

Bighorn-Desert View Water Agency

Board of Directors

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



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

A Public Agency

www.bdvwa.org

**BOARD OF DIRECTORS'
SPECIAL MEETING MINUTES**

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, October 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 Larry Callander.

ROLL CALL

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

Staff Present: Marina West
Lyni Tompkins

APPROVAL OF AGENDA

Motion to approve the agenda.
MSC¹ (Larson/Corl-Lorono) unanimously approved.

CONSIDER CLAIM FROM MR. MONTAGUE FOR \$362.67 - APN 629-431-05

Mr. Montague was not present for this agenda item, the Board continued in his absence.

General Manager West gave the staff report.

Mr. Montague made a claim with the Agency for \$362.67; Mr. Montague claims his vacant property did not use approximately 100,000 gallons of metered water based on previous usage.

No public comment.

The Board commented that they believe the water went through this customer's meter; the customer is accountable for it and the Agency can bill this customer for the water use. However, this may be an extreme isolated circumstance; therefore, the Board can provide some relief to his claim by Board majority vote.

Director Corl-Lorono commented the meter report determined the meter was underreporting the water use. And the rest of our customers should not have to pay this customer's water bill.

President Burkhart is concerned of setting a precedent that everyone that has a dispute will be approaching the Board.

General Manager West suggested if the Board decides to give Mr. Montague some relief; then in return, Mr. Montague should pull his claim.

Vice President McBride suggested giving Mr. Montague relief of one-half (1/2) of his claim in exchange for Mr. Montague dropping his claim. The Board could give him this relief due to an extreme isolated circumstance.

MOTION NO. 11-058

After Board discussion, Vice President McBride made a motion to issue Mr. Montague a credit of \$181.34 in exchange for Mr. Montague dropping his claim. This agreement must be in writing. Director Larson seconded the motion.

MSC¹ (McBride/Larson) Motion carried. McBride, Larson, Garcia, & Burkhart voted yes. Director Corl-Lorono votes no.

REQUEST FOR ADJUSTMENT AND RELIEF FROM STANDARD BILLING PRACTICES - APN 629-071-49 (2 METERS/1 PARCEL)

General Manager West gave the staff report, and Ms. Richards gave the Board a presentation of her requests.

Ms. Richards is requesting either the Board waive the monthly Basic Service Charge on her second meter; OR the Board terminate service to her second meter at no cost to her (instead of paying established \$300.00 termination charge), and have the Agency buy back her second meter for \$4098.00 (today's Basic Facility Charge).

The Board discussed waiving the \$300.00 termination charge to remove Ms. Richards' second meter because it appears Ms. Richards did not get the December 2008 letter giving her the opportunity to have the Agency remove her meter at no charge during the early 2009 grace period (water account was "active", not "inactive" at the time). However, Ms. Richards must understand that if she wants a second meter to be installed at a later date, she will have to pay the prevailing fees to have that meter installed. The Agency's current fees are \$4098.00 plus the installation, but are subject to change in the future. Also, if the Agency removes her second meter, Ms. Richards will be responsible for any costs to re-plumb water from the first meter to whatever structure the second meter serviced.

The Board also discussed waiving her current late/delinquent fees based on the same circumstances of miscommunications and span of time the late fees were in dispute with the Agency.

No public comment.

MOTION NO. 11-059

After Board discussion, Vice President McBride made a motion to waive the \$300.00 disconnect fee and remove the late/delinquent charges for her second meter. All service fees must be paid by Ms. Richards for the second meter up to the day the meter is disconnected. Staff to determine a time frame Ms. Richards must act before this offer is no longer available to her. The motion was seconded by Director Larson.

MSC¹ (McBride/Larson) unanimously approved.

Adjourned for a Break at 7:12 p.m. - Reconvened from Break at 7:23 p.m.

Mr. Montague arrived to the Boardroom and the Board of Directors proceeded to reopened Agenda Item #5: CONSIDER CLAIM FROM MR. MONTAGUE FOR \$362.67 - APN 629-431-05

The Board reopened Agenda Item #5 to give Mr. Montague the courtesy to address the Board regarding his claim.

General Manager West reviewed the staff report, and Mr. Montague gave a presentation to the Board of his request to be credited \$362.67 by the Agency.

Mr. Montague filed a claim with the Agency for \$362.67; Mr. Montague claims his vacant property did not use approximately 100,000 gallons of metered water based on previous usage. Mr. Montague believes the meter malfunctioned, and water was not intentionally put through the meter.

Public comment:

Anonymous, questioned the week Mr. Montague was testing the amount of water that went through his meter.

The Board reviewed it prior motion approving relief of one-half (½) of his claim in exchange for Mr. Montague dropping his claim. Board believes the water went through his meter, but will offer to give this customer relief due to an extreme isolated circumstance.

Mr. Montague advised he would not accept an offer by the Board to have the Agency issue a credit to him of one half (1/2) of his claim.

The Board did not revise the previously approved Motion and no new Motion was brought forward.

RESOLUTION NO. 11R-19 DECLARING CERTAIN PROPERTY TO BE SURPLUS

General Manager West gave the staff report.

No public comment:

Board directed staff to dispose of copier and printers in a safe manner.

MOTION NO. 11-060

After brief Board discussion, Vice President McBride made a motion to adopt Resolution No. 11R-19, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Declaring Certain Property to be Surplus; authorizing disposal of non-working printers. Director Larson seconded the motion.

Roll Call Vote:

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

MSC¹ (McBride/Larson) unanimously approved.

DISBURSEMENTS SEPTEMBER 2011

No public comment:

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

MSC¹ (McBride/Corl-Lorono) unanimously approved.

CONSENT ITEMS

- a. Financial Statements September 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, September 2011
- c. Service Order Report, September 2011
- d. Production Report, September 2011
- e. Special Board Meeting Minutes, October 3, 2011

No public comment.

Vice President McBride made a motion to approve consent items a - e. The motion was seconded by Director Larson.

MSC¹ (McBride/Larson) unanimously approved.

Adjourned for Closed Session at 7:45 p.m. - Reconvened from Closed Session at 8:49 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Gov. Code Sec. 54956.9(c): One Claim.

General Legal Counsel Joseph Aklufi will be participating via teleconference from the following location: 3403 Tenth St, Riverside, California, 92501 pursuant to Government Code Section 54953.

No public comment.

CLOSED SESSION REPORTS

President Burkhart reported that there was no reportable action.

PUBLIC PARTICIPATION

Anonymous, commented on a newspaper article written by Terry Burkhart.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

None

DIRECTORS' REPORT

Vice President McBride reported on his attendance at the California Special Districts Association (CSDA) Conference on October 13, and receiving the McMurchie Excellence in Safety Award 2011 at that conference on behalf of the Agency. He also thanked staff for their participation in earning this safety award.

Director Corl-Lorono reported on her attendance at the quarterly Alliance for Water Awareness and Conservation (AWAC) on October 25, 2011.

Director Larson expressed his appreciation to staff for earning the McMurchie Excellence in Safety Award 2011, and thanked SDRMA for acknowledging our Agency for this award.

PRESIDENT'S REPORT

President Burkhart reported she attended the SDRMA Annual Board Meeting in Monterey on October 12, 2011 as the incoming SDRMA director (no cost to BDVWA).

ITEMS FOR NEXT AGENDA

Audit

ADJOURNMENT - President Burkhart adjourned the meeting at 9:06 p.m.

Approved by:



Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.

