

# Bighorn-Desert View Water Agency

## Board of Directors

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



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

A Public Agency

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## BOARD OF DIRECTORS' REGULAR MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Tuesday, August 23, 2011 - 6:00 p.m.

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

**DISCUSSION AND ACTION ITEMS** - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, 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. RESOLUTION NO. 11R-XX - NOMINATE AND SUPPORT MICHAEL MCBRIDE AS A CANDIDATE FOR THE POSITION OF ACWA VICE PRESIDENT

Recommended Action:

- a) Board to consider adopting Resolution 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency to Nominate and Support Michael McBride as a Candidate for the position of ACWA Vice President.
- b) The Board to consider approving a portion of the travel and per diem expenses of \$250.00 for Vice President McBride to attend the Interview in Sacramento for this position.

**6. RESOLUTION NO. 11R-XX - PROVIDING FOR IRS SECTION 125 CAFETERIA PLANS: FLEXIBLE SPENDING ACCOUNT, CHILD DEPENDENT CARE, AND PREMIUM PLAN FOR ANY ONE ELIGIBLE EMPLOYEE**

The estimated cost of this program is \$175.00 - \$350.00 for the Application (Set-up) fee, plus \$6.00/month for each participating eligible employee.

Recommended Action:

Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn Desert View Water Agency Providing for IRS Section 125 Cafeteria Plans: Flexible Spending Account, Child Dependent Care, and Premium Plan for Any One Eligible Employee.

**7. RESOLUTION NO. 11R-XX - CHANGING CREDIT CARD PROCESSING PROVIDERS AND PASSING ANY PAYMENT PROCESSING FEES DIRECTLY ONTO THE CUSTOMER**

Recommended Action:

- a) Board to consider authorizing the General Manager to change credit card processing providers from Elavon to Official Payments with the acknowledgement that the vendor will charge the customer directly for any applicable transaction fee(s); and
- b) Board to consider adopting Resolution 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Changing Credit Card Processing Providers and Passing any Payment Processing Fees Directly onto the Customer.

**8. BOARD TO DETERMINE PROCESS OF GENERAL COUNSEL INTERVIEWS**

Recommended Action:

Board to provide consensus on the manner in which the short-listed law firms will be interviewed by the full Board.

**9. POLICY STATEMENT NO. 11P-XX - ESTABLISHING "DESERT LANDSCAPE WATER CONSERVATION GUIDELINES" IN AN EFFORT TO REDUCE THE IMPACT ON FUTURE WATER DEMAND**

Recommended Action:

Board to consider adopting Policy Statement No. 11P-XX, A Policy of the Board of Directors of the Bighorn-Desert View Water Agency Establishing "Desert Landscape Water Conservation Guidelines" in an Effort to Reduce the Impact on Future Water Demand.

**10. ATTENDANCE AT CALIFORNIA SPECIAL DISTRICT ASSOCIATION ANNUAL MEETING TO RECEIVED THE MCMURCHIE EXCELLENCE IN SAFETY AWARD FOR 2011 FROM SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY**

Recommended Action:

Board to choose one representative, Director or staff, to attend the CSDA Annual Conference Awards Breakfast, Wednesday October 12, 2011, and approve the maximum estimated cost at approximately \$500 covering per diem days, additional qualified meals and lodging to travel to Monterey, CA.

#### **11. APPROVING THE AGENCY'S OFFICIAL SEAL DESIGN**

The cost to replace the existing Agency's Official Seal is estimated at \$170.

Recommended Action:

- a) Board to consider approving the proposed design of the Agency's Official Seal; or
- b) Board to consider modifying the proposed design of the Agency's Official Seal; or
- c) Board to consider not having an Agency Official Seal.

#### **12. DISBURSEMENTS JULY 2011**

Recommended Action:

Ratify Check Register (payment of bills) for July 2011.

#### **13. CONSENT ITEMS** - The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that an item be held for discussion or further action.

- a. Financial Statements July 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, July 2011
- c. Service Order Report, July 2011
- d. Production Report, July 2011
- e. Special Board Meeting Minutes, July 22, 2011
- f. Regular Board Meeting Minutes, July 26, 2011
- g. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, July 2011
- h. Resolution No. 11R-XX, BOD Authorizing Investment of Monies into the Local Agency Investment Fund (LAIF)
- i. Resolution No. 11R-XX, BOD Establishing its Banking Policy with Union Bank

Recommended Action:

Approve as presented (Items a - i):

#### **14. MATTERS REMOVED FROM CONSENT ITEMS**

#### **15. PUBLIC PARTICIPATION**

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

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.

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

- a. GENERAL MANAGER'S REPORT
- b. DIRECTORS' REPORT
- c. PRESIDENT'S REPORT

**17. ITEMS FOR NEXT AGENDA**

**18. 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 not less than 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.

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.

Internet: Once uploaded, agenda materials can also be viewed at [www.bdvwa.org](http://www.bdvwa.org).

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.

## **BIGHORN DESERT VIEW WATER AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** No

**Budgeted Amount:** N/A

**Cost:** see Recommendation - Note 2

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject:** ACWA: Resolution No. 11R-XX - A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency to Nominate and Support Michael McBride as a Candidate for the position of ACWA Vice President for a two year term.

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### **SUMMARY**

ACWA is calling for candidate nominations for the position of their Board President and Vice President for a two year term beginning January 1, 2012.

ACWA has formed a Nominating Committee to be responsible for submitting a slate (President and Vice President) to the general membership meeting during their Fall Conference. The Nomination Committee will be choosing this slate from candidate nominations.

Candidate nominations must be delivered to ACWA by September 1, 2011 to be considered by ACWA's nomination committee for these positions.

Candidate interviews will be conducted by ACWA's Nominating Committee on September 28, 2011 in Sacramento.

ACWA's Fall Conference is scheduled for November 30, 2011 in Anaheim at which time the members will vote to appoint these two board positions from ACWA's Nominating Committee slate or from a nomination taken from the floor during the meeting.

The travel and per diem cost for this interview will be approximately \$1,075.00. Director McBride is requesting the Agency pay only approx. 25% of the cost (\$250) as it would benefit the Agency to have one of its Directors on the Board of ACWA; it is voluntary to run for this position. Also, Director McBride is making an effort to reduce the amount of Agency finances he uses towards his budgeted expenses.

### **RECOMMENDATION**

1. The Board to consider adopting Resolution 11R-XX - A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency to Nominate and Support Michael McBride as a Candidate for the position of ACWA Vice President
2. The Board to consider approving a portion of the travel and per diem expenses of \$250.00 for Vice President McBride to attend the Interview in Sacramento for this position.

## **BACKGROUND/ANALYSIS**

The following criteria must be met for names to be considered:

- Only elected or appointed directors of member agencies shall be eligible for election to the officer positions.
- Nominations of qualified candidates are encouraged from all water districts.
- An official resolution of nominations from the agency on which the individual serves indicating the agency's support and signed by an authorized signatory (sample attached).
- Resume of the individual, highlighting qualifications for the position.
- It is not necessary to have additional letters or resolutions of support from other agencies, but the Committee will review all materials received.
- ACWA asks that regions not be approached for their support since some of the voting members of the Nominating Committee are the region chairs.

Members of the nominating committee are:

- Aldaron Laird      Region 1
- Eric Larrabee      Region 2
- Bob Dean      Region 3
- Robert Nees      Region 4
- Katy Foulkes      Region 5
- Dave Orth      Region 6
- Ann Mathews      Region 7
- Gail Pringle      Region 8
- Kathy Tiegs      Region 9
- Merle Aleshire      Region 10

See Basic Information for Nominees for ACWA Officers on the following documents.

## **PRIOR RELEVANT BOARD ACTION(S)**

None

## **RESOLUTION NO. 11R-XX**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY TO NOMINATE AND SUPPORT MICHAEL MCBRIDE AS A CANDIDATE FOR THE POSITION OF ASSOCIATION OF CALIFORNIA WATER AGENCIES VICE PRESIDENT FOR A TWO YEAR TERM**

**WHEREAS**, Association of California Water Agency (ACWA) has announced that a nominating committee has been formed to develop a slate of candidates for the ACWA officers; and

**WHEREAS**, the elected ACWA officers will serve for a 2 year term beginning January 1, 2012; and

**WHEREAS**, the individual who fills an officer position will need to have a working knowledge of water industry issues and concerns, possess strength of character and leadership capabilities, and be experienced in matters related to the performance of the duties of the office; and

**WHEREAS**, this person must be able to provide the dedication of time and energy to effectively serve in this capacity; and

**WHEREAS**, Michael McBride has served in a leadership role as a member of the Bighorn-Desert View Water Agency Board of Directors since December 2007; and

**WHEREAS**, in this position of Vice President of the Bighorn-Desert View Water Agency he has demonstrated knowledge of water industry issues and leadership capabilities; and

**WHEREAS**, Michael McBride has demonstrated his knowledge of water industry issues and leadership capabilities during his career in operations, maintenance, and management of wastewater treatment plants; and

**WHEREAS**, he has demonstrated his knowledge of leadership by running a successful electrical contracting business for 19 years; and

**WHEREAS**, he has demonstrated his knowledge of water and leadership while serving on a Wastewater Advisory Committee for the construction of a wastewater plant for Hi-Desert Water District; and

**WHEREAS**, he has demonstrated his knowledge of water and leadership while serving as a Director for the Bighorn-Desert View Water Agency supporting the Agency's vision to build a groundwater recharge facility and to create a new groundwater management structure that would significantly enhance the possibility for "managed control" of the region's groundwater resource; and

**WHEREAS**, he has demonstrated his knowledge of water and leadership while serving on various Board Committee assignments; and

**WHEREAS**, it is the opinion of the Bighorn-Desert View Water Agency Board of Directors that Michael McBride possesses all of the qualities needed to fulfill the duties of the office of ACWA Vice President.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bighorn-Desert View Water Agency Board of Directors does hereby nominate and support Michael McBride as a candidate for the office of ACWA Vice President, pledging the Agency's support of his endeavors in fulfilling the duties of this office if elected.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Bighorn-Desert View Water Agency Board of Directors held on this 23rd day of August, 2011, by the following vote:

AYES:

NAYS:

ABSTAIN:

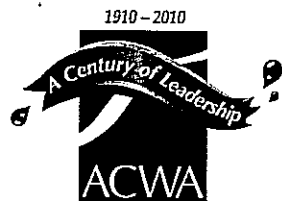
ABSENT:

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on August 23, 2011 the foregoing Resolution No. 11R-XX was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

By \_\_\_\_\_  
Judy Corl-Lorono, Board Secretary



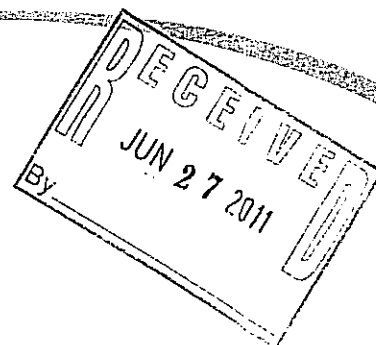


*Vision for the Future*

**Association of California  
Water Agencies**

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## **MEMORANDUM**

**DATE: JUNE 24, 2010**

**TO: ACWA REGULAR MEMBER PRESIDENTS AND  
GENERAL MANAGERS**

**FROM: ACWA NOMINATING COMMITTEE**

**SUBJECT: CALL FOR CANDIDATE NOMINATIONS**

ACWA's Nominating Committee is responsible for submitting a slate for President and Vice President to the general membership meeting during the Fall Conference.

**Nominations must be received in the ACWA office by September 1, 2011 to be considered by the committee.** Candidate interviews are slated for September 28.

The following criteria must be met for names to be considered:

- Only elected or appointed directors of member agencies shall be eligible for election to the officer positions.
- Nominations of qualified candidates are encouraged from all water districts.
- An official resolution of nomination from the agency on which the individual serves indicating the agency's support and signed by an authorized signatory (sample attached).
- Resume of the individual, highlighting qualifications for the position.

It is not necessary to have additional letters or resolutions of support from other agencies, but the Committee will review all materials received.

