

Bighorn-Desert View Water Agency

Board of Directors

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

BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, December 8, 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, each member of the public will be allotted three-minutes to provide their public comment.

5. **RESOLUTION NO. 11R-XX, EXPRESSING APPRECIATION TO NELL CASEY GARCIA**
Recommended Action:
Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Expressing Appreciation to Nell Casey Garcia.

6. FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT APPLICATION FOR COMPLETION OF HAZARD MITIGATION PLAN

Recommended Action:

Board to consider authorizing General Manager to coordinate with the Herndon Solutions Group to complete and submit a Federal Emergency Management Agency grant application for completion of a Hazard Mitigation Plan.

7. DECLARATION OF VACANCY ON THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY

Recommended Action:

The Board declare a vacancy on the Board of Directors as a result of Director-Elect Dossey's neglect to file his required Oath of Office within the time prescribed per Government Code Section 1770(i)

8. BOARD TO CHOOSE PROCESS FOR FILLING VACANT BOARD OF DIRECTOR SEAT

Recommended Action:

Board to direct staff on one of the following procedures for filling a vacancy on the Board of Directors within sixty (60) days of the date notified of the resignation;

1. Direct staff to call for an election; OR
2. Determine to fill the vacancy by appointment; OR
3. Do nothing, thereby leaving the decision to San Bernardino County Board of Supervisors, either to appoint or to order the agency to call an election, within ninety (90) days of the date on the notice of resignation.

9. DISBURSEMENTS NOVEMBER 2011

Recommended Action:

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

10. 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 November 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, November 2011
- c. Service Order Report, November 2011
- d. Production Report, November 2011
- e. Special Board Meeting Minutes, November 30, 2011
- f. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, November 2011

Recommended Action:

Approve as presented (Items a - f):

11. MATTERS REMOVED FROM CONSENT ITEMS

CLOSED SESSION

12. LIABILITY CLAIM (Gov Code Section 54956.95)

Claimant: Heidi Saunders.

Claim Against: Bighorn-Desert View Water Agency

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.

13. CLOSED SESSION REPORT

14. PUBLIC COMMENT PERIOD

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, each member of the public will be allotted three-minutes to provide their public comment.

15. VERBAL REPORTS - Including Reports on Courses/Conferences/Meetings.

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

16. ITEMS FOR NEXT AGENDA

17. 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.

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.

RESOLUTION NO. 11R-XX

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
EXPRESSING APPRECIATION TO
NELL CASEY GARCIA**

WHEREAS, Nell Casey Garcia was appointed to a vacancy on the Board of Directors of the Bighorn-Desert View Water Agency in July 2011; and

WHEREAS, Nell Casey Garcia has faithfully and without exception served as an active Director of the Board from that time through November, 2011; and

WHEREAS, Nell Casey Garcia has served the public during Board discussions to ensure the protection of the public trust and best use of the Agency's financial resources; and

WHEREAS, the Bighorn-Desert View Water Agency Board of Directors regrets that Nell Casey Garcia chose not to run for election due to personal commitments; and

WHEREAS, Nell Casey Garcia has fulfilled her term as Director of the Bighorn-Desert View Water Agency.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby extend its sincere thanks and appreciation to Nell Casey Garcia for her dedication to the Agency ratepayers, staff and the high desert community by way of her participation of the Bighorn-Desert View Water Agency Board of Directors; and

BE IT FURTHER RESOLVED that this Resolution shall become effective December 8, 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 Special Meeting of the Board of Directors of said Agency held on December 8, 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

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

Meeting Date: December 8, 2011

To: Board of Directors

Budgeted: No

Budgeted Amount: \$0

Cost: \$0.00 match

Funding Source: unknown

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Federal Emergency Management Agency Grant Application for Completion of Hazard Mitigation Plan

SUMMARY

Staff has been contacted by Mr. Gary Sturdivan of Herndon Solution Group regarding grant opportunities to assist the Agency with emergency management programs. Mr. Sturdivan has recommended that we apply for a Federal Emergency Management Agency grant for completion of a Hazard Mitigation Plan. The grant has a maximum award of \$5,000 with no cash match required. In the event of an emergency, Agency's with approved Hazard Mitigation Plans will receive additional funding, above actual damages, to mitigate such damage from occurring in the future.

