARDINO COUNTY FOR COLLECTION OF DELINQUENCIES WITHIN BIGHORN-DESERT VIEW WATER AGENCY

General Manager West gave the staff report and made note that the Agency did not receive any written letters from any customers prior to the opening of the public hearing.

Director Larson verified that the letters to the customers were sent in accordance with the law.

The public hearing opened at 6:17 p.m.

President Burkhart asked for public comments.

Public comment:

Barry Mack, of Landers, handed out a letter to the Board at this meeting dated back from 2010. He commented about the location of his meter, payment of his bills, and threatened litigation.

No additional public comments were received.

President Burkhart closed the public hearing at 6:19 p.m.

MOTION NO. 11-030

After brief Board discussion, Director Corl-Lorono made a motion to adopt Resolution No. 11R-06 - A Resolution of the Board of Directors of Bighorn-Desert View Water Agency confirming reports of delinquent accounts for water charges, meter charges, and bonded indebtedness, and fees and authorizing the placement of property liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn-Desert View Water Agency. The motion was seconded by Director McBride.

Roll Call Vote:

Ayes:	Larson, Burkhart, Corl-Lorono, McBride
Nayes:	None
Abstain:	None
Absent:	None

MSC¹ (Corl-Lorono/McBride) unanimously approved.

RESOLUTION NO. 11R-07 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR THE LEVY AND COLLECTION OF TAXES (SETTING THE AD VALOREM TAX) WITHIN IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2011/2012

General Manager West gave the staff report.

Director McBride commented that we know this was coming from last year's audit.

Director Corl-Lorono commented that we have to set the tax every year.

President Burkhart commented that we generally do not have to raise it this much, but it is a major catch up, because essentially Bighorn Mountains Water Agency is being carried by Desert View Water District and that is not fair.

Director Larson commented that this is something that we visited last year. It is a difficult situation because there is no way around it, and this issue has to be addressed. He does not have a problem looking at it and weighing the available options. However, this is something that we have done in the past because it is necessary. He continued, when it comes to paying for infrastructure it is a burden that everyone shares. Yucca Valley is looking at paying for a sewer system, and it has always been an argument down there as to who is going to pay for it; everybody pays for it, and that is the burden of paying for infrastructure and improving the capabilities and the district for future generations.

Public comments:

John Paul Dossey, of Landers, questioned if the Agency was increasing the Ad Valorem tax for Landers people only, and how the money from the tax is used.

Duane Lisiewski, of Flamingo Heights, commented on an incorrect date in the staff report and the amount of the tax.

MOTION NO. 11-031

Director McBride made a motion to adopt Resolution No. 11R-07 - A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency providing for the levy and collection of taxes (setting the ad valorem tax) within Improvement District No. 1 for fiscal year 2011/2012, at a maximum of \$175,900. Director Corl-Lorono seconded the motion.

Roll Call Vote:

Ayes:	Corl-Lorono, McBride, Burkhart
Nays:	Larson
Abstain:	None
Absent:	None

MSC¹ (McBride/Corl-Lorono) motion carried.

BOARD TO CHOOSE PROCESS FOR FILLING VACANT BOARD OF DIRECTOR SEAT

General Manager West gave the staff report.

MOTION NO. 11-032

After Board discussion, Director McBride made a motion that the Board call for an appointment of a new Director. The motion was seconded by Director Larson.

MSC¹ (McBride/Larson) unanimously approved.

ELECTION OF OFFICER - VICE PRESIDENT

MOTION NO. 11-033

Director Larson made a motion to nominate Director McBride to be Vice President. Director Corl-Lorono seconded the motion.

MSC¹ (Larson/Corl-Lorono) unanimously approved.

BOARD TO DISSOLVE GENERAL MANAGER PERFORMANCE/COMPENSATION "2 MEMBER" AD HOC COMMITTEE & DISSOLVE FINANCE RESEARCH AD HOC COMMITTEE

Public Comment:

Duane Lisiewski, of Flamingo Heights, questioned why the Agency was dissolving these Ad Hoc Committees on an agenda at an open Board meeting.

MOTION NO. 11-034

Director Larson made a motion that we dissolve the General Manager Performance/Compensation "2-Member" Ad Hoc Committee and dissolve the Finance Research Ad Hoc Committee as they are no longer necessitated by the Agency. The motion was seconded by Vice President McBride.