## **Nominating Committee Memo**

**June 24, 2010**

**Page 2**

Some of the criteria outlined above come from a board policy that will also impact nominations from the floor. The policy reads: "All nominations received for the positions of ACWA President and Vice President shall be accompanied by a resolution of support from the ACWA member agency on whose board the nominee serves, and signed by an authorized signatory of the Board of Directors. This policy applies to nominations received in the ACWA office prior to elections, as well as to all nominations received from the floor at the general session during the floor nomination process."

**We also ask that regions not be approached for their support since some of the voting members of the Nominating Committee are the region chairs.**

We appreciate your interest and participation in this process to find the best-qualified individuals to serve in representing all members of ACWA. Thank you for your consideration of our request.

Members of the Nominating Committee are:

- |                  |           |
|------------------|-----------|
| • Aldaron Laird  | Region 1  |
| • Eric Larrabee  | Region 2  |
| • Bob Dean       | Region 3  |
| • Robert Nees    | Region 4  |
| • Katy Foulkes   | Region 5  |
| • Dave Orth      | Region 6  |
| • Ann Mathews    | Region 7  |
| • Gail Pringle   | Region 8  |
| • Kathy Tiegs    | Region 9  |
| • Merle Aleshire | Region 10 |

Should you have any questions regarding this process, please contact Jan Jennings, Director of Administration at the ACWA Office (916) 441-4545.

Enclosure

## **BASIC INFORMATION FOR NOMINEES FOR ACWA OFFICERS**

### **PRESIDENT**

- ◆ Must be a director of member agency
- ◆ Term of office begins January 1 following election
- ◆ Term of office - 2 years
- ◆ Willingness and ability to represent ACWA at a variety of functions / events
- ◆ President unable to succeed him/herself in that office
- ◆ Presides at all Board meetings - 6 per year
- ◆ May call special Board meetings with proper notification
- ◆ Presides at all Executive Committee meetings - no set number; anywhere from 4 to 6
- ◆ Presides at all general membership meetings – potentially 2 per year
- ◆ Appoints, with board ratification, all committees, including the chairs
- ◆ Ex officio member of all committees, except Nominating Committee
- ◆ Agrees to support ACWA positions on issues of importance to the membership
- ◆ Determines with vice president how to handle attendance at region functions
- ◆ Budget is provided to cover expenses for official ACWA functions; spouse registration and meals are also covered for official ACWA functions
- ◆ Receives weekly packets from ACWA
- ◆ Business cards are provided by ACWA if desired
- ◆ Time commitment between board meetings and events limited to weekly phone reports from Executive Director regarding Association matters

### **VICE PRESIDENT**

- ◆ Must be a director of member agency
- ◆ Term of office begins January 1 following election
- ◆ Term of office - 2 years
- ◆ Willingness and ability to represent ACWA at a variety of functions / events
- ◆ Assumes all duties in absence of president
- ◆ Succeeds president for an unexpired term if vacancy occurs
- ◆ Serves on the ACWA Board and presides over Board meetings in the absence of the President
- ◆ Serves on the ACWA Executive Committee
- ◆ **ACWA/JPIA**
  - Serves on Executive Committee - meets approximately 10 times a year
  - Serves on Board - meets 2 times a year
  - ACWA/JPIA pays related expenses to attend their meetings
- ◆ Agrees to support ACWA position on issues of importance to the membership
- ◆ Determines with president how to handle attendance at region functions
- ◆ Budget is provided to cover expenses for official ACWA functions; spouse registration and meals are also covered for official ACWA functions
- ◆ Receives weekly packets from ACWA
- ◆ Business cards are provided by ACWA if desired

**Basic Information for Nominees for ACWA Officers (continued)**

- ◆ Time commitment between Board meetings and events limited to weekly phone calls with the President and Executive Director

**BIGHORN DESERT VIEW WATER AGENCY BOARD OF DIRECTORS  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost:** See Below

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** not required

**CEQA Compliance:** N/A

**Subject:** Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn Desert View Water Agency Providing for IRS Section 125 Cafeteria Plans: Flexible Spending Account, Child Dependent Care, and Premium Plan for any One Eligible Employee

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**SUMMARY**

IRS Section 125 Cafeteria Plans offer employees the opportunity to withhold a portion of their salary pre-taxed to cover certain medical expenses including office and hospital visits, prescriptions and medical premium payments. Out of pocket expenses related to dental and vision benefits. Plans for child dependent care are also available. These benefits are free from federal and state income taxes, an employees' taxable income is reduced, which increases the percentage of their take-home pay.

Staff is interested in pursuing an IRS Section 125 Cafeteria Plan so it is being brought to the Board of Directors for further discussion.

At the July 13, 2011 FPREP Committee Meeting, the committee was in support of this program and recommended taking this item to the full Board. In addition, they recommended the Agency pay for the Application Fee (set up fee), but only half (1/2) of the monthly \$6.00 per employee fee.

Staff is recommending the Agency pay for the Application fee (set-up fee) estimated at \$175.00 - \$350.00; and the employee pay for the entire monthly fee estimated at \$6.00/month.

Also, staff is recommending the minimum and maximum limits for the Flexible Spending Accounts be set at \$0.00 - \$1000.00 annually because this part of the Cafeteria plan is paid through Advanced Distribution by the Agency.

The minimum and maximum limits for the Child Dependent Care should be set at \$0.00 - \$5000.00 annually (there will be no Advanced Distribution paid by the Agency for this part of the Cafeteria Plan).

The Agency is not required to set limits for the Premium plan. There will be no Advanced Distribution paid by the Agency for this part of the plan.

IRS Cafeteria Plans are common benefits provided to eligible employees to allow more take-home pay at minimal to no cost to the Agency. Staff can find no prior discussions with the Board regarding such plans.

## **RECOMMENDATION**

The Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn Desert View Water Agency Providing for IRS Section 125 Cafeteria Plans: Flexible Spending Account, Child Dependent Care, and Premium Plan For Any One Eligible Employee.

## **BACKGROUND/ANALYSIS**

IRS Section 125 Cafeteria Plans offer employees the opportunity to withhold a portion of their salary pre-taxed to cover certain out-of-pocket medical expenses including office and hospital visits, prescriptions and medical premium payments. Out of pocket expenses related to dental and vision benefits are also eligible. Plans for child dependent care are available as well. Because these benefits are free from federal and state income taxes, an employees taxable income is reduced, which increases the percentage of their take-home pay.

Staff is interested in pursuing an IRS Section 125 Cafeteria Plan so it is being brought to the Board for further discussion. Participation by Agency staff is voluntary but some staff has expressed interest in participating in the plans.

Staff is proposing utilizing up to 3 types of Cafeteria Plans:

### **1. Flexible Spending Accounts**

- The Agency sets a minimum and maximum limit on the amount of pre-taxed dollars that can be set aside for this type of account for the employees.
- Employees choose the amount of pre-tax dollars they want used out of their salary within the Agency's set limits.
- The employee cannot change their chosen amount of withdrawn funds for the year unless a status change occurs within that year.
- The total annual funds are by advanced by the Agency to the employee in a Visa Debit card (cannot be used for over-the-counter medication - receipts to be submitted for re-imbursement). This is called Advance Distribution. The employee can also get refunded for medical expenses after submitting an invoice to the 3<sup>rd</sup> party administrator.
- Reimbursement to the Advanced Distribution account occurs incrementally through 26 payroll deductions imposed on the participating employees.
- The employees use the advanced funds from the Visa Debit card when needed.

- Employees can use their pretax dollars for out-of-pocket and co-payments for medical expenses including office visits, hospital visits, and prescriptions. See attachment I for additional uses.
- The employee must use the funds from their account within the year or lose the funds - this is referred to as "use it or lose it".
- Annually any money that remains in the employee's account reverts back to the Agency's Advanced Distribution account.
- The employee's taxable income is reduced, which increases the percentage of their take-home pay.
- On drawback to the Advance Distribution mechanism for Flexible Spending Accounts is that the Agency may not be able to recover some or all of the advanced distributions if an employee quits after fully funding their account. However, The Agency can deduct any or all of the advanced distributions from the employee's last payroll check. Also, unused funds from the terminated employee's account will revert back to the Agency at the end of the year.

## 2. Child Dependent Care

- The employee can use pre-taxed dollars to go toward child dependent care.
- This plan does not involve the concept of Advance Distribution. Invoices are reimbursed after the employee submits an invoice to the 3<sup>rd</sup> party administrator for reimbursement.
- The employee's taxable income is reduced, which increases the percentage of their take-home pay.

## 3. Premium Plan

- Medical premiums are automatically taken out of the employee's payroll checks as pre-taxed dollars. These funds would not be on the employee's Visa/Debit card.
- This plan does not involve the concept of Advance Distribution. Premiums are on a "pay-go" basis.
- The employee's taxable income is reduced, which increases the percentage of their take-home pay.

The plans are administered by a 3<sup>rd</sup> party. The cost to set-up the plan ranges from \$175 to \$300 per application (application changes when conditions change); plus a \$6 per employee monthly fee.

The costs could be paid by the Agency or the Employees or shared by both the Agency and Employees.

## **PRIOR RELEVANT BOARD ACTION(S)**

**7/13/2011 FPREP Comm. Meeting** - The FPREP Committee was in support of this program and recommended taking this item to the full Board. In addition, they recommended the Agency pay for the Application Fee (set up fee), but only half (1/2) of the monthly \$6.00 per employee fee.

# Attachment I

## Health Care FSA Eligible Expenses

The following list represents expenses that are frequently submitted for reimbursement under Health Care Flexible Spending Accounts (FSA) and are generally eligible under an FSA. This list is not intended to be exhaustive and is intended only to be used as a general guide. Consequently, expenses contained in this generally eligible list may be denied if the supporting claims documentation is insufficient or shows that the expense was incurred for services not considered medical care, such as cosmetic procedures. Payment of claims will be based on the rules set out in the applicable regulations, your employer's plan design and on the information in the required substantiation documentation.

**Acne treatment** - Prescription and OTC  
**Acupuncture** - For treatment of medical condition  
**Adoption expenses** - Medical expenses incurred prior to adoption being finalized if child is tax dependent  
**Alcoholism treatment** - Inpatient, outpatient and transport to AA meetings  
**Allergy medications** - Prescription and OTC  
**Alternative healers** - For treatment by professionals for specific medical condition  
**Ambulance**  
**Analgesics** - Prescription and OTC  
**Anesthesia** - UNLESS for cosmetic procedures  
**Antacids** - Prescription and OTC  
**Antihistamine** - Prescription and OTC  
**Anti-itch creams** - Prescription and OTC  
**Aspirin** - For medical condition  
**Bandages** - To cover injury or torn skin  
**Birth-control pills**  
**Blood pressure monitoring devices**  
**Blood sugar test items**  
**Body scan** - For diagnostic purposes  
**Braille books/magazines** - For visually impaired individuals but only to extent of the costs above regular printed materials  
**Breast Reconstruction Surgery** - Following mastectomy for treatment of cancer  
**Carpal tunnel wrist supports**  
**Chelation therapy** - For treatment of medical condition (lead poisoning)  
**Chiropractic care**  
**Christian Science practitioners**  
**Circumcision**  
**Contact lenses/Contact Supplies**  
**Contraceptive products and devices**  
**Co-pays**  
**Counseling, other than Marriage** - For treatment by professionals for specific medical condition  
**Crutches**  
**Deductibles**  
**Dental treatment** - UNLESS for cosmetic proposes  
**Dentures/Denture Supplies**



**Diabetic supplies**

**Diagnostic items/services** - Tests to detect heart attack, stroke, diabetes, osteoporosis, cancer, thyroid conditions, glaucoma, etc.

**Diarrhea medicine** - Prescription and OTC

**Drug addiction treatment** - Inpatient, outpatient and transport to meetings

**Egg donor fees**

**Egg and Embryo Storage Fees** - Only eligible if the expenses are incurred for temporary storage and only to the extent necessary for immediate conception only, if stored and used within the same plan year.