Staff recommends having Herndon Solutions Group file the grant application. If awarded, then the Agency agrees to have Herndon Solutions Group complete the Hazard Mitigation Plan.

RECOMMENDATION

The Board considers taking the following action:

Authorize General Manager to coordinate with the Herndon Solutions Group to complete and submit a Federal Emergency Management Agency grant application for completion of a Hazard Mitigation Plan.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

none

December 3, 2011



Hello Marina,

It was great talking with you Friday.

As per our discussion, Herndon Solutions Group will file for a FEMA Grant in the name of Bighorn Desert View Water Agency, in the maximum amount of \$5,000.00, to complete a Hazard Mitigation Plan (HMP) for the District. Herndon Solutions Group will not charge your agency for this application, however when this funding is received, Bighorn will utilize HSG under the grant for the services in completing an agency specific HMP. HSG will submit the HMG to CalEMA and FEMA for approval.

The benefits of to having an approved HMG is as follows:

In the event of catastrophic disaster, BDVWA would be able to apply for mitigation money from FEMA.

FEMA only replaces what was destroyed in-kind; FEMA does not pay for any "betterments" to your system.

However, if you have an approved HMP, FEMA will pay you 100% more to mitigate the damage from accruing in the future. Say there is a major earthquake and this earthquake destroys an above ground reservoir and the cost to replacement the



reservoir is \$ 1.1 million. Without an approved HMP, FEMA would rebuild the reservoir only with in-kind construction. If you have an approved HMP, FEMA will also pay up to \$1.1 million more in earthquake mitigating measures. Therefore, your agency would receive \$2.2 million in grant funding.

In addition, most Federal Grant applications are tied to a HMP's. On Federal Grant applications there is a box that must be checked; "does agency have an Approved HMP in place."

Without a HMP in place it is getting every difficult to obtain grant funding. I believe in the next two years, there will be no grant funding opportunities available to any agency that does not have the following items in place.

- Hazard Mitigation Plan
- Emergency Response Plan
- Updated Vulnerability Plan
- All current NIMS and SEMS requirements are met

Herndon Solution Group Looks forward to helping Bighorn Desert View achieve your agencies goals and objectives in the future.

Sincerely,

Gary Sturdivan
Senior Principal
Herndon Solutions Group
SBA 8(a), Woman-Owned business
1839 Cottage Terrace
Redlands, CA 92374

Direct: 909.658.5974 | Office: 866.487.3895 | Fax: 877.876.4788

**Corporate Mailing Address | 4001 S. Decatur Blvd., #37-376 | Las Vegas, NV
89103**

Corporate Headquarters | 4815 W. Russell Rd., Ste., 14N | Las Vegas, NV 89118
West Coast Regional Office | 1839 Cottage Terrace | Redlands, CA 92374
Rocky Mountain Regional Office | 383 Nome Street | Aurora, CO 80010
Midwest Regional Office | 36135 Schoolcraft Rd. | Livonia, MI 48150
East Coast Regional Office | 548 Atlas Rd. | Landing, NJ 07850

Gary G. Sturdivan, Senior Principle, with Herndon Solutions Group
1839 Cottage Terrace, Redlands, CA. 92374
Office: (909) 658-5974
Gary.sturdivan@herndon-group.com

Summary

Mr. Sturdivan is the Senior Principle of Herndon Solutions Group, California office; with 24 years of experience working with a medium sized water/wastewater utility in southern California for 24 years. He has a vast knowledge in Safety, Emergency Preparedness, Hazard Mitigation Planning, Vulnerability Assessment Planning and VA updates FEMA Documentation, FEMA reimbursement, Hazard Mitigation planning and an extensive background with State Revolving funding and FEMA DHS Funding Programs.

