

Bighorn-Desert View Water Agency

**Board of Directors**

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



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

A Public Agency

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

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**BOARD OF DIRECTORS'  
SPECIAL MEETING MINUTES**

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday, September 21, 2011 - 6:30 p.m.

**CALL TO ORDER**

Meeting convened by Board President Terry Burkhart at 6:40 p.m.

President Burkhart read rules of order for this meeting.

**PLEDGE OF ALLEGIANCE**

Led by Larry Callander.

**ROLL CALL**

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

Staff Present: Marina West

**APPROVAL OF AGENDA**

*Motion to approve the agenda.*  
MSC<sup>1</sup> (Larson/Corl-Lorono) unanimously approved.

**CLOSED SESSION: PUBLIC EMPLOYMENT**

Title: General Counsel  
Pursuant to Government Code Section 54957(b)(1).  
The Board to consider choosing firm to appoint as General Counsel.

Public comments:

Jim Hanley, of Johnson Valley, questioned and criticized the process of choosing General Counsel.

Anonymous, questioned and criticized the process of choosing General Counsel.

Adjourned for closed session at 6:44 p.m. - Reconvened from closed session at 7:05 p.m.

### **CLOSED SESSION REPORT**

President Burkhart reported that the Board is moving to item 7 on the agenda.

### **APPOINTMENT OF GENERAL COUNSEL**

President Burkhart reported that the Board will consider appointing General Counsel, and authorize the General Manager to execute contract.

Public comment:

Anonymous, read Government Code 54957 (b) (1), criticized the process of choosing General Counsel, and violating the Brown Act.

Anonymous, commented on violating the Brown Act and criticized the process of choosing General Counsel.

Larry Callander, commented he does not see a violation of the Brown Act, and the General Counsel selection process was agendized in a previous public meeting.

### **MOTION NO. 11-052**

*After Board discussion, Director Corl-Lorono made a motion to direct the General Manager to negotiate a contract with the firm of Aklufi & Wysocki Attorneys at Law based on their response to the Agency's Request for Qualifications to be appointed as the Agency's General Counsel. Director Larson seconded the motion.*

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

### **PUBLIC PARTICIPATION**

Jim Hanley, of Johnson Valley, commented on qualifications of new General Counsel, criticized the transparency of the Board of Directors, and the process of choosing General Counsel.

Anonymous, commented on a meeting and a book by Terry Francke regarding the Brown Act.

Anonymous, commented he does not see a Brown Act violation, and does not see a problem with the process the Board used to appoint General Counsel. The process was voted on by the Board in a previous public meeting.

Bob Karman, of Yucca Mesa, commented on how other agencies are establishing codes of conduct for elected bodies, staff and the public, and suggested the Board establish a code of conduct for our public meetings.

Director Corl-Lorono commented on the process the Ad Hoc Committee and the Board of Directors conducted in choosing Agency's legal counsel.

Director Larson commented on the importance of getting sound legal counsel and the transparency of the process the Board went through in choosing legal counsel.

Vice President McBride commented on the absence of these agency critics at the meeting (of September 13, 2011) where the legal firms gave presentations to the Board and public in the open meeting.

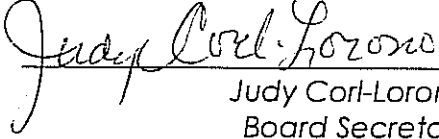
Directed Garcia commented that the General Counsel firms gave presentations in an open public meeting and the public was given notice to attend that meeting.

President Burkhart commented about attorneys qualifications regarding knowledge of the Brown Act.

Suzanne Johnson, of Landers, commented she believes the board is not hiding anything from the public.

**ADJOURNMENT** - President Burkhart adjourned the meeting at 7:27 p.m.

Approved by:

  
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Judy Cort-Lorono  
Board Secretary

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