**Eye examinations**

**First Aid Kit**

**Flu-shots**

**Glucose**

**Hearing aids/batteries**

**Hemorrhoid treatments** - Prescription and OTC

**Home health care** - For nursing services

**Hormone replacement therapy** - For treatment of medical condition (menopause)

**Hot/cold packs** - For treatment of medical condition

**Hypnosis** - For treatment of medical condition and smoking cessation

**Immunizations**

**In vitro fertilization**

**Incontinence supplies**

**Infertility treatments**

**Inpatient hospitalization services** - UNLESS for cosmetic purposes or procedures

**Insulin**

**Laboratory fees**

**Lactation treatment** - For breast feeding difficulties but not for general instruction

**Lamaze classes** - For instruction relating to childbirth- but not for expenses related to childrearing instruction and guidance

**Laser eye surgery**

**Lasik**

**Laxatives** - Prescription and OTC

**Lodging at hospital** - For medical care

**Lodging not at hospital or similar institution (hotel)** - If essential to medical care and limited to \$50 per night

**Massage therapy** - For treatment of medical condition NOT eligible when used for general well-being, relaxation, etc.

**Mastectomy bra**

**Medic alert devices** - Bracelet or necklace

**Medical conference expenses** - For expenses for conference and transportation IF conference related to a chronic disease suffered by an individual, spouse or other dependent. Expenses for lodging and meals are NOT eligible.

**Medical monitoring and testing devices** - Examples: blood pressure monitors, syringes, glucose kit, etc.

**Medical records charges** - Fees associated with transferring records to new provider

**Menstrual pain relievers** - Prescription and OTC

**Mileage reimbursement** - For travel to and from medical care (\$0.24 cents per mile)

**Nasal strips** - For treatment of sinus problems and sleep apnea- but NOT for common snoring

**Nicotine gum or patches**

**Norplant insertion or removal**

## **Nursing services**

**Nutritionist's expenses** - For treatment by professional for specific medical condition

**Obstetrical expenses** - Two ways of submitting/paying claims: by reimbursing up to the full amount of the treatment, minus any previous reimbursements, once the initial treatment has begun (when applicable) or reimbursing as individual expenses are incurred.

**Occlusal night guard** - For prevention of teeth grinding

**Operations** - If legal and NOT cosmetic in nature inpatient and outpatient

## **Optometrist services**

## **Organ donors**

**Orthodontia services** - Two ways of submitting/paying claims: by reimbursing up to the full amount of the treatment equal to the participant's annual election, minus any previous reimbursements, once the initial treatment has begun or reimbursing over the entire orthodontia treatment period (e.g. monthly).

**Orthopedic shoes/inserts** - For treatment of medical condition but only to the extent of the cost in excess of normal shoes

## **Osteopath services**

## **Over-the counter items**

Examples of generally eligible items as **generally used for medical care**:

- Acne treatments
- Allergy prevention and treatment
- Antacid treatment
- Antibiotic ointments and creams
- Anti-diarrhea medications
- Anti-infection treatments
- Anti-itch lotions and creams
- Arthritis treatments
- Aspirin
- Bandages
- Blood pressure monitor
- Calcium
- Carpal tunnel wrist supports
- Chest rubs
- Cholesterol tests
- Claritin
- Cold and flu medications
- Cold sore treatments
- Cold/hot packs
- Colorectal cancer screening

## tests

- Constipation treatment
- Contact lens cleaning solution
- Cough medicines
- Dehydration treatment
- Diabetes monitors
- Diabetes supplies
- Diaper rash treatments
- Diuretics
- Ear drops
- Eye drops

- Fiber supplements
- Glucosamine / Chondroitin (arthritis)
- Headache relief
- Hemorrhoid treatments
- Incontinences supplies
- Joint pain
- Lactose intolerance products
- Laxatives
- Lice treatments
- Medicated hand creams
- Medicated shampoos
- Menopause treatments
- Motion sickness
- Muscle pain
- Pain relievers
- Pregnancy tests
- Premenstrual syndrome treatment
- Reading glasses
- Scar Treatment
- Sinus sprays and medications
- Sleeping aids
- Smoking cessation treatments
- St. Johns Wort
- Toothache treatments
- Wart removal treatments
- Yeast infection treatments

#### **Ovulation monitor**

**Oxygen** - Oxygen and equipment for medical condition

**Pain relievers** - Prescription and OTC

**Patterning exercises**

**Physical examinations**

**Physical therapy**

**Pregnancy test kits**

**Prenatal vitamins** - If taken during pregnancy

**Prescription drugs** - For treatment of medical condition

**Preventive care / screenings**

**Prosthesis**

**Psychiatric care**

**Psychoanalysis** - For treatment of medical condition

**Psychotherapy** - For treatment of medical condition

**Radial keratotomy**

**Reading glasses**

**Retin-A** - IF prescribed for medical condition (i.e. acne) but NOT for cosmetic purposes such as reducing wrinkles

**Screening tests** - Examples: hearing, vision and cholesterol tests

**Seeing eye-dog** - Includes expenses related to dog (food, collar/harness, veterinary care, etc)

**Shipping (mailing) and handling charges** - For reimbursable products

**Sinus medications** - Prescription and OTC

**Smoking cessation products and treatment** - Prescription and OTC

**Special foods (such as Gluten-free, not Diet foods)** - For treatment of medical condition ? but only to

extent of cost in excess of commonly used food

**Speech Therapy**

**Sterilization procedures** - Example: hysterectomy, vasectomy

**Sunburn cream and ointments** - For treatment of sunburn

**Taxes on medical services and products** - For reimbursable services and products

**Telephone consultations**

**Telephone for hearing impaired**

**Television for hearing impaired**

**Tens Unit** - For treatment of medical condition

**Thermometers**

**Toothache and teething pain relievers** - Prescription and OTC

**Tuition for special needs programs** - Example: dyslexia

**Ultrasound**

**Varicose vein treatment** - UNLESS for cosmetic purposes

**Walkers**

**Wart remover treatments** - Prescription and OTC

**Weight-loss programs and/or drugs prescribed to induce weight loss** - If weight loss program is recommended by a physician to treat an existing condition (obesity, diabetes, heart disease) and not just to improve general health

**Wheelchair**

**Wigs** - IF hair lost due to medical condition or medical treatment

**X-ray expenses**

## **RESOLUTION NO. 11R-XX**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN DESERT VIEW WATER AGENCY PROVIDING FOR IRS SECTION 125 CAFETERIA PLANS: FLEXIBLE SPENDING ACCOUNT, CHILD DEPENDENT CARE, AND PREMIUM PLAN FOR ANY ONE ELIGIBLE EMPLOYEE**

**WHEREAS**, staff proposes the Board implement IRS Section 125 Cafeteria Plans for any one eligible employee; and

**WHEREAS**, the type of IRS Section 125 Cafeteria Plan will include a Flexible Spending Account, Child Dependent Care, and a Premium Plan; and

**WHEREAS**, an IRS Section 125 Cafeteria Flexible Spending Account, allows the employee to use pre-tax dollars for out-of-pocket and co-payments for medical expenses including office visits, hospital visits, and prescriptions; and

**WHEREAS**, an IRS Section 125 Cafeteria Child Dependent Care Plan allows the employee to get refunded for child dependent care using pretax dollars; and

**WHEREAS**, an IRS Section 125 Cafeteria Premium Plan allows the employee to use pretax dollars to pay medical premiums; and

**WHEREAS**, the Board of Directors must set a minimum and maximum limit on the amount of pre-taxed dollars eligible employees can set aside for the Flexible Spending Account part of the IRS Section 125 Cafeteria Plans; and

**WHEREAS**, the annual funds for the Flexible Spending Account part of the IRS Section 125 Cafeteria Plans are initially paid through an Advanced Distribution by the Agency for each employee; reimbursements to the Advanced Distribution occurs incrementally throughout the year through payroll deductions and/or deduction ('s) from the employee's final payroll check ('s); and

**WHEREAS**, the Board of Directors must set a minimum and maximum limit on the amount of pre-taxed dollars eligible employees can set aside for the Child Care Dependent part of the IRS Section 125 Cafeteria Plans; and

**WHEREAS**, the employees' taxable income is reduced through the payroll deductions, which increases the percentage of their take-home pay.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Bighorn-Desert View Water Agency that:

1. The Agency shall implement **IRS Section 125 Cafeteria Plans: Flexible Spending Accounts, Child Dependent Care, and Premium Plan for any one eligible employee**; and
2. The Agency shall pay for the Initial Application Fee (set up fee); and
3. The Eligible Employee shall pay for the monthly plan fee; and
4. The minimum amount of pre-taxed dollars eligible employees can set aside for the Flexible Spending Account part of the IRS Section 125 Cafeteria Plans will be \$0.00, and the maximum amount will be \$1000.00; and
5. The Agency will advance the employee their elected contribution for the Flexible Spending Account within the limits set as indicated in item 4 of this Resolution; and
6. The employee shall reimburse the Agency for their Advanced Distribution amount incrementally throughout the year through payroll deductions and/or from their final payroll check ('s); and
7. The minimum amount of pre-taxed dollars eligible employees can set aside for the Child Dependent Care part of the IRS Section 125 Cafeteria Plans will be \$0.00, and the maximum amount will be \$5000.00; and
8. Annually any money that remains in the employee's (or terminated employee's) accounts reverts back to the Agency; and
9. An eligible employee as defined in the BDVWA Employee Handbook.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 23rd day of August 2011.

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on August 23, 2011 the foregoing Resolution No. 11R-XX was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

By \_\_\_\_\_  
Judy Cori-Lorono, Board Secretary

**BIGHORN DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** Yes

**Budgeted Amount:** \$9,000

**Funding Source:** 56014

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject:** Change Credit Card Processing Providers from Elavon to Official Payments with a projected cost savings to the Agency of \$9,000 per year (year one) and Acknowledge Credit Card Processing Fee(s) Passed Directly to the Customer Paying by Credit Card

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## **SUMMARY**

At the March 9, 2011 Finance/Public Relations/ Education/ Personnel Standing Committee and the May 24, 2011 Regular Board Meeting staff presented a report on the rising cost of credit card transaction fees. Staff also presented a proposal to change credit card processing providers that would result in the "swipe" fees being paid by the customer using a credit card to pay their water bill. This solution would also allow customers to utilize an "electronic check" transaction similar to a "debit card" as well.

These "swipe" fees have doubled in the last few years with the FY 2011/2012 budget currently set at \$9,000. Staff has found a third party provider who will handle all credit card transactions at no cost to the Agency passing the transaction fee onto the individual. The credit card usage fee is set at \$3.95 per \$200 transacted. The fee for an electronic check is \$3.00 per \$10,000 transacted.

Staff is seeking approval from the full Board to proceed with the change in credit card processing providers from Elavon to Official Payments with the acknowledgement that the vendor will charge the customer directly for any applicable transaction fee(s).

## **RECOMMENDATION**

That the Board take the following action:

1. Authorize General Manager to change credit card processing providers from Elavon to Official Payments with the acknowledgement that the vendor will charge the customer directly for any applicable transaction fee(s);
2. Adopt Resolution 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Changing Credit Card Processing Providers and Passing any Payment Processing Fees Directly onto the Customer.

## **BACKGROUND/ANALYSIS**

At the March 9, 2011 Finance/Public Relations/ Education/ Personnel Standing Committee and the May 24, 2011 Regular Board Meeting staff presented a report on the rising cost of credit card transaction fees. These "swipe" fees have doubled in the last few years with the FY 2011/2012 budget set at \$9,000.

The Agency is prohibited from charging the customers directly for these "swipe" fees. This means the fees have to be accommodated by the overall water rates, fees and charges which effectively results in a decreased water bill for those using a credit card as the fees must be paid first. This situation does not meet the "fair and equitable" test for rates, fees and charges.

Staff has found a third-party provider that will not charge the Agency for credit card or electronic check transactions and will pass the processing fee(s) onto the individual using those payment methods. The Committee and the Board approved the change in concept and asked that it be brought to the full Board for further consideration.

Staff is requesting approval from the Board on whether or not to change service providers from Elavon to Official Payments that will result in the fees being passed directly to the individual.

The credit card transaction fee is not subject to the Prop. 218 procedure. It is not a property-related charge. Furthermore, customers' choice to pay their bill via credit card is voluntary. Staff is following the provisions of the Mitigated Fee Act in bringing this procedural change before the Board.