Mr. Sturdivan has worked in the State of California Southern Operation Center on various occasions and in the State Operations Center on two occasions. Mr. Sturdivan is a member of the USGS planning team for Golden Guardian 2008 and is one of the signers of the document and California, Shake Out, which is still used each year, as an exercise for all residents of California. Mr. Sturdivan has spoken at many conferences throughout the nation on emergency issues, coordination and forming partnership. He has spoken in front of the Department of Interior, with Secretary Salazar and all department heads, at USGS headquarters in D.C and given a report to Congress in our Nations Capital in conjunction with Dr. Lucy Jones.

History

1974 – 1987, Si Wilson Inc., Manager of 14 service stations in Highland California

East Valley Water District

Mr. Sturdivan, Started his career with East Valley Water District in 1987, as an Equipment Mechanic. He served in this position until 2002, when he was promoted to Safety/Regulatory Coordinator. In 2003,

Emergency Management was added to his duties and in 2006, he was promoted to Safety/Regulatory Affairs/Emergency Grants Director. He served in this position, until his retirement on August 26, 2011.

Education

Bachelor of Science, Business Management, from the University of Phoenix, 2001

Bachelor of Science, Business Administration, from the University of Phoenix, 2001

Certifications

Mr. Sturdivan holds a California, Treatment 1, and a Distribution 1 certification. He also has been certified in ICS 100, 200, 300, 400, 700 and 800.

Experience

CalWARN

Mr. Sturdivan was Vice Chair of the State Steering Committee for California Water/Wastewater Agency Response Network (CalWARN) and Chair of CalWARN, Region 6, for 7 years. He is a Certified Trainer in G-611, "Water Desk Training"

ERNIE

Mr. Sturdivan was the founder and Director of the Emergency Response Network of the Inland Empire (ERNIE) for 8 years. ERNIE is a two county local jurisdictional mutual aid assistance and coordination group of 23 utilities within Riverside and San Bernardino Counties, Southern California. He is a certified trainer in ICS 300 and 400. He has trained

countless water employees in SEMS, NIMS and ICS 100, 200, 300, 400 and 700.

He has taught classes on emergency response, and preparedness all over the State of California, as well as in D.C., Nashville, Chicago, and Denver.

As Director of ERNIE, he formed partnerships with the Executive Director of CalEMA, Emergency Manager, for the Counties of San Bernardino and Riverside. Assisted in the coordination of the "water Desk" at both counties, to benefit the industry and form partnerships between the water industry, Counties, State, CalEMA, FEMA and National WARN.

Emergency Planning

Mr. Sturdivan, wrote Emergency Response Plans for
East Valley Water District
West Valley Water District
City of San Bernardino Water Department
Elsinore Valley Water District

Mr. Sturdivan has facilitated Emergency Exercises, from "Boots on the Ground," with over 30 water agencies participating in the Golden Guardian, 2008, to yearly Table-Top exercises with any 15 to 30 utilities in one room. He has assisted and worked in the Southern California Regional Operations Center on many occasions and has worked in the State Operations Center on two separate occasions. He has also worked in the San Bernardino County Emergency operations Center and has been trained to work at the Riverside County Operations.

Mr. Sturdivan was a major contributor to the Golden Guardian/ Shake Out Scenario working closely with Dr. Lucy Jones and the team of experts from USGS.

Mr. Sturdivan, delivered a presentation along with Dr. Jones and CalEMA Under-Secretary, Stephen Sellars, at USGS Headquarters, Department of Interior and to the United States Congress, in Washington D.C.