MSC¹ (Larson/McBride) unanimously approved.

BOARD APPROVAL OF STANDING COMMITTEES, AD HOC COMMITTEES, AND OTHER COMMITTEE ASSIGNMENTS

General Manager West gave a report.

Public comment:

Jim Hanley, of Johnson Valley, questioned the compensation of a Board member to attend a committee.

MOTION NO. 11-035

After brief Board discussion, Director Corl-Lorono made a motion to approve the appointments made by the Board President to committees and meeting assignments as they appear on "Standing Committees, Ad Hoc Committees & Other Meeting Assignments 2011" dated 6/28/2011. Director Larson seconded the motion.

MSC¹ (Corl-Lorono/Larson) unanimously approved.

BOARD MEETING ASSIGNMENTS FOR AGENCY RELATED BUSINESS FOR SOME CATEGORY 'A' MEETINGS - REFERENCE RESOLUTION NO. 10R-02

General Manager West gave the staff report.

MOTION NO. 11-036

After brief Board discussion, Vice President McBride made a motion to approve the schedule for some "Board Meeting Assignments For Agency Related Business" identified as Category 'A' meetings in Resolution No. 10R-02 to attend Board meetings at Hi-Desert Water District, Joshua Basin Water District, Mojave Water Agency, and at the County of San Bernardino Special Districts (W1 Water District) as it relates to our Agency. The motion was seconded by Director Corl-Lorono.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

DISBURSEMENTS MAY 2011

Public comments:

Jim Hanley, of Johnson Valley, questioned several disbursement checks.

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

MSC¹ (McBride/Corl-Lorono) unanimously approved.

Adjourned for a Break at 7:00 p.m. - Reconvened from Break at 7:12 p.m.

CONSENT ITEMS

- a. Financial Statements May 2011
 - 1. Balance Sheet
 - 2. Statement of Revenue and Expense
 - 3. General Account (Union Bank)
 - 4. Disbursements
 - 5. Local Agency Investment Fund Balance Timeline
- b. Consumption & Billing Comparison Report, May 2011
- c. Service Order Report, May 2011
- d. Production Report, May 2011
- e. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, May 2011
- f. Special Board Meeting Minutes, May 24, 2011
- g. Regular Board Meeting Minutes, May 24, 2011
- h. Special Board Meeting Minutes, May 31, 2011

Vice President McBride made a motion to approve consent items a - h. The motion was seconded by Director Corl-Lorono.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

PUBLIC PARTICIPATION

Public comments:

Jim Hanley, of Johnson Valley, commented about redacted attorney invoices.

Duane Lisiewski, of Flamingo Heights, commented about the requirement of Directors to take an AB1234 class, the Agency's budget, and the General Manager's compensation.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

General Manager West reported on the Ames Reche project.

DIRECTORS' REPORT

Director Larson reported on attending the Special District & Local Government Institute Administration's Brown Act, Public Records Act, and Conflict of Interest Laws Workshop on June 11, 2011 in San Diego. He noted the Conflict of Interest Laws workshop credited 2 hours toward AB1234 compliance for those directors that attended this workshop.

Vice President McBride reported on attending the Special District & Local Government Institute Administration's Brown Act, Public Records Act, and Conflict of Interest Laws Workshop on June 11, 2011 in San Diego. He also commented about his completion of on-line AB1234 training.

Director Corl-Lorono reported on attending the Special District & Local Government Institute Administration's Seminar on June 9 & 10, 2011 in San Diego, and attending the Brown Act, Public Records Act, and Conflict of Interest Laws Workshop on June 11, 2011 at the same location.

PRESIDENT'S REPORT

President Burkhart reported on attending the Special District & Local Government Institute Administration's Brown Act, Public Records Act, and Conflict of Interest Laws Workshop on June 11, 2011 in San Diego. She noted there is a general etiquette required during the meeting. The public may not be required to identify themselves as a condition of attending the meeting; it is allowed however, to ask an individual to identify him or herself for the record if they so desire. A person may certainly politely decline to do so.

ITEMS FOR NEXT AGENDA

Filling the Director vacancy

ADJOURNMENT - President Burkhart adjourned the meeting at 7:39:15 p.m.

Approved by:


Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.