Pursuant to the Mitigated Fee Act, the Agency must hold at least one noticed open, public meeting as part of a regularly scheduled meeting, at which oral and written presentations can be made on the fee or charge prior to the levy of the new fee or charge. This step was completed at the May 24, 2011 Board meeting. Also in accordance with the Mitigated Fee Act, staff has made available for public viewing, for more than ten (10) days prior to the June 28<sup>th</sup> Board meeting, documents which outline the cost to provide the service for which the fee is being levied. Having completed the above processes, the Board may then take action by Resolution.

If the Board approves such a change it will result in a cost savings to the Agency of approximately \$9,000 in the first year plus staff processing time.

### **PRIOR RELEVANT BOARD ACTION(S)**

**5/24/2011 Regular BOD Meeting:** Change credit card processing providers from Elavon to Official Payments with a projected cost savings to the Agency of \$9,000 per year (year one).

**3/9/2011 Regular PLEGS Committee Meeting:** Update on credit card fees and expenses presentation and discussion.



## **RESOLUTION 11R-XX**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY CHANGING CREDIT CARD PROCESSING PROVIDERS AND PASSING ANY PAYMENT PROCESSING FEES DIRECTLY ONTO THE CUSTOMER**

**WHEREAS**, Bighorn-Desert View Water Agency ("Agency") is required by law to fix and establish rates, fees and charges which will enable the Agency to operate and maintain its water system, provide for repairs and depreciation, reasonable surplus for improvement to cover its debt service payments; and

**WHEREAS**, The Agency is experiencing rising costs of credit card/payment transaction fees; and

**WHEREAS**, the credit card "swipe" fees have doubled in the last few years with the fiscal year 2011/2012 budget estimating the fees at \$9000; and

**WHEREAS**, the Board of Directors of the Agency desires to fairly allocate the costs of these fees in a fair and equitable manner to be paid by those persons who are the individual beneficiaries or recipients of the services; and

**WHEREAS**, the Board of Directors of the Agency desires to change credit card processing providers that would result in any accepted electronic fees to be paid by the individual customer; and

**WHEREAS**, electronic fees could include "swipe" fees from credit or debit cards, or an "electronic check" transaction similar to a "debit card"; and

**WHEREAS**, the current credit card usage fee is set up at \$3.95 per \$200 transacted; and

**WHEREAS**, the current usage set up fee for an electronic check is \$3.00 per \$10,000 transacted; and

**WHEREAS**, future adjustments to fees may occur hereafter by the provider; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Bighorn-Desert View Water Agency that the following actions shall be applicable to all existing, new and/or transferred customer accounts, until further action by the Board of Directors of the Agency:

1. That the foregoing fees shall become effective immediately;
2. That future adjustments to the foregoing fees may occur hereafter by the provider;
3. That effective immediately, the Agency will change the credit card providers so that the customer is charged directly for any applicable transaction fee (s);

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 23rd day of August, 2011.

By \_\_\_\_\_  
Terry Burkhardt, Board President

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on August 23, 2011 the foregoing Resolution No. 11R-XX was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

By \_\_\_\_\_  
Judy Corl-Lorono, Board Secretary

## **BIGHORN DESERT VIEW WATER AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** Yes

**Budgeted Amount:** \$80,000 FY2011/12

**Cost:** \$0

**Funding Source:** Operating Budget GL 01-56007

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject:** Process for General Counsel Face-to-Face Interviews with Full Board

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### **SUMMARY**

The Acquisition of Legal Counsel Ad Hoc Committee is seeking Board consensus on the manner in which the short-listed law firms will be interviewed by the full Board.

### **RECOMMENDATION**

Board to provide consensus on the manner in which the short-listed law firms will be interviewed by the full Board.

### **BACKGROUND/ANALYSIS**

The Acquisition of Legal Counsel Ad Hoc Committee will present to the Board a short-list of no more than four candidate firms for a face-to-face interview with the Board of Directors. The Committee proposes two methods for conducting the face-to-face interviews with the short-listed candidate firms.

Procedurally, the interview process can be broken down into several parts: Firm's introductory presentation, public comment/input and execution of a Board interview process based on a question and answer approach.

The first method would be to hold all aspects of the interview process in "open session".

For a number reasons pertaining to the attorney-client privilege, the Committee suggests an alternative format whereby the firms deliver their introductory presentation followed by public comment in open session. Thereafter, the Board would adjourn to closed session to conduct the question and answer interview procedures as allowed under the Brown Act, specifically, Gov. Code sec. 54957(b)(1).

It is further recommended that the Board conclude the face-to-face interviews and adjourn the meeting without deliberation or motion to appoint General Counsel. Staff recommends the Board members take additional time to consider, individually, their top choices for General Counsel. At a subsequent Board meeting the members can receive additional public comment, deliberate and if so inclined make a motion to appoint a General Counsel and law firm to represent the Agency.

### **PRIOR RELEVANT BOARD ACTION(S)**

None

**BIGHORN DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost:** N/A

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/N

**Subject:** Policy Statement No 11P-XX, Rescinding Policy Statement 05P-03, A Policy of the Board of Directors of the Bighorn-Desert View Water Agency Establishing "Desert Landscape Water Conservation Guidelines" in an Effort to Reduce the Impact on Future Water Demand

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**SUMMARY**

During a review of existing policy statements, staff found the attached current Landscape Policy Statement No. 05P-03. Staff had no prior knowledge of this specific policy and therefore it has never been implemented. The Policy establishes an "incentive" program which is currently unfunded and imposes plan check and site inspection protocols on new development. At this time, staff is proposing an alternative Policy statement that encourages landscape water conservation efforts and meets the objectives of our conservation partnership with High Desert Alliance for Water Awareness and Conservation (AWAC).

**RECOMMENDATION**

Board to consider adopting Policy Statement No 11P-XX, A Policy of the Board of Directors of the Bighorn-Desert View Water Agency Establishing "Desert Landscape Water Conservation Guidelines" in an Effort to Reduce the Impact on Future Water Demand.

**BACKGROUND/ANALYSIS**

none

**PRIOR RELEVANT BOARD ACTION(S)**

**7/5/2005 Policy Statement No. 05P-03** - A Policy of the Board of Directors of the Bighorn-Desert View Water Agency Establishing a "Water Smart Landscaping Incentive Program" in an Effort to Reduce the Impact of New Development on Future Water Demand.

**POLICY STATEMENT**  
**No. 11P-01**

**A POLICY OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT  
VIEW WATER AGENCY ESTABLISHING  
"DESERT LANDSCAPE WATER CONSERVATION GUIDELINES"  
IN AN EFFORT TO REDUCE THE IMPACT ON FUTURE WATER DEMAND**

It is the mission of the Bighorn-Desert View Water Agency *"To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate"* pursuant to California State Water Code Appendix, Section 112-15.

The Board of Directors of the Bighorn-Desert View Water Agency, acting as an elected legislative body and serving as custodian of the water resources within its boundaries, finds it necessary to take proactive steps to preserve, maintain and efficiently utilize the available water supplies for the benefit of the Agency and its customers.

In an effort to support water conservation practices, the Board hereby creates these guidelines for developers, single new connections, and existing customers, taking the initiative to influence and further support the conservation of water for the purpose of extending the life of the Agency's water supplies for the benefit of the Agency and its customers.

**"DESERT LANDSCAPE CONSERVATION GUIDELINES"**

Using drought tolerant Desert landscape offers endless possibilities to conserve nature's most precious natural resource: water. Use the simple guidelines below to get started. You may also want to check with your local nursery, home-improvement center or professional landscape designer for ideas on drought tolerant landscaping for your specific property.

1. **Proper planning and design.** While creating a garden plan can take time, it increases the likelihood that you will end up with a beautiful, well planned landscaping, saving time, money and water.
2. **Use Low-Water Need and Native Plants.** These thrive with less water in our hot, dry climate. This type of garden may include many elements, such as trees, grasses, shrubs, ground covers, and flowers. This is one of the easiest ways to practice conservation in the garden; selecting low-water-use vegetation. While water-efficient plants require adequate irrigation while they are developing root systems, once established they need very little water. And contrary to popular belief, many low-water-use plans are green and lush. Some produce blooms in brilliant colors.

3. **Rocks of various sizes** create interesting contrasts in the landscape.
4. **Use of mulches.** Applying a layer of mulch can reduce evaporation; provide weed control, and moderate soil temperatures. Good mulches include rocks, bark, gravel, wood chips, or compost.
5. **Efficient irrigation.** Install an appropriate irrigation system that includes an automatic sprinkler system that targets plantings and avoids runoff. Installing drip or bubbler systems to water shrubs, trees, and flower beds saves hundreds of gallons of water. Irrigating early in the day and late in the evening also conserves water
6. **Limit turf areas.** Grass, should only be planted where it provides functional or recreational benefits.
7. **Visit the internet:** High Desert Alliance for Water Awareness and Conservation ([www.hdawac.org](http://www.hdawac.org)) is a locally sponsored landscape planning resource.
8. **Visit a garden:** Locally there are many landscape demonstrations of various sizes. These can be found at:
  - Copper Mountain College, east end Joshua Tree
  - Joshua Basin Water District, central Joshua Tree
  - Hi Desert Water District, Yucca Valley
  - Mojave Water Agency, Apple Valley
  - Bighorn-Desert View Water Agency

**Effective immediately** the General Manager shall implement the "Desert Landscape Conservation Guidelines" as set forth in this Policy Statement, with Policy Statement No. 05P-03 hereby rescinded

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on August 23, 2011, the foregoing Policy 11P-01 was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

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Judy Corl-Lorono, Board Secretary

## POLICY STATEMENT 05P-03

### A POLICY OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A "WATER SMART LANDSCAPING INCENTIVE PROGRAM" IN AN EFFORT TO REDUCE THE IMPACT OF NEW DEVELOPMENT ON FUTURE WATER DEMAND

It is the mission of the Bighorn-Desert View Water Agency to provide high quality water and reliable service at a reasonable rate to the customers of the Agency pursuant to California State Water Code Appendix, Section 112-15.

The Board of Directors of the Bighorn-Desert View Water Agency, acting as an elected legislative body and serving as custodian of the water resources within its boundaries, finds it necessary to take proactive steps to preserve, maintain and efficiently utilize the available water supplies for the benefit of the Agency and its customers.

In an effort to support water conservation practices, the Board hereby creates a "Water Smart Landscaping Incentive Program" for developers and new connections, taking the initiative to influence and further support the "smart use" of water for the purpose of extending the life of the Agency's water supplies for the benefit of the Agency and its customers as follows-

- 1) The applicant for a new connection shall submit the following-
  - a. An application for participation in the Agency Water Smart Landscaping Incentive Program.
  - b. A proposed landscape plan utilizing AWAC Recommended Plant List and/or Saving the Ancients identified native plants, showing the types of plants and the landscape locations for Agency approval.
  - c. Payment of all fees required by the Agency.
- 2) The Agency will review the proposed landscape plan and provide a written response of approval, rejection or recommended changes.
- 3) If approved, the Agency will make an inspection of the completed project for compliance with the incentive program.
- 4) If the applicant is not in compliance with this Policy and incentive program, a punch list of corrections needed will be provided to the applicant.
- 5) If the corrections are made, or if the project is found to be in compliance with this Policy and incentive program, the Agency will provide a written approval of the landscape plan and rebate to the applicant 10% of the previously-paid Basic Facilities Charge. All rebates will be made to the applicant only and are non-transferable.

Effective immediately the General Manager shall implement the "Water Smart Landscaping Incentive Program" as set forth in this Policy Statement.

I, the undersigned, hereby certify that I am the duly-appointed Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a regular meeting of the Board held on July 5, 2005, the foregoing Policy 05P-03 was adopted by said Board, and that it has not been rescinded or amended since the date of its adoption, and is now in full force and effect.