Mr. Sturdivan wrote or assisted in writing Hazard Mitigation Plans for the following Agencies:

East Valley Water District
West Valley Water District
Yucaipa Valley Water District
San Bernardino Water District
Arrow-bear Water District
Running Spring Water District
City of Redlands
Lake Arrowhead Water District
Vista Water
Rialto Water
Colton Water
Mont Vista Water District

*The plans listed above, were approved by the State of California, CalEMA and FEMA.

USEPA/CDPH

Public Assistance for Water Wastewater Utilities in Emergencies and Disaster:

Reviewed and input information into documents and lessons learned for the USEPA FEMA Funding and Emergency project.

Grants/SRF

Mr. Sturdivan has written applications, which have been approved for funding capital improvement projects, utilizing CDPH/SRF prop 50 and prop 80 funding. He has also written SRF funding's for consolidation of small water utilities into larger utilities. He has seen these projects from beginning, talking to the public, setting up and getting a 218 hearing approved and setting up the Assessment District formed. He received \$25 million in SRF funding for East Valley Water District. He was managed two consolidations of small utilities' into a larger utility, with a

combination of grant funding with zero interest loans, with a 30 year repayment plan, received from CDPH. This resulted in saving the utilities and the residents of each utility millions of dollars.

FEMA

Mr. Sturdivan, has managed operations during 6 disasters in California while at East Valley Water District (EVWD), including working in Imperial County Operations Center and assisting in facilitating repairs to the water wastewater systems of Calexico, Seely, El Centro and Imperial Irrigation District following the Baja earthquake. He was able to receive FEMA reimbursement for EVWD after fire and flood events, receiving Mitigation Grants in excess of \$8 million dollars to mitigate further effects on understructure

Partnerships/Membership

Caltech Pasadena

Member of the Earthquake Research Affiliates (ERA) for 5 years

CA-NV-AWWA

Member of the CA-NV-AWWA,

Member of the CA-NV-AWWA, Emergency Security Committee

Past-Chair, CA-NV-AWWA Emergency Security Committee

AWWA

Member of the AWWA Security Emergency Preparedness Committee

Member of the AWWA Emergency Standards Committee

Chair of the AWWA Security Emergency Preparedness Committee

Chair of the Standards M-19 Committee

Working Member of the G440 Standard Committee

Member of the Security Congress Planning Committee

Member of the AWWA J-100 Review Group

Rotary International

Director of Emergency Preparedness, Rotary, San Bernardino North

Publications

AWWA Journal (three)

CA-NV-AWWA Source (twice)

Bighorn-Desert View Water Agency

Board of Directors

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



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

A Public Agency

December 2, 2011

Laura H. Welch
County of San Bernardino
Clerk of the Board of Supervisors
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

Reference: Neglect to file Oath, Board of Director of Bighorn-Desert View Water Agency

Dear Ms. Welch:

In accordance with Government Code Section 1770 (i), Mr. Paul L. Dossey, elected on November 3, 2011, neglected to file his required Oath of Office with the time prescribed.

The neglect to file was not unexpected as we received Mr. Dossey's letter of resignation from your office on November 10, 2011.

This notice is to inform you of the vacancy effective noon December 2, 2011.

Enclosed please find a copy of his resignation letter for your records.

Please do not hesitate to contact me if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lyni Tompkins".

Lyni Tompkins
Executive Secretary/Personnel Administrator
bdvwa@mindspring.com

Enc: Paul Dossey's Letter of Resignation

cc: Roy Trules, Registrar of Voters, 777 E. Rialto Ave., San Bernardino, CA 92415-1005





County of San Bernardino

Community Services Group

ELECTIONS OFFICE of the REGISTRAR OF VOTERS

Michael J. Scarpello
Registrar of Voters

777 East Rialto Avenue, San Bernardino, CA 92415 • Phone (909) 387-8300 • Fax (909) 387-2022 • www.sbcrov.com

November 22, 2011

Ms. Linda Tompkins
Bighorn-Desert View Water District
622 S. Jemez Trail
Yucca Valley CA 92284

Re: November 8, 2011 Consolidated Election

Dear Linda,

Enclosed with this letter are various documents that relate to the election conducted on November 8, 2011.

