

## Bighorn-Desert View Water Agency

### Board of Directors

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



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

A Public Agency

[www.bdvwa.org](http://www.bdvwa.org)

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## BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Friday, July 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 John Burkhart.

### ROLL CALL

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

Staff Present: Marina West  
Lyni Tompkins

### APPROVAL OF AGENDA

*Motion to approve the agenda.*

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

General Manager West reported that we have a revised staff report for agenda item No. 6 which was made available to the Board and the public tonight; she will explain the revision when she gives her staff report.

No public comment.

## **BOARD TO CONDUCT CANDIDATE INTERVIEWS FOR FILLING VACANT BOARD SEAT**

General Manager West gave the staff report.

Board sequestered candidate Nell Casey Garcia to the conference room while they interviewed Duane Lisiewski while in a public open session. After interviewing Mr. Lisiewski, the Board then interviewed Nell Casey Garcia also in a public open session.

Upon completion of the interviews, the Board cast written Ballots.

The results for the first round of ballots: two (2) votes for Mr. Lisiewski, and two (2) votes for Ms. Garcia.

The results for the second round of ballots: two (2) votes for Mr. Lisiewski, and two (2) votes for Ms. Garcia.

The results for the third round of ballots: one (1) vote for Mr. Lisiewski, and three (3) votes for Ms. Garcia.

A roll call vote was taken. "post the first roll call vote"

Adjourned for a Break at 6:29 p.m. - Reconvened from Break at 6:39 p.m.

Upon re-adjournment, a member of the public asked about public comment. The Board realizing that a request for public comment was not made; the Board opened the floor to public comment and then staff requested another roll-call vote.

Public comments:

Anonymous, questioned why the Board seems to be in support of Ms. Garcia.

Suzanne Johnson, of Landers, commented she was in support of the Board leaning toward Ms. Garcia.

General Manager West called for a roll call vote. Each Board member stated who they voted for:

Director Larson:	Duane Lisiewski
President Burkhart:	Nell Casey Garcia
Director Corl-Lorono:	Nell Casey Garcia
Vice President McBride:	Nell Casey Garcia

Votes were identical for both roll call votes.

General Manager West advised that Nell Casey Garcia will be taking her oath of office on Monday, July 25, 2011 at 2:00 p.m. at the office located at 622 S. Jemez Trail, Yucca Valley, and the public is invited.

**ACQUISITION OF REAL PROPERTY - PARCEL NO. 454-181-06 - FOR THE JOHNSON VALLEY  
HYDROGEOLOGIC INVESTIGATION TEST WELL**

General Manager West gave the staff report.

General Manager West reported that the staff report was revised and resubmitted after Agenda posting following closer scrutiny of the June 29 2010 California Environmental Quality Act (CEQA) Notice of Determination of the Mitigated Negative Declaration for the Johnson Valley Hydrogeologic Investigation. It was previously thought additional CEQA filings would be necessary for this project but the MND is sufficient for this project. The result is that the project was determined to be statutorily exempt because it is feasibility and planning study.

**Public comments:**

Ken Cash, of Johnson Valley, commented he is a well owner, and does not see that this test well is going to do anything for him.

Anonymous, commented about Well No. 4 being down, the test well in Johnson Valley, and selling water to Hi-Desert Water District.

Anonymous, questioned if this is the best location for this test well.

**MOTION NO. 11-037**

*After Board discussion, Director Larson made a motion to **accept an offer of \$4900.00 plus all closing costs estimated at \$1,592 to acquire real property, parcel #454-181-06, for the Johnson Valley Hydrogeologic Investigation monitoring (test) well; and ratify Use of "Office of Real Estate Appraisers", for this property as a Substitute for MAI "Member of Appraisal Institute" appraisal; and authorize the General Manager to execute a sale and purchase agreement approved "As to Form" by the Agency's Legal Counsel. The motion was seconded by Director Corl-Lorono.***

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

**PUBLIC PARTICIPATION**

Anonymous, questioned about asking questions.

Anonymous, questioned about asking questions.

**VERBAL REPORTS**

**GENERAL MANAGER'S REPORT**

General Manager West reported a conflict between the September, October, and November Board meeting dates and her upcoming course at Cal State San Bernardino. Therefore, the Board will have to make arrangements to have those meetings moved to another date.

She also reported that she is available for the public questions except during the public comment portion of the meeting as it is not typically a discussion period; it is the public's right and time to make comments to the Board.

#### DIRECTORS' REPORT

Vice President McBride reported on attending the last four (4) Joshua Basin Water District meetings.

Director Corl-Lorono reported the Acquisition of Legal Counsel Ad Hoc Committee sent out Request for Proposals to General Counsel Firms. The responses are due to be received at the Agency office by Friday August 5, 2011.

Director Larson commented that he agreed with some of the public comments. He also reported on the type of experience the Acquisition of Legal Counsel Ad Hoc Committee is looking for in legal counsel.

#### PRESIDENT'S REPORT

President Burkhardt reported she attended Hi-Desert Water District Board of Director's meeting on July 20, 2011, and they do not answer questions during public comments.

#### ITEMS FOR NEXT AGENDA

None

**ADJOURNMENT** - President Burkhardt adjourned the meeting at 7:13 p.m.

Approved by:

  
Judy Corl-Lorono  
Board Secretary

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