  
Jessica Tiffany, Board Secretary



## **BIGHORN DESERT VIEW WATER AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** No

**Budgeted Amount:** N/A

**Cost:** see Recommendation - Note 2

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject:** Attendance at California Special District Association Annual Meeting to Received the McMurchie Excellence in Safety Award for 2011 from Special District Risk Management Authority

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### **SUMMARY**

The Special District Risk Management Authority (SDRMA) provides the Agency Worker's Compensation Insurance as well as risk and liability insurance. SDRMA notified the Agency on August 15 that it was selected as the "small members' recipient of the "McMurchie Excellence in Safety Award" for the Workers' Compensation Program.

SDRMA desires to have an Agency representative present at the CSDA Annual Conference Awards Breakfast Wednesday October 12, 2011 to receive this award. The SDRMA Board also approved reimbursement of travel and lodging expenses to insure our participation.

The Board should choose one representative to attend the Awards Breakfast at the request of SDRMA.

The maximum estimated cost to the agency for attendance at the breakfast would be approximately \$500 covering per diem days, qualified meals and lodging.

### **RECOMMENDATION**

The Board to choose one representative, Director or staff, to attend the CSDA Annual Conference Awards Breakfast, Wednesday October 12, 2001, and approve the maximum estimated cost at approximately \$500 covering per diem days, additional qualified meals and lodging to travel to Monterey, CA.

### **BACKGROUND/ANALYSIS**

See attached notification letter.

### **PRIOR RELEVANT BOARD ACTION(S)**

None

Special District Risk  
Management Authority

Maximizing Protection.  
Minimizing Risk.

1112 I Street, Suite 300  
Sacramento, California 95814-2865  
T 916.231.4141  
T 800.537.7790  
F 916.231.4111  
www.sdrma.org



August 15, 2011

Ms. Marina West  
General Manager  
Bighorn-Desert View Water Agency  
622 South Jemez Trail  
Yucca Valley, California 92284-1440

Re: Special District Risk Management Authority – Workers' Compensation Program  
McMurchie Excellence in Safety Award - 2011

Dear Ms. West:

I am pleased to advise you that at the August 3, 2011 Board meeting, the SDRMA Board of Directors selected Bighorn-Desert View Water Agency as the small members' recipient of the McMurchie Excellence in Safety Award for the Workers' Compensation Program. Bighorn-Desert View Water Agency was selected as a result of its low loss ratio and the award of 11 Credit Incentive Points for the 2010-11 program year.

Each year, SDRMA recognizes Safety Award recipients at the CSDA Annual Conference. This year's conference will be held in at the Monterey Marriott Hotel in Monterey, California. SDRMA Board President David Aranda will present the award to the District's representative during the Awards Breakfast on Wednesday, October 12, 2011 at 9:00 a.m.

As an award recipient, the SDRMA Board has approved the following:

- Transportation expense reimbursement for a District representative to attend the conference Awards Breakfast on Wednesday, October 12, 2011;
- Attendance at the Awards Breakfast; and
- One night's hotel accommodations and dinner (if applicable).

Please contact Wendy Tucker, Member Services Representative at 800.537.7790 by September 16, 2011 to confirm the District's representative's attendance at the conference.

Congratulations on Bighorn-Desert View Water Agency's selection as the McMurchie Excellence in Safety Award recipient for 2011.

Sincerely,  
Special District Risk Management Authority

Dennis J. Timoney  
Chief Risk Officer

**BIGHORN DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 23, 2011

**To:** Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost:** \$170.00 Estimate

**Funding Source:** N/A

**From:** Marina D. West

**Staff Contact:** Lyni Tompkins

**General Counsel Approval:** not required

**CEQA Compliance:** N/A

**Subject:** Agency Official Seal Design

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**SUMMARY**

Staff found that the current version of the Agency's Official Seal has errors/inaccuracies. Therefore, staff is requesting the Board's input on designing a new Agency Official Seal.

It is not a requirement that the Agency use its Official Seal on original documents; however, the Official Seal is very useful in determining originals of the Agency's legal documents such as Resolutions, Minutes, Ordinances, etc. Using the Official Seal gives staff the ability to quickly and easily identify original documents from copies.

A proposed Official Seal design is attached for the Board to consider approving.

**RECOMMENDATION**

1. The Board to consider approving the proposed design of the Agency's Official Seal (see Attachment Item #3); or
2. The Board to consider modifying the proposed design of the Agency's Official Seal; or
3. The Board to consider not having an Agency Official Seal.

**BACKGROUND/ANALYSIS**

The Bighorn Mountains Water Agency was formed in 1969. Therefore, the original Bighorn-Desert View Water Agency Official Seal reflected Bighorn Mountains Water Agency formed date of 1969 (see Attachment Item #1).

The original Bighorn-Desert View Water Agency Official Seal was lost and replaced with another version (see Attachment Item #2); staff believes in early 2001.

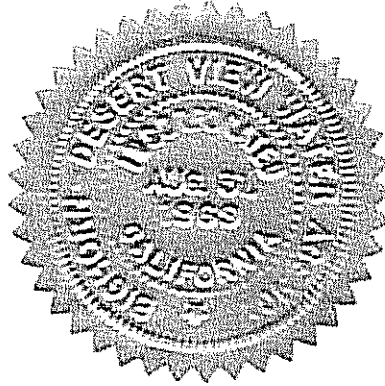
Staff found the newest version of the Official Seal (see Attachment Item #2) has errors/inaccuracies: A space between BIG and HORN, the word "incorporated", and the date of 2001. Bighorn-Desert View Water Agency is not incorporated, and was not formed in 2001. Bighorn-Desert View Water Agency was consolidated in 1990.

**PRIOR RELEVANT BOARD ACTION(S)**

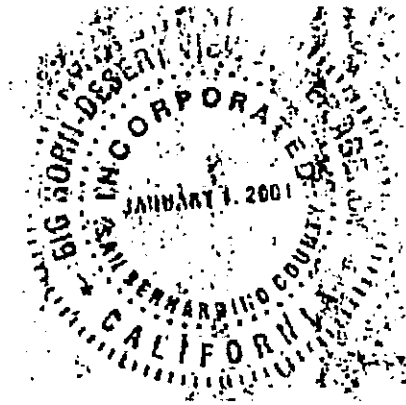
**None**

# Attachment

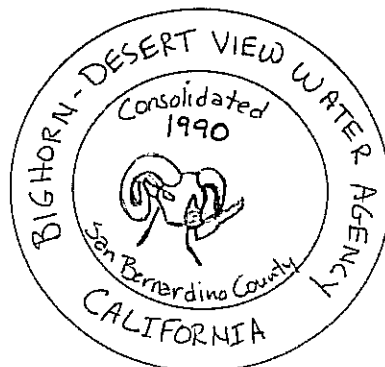
## Item #1: Agency's First Official Seal



## Item #2: Agency's Second Official Seal



## Item #3: Proposed Design - Agency's Official Seal



BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
JULY 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11312	07/07/11	AT&T MOBILITY COMMUNICATION EXPENSE	145.82
11313	07/07/11	AUTO ZONE FIELD MATERIAL & SUPPLIES	12.13
11314	07/07/11	BARR LUMBER CO INC KEYS FOR JV HYDRANT FIELD MATERIALS & SUPPLIES	26.96
11315	07/07/11	CINTAS CORPORATION #150 UNIFOMR SVC JUNE 7 UNIFORM SVC JUNE 14 UNIFORM SVC JUNE 28	112.03
11316	07/07/11	MYFLEETCENTER.COM 10 F/RANGER OIL & FILTER	35.68
11317	07/07/11	OFFICE DEPOT OFFICE SUPPLIES	6.66
11318	07/07/11	PETTY CASH MISC PETTY CASH	281.29
11319	07/07/11	UNDERGROUND SERVICE ALERT DIG ALERTS, 15 TICKETS	22.50
11320	07/07/11	VALLEY INDEPENDENT PRINTING CCR, NEWSLETTER	1,018.44
11321	07/07/11	SDRMA PROP LIABILITY INSURANCE 2011/12	28,280.51
11322	07/20/11	ACWA-HBA SERVICES CORP.	
11323	VOIDED CHECK	ACWA/HEALTH BENEFITS AUG 2011	629.05
11324	07/20/11	BUCKNAM & ASSOCIATES, INC. GRANT CONSULTING FEES, June	632.50
11325	07/20/11	TERRY BURKHART STANDING COMMITTEE 07/13/11	100.00
11326	07/20/11	CANDIDA NEAL ENVIRO STUDY NON EPA, MAY/JUNE	2,450.00
11327	07/20/11	CLINICAL LABORATORY OF URANIUM, GROSS ALPHA BACT TEST, PLATE CT PHYSICAL, PLATE CT, BACT TEST BACT TEST	246.00
11328	07/20/11	JUDY CORL-LORONO AD HOC LEGAL 07/11/11 AD HOC 07/18/11	200.00
11329	07/20/11	COUNTY TREASURER OF S.B. 11-12 LAFCO BUDGET ALLOCATION	481.17
11330	07/20/11	GOODSPEED DISTRIBUTING INC UNLEADED FUEL	1,745.81
11331	07/20/11	INLAND WATER WORKS VALVE PLATE, CENTURION VALVE & KIT FOR DAMAGED HYDRANT NAPA FIELD SUPPLIES LOWER STEM, DAMAGD HYDRANT NAPA FIELD SUPPLIES, INVENTORY	958.67
11332	07/20/11	KILLER BEE PEST CONTROL	

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
JULY 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11333	07/20/11	BEE REMOVAL, 3 LOCATIONS DAVID LARSON	210.00
		AD HOC LEGAL 07/11/11	
		AD HOC LEGAL 07/18/11	200.00
11334	07/20/11	MAID TO ORDER	
		SVC JEMEZ & MTG ROM 07/12/11	153.00
11335	07/20/11	MICHAEL MCBRIDE	
		FPREP STANDING COMMITTEE071311	100.00
11336	07/20/11	PITNEY BOWES PURCHASE POWER	
		POSTAGE FOR METER JUNE 2011	500.00
11337	07/20/11	PROTECTION ONE	
		GAS TANK SERCURITY UPGRADE	4,366.17
11338	07/20/11	SDRMA	
		SDRMA MEDICAL BENEFITS AUG2011	4,819.86
11339	07/20/11	TODD ENGINEERS	
		PROF SVC, RECHE, MAY	1,707.00
11340	07/20/11	VALLEY INDEPENDENT PRINTING	
		FLYER, ABC'S OF WATER	31.25
11341	07/20/11	WATERLINE TECHNOLOGIES	
		HYPOCHLORITE SOLUTIONS	640.90
11342	07/20/11	THE HOME DEPOT #6971	
		SHOP OFFICE SUPPLIES	48.88
11354	07/26/11	DANA DESSELLE	
		BALANCE RFND ACCT# 0701144	100.00
11355	07/26/11	FEDERAL NATIONAL MORG ASSC	
		BALANCE RFND ACCT# 0800892	10.72
11356	07/26/11	GEORGE TEJADA	
		BALANCE RFND ACCT# 0800884	98.29
11357	07/26/11	J C GUTIERREZ	
		BALANCE RFND ACCT# 0413806	70.10
11358	07/26/11	SHELLEY O'MALLEY	
		BALANCE RFND ACCT# 0610712	62.42
11359	07/26/11	ACE ALTERNATORS-GENERATORS-	
		'05' F150 PARTS	227.43
<del>11360</del>	<del>07/26/11</del>	<del>ALESHIRE &amp; WYNDER, LLP</del> Void - Reprint 11383	<del>4,237.50</del>
		LEGAL JUNE 2011	
11361	07/26/11	BLODGETT, GESELL & ASSOCIATES	
		PARCEL 454-181-06 JV HYDRO	
		INVESTIGATION - NON EPA REIM	6,492.00
11362	07/26/11	BURRTEC WASTE & RECYLING SVCS	
		TRASH FEE JULY	79.92
11363	07/26/11	CLINICAL LABORATORY OF	
		BACT TEST, PLATE CT	
		PLATE CT, BACT TEST	
		PLATE CT, BAC TEST, PHYSICAL	185.00
11364	07/26/11	JUDY CORL-LORONO	
		SPECIAL MTG 7/22/11	100.00
11365	07/26/11	FIRST BANKCARD	
		POSTAGE FOR JVIA AGREEMENT	46.02
11366	07/26/11	INLAND WATER WORKS	
		FIELD SUPPLIES	13.47
11367	07/26/11	DAVID LARSON	
		SPECIAL MTG 07/22/11	100.00
11368	07/26/11	MICHAEL MCBRIDE	

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
JULY 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		SPECIAL MTG 7/22/11	100.00
11369	07/26/11	OFFICE DEPOT	
		OFFICE SUPPLIES	314.51
11370	07/26/11	SOUTHERN CALIFORNIA EDISON	
		POWER EXP JUNE	6,922.66
11371	07/26/11	VERIZON CALIFORNIA	
		OFFICE PHONES, AUTO CONTROLS	43.54
		TOTAL	69,365.86

Prepared By JB  
Date 8/15/11  
Reviewed By MWest

## GENERAL FUND

## ASSETS

-----

## CASH &amp; CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	53,797.60
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00
		-----
TOTAL CASH & CASH EQUIVALENTS		55,347.60

## INVESTMENTS

01 13303	CASH LAIF-UNRESTRICTED	730,684.60
		-----
TOTAL INVESTMENTS		730,684.60

## ACCOUNTS RECEIVABLE, WATER

01 13710	A/R WATER	167,701.57
		-----
TOTAL ACCTS RECEIVABLE, WATER		167,701.57

## ACCOUNTS RECEIVABLE, OTHER

01 13600	A/R INTEREST EARNINGS	1,032.00
		-----
TOTAL ACCTS RECEIVABLE, OTHER		1,032.00

## INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	60,783.32
		-----
TOTAL INVENTORY		60,783.32

## PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	1,070.66
01 14402	PREPAYMENTS PL & PD LIAB INS	25,923.80
		-----
TOTAL PREPAID EXPENSES		26,994.46

## FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11140	FA LAND & BUILDINGS	294,654.63
01 11150	FA YARDS	52,957.71
01 11160	FA FUELS TANKS	16,604.30
01 11170	FA WATER SYSTEM	7,533,872.86
01 11180	FA SHOP EQUIPMENT	43,075.46
01 11181	FA MOBILE EQUIPMENT	444,498.62
01 11190	FA OFFICE EQUIPMENT	129,713.10
01 11400	ACCUMULATED DEPRECIATION	( 5,292,122.16)
		-----
TOTAL FIXED ASSETS		3,559,525.88

## WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
01 12038	WIP HAHM INTERNATIONAL	2,339.87
01 12042	WALTERS HYDRANT REPAIR	600.94



GENERAL FUND

TOTAL WORK IN PROGRESS (OTHERS)		3,052.33
-----		
WORK IN PROGRESS (AGENCY)		
01 12005	WIP EPA GRANT	746,894.87
01 12041	WIP-JV HYDROGEOLOGIC INVSTGTN	6,988.02
TOTAL WORK IN PROGRESS (AGENCY)		753,882.89
-----		
DEBT ISSUANCE COST		
TOTAL DEBT ISSUANCE COST		0.00
-----		
TOTAL ASSETS		5,359,004.65
		=====
LIABILITIES		
-----		
ACCOUNTS PAYABLE		
01 22520	ACCRUED INTEREST PAYABLE	3,750.00
01 22700	ACCOUNTS PAYABLE	7,938.24
TOTAL ACCOUNTS PAYABLE		11,688.24
-----		
ACCRUED PAYROLL		
01 22900	ACCRUED PAYROLL LIABILITIES	16,148.02
TOTAL ACCRUED PAYROLL		16,148.02
-----		
CUSTOMER DEPOSITS		
01 22550	CUSTOMER DEPOSITS PENDING	500.00
01 22600	CUSTOMER DEPOSITS	51,404.00
TOTAL CUSTOMER DEPOSITS		51,904.00
-----		
WORK IN PROGRESS DEPOSIT		
01 23004	WIP-DEP-BLUCKER ANNEXATION	7,500.00
TOTAL WORK IN PROGRESS DEPOSIT		7,500.00
-----		
LIAB PYBL FRM RESTRICTD ASSETS		
01 22950	ACCRUED INT PAYABLE DV ID BNDS	4,487.21
01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00
TOTAL LIAB PYBL FRM REST ASSET		6,487.21
-----		
LONG TERM DEBT		
01 21101	REVENUE BONDS PAYABLE - DV	286,977.05
01 22300	REVENUE BONDS PAYABLE - BH	702,000.00
TOTAL LONG TERM DEBT		988,977.05
-----		

GENERAL FUND

TOTAL LIABILITIES		1,082,704.52
EQUITY		
-----		
01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88
01 30111	FMHA GRANTS	758,297.76
01 31000	FUND BALANCE	2,728,525.13
01 31001	FUND BALANCE FEMA & OES	427,895.00
01 31111	CURR YEAR NET REVENUE/EXPENSE	70,546.36
TOTAL EQUITY		4,276,300.13
TOTAL LIABILITIES & EQUITY		5,359,004.65
		=====

Prepared By JB  
Date 8/15/11  
Review must

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 07/31/11

## GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
REVENUE					
-----					
OPERATING REVENUE					
01 41000 SERVICE LINE INSTALLATION FEES	1,255.00	0.00	0.00	1,255.00	0.00%
01 41001 BASIC FACILITIES CHARGE	4,098.00	0.00	0.00	4,098.00	0.00%
01 41100 INCOME METERED WATER	439,848.00	40,070.16	40,070.16	399,777.84	9.11%
01 41300 BASIC SERVICE CHARGE	594,000.00	50,183.83	50,183.83	543,816.17	8.45%
01 41400 INCOME METERED BULK WATER	0.00	5,531.15	5,531.15	0.00	0.00%
01 41600 INCOME REVENUE BONDS DV FMHA	49,662.00	35.68	35.68	49,626.32	0.07%
01 41700 INCOME OTHER (OPERATING)	34,480.00	4,349.94	4,349.94	30,130.06	12.62%
	-----	-----	-----	-----	-----
TOTAL OPERATING REVENUE	1,123,343.00	100,170.76	100,170.76	1,023,172.24	8.92%
NON-OPERATING REVENUE					
01 49100 INCOME GEN TAX ID A 1% BH GA02	52,100.00	-2,592.55	-2,592.55	54,692.55	-4.98%
01 49101 INCOME BOND DEBT BH FMHA DA01	175,900.00	-17,571.59	-17,571.59	193,471.59	-9.99%
01 49102 INCOME GENERAL TAX 1% DV GA01	52,100.00	-2,542.59	-2,542.59	54,642.59	-4.88%
01 49200 INTEREST INCOME	3,600.00	-922.92	-922.92	4,522.92	-25.64%
01 49999 FEDERAL/STATE GRANTS FEMA/OES	0.00	28,672.66	28,672.66	0.00	0.00%
	-----	-----	-----	-----	-----
TOTAL NON-OPERATING REVENUE	283,700.00	5,043.01	5,043.01	278,656.99	1.78%
	-----	-----	-----	-----	-----
TOTAL REVENUE	1,407,043.00	105,213.77	105,213.77	1,301,829.23	7.48%
EXPENSE					
-----					
OPERATIONS EXPENSE					
01 54102 OPERATIONS COMPENSATION	147,640.00	815.75	815.75	146,824.25	0.55%
01 54103 UNIFORMS	2,525.00	0.00	0.00	2,525.00	0.00%
01 54105 AUTO CONTROLS	0.00	42.23	42.23	0.00	0.00%
01 54106 VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	227.43	227.43	8,772.57	2.53%
01 54107 VEHICLE EXPENSE - FUEL	18,000.00	1,745.81	1,745.81	16,254.19	9.70%
01 54109 FIELD MATERIALS & SUPPLIES	25,000.00	687.88	687.88	24,312.12	2.75%
01 54111 WATER TESTING	5,000.00	375.00	375.00	4,625.00	7.50%
01 54112 CONTRACTUAL SERV- ENGINEERING	52,000.00	-7,420.08	-7,420.08	59,420.08	-14.27%
01 54114 WATER SYSTEM REPAIRS	25,000.00	0.00	0.00	25,000.00	0.00%
01 54115 BUILDING MAINTENANCE/REPAIR	11,680.00	4,519.17	4,519.17	7,160.83	38.69%
01 54119 COMMUNICATIONS EXPENSE	1,680.00	0.00	0.00	1,680.00	0.00%
01 54121 DISINFECTION EXPENSE	4,000.00	640.90	640.90	3,359.10	16.02%
01 54125 POWER WELLS & PUMPS	59,570.00	65.09	65.09	59,504.91	0.11%
01 54130 OTHER OPERATIONS EXPENSES	17,000.00	210.00	210.00	16,790.00	1.24%
	-----	-----	-----	-----	-----
TOTAL OPERATIONS EXPENSE	378,095.00	1,909.18	1,909.18	376,185.82	0.50%
BULK SYSTEM EXPENSE					
01 55001 PUMPING PLANT EXPENSE	8,935.00	-37.65	-37.65	8,972.65	-.42%

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 07/31/11

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
01 55002 BULK OPERATIONS & MAINTENANCE	5,000.00	0.00	0.00	5,000.00	0.00%
	-----	-----	-----	-----	-----
TOTAL BULK SYSTEM EXPENSE	13,935.00	-37.65	-37.65	13,972.65	-.27%
ADMINISTRATIVE EXPENSE					
01 56001 DIRECTOR FEES	20,000.00	900.00	900.00	19,100.00	4.50%
01 56002 DIRECTOR MEETING EXPENSES	11,000.00	0.00	0.00	11,000.00	0.00%
01 56003 ADMINISTRATIVE COMPENSATION	260,000.00	7,776.53	7,776.53	252,223.47	2.99%
01 56005 ADMINISTRATIVE MEETING EXPENSE	1,000.00	0.00	0.00	1,000.00	0.00%
01 56006 CONTRACTUAL SERV-AUDITOR	29,418.00	0.00	0.00	29,418.00	0.00%
01 56007 CONTRACTUAL SERV-LEGAL	80,000.00	-1,530.50	-1,530.50	81,530.50	-1.91%
01 56008 PERS CONTRIBUTION	40,450.00	-185.97	-185.97	40,635.97	-.46%
01 56009 PAYROLL TAXES	9,375.00	-1,790.47	-1,790.47	11,165.47	-19.10%
01 56011 TELEPHONE/FAX/INTERNET/WEB	7,420.00	59.99	59.99	7,360.01	0.81%
01 56012 MAILING EXPENSES	7,550.00	0.00	0.00	7,550.00	0.00%
01 56014 CONTRACTUAL SERV-OTHER	38,660.00	1,066.94	1,066.94	37,593.06	2.76%
01 56016 PROPERTY/LIABILITY EXPENSE	30,000.00	2,356.71	2,356.71	27,643.29	7.86%
01 56017 WORKERS COMP INSURANCE	14,500.00	-1,070.66	-1,070.66	15,570.66	-7.38%
01 56018 DUES & SUBSCRIPTIONS	7,725.00	481.17	481.17	7,243.83	6.23%
01 56020 POWER OFFICES & YARDS	5,200.00	-187.47	-187.47	5,387.47	-3.61%
01 56022 BAD DEBT EXPENSE	43,000.00	0.00	0.00	43,000.00	0.00%
01 56025 PROPANE	1,800.00	0.00	0.00	1,800.00	0.00%
01 56030 OFFICE SUPPLIES	5,000.00	362.49	362.49	4,637.51	7.25%
01 56100 EMPLOYEE BENEFITS INSURANCE	70,850.00	4,854.65	4,854.65	65,995.35	6.85%
01 56110 EMPLOYEE EDUCATION	3,300.00	0.00	0.00	3,300.00	0.00%
	-----	-----	-----	-----	-----
TOTAL ADMINISTRATIVE EXPENSE	686,248.00	13,093.41	13,093.41	673,154.59	1.91%
	-----	-----	-----	-----	-----
TOTAL OPERATING EXPENSE	1,078,278.00	14,964.94	14,964.94	1,063,313.06	1.39%
NON-OPERATING EXPENSE					
01 56200 OFFICE EQUIPMENT EXPENSE	4,950.00	0.00	0.00	4,950.00	0.00%
01 56300 CUSTOMER RELATIONS	3,000.00	31.25	31.25	2,968.75	1.04%
01 56400 OTHER ADMINISTRATIVE EXPENSES	3,000.00	0.00	0.00	3,000.00	0.00%
01 57100 DEPRECIATION EXPENSE	0.00	19,671.22	19,671.22	0.00	0.00%
01 58100 ELECTION COSTS	12,000.00	0.00	0.00	12,000.00	0.00%
	-----	-----	-----	-----	-----
TOTAL NON-OPERATING EXPENSE	22,950.00	19,702.47	19,702.47	3,247.53	85.85%
	-----	-----	-----	-----	-----
TOTAL EXPENSE	1,101,228.00	34,667.41	34,667.41	1,066,560.59	3.15%
	-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND	305,815.00	70,546.36	70,546.36	235,268.64	23.07%
	=====	=====	=====	=====	=====

Prepared By AB  
Date 8/15/11  
Reviewed By mmust

**SOURCES & USES OF FUNDS STATEMENT  
GENERAL ACCOUNT (UNION BANK)**

Jun-11

**SOURCES OF FUNDS:**

SERVICE LINE INSTALLATION FEES	
BAD DEBT EXPENSE	1,116.68
A/R - WATER	95,260.57
MISCELLANEOUS REVENUE	726.20
1% GENERAL TAX	3980.35
BIGHORN AD VALOREM TAX	17462.97
WORKFORCE DEVELOPMENT GRANT	28672.66
A/P REFUND	
CUSTOMER DEPOSITS	<u>2,100.00</u>

TOTAL	<u><u>149,319.43</u></u>
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**USE OF FUNDS:**

A/R WATER	341.53
WIP EXPENSE	600.94
CAPITAL PURCHASES (EPA GRANT)	5,503.50
CAPITAL PURCHASES (JV Hydro Investigation)	6,538.02
INVENTORY PURCHASES	207.31
PREPAYMENTS - INSURANCE	28,280.51
PAYMENTS FOR SALARIES & WAGES	34,032.48
ADMINISTRATIVE EXPENSE	14,226.57
OPERATIONS EXPENSES	14,794.41
INTEREST EXPENSE - BH BONDS	
MWA PIPELINE DEBT	

TOTAL	<u><u>104,525.27</u></u>
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Prepared By JS  
Date 8/15/11  
Reviewed: upwint

UNION BANK OF CALIFORNIA  
DISBURSEMENTS JULY 2011

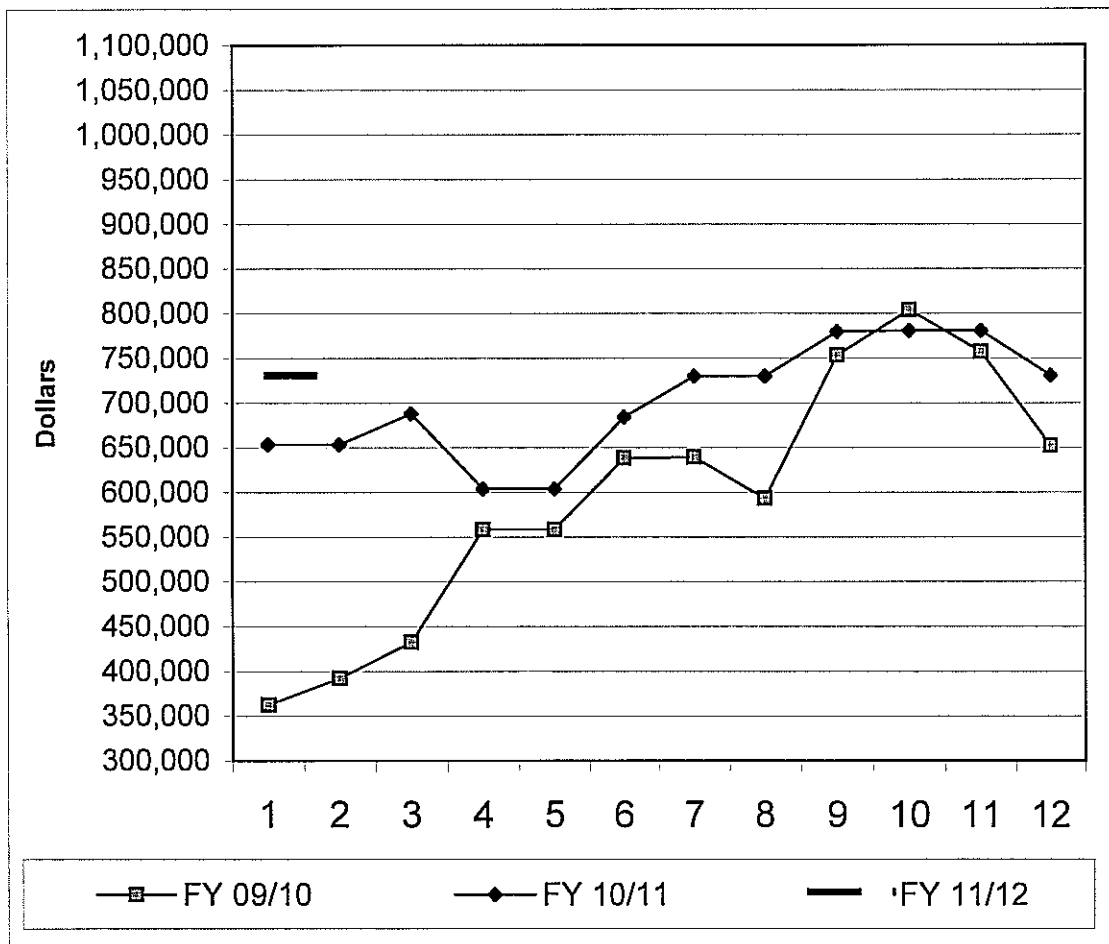
Datastream Check Register	<u>69,365.86</u>	<u>69,365.86</u>	
EFT for Vendor Services			
Bank Fees	235.44		
Credit Card Fees	831.50		
Internet Access Fee	<u>59.99</u>		
Total EFT for Vendor Services		<u>1,126.93</u>	
Wages for Paydate 07/07/11			
State and Fed Taxes Paid	2,499.99		
Wages check # 11301-11310	11,633.53		
Calpers #11311	<u>2,810.02</u>		
		<u>16,943.54</u>	
Wages for Paydate 07/21/11			
State and Fed Taxes paid	2,540.60		
Wages check # 11343-11352	11,285.45		
Calpers #11353	<u>3,262.89</u>		
		<u>17,088.94</u>	
Transfers to LAIF	<u>-</u>	<u>-</u>	
Total Disbursements			<u><u>104,525.27</u></u>

Prepared By MB  
Date 8/15/11  
Reviewed By West

## Local Agency Investment Fund Balance Timeline

Balance as of

	FY 09/10	FY 10/11	FY 11/12
July	362,520	653,168	730684.6
August	392,520	653,168	
September	432,520	688,168	
October	558,397	604,025	
November	558,397	604,025	
December	638,397	684,025	
January	639,258	729,762	
February	593,258	729,762	
March	753,258	779,762	
April	804,136	780,685	
May	757,136	780,685	
June	652,136	730,685	



Prepared By AB  
 Date 8/15/11  
 Reviewed By must

DATE: AUGUST 2011  
TO: LYNI TOMPKINS  
FROM: Michelle Corbin  
RE: Consumption & Billing Comparison July 2011

### Consumption

Residential- North- Bighorn		
	Meters	Usage (c.f.)
Book 1	148	225,917
Book 2	183	266,261
Book 3	162	275,477
Book 4	152	207,924
Book 5	129	207,352
Book 6	137	152,657
<b>Total</b>	<b>911</b>	<b>1,335,588</b>

Residential- South- Desert View		
	Meters	Usage (c.f.)
Book 7	164	0
Book 8	177	106
Book 9	188	894
Book 10	179	445
Book 11	191	0
<b>Total</b>	<b>899</b>	<b>1,445</b>

Bulk -Kickapoo, Well 4, Cherokee		
	Meters	Usage (c.f.)
Book 30	41	22,145
Book 31	6	5,420
Book 32	4	11,650
<b>Total</b>	<b>51</b>	<b>39,215</b>

Construction Meters		
	Meters	Usage (c.f.)
Book 40	0	0
<b>Total</b>	<b>0</b>	<b>0</b>
Billed Consumption		1,565,889
Non Billed Usage		22,511
<b>Total Consumption</b>		<b>1,588,400</b>

Bulk - Well 10		
	Meters	Usage (c.f.)
Book 33	46	26,822
<b>Total</b>	<b>46</b>	<b>26,822</b>

Active Residential Meters	1,810
Active Bulk Meters	97
<b>Total Active Meters</b>	<b>1,907</b>

### Billing Comparison

	This Year JULY 2011	Last Year JULY 2010	Difference More (Less)
<b>Statistics</b>			
Total Customer Accounts	1008	1004	4
Usage in Cubic Feet	1,403,070	1,463,847	(60,777)
Percentage Increase/(Decrease)			-4%

<b>Revenues</b>			
Water Revenues	45,638.99	49,449.40	(3,810.41)
Basic Service Charge	50,183.83	50,096.77	87.06
Miscellaneous	295.55	346.65	(51.10)
Delinquent Charges	1,501.39	1,736.70	(235.31)
<b>Total Operating Revenues</b>	<b>97,619.76</b>	<b>101,629.52</b>	<b>(4,009.76)</b>

<b>Debt Service Revenues (pass through)</b>			
FMHA **	35.68	14.91	20.77
<b>Total Debt Service Revenues</b>	<b>35.68</b>	<b>14.91</b>	

#### **Additional Information Regarding Pass Through Revenues**

\*\* FMHA annual debt service of \$41,150 divided over 6 months equals \$6,858

Total Charges (Proof)	97,655.44	101,644.43	(3,988.99)
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SELECTION: CLOSED ORDERS ONLY, CLOSED DATES FROM 07/01/11 TO 07/31/11

CODE	DESCRIPTION	COUNT
=====	=====	=====
CALL	AFTER HOURS CALL	3
CLOS	CLOSE ACCT- READ AND LOCK OFF	25
CUST	CUSTOMER REQUEST/ANCE	8
CUSTLK	CUSTOMER SIDE LEAK	1
EXCH	METER EXCHANGE	2
HANG	HANG TAG	28
LKRSP	LEAK RESPONSE	4
LOCK	LOCK OFF ON AGENCY SIDE	12
MISC	MISCELLANEOUS	28
MWEST	MWEST	2
OPEN	OPEN ACCT- READ AND UNLOCK	26
PRES	PRESSURE COMPLAINT	1
PULL	PULL METER	2
READ	PLEASE GET READ	5
REPAIR	SERVICE LINE REPAIR	7
REPSL	SERVICE LINE REPLACEMENT	2
REREAD	REREAD DUE TO HIGH CONSUMPTION	36
TAMPER	TAMPERING WITH METER/REPAIRS	2
UNLOCK	UNLOCK ON AGENCY SIDE	4
VERIFY	VERIFY SERVICE OFF & LOCKED	10
		-----
	TOTAL SERVICE ORDERS	208



DATE: 7/13/2011  
 TO: Board of Directors  
 FROM: Kit Boyd  
 RE: JULY PRODUCTION

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	0	0	#DIV/0!	0	0.00
Well 3	310,520	2,322,690	378	102.5	7.13
Well 4	0	0	#DIV/0!	0	0.00
Well 6	299,452	2,239,901	433	86.2	6.87
Well 7	704,310	5,268,239	380	231.3	16.17
Well 8	454,300	3,398,164	950	59.6	10.43
Well 9	342,700	2,563,396	673	63.5	7.87
Well 10	20,280	151,694	50	50.5	0.47
Total	2,131,562	15,944,084			48.93

Wells 2, and 4 did not run this month

Well 3 back on line

A Boosters	129,700	970,156	169	95.7
C Boosters	420,800	3,147,584	275	191.1
Total	550,500	4,117,740		

# Bighorn-Desert View Water Agency



## Board of Directors

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

## Agency Office

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

760/364-2315 Phone

760/364-3412 Fax

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

A Public Agency

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

## 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 Cort-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 Cori-Lorono.***

MSC<sup>1</sup> (Larson/Cori-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 Burkhart 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 Burkhart adjourned the meeting at 7:13 p.m.

Approved by:

---

Judy Corl-Lorono  
Board Secretary

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

# 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  
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## 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.*

MSC<sup>1</sup> (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 Cori-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.*

MSC<sup>1</sup> (Cori-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.*

MSC<sup>1</sup> (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
Nayes:	None
Abstain:	Burkhart
Absent:	None

MSC<sup>1</sup> (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
Nayes:	None
Abstain:	None
Absent:	None

MSC<sup>1</sup> (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 Cori-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.*

MSC<sup>1</sup> (Cori-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.*

MSC<sup>1</sup> (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.*

MSC<sup>1</sup> (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.*

MSC<sup>1</sup> (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 Carl-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

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

# TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

August 10, 2011

**To:** Marina West  
Bighorn-Desert View Water Agency  
622 S. Jemez Trail  
Yucca Valley, California 92284

**From:** Daniel Craig, Project Manager

**Subject:** **Progress Report – July 2011**  
***Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project***  
**Bighorn-Desert View Water Agency and Todd Engineers**

Todd Engineers (Todd) is pleased to submit this Monthly Progress Report for the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project* (Project) for the period of July 1 through 31, 2011.

The following summarizes the work completed during the period, costs for the period and to date, and anticipated activities for the upcoming August 2011 monthly period.

## **Work Completed During July 2011**

*Task 1 Project Management* – Todd provided project management support including tracking of project costs, progress, and schedule.

*Task 4.2 Support for MOU and Water Agreement Amendment* - Todd provided support to the Agency for comments on the final draft MOU/Agreement amendment.

## **Work Planned for August 2011**

*Task 4.1 Groundwater Management Plan* - Todd will incorporate BDVWA comments on the draft and prepare the final GWMP.

*Task 4.2 Support for MOU and Water Agreement Amendment* - Todd and Richards, Watson & Gershon will provide support as-needed for the MOU/Agreement amendment.

## **Charges to Date and Budget Summary**

Charges to date and budget remaining (through July 31, 2011) are summarized in the attached tables. Total professional charges for the Period July 1 through 31, 2011 are \$667.70, bringing total charges

to date to \$518,266.00 out of the approved project budget of \$531,321.50. The remaining budget is \$13,055.50.

Attachments:

Table 1. Charges Details by Task

Table 2. Charges to Date and Budget Remaining



**Table 1 Charges Details by Task (through July 31, 2011)**  
**Todd Engineers and Kennedy/Jenks Consultants**  
**Accrued Hours by Task**

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan															
Classification Staff Name	Project Manager Craig \$185	Principal Geologist Stamm \$190	Senior Geologist Lin \$180	Senior Geologist Abbott \$170	Senior Geologist Taylor \$150	QC Priest/1 \$190	Graphics	Total Labor Hours	Total Labor	Comm Fee	Travel Admin Costs	Subcontractors Driller, Lab, Other Direct Costs	Expense Fee	Subcontractor Kennedy/Jenks	Total Costs
Hourly Rates															
Task 1 – Project Management	150	0.25	26.5	4.5	2.5	2	12.5	201.25	\$ 34,645.00	\$ 896.50	\$ 1,327.66	\$ 54.92	\$ 8.24		\$ 36,932.92
Task 1 – Project Management	160	0.25	26.5	4.5	2.5	2	12.5	201.25	\$ 34,845.00	\$ 898.90	\$ 1,327.66	\$ 54.92	\$ 8.24		\$ 36,932.92
Task 2 – Permitting Support	66.75	0	21.5	0	0	0	0	80.25	\$ 15,788.75	\$ 315.75				\$ 22,151.41	\$ 38,255.94
Task 3 – Hydrogeology Feasibility Studies															
3.1 Vadose Zone Investigation and Monitoring Well Installation	143.5	0	24.5	0	0	0	0	168	\$ 30,487.50	\$ 609.35	\$ 569.66	\$ 79,940.70	\$ 7,994.07	\$ 44,329.71	\$ 163,833.44
3.2 HDWD Well No. 24 Aquifer Test	40.5	0	0	55	0	0	0	95.5	\$ 16,842.50	\$ 336.85		\$ 1,219.35	\$ 123.03	\$ 12.39	\$ 18,554.97
3.3 Perennial Yield Assessment	28	0	57	0	0	0	0	83	\$ 13,930.00	\$ 278.80		\$ 1,187.50			\$ 15,396.10
3.4 Groundwater Flow Evaluation	303	0	146.75	0	0.5	0	0	450.25	\$ 79,810.00	\$ 1,592.20		\$ 10.00			\$ 81,212.20
3.5 Water Quality Evaluation	41.5	0	16	0	0	0	0	87.5	\$ 12,037.50	\$ 240.75		\$ 4,055.00	\$ 405.50	\$ 1,328.13	\$ 18,064.68
3.6 Hydrogeology FS Report	182.5	0	8	0	0	0	23	194.5	\$ 33,987.50	\$ 673.75		\$ 21.00	\$ 2.11	\$ 0.21	\$ 34,384.68
Task 3 Total	725	0	255.25	55	0.5	0	23	1056.75	\$ 188,574.00	\$ 3,731.50	\$ 569.66	\$ 86,453.59	\$ 8,525.61	\$ 45,668.44	\$ 331,446.24
Task 4 – Groundwater Management Plan and Water Agreement Amendment															
4.1 GWMP	88.5	10.25	99.5	0	0	0	52.75	251	\$ 39,251.25	\$ 785.03					\$ 40,036.28
4.2 Agreement Amendment	58	28	100	0	0	0	0	186	\$ 32,050.00	\$ 641.00		\$ 31,021.11	\$ 3,102.11	\$ 3,760.40	\$ 71,594.62
Task 4 Total	146.5	38.25	199.5	0	0	0	52.75	437	\$ 71,301.25	\$ 1,426.03		\$ 31,921.11	\$ 3,192.11	\$ 3,760.40	\$ 111,630.90
Task 6 - Support Stakeholder/Public Outreach Support								0	\$ -	\$ -	\$ -				
Total Charges to Date through July 31, 2011	1084.25	34.5	505.75	59.5	3	2	86.25	1785.25	\$ 306,510.00	\$ 6,170.20	\$ 1,897.52	\$ 116,438.62	\$ 11,725.96	\$ 71,610.25	\$ 510,266.00





**Todd Engineers and Kennedy/Jenks Consultants**

**Table 2 Charges to Date and Budget Remaining (through July 31, 2011)**

<b>Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan</b>			
<b>Task Name</b>	<b>Task Budget</b>	<b>Charges to Date (July 31, 2011)</b>	<b>Remaining Budget</b>
Task 1 – Project Management	\$36,631.60	\$36,932.92	-\$101.32
Task 2 – Permitting Support	\$39,356.00	\$38,255.94	\$1,100.06
Task 3 – Hydrogeology Feasibility Studies			
3.1 Vadose Zone Investigation and Monitoring Well Installation	\$158,130.55	\$163,833.44	-\$5,702.89
3.2 HDWD Well No. 24 Aquifer Test	\$18,638.40	\$18,554.97	\$83.43
3.3 Perennial Yield Assessment	\$16,381.60	\$15,386.10	-\$14.50
3.4 Groundwater Flow Evaluation	\$81,227.05	\$81,212.20	\$14.85
3.5 Water Quality Evaluation	\$18,093.10	\$18,064.88	\$28.22
3.6 Hydrogeology FS Report	\$34,396.60	\$34,384.66	\$14.94
Task 3 Total	\$325,870.30	\$331,446.24	-\$5,676.94
Task 4 – Groundwater Management Plan and Water Agreement Amendment			
4.1 GWMP	\$40,330.80	\$40,036.28	\$294.53
4.2 Agreement Amendment	\$74,451.20	\$71,594.62	\$2,856.58
Task 4 Total	\$114,782.00	\$111,630.90	\$3,151.10
Task 6 - Support Stakeholder/Public Outreach Support	\$14,481.60	\$0.00	\$14,481.60
Project Total	\$531,321.50	\$518,266.00	\$13,055.50

## RESOLUTION NO. 11R-XX

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AUTHORIZING INVESTMENT OF MONIES INTO THE LOCAL AGENCY INVESTMENT FUND

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the Board of Directors does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the Bighorn-Desert View Water Agency.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Directors does hereby authorize the deposit and withdrawal of Bighorn-Desert View Water Agency monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

**BE IT FURTHER RESOLVED**, that the following Bighorn-Desert View Water Agency officers in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund -

Authorized Board Members

\_\_\_\_\_  
Terry Burkhart, Director

\_\_\_\_\_  
Michael McBride, Director

\_\_\_\_\_  
Nell Casey Garcia, Director

\_\_\_\_\_  
David A. Larson, Director

\_\_\_\_\_  
Judy Cori-Lorono, Director

Authorized Agency Staff Members

\_\_\_\_\_  
Marina D. West, General Manager

\_\_\_\_\_  
Lynda Tompkins, Executive Secretary

**BE IT FURTHER RESOLVED**, that each transaction shall require one Authorized Board Member and one Authorized Agency Staff Member to complete a transaction or two Authorized Board Members.

**BE IT FURTHER RESOLVED**, that Resolution 11R-01 is rescinded as of, August 23, 2011.

**PASSED, APPROVED AND ADOPTED**, by the Board of Directors of Bighorn-Desert View Water Agency this 23<sup>rd</sup> day of August 2011.

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly-appointed and acting Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a Regular Meeting of the Board of Directors of said Agency held on August 23, 2011, the foregoing Resolution No. 11R-XX was duly adopted by said Board, and that said Resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Judy Corl-Lorono, Board Secretary

## RESOLUTION NO. 11R-XX

### RESOLUTION OF THE BOARD DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING ITS BANKING POLICY WITH UNION BANK

**WHEREAS**, the Bighorn-Desert View Water Agency ("Agency") has previously established Account No. 43301XXXXX with Union Bank of California as the Financial Institution with a general operating account for the Agency; and

**WHEREAS**, it is necessary to specify those persons who are authorized to take action with regard to any account the Agency has established with Financial Institution or any financial institution; and

**NOW, THEREFORE, BE IT RESOLVED**, that any financial institution is directed to deposit and pay without further inquiry any item bearing the following appropriate number of signatures of signers drawn against the above referenced account or any account held by Agency with the Financial Institution or any financial institution, even if the item so drawn is payable to cash, bearer or an authorized signer of the Agency: **Terry Burkhart, Michael McBride, Nell Casey Garcia, David A. Larson, and Judy Corl-Lorono**, any **two** of the foregoing acting together.

**BE IT FURTHER RESOLVED**, that any **two** of the foregoing signers, acting together are expressly authorized to endorse all checks, overdrafts, notes and other items payable to or owned by the Agency for deposit with, encashment or collection by any financial institution and to execute such other agreements and perform such other acts as they deem reasonably necessary to carry out the provisions of the agreement with any financial institution.

**BE IT FURTHER RESOLVED**, that authority given to the signers shall remain in full force and effect until written notice of revocation is delivered to and received by the financial institution in question. Any such notice shall not affect items in process at the time the notice is given. An agent of the Agency will notify any such financial institution of any change in the composition, name or any assumed business names or any aspect of organization affecting the deposit relationship between the Agency and any financial institution.

**BE IT FURTHER RESOLVED**, that the Board Secretary is authorized to deliver a certified copy of this resolution to Union Bank of California, Government Services Department.

**BE IT FURTHER RESOLVED**, that Resolution 10R-11 is rescinded as of August 23, 2011.

**BE IT FURTHER RESOLVED**, that this Resolution shall become effective on the official date of adoption, August 23, 2011.

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly-appointed and acting Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, and that at a Regular Meeting of the Board of Directors of said Agency held on August 23, 2011, the foregoing Resolution No. 11R-XX was duly adopted by said Board, and that said Resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Judy Corl-Lorono, Board Secretary

Pending Board Approval