As required by California Elections Code 10550, I am sending you a Statement of Election Results. The statement consists of three parts:

- A Statement of Elections certificate signed by me and authenticated by the Seal of the Registrar of Voters.
- A three page Summary Report that lists the Certified Final Official Results
- A compact disk that contains the number of votes cast in each precinct

Also, you will find Certificates of Election for each elected official and/or Certificates In Lieu of Election for each appointed official in your district signed by me and authenticated by the Seal of the Registrar of Voters. This certificate should be presented to each member elected or appointed. (California Elections Code 10553)

The oath of office found on the Certificates of Election and/or the Certificates In Lieu of Election must be administered to the elected official and the appointed official before his/her term commences. The oath of office may be administered by the county elections official or district secretary, or a person designated by the county elections official or district secretary. (California Elections Code 10512)

Lastly, any elective officers elected or appointed, shall take office at noon on the first Friday in December, 2011. (California Elections Code 10554)

If you have any questions, please do not hesitate in contacting my office at (909) 387-2083.

Sincerely,

MICHAEL J. SCARPELLO
Registrar of Voters
MS:rg

Registrar of Voters
San Bernardino County
277 East Rialto Ave
San Bernardino Ca 92415-0770

11-10-11

Fax 909-387-2022

I Paul D. Dossing hear by request
to be taken off as Distributor of
Bighorn - Desert View Water Agency
at my Dr's Orders Due to High
Blood Pressure. Hard to weight due to
hands shaking. This has become
worse the last week.

Thank You

Paul D. Dossing

[REDACTED]
[REDACTED]
[REDACTED]

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

Meeting Date: December 8, 2011

To: Board of Directors

Budgeted: No

Budgeted Amount: \$0

Cost: approx. max. \$25,000 for election

Funding Source: unknown

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Resignation of Paul L. Dossey: Process for Filling Vacant Board Seat

SUMMARY

On November 8, 2011, Mr. Paul L. Dossey was elected to the Bighorn-Desert View Water Agency Board of Directors. Elected officers take office at noon on the first Friday in December, but are required to take the Oath of Office prior to taking office (Elections Code, Section 10554).

Mr. Dossey neglected to file his required Oath of Office within the time prescribed. Therefore, Mr. Dossey has vacated his elected seat on the Board of Directors. It should be noted that Mr. Dossey did notify the County of San Bernardino Registrar of Voters on November 10, 2011 of his intent to resign from the Board of Directors.

Government Code Section 1780 gives the Board 60-days to make its decision on how to fill the vacancy. The effective date of the vacancy is December 2, 2011.

RECOMMENDATION

The Board considers taking the following action:

1. Direct staff on one of the following procedures for filling a vacancy on the Board of Directors within sixty (60) days of the date the vacancy became effective (December 2, 2011);
 - a. Direct staff to call for an election; OR
 - b. Determine to fill the vacancy by appointment; OR
 - c. Do nothing, thereby leaving decision to San Bernardino County Board of Supervisors, either to appoint or to order the agency to call an election, within ninety (90) days of the effective date of the vacancy.

BACKGROUND/ANALYSIS

The process for filling a vacancy on the Board of Directors is outlined in Government Code section 1780, which states that the Board can fill by appointment, call for an election or do

nothing. In either event, the Board must make a decision within 60 days of the effective date of the vacancy. The effective date of the vacancy is December 2, 2011. Sixty days thereafter falls on January 31, 2012.

"Do Nothing":

The "do nothing" option results in the decision about which process to follow being forfeited to the Board of Supervisors. Should the Board not take action within 60 days of the resignation, then the Board of Supervisors has 90 days from the date of resignation to either appoint a person to fill the vacancy or order the Agency to call an election. If the County Board takes no action, the Agency Board must thