

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

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

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

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

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www.bdvwa.org

PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, August 18, 2011 - 8:45 a.m.

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may participate only as observers at the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**

DISCUSSION AND ACTION ITEMS - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, a three-minute time limit may be imposed.

5. CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

6. CONSENT ITEMS - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

- a. Regular PLEGS Meeting Report, June 16, 2011

7. PUBLIC PARTICIPATION

Any person may address the Committee on any matter within the Agency's jurisdiction on items not appearing on this agenda.

8. VERBAL REPORTS

- a. COMMITTEE MEMBERS' COMMENTS/REPORT
- b. GENERAL MANAGER'S REPORT

9. ITEMS FOR NEXT AGENDA

10. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted 24 hours if prior to a Special meeting, date and time above.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.bdvwa.org.

Copies of these materials and other discloseable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.



**Legal,
Legislative and
Public
Information
Committee**

AGENDA

Mojave Water Agency

Board Room

13846 Conference Center Drive

Apple Valley, CA 92307

August 18, 2011

9:00 a.m.

- 1. Approve Agenda**
- 2. Approve Meeting Summary from the Legal/Legislative and Public Information Committee Meeting of July 21, 2011**
 - Meeting Summary
- 3. Update on State Advocate and Issues at the State Level (teleconference)**
- 4. Update on Federal Advocate and Issues at the Federal Level (teleconference)**
 - Federal Report
- 5. Update on Status of Re-districting Guidelines (oral report)**
- 6. Public Information Update (oral report)**
- 7. General Manager's Report (oral report)**

8. Public Participation

9. Comments/Discussion Items for Next or Future Agendas

10. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.

Please visit our Facebook page at <http://www.facebook.com/mojavewater>

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Comprehensive Government Relations

MEMORANDUM

To: Kirby Brill, Kathy Cortner and Mike Stevens, MWA

From: Letitia White and Heather Hennessey

Date: August 1, 2011

Re: July Monthly Legislative Update

July was a month of bitter disputes and record-breaking heat in Washington. It is impossible to estimate the long-term winners and losers in the damaging fights that we have just witnessed over the size and scope of our federal government. But it is certain that August recess could not come at a better time. Everyone on Capitol Hill has been working around the clock for weeks to arrive at the fragile deal which is now pending before Congress and the President. As of the time of this drafting, it has 24 hours to become the law of the land, or the US will fall into default on August 3rd.

Debt Ceiling Increase and Deficit Reduction Package

As you know, the U.S. must raise its current \$14.3 trillion debt limit prior to August 2nd, and a deal is going to be voted on either today or tomorrow by the House and Senate. Currently, leadership in both chambers is briefing Members and counting votes to see if the deal will pass. In the interest of time, we are including this excerpt from today's CQ Budget Tracker to provide you with the specifics of the current agreement:

INSIDE THE DEAL: Elements of the agreement contain old and new ideas. Some were in debt limit bills that both chambers rejected earlier in the weekend as being more partisan.

The package would immediately increase the debt limit by \$900 billion and avoid a default on Tuesday, with a second installment available at the president's request, probably early next year. That second chunk of borrowing authority would be between \$1.2 trillion and \$1.5 trillion and would last through the 2012 elections. Congress could block the second portion of the debt limit increase with a veto-proof majority vote in favor of a resolution of disapproval, but that's unlikely with the Democrats in control of the Senate.

The measure is expected to set discretionary spending caps of \$1.043 trillion for fiscal 2012 and \$1.047 trillion for fiscal 2013, with a "firewall" between defense and non-defense spending — meaning that domestic accounts could not be raided to bump up security spending. The amount for fiscal 2012 is about \$24 billion larger than the amount approved by the House-adopted budget resolution (H Con Res 34), a move that could give House appropriators more domestic dollars for their bills this fall.

The legislation also would create a joint congressional committee that would be tasked with finding \$1.8 trillion in savings over nine years. Composed of three

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Democrats and three Republicans from each chamber, the committee was a part of earlier plans from both parties. The panel would report its recommendations to both chambers, and the recommendations would be subject to up-or-down votes without amendment late this year.

