

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhart, President
Michael McBride, Vice President
David Larson, Director
Judy Corl-Lorono, Director
Nell Casey Garcia, Director



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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, July 26, 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
Nell Casey Garcia
Judy Corl-Lorono
Michael McBride
Terry Burkhart

Staff Present:

Marina West
Michelle Corbin

APPROVAL OF AGENDA

Motion to approve the agenda.

MSC¹ (Corl-Lorono/McBride) unanimously approved.

PUBLIC COMMENT:

Paul Dossey, of Landers, commented on the Agency spending money on education, and board members whispering during meetings.

Anonymous, commented how Director Garcia should process Agency information.

Anonymous, commented on Agency spending money, and the roles of President Burkhart and Lyni Tompkins.
Suzanne Johnson, of Landers, questioned how you get educated without spending any money for it.

DRAFT AGREEMENT CONCERNING MANAGEMENT OF THE PIPES AND RECHE GROUNDWATER SUBBASINS OF THE AMES VALLEY GROUNDWATER BASIN FOR THE AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM AND GROUNDWATER MANAGEMENT PLAN

General Manager West gave the staff report.

Public comments:

Jim Hanley, of Johnson Valley, questioned how this agreement would benefit Johnson Valley.

Anonymous, commented on several aspects of the agreement.

Suzanne Johnson, of Landers, commented about other people's comments who demand answers from the Board of Directors at open meetings.

Director Larson directed staff to put the draft copy of this document on our Web-site.

MOTION NO. 11-038

After Board discussion, Director Corl-Lorono made a motion to receive and file the Draft Agreement Concerning Management of the Pipes and Reche Groundwater Subbasins of the Ames Valley Groundwater Basin for the Ames/Reche Groundwater Storage and Recovery Program and Groundwater Management Plan report. Director Larson seconded the motion.

MSC¹ (Corl-Lorono/Larson) unanimously approved.

RESOLUTION NO. 11R-08 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY EXPRESSING APPRECIATION TO DIRECTOR LARRY COULOMBE

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-039

After Board discussion, Director Larson made a motion to adopt Resolution No. 11R-08, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Expressing Appreciation to Director Larry Coulombe. The motion was seconded by Vice President McBride.

MSC¹ (Larson/McBride) unanimously approved.

RESOLUTION NO. 11R-09 - A RESOLUTION OF THE GOVERNING BODY OF THE BIGHORN-DESERT VIEW WATER AGENCY FOR ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

General Manager West gave the staff report.

Public comment:

Anonymous, questioned who pays for this seating on the SDRMA Board of Directors.

MOTION NO. 11-040

After Board discussion, Vice President McBride made a motion to adopt Resolution No. 11R-09, A Resolution of The Governing Body of the Bighorn-Desert View Water Agency for Election of Directors to the Special District Risk Management Authority Board of Directors voting for Ed Gray, Edmund K. Sprague, and Terry Burkhart. Director Larson seconded the motion.

Roll Call Vote:

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

MSC¹ (McBride/Larson) motion carried. President Burkhart abstained from voting due to a possible conflict of interest.

BOARD TO CHOOSE A CANDIDATE TO FILL THE VACANT BOARD OF DIRECTOR FOR REGION 5, SEAT C OF THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA)

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-041

After Board discussion, Director Larson made a motion to vote for John Fox as a representative to the CSDA Board of Directors for BDVWA's geographical Region: Region 5, Seat C Election 2011. Director Corl-Lorono seconded the motion.

Roll Call Vote:

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

MSC¹ (Larson/Corl-Lorono) unanimously approved.

RESOLUTION NO. 11R-10 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN DESERT VIEW WATER AGENCY PROVIDING FOR EMPLOYEE LIFE INSURANCE LIMITS OF TWO (2) TIMES ANNUAL SALARY, MAXIMUM OF \$200,000 FOR ANY ONE EMPLOYEE
General Manager West gave the staff report.

Public comments:

Jim Hanley, of Johnson Valley, commented on Board's reaction to the cost of the proposed life insurance.

The Board directed staff to continue to investigate other life insurance plans including offering coverage for employees' dependents at employees' cost.

MOTION NO. 11-042

After Board discussion, Director Corl-Lorono made a motion to adopt Resolution 11R-10, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Providing for Employee Life Insurance Limits of Two (2) Times Annual Salary, Maximum of \$200,000 for Any One Eligible Employee. The motion was seconded by Director Larson.

MSC¹ (Corl-Lorono/Larson) unanimously approved.

Adjourned for a Break at 7:04 p.m. - Reconvened from Break at 7:18 p.m.

AUTHORIZE ATTENDANCE AT THE FIFTH ANNUAL SAN BERNARDINO COUNTY WATER CONFERENCE

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-043

After Board discussion, Vice President McBride made a motion to approve the Board's attendance at the Fifth Annual San Bernardino County Water Conference to be held on August 26, 2011, costing a maximum of \$300.00 per Director. Director Larson seconded the motion.

MSC¹ (McBride/Larson) unanimously approved.

DISBURSEMENTS JUNE 2011

Public comments:

Jim Hanley, of Johnson Valley, commented on several disbursement checks.

Anonymous, commented on several disbursement checks.

Vice President McBride made a motion to approve the Disbursements (Check Register - Payment of Bills) for June 2011. Director Larson seconded the motion.

MSC¹ (McBride/Larson) unanimously approved.

CONSENT ITEMS

- a. Financial Statements June 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, June 2011
- c. Service Order Report, June 2011
- d. Production Report, June 2011
- e. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, June 2011
- f. Regular Board Meeting Minutes, June 28, 2011
- g. Resolution No. 11R-11, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Authorizing Agency Credit Cards and Setting Guidelines for the Use of the Same.

No public comment.

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

MSC¹ (Corl-Lorono/McBride) unanimously approved.

PUBLIC PARTICIPATION

Public comments:

Jim Hanley, of Johnson Valley, commented on attorney bills.

Anonymous, commented on the Johnson Valley test well and the Ames/Reche draft Agreement.

Suzanne Johnson, of Landers, commented she would like other public comments to bring in solutions rather than constant complaints.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

General Manager West reported she will need to change the September, October, and November Board meetings due to a scheduling conflict with her final course at Cal State San Bernardino which is on Tuesday evenings.

She reminded the Board about the Association of California Water Agencies (ACWA) nominations for Board President and Vice President.

General Manager West commented on the following items regarding public comments:

1. She stated that public comments are not intended to be a question and answer period. It is the time for the public to tell the Board their point of view; not for the Board to respond to the public's comments. Although staff and the Board of Directors can respond to the public in other portions of the meeting.
2. She clarified the public comment about "how the Agency would receive the 5% for the Ames/Reche Agreement". The 5% is transferred to our storage account. This is a paper accounting of water in storage. For example, if you are another entity and you buy water, you only get 95% of what you buy; the 5% balance of that water is populated to the Bighorn-Desert View Water Agency storage account.
3. She opined that the current Ames Judgment does not provide the Agency any security. The Ames judgment has been breached a number of times by Hi-Desert Water District. The parameters of the judgment have been exceeded off and on. The new agreement establishes water rights and allows the basin to be managed and controlled.
4. She remarked about the public comments made during the July 22, 2011 Special Board of Directors meeting regarding the Johnson Valley Hydrogeologic investigation. Those comments were personnel comments and do not reflect the actual record.
5. She indicated that attorney bills will continue to be redacted until the Agency's Board of Directors decides to waive its attorney-client privilege. The attorney must invoke the attorney-client privilege and this attorney has done so. The attorney cannot waive the attorney-client privilege for the Agency; The Agency's Board of Directors must do it. Staff will bring this item to the Board at a future date.

DIRECTORS' REPORT

Director Larson reported on some of the requirements for legal counsel as requested by the Acquisition of Legal Counsel Ad Hoc Committee; he reported on the Interagency Task Force for Pipeline Infrastructure meetings; and he commented on the Ames Reche Agreement.

Vice President McBride reported on attending the Joshua Basin Water District Board meetings, and he asked General Manager West questions regarding the Johnson Valley Hydrogeologic Investigation and the Ames/Reche draft Agreement.

Director Corl-Lorono reported on attending the Alliance for Water Awareness and Conservation (AWAC) meeting on July 26, 2011, and she received a jury duty summons for August 10, 2011.

PRESIDENT'S REPORT

President Burkhart commented on the Ames/Reche draft Agreement in relationship to Joshua Basin Water District.

ITEMS FOR NEXT AGENDA

General Manager West suggested Agendizing the subject of (Morongo Basin) Pipeline capacity "post-loan" issues at a future Board meeting. She recommended the Agency's Board of Directors give a formal comment to the appointed Pipeline Commissioner regarding the other Agencies'/Districts' difference of opinion regarding who owns the capacity of the pipeline when the loan ends.

ADJOURNMENT - President Burkhart adjourned the meeting at 8:05 p.m.

Approved by:


Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.