If Congress does not enact at least \$1.2 trillion in deficit reduction, a “sequestration” budget process would be triggered to cut the difference from the federal budget. For example, if Congress enacted \$800 billion in deficit reduction, \$400 billion would be sequestered. The sequestration process would fall equally on defense and non-defense accounts. It’s a compromise designed to ensure that programs generally favored by the GOP and Democrats are targeted equally, given that Republicans would not agree to tax hikes. It’s similar to the system of spending “sequesters” enacted as part of the 1985 Gramm-Rudman-Hollings anti-deficit law and the 1997 deficit-reduction law. **As part of the deal, both the House and Senate would have to vote on a balanced-budget amendment to the Constitution no sooner than Oct. 1, but by the end of the year.** If the measure passes and becomes law, it would eliminate the sequestration budget process as it would likely force even steeper cuts. However, it seems highly unlikely that the measure would receive the two-thirds vote necessary in each chamber to send the measure to states for ratification.

The debate on the debt ceiling has been all consuming. Even the shut-down of the FAA due to Congress’ failure to extend the agency’s authorization has barely made the front page of the newspapers. Many other difficult bills and tough negotiations have been postponed until the debt ceiling situation is settled.

FY 2012 Appropriations

Appropriations bills took center stage in the House during the month of July with substantial progress now achieved on Fiscal Year 2012. Although the process did not move as far or as fast as House Leaders originally hoped, a number of bills moved forward under open rules, allowing for robust floor debates. Working under the discretionary spending cap set by the House Budget Resolution in April, the full House has now passed its versions of the following six bills:

1. Military Construction – Veterans Affairs
2. Agriculture
3. Homeland Security
4. Defense
5. Energy and Water
6. Legislative Branch

The Interior Appropriations bill is currently under discussion on the House floor, with massive numbers of amendments which must all be considered under the open rule. As the debt ceiling and deficit reduction package takes center stage today, the Interior bill is likely to be shelved until Congress returns in September. The Appropriations Committee has marked up the Commerce, Justice, Science and Financial Services bills, while the Foreign Operations bill has been marked up at the Subcommittee level. Only two bills remain untouched: Labor, Health and Human Services, Education and Transportation, Housing and Urban Development. Those are

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likely to be the two most controversial bills because they stand to suffer the biggest cuts during FY 2012.

The Senate has approved its first and only FY 2012 bill: Military Construction – VA, which is the least controversial of the twelve annual bills. With a fresh memory of fiscal year 2011, which ended in April almost seven months after the fiscal year began, many are wondering what will become of fiscal year 2012. (Fiscal Year 2011 at least had a Democrat majority in the House, Senate and White House; now the House has a Republican majority with an extremely conservative base that the leadership must consider.) With the current opposition to compromise, there is little chance that any bill other than Military Construction – VA will be signed into law before September 30th, the end of the fiscal year. Another problematic factor is that all of the spending cuts being included in the deficit reduction package will need to begin taking effect in FY 2012 in order to meet the 10-year target for reduction. The Continuing Resolution which will be necessary to keep the government operating after October 1st is already being discussed.

We are following developments very closely and we will continue to keep you posted.

Bighorn-Desert View Water Agency

Board of Directors

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Director Vacancy



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PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, June 16, 2011 - 8:45 a.m.

CALL TO ORDER

President Burkhart called the meeting to order at 8:48 a.m.

PLEDGE OF ALLEGIANCE

Led by Michael McBride

ROLL CALL

Directors' Present: Terry Burkhart

Directors' Absent
with prior notice: David Larson

Staff Present: Marina West
Lyni Tompkins

APPROVAL OF THE AGENDA

President Burkhart approved the agenda as presented.

PUBLIC PARTICIPATION

No public comment.

BOARD OF DIRECTORS MEETING EXECUTION AND PROTOCOL

General Manager West gave a presentation on execution and protocols for meetings including public participation.

RULES OF ORDER:

Roberts Rules of Order are just one guideline for running a meeting.

When a meeting does not have an agenda it is appropriate to have a motion and a second motion to allow a topic to be discussed. Since our agency is required to have a comprehensive posted agenda, and that agenda is approved at the beginning of the meeting, staff believes it becomes redundant to ask for a motion again just to discuss the item. When you are approving the agenda you are approving all items for discussion.

The law does not require you to follow Robert's Rule of Order. There are several rules of order that the board may follow including modified rules of order as long as a majority of the board agrees on the protocols.

Staying with the model of Robert's Rule of Order, the Board may still make changes to their approval protocols and still remain within the guidelines for example:

Robert's Rules of Order Newly Revised 10th Edition:
Chapter II "The Conduct of Business in a deliberative Assembly"
Section 3. "Basic Provisions and Procedures"

Means by Which Business Is Brought Before the Assembly:

Motions: Business is brought before an assembly by the *motion* of a member. A motion may itself bring its subject to the assembly's attention or the motion may follow upon the presentation of a report or other communication.

Chapter XVI "Boards and Committees"

Section 49 "Boards"

Procedures in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respect, for example:

Informal discussion of a subject is permitted while no motion is pending.

Staff interprets these chapters and sections of Robert's Rule of Order to allow motions after a report (in our case a staff report or Board report) is presented, and also after informal discussion (in our case public comment and board discussion).

In any case, our board may choose or modify rules of order to allow their meetings to be run/conducted efficiently and effectively in order to get through the business in an organized fashion.

In accordance with Robert's Rules, Chapter XVI, Section 49, Procedures in Small Boards as noted above, staff recommends the following strategy for the ease of creating the minutes, for the ease of the public following along, and for the ease of other board members:

1. President introduces agenda item and calls for staff report
2. Staff report is presented
3. Questions from the Board on staff report
4. Public comment is invited
5. Board discussion ensues
6. President requests motion from the floor
 - a. Motion could fail in request for more information
 - b. No Motion necessary if item is "informational" only
7. Motion given
8. President calls for the vote
 - a. Roll Call Vote may be necessary

The board may find a motion is not needed after hearing the staff report, public comment, and then the comments from the other board members. The board may direct staff for additional information to be presented at another meeting, or the agenda item may be information only where no motion is needed.

The committee recommended staff prepare a format of the motion process in the agenda.

PUBLIC PARTICIPATION:

General Manager West discussed the Brown Act and public participation.

Staff's objective is to create an environment within which the Public can, without reservation, directly address the legislative body on matters of interest to them. The opportunity for Public Comment occurs throughout the meeting.

Staff's recommendations for board consideration:

- Reading of the Public Comment agenda verbiage verbatim is not necessary. Language should be on the agenda, but does not have to be read at every meeting.
- The Board can limit the amount of total time for public comment as well as an individual's time.
- Refool agenda to move some required postings to end of the agenda.
- "not on the agenda" Public Comment;
 - This is the place holder for absolute access to Board. During the up front public participation comment, the public could talk on any subject within the board's jurisdiction whether it was not the agenda or not.
 - The board has the option of moving the public comment to the end of the meeting.
 - Execution would be smoother if any comment could be placed into the record.
- "on agenda" Public Comment;
 - Accept comment prior to adjournment to Closed Session.
 - All public comments invited and heard before motions or reports.

- The order of the items on the Agenda could be rearranged in the obvious case that many may want to address the same topic.
- Speaker Cards;
 - Provide an accuracy of the record.
 - They are not mandatory.
 - Occasionally Public will be spontaneous, skip card until later.
- Statement of identity;
 - Ask the speaker once if he or she would like to state their name for the record.
 - If the speaker does not want to give their name, their comment will be recorded as all other public comments are recorded, except the speaker will be noted in the record as "anonymous".

During up front public participation comment, the Committee recommends the speaker reference the item number they would like to make comment on before they begin their comment.

After discussion, the Committee recommended moving this item to the full board; then draft a Policy after full board input.

BOARD MEETING ASSIGNMENTS SCHEDULE FOR CATEGORY 'A' MEETINGS - REFERENCE RESOLUTION 10R-02

General Manager West discussed Category "A" meeting assignments referenced in Resolution 10R-02, Establishing A Policy For Compensation For Performance Of Official Duties And Reimbursement Of Actual And Necessary Expenses ("Official Duties Policy"), that currently do not have assigned Board members for attendance for which any director is eligible to attend. However, the Agency cannot afford for every director to go to every meeting, and not all meetings have relevance to our Agency.

The following schedule was presented as a possible method to have the directors rotate the responsibility to travel to the neighboring agency's meetings:

HDWD Board Meetings 6:00 p.m.
(Normally meets 1st & 3rd Wednesday)

	7/6	7/20	8/3	8/17	9/7	9/21	10/5	10/19	11/2	11/16	12/7	12/21
Burkhart	1				2	1				2	1	
McBride	2	1				2	1				2	1
Corl-Lorono		2	1				2	1				2
Larson			2	1				2	1			
Vacant Seat				2	1				2	1		

- <http://www.HDWD.org>
- 55439 29 Palms Highway, Yucca Valley CA 92284

There are meetings at our neighboring water districts that have direct relevance to our agency. Staff believes at least one director should attend those meetings. Those other districts will know you are paying attention and listening to their viewpoints.

The process for attendance at these meetings could be:

- Rotate the assignments in accordance with the schedule as noted above.
 - An alternate assigned director to attend meetings if the assigned director cannot attend the meeting.
- The Director is to review the agenda for relevance, considering the budget
- The Director may have to obtain concurrence from perhaps the Board President or General Manager for relevance to attend the meeting, or not.

The objective of the staff is to keep the Board of Directors apprised of regional & local issues that affect Bighorn-Desert View Water Agency, and build relationships and rapport with neighboring communities.

This does not mean we are attending every meetings, it just means we are working together as a Board and the General Manager to be more aware of what is going on around us and to start reaching out and being more active with the other agencies on what effects our agency.

The Committee recommended the Director should have a discussion with the General Manager for relevance of attending these meetings.

After discussion, the Committee recommended moving this item to the full board.

CONSENT ITEMS -

- a. Regular PLEGS Committee Meeting Report, April 21, 2011

President Burkhart approved item a, Regular PLEGS Committee Meeting Report of April 21, 2011

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS

President Burkhart reported on attending the Special District and Local Government Institute Workshop for the Brown Act, Conflict of Interest, and Public Records Act on June 11, 2011. In the Brown Act Workshop, she confirmed it is not a violation of law to ask the speaker for their name during public comment.

GENERAL MANAGER'S REPORT

General Manager West reported she brought a copy of the Work Plan of the EPA Grant for the Committee and the public. She pointed out that Task 10 (on page 12) does in fact have Johnson Valley Hydrogeologic Investigation described. It describes the two purposes to determine if there is groundwater storage capacity and how much production capacity there is in the Basin based on the conceptual model in 2007, which suggests that 900 acre feet of water per year moves through that system unused

and then is lost to evaporation down at the dry lake bed. On page 2, in November 2005, is the original grant award that was for the Water Master Plan, and there is an amendment for additional money that was funded to the grant in 2006. This shows the Agency has been working on this project for many years and the goal has not changed.

She also discussed that the original request to have an MAI (Member of the Appraisal Institute) appraisal on a parcel the Agency might purchase to build a well for the Johnson Valley Hydrogeologic Investigation would cost somewhere between \$3000.00 to \$6000.00. Because the value of the land would not likely be \$6000.00, the Agency's interim attorneys agreed that a simple appraisal would be sufficient to determine the value of the parcel. A simple appraisal would cost \$450.00.

In addition, the General Manager sent out letters to a number of individual property owners in Johnson Valley. The Agency has received correspondences from some of those property owners that were interested. This issue will be going to the entire Board.

She also reported on the Ames Reche project. The County has agreed to the terms of a slightly modified approach in which the boundaries of the management area will be modified to include the upper watershed and hence Pioneertown. She intends to have the agreement in draft form to the Board in July.

ITEMS FOR THE NEXT AGENDA

Continued reports on the Ames Reche project.

Continued reports on the property acquisition to build a well for the Johnson Valley Hydrogeologic Investigation.

ADJOURNMENT - President Burkhart adjourned the meeting at 9:47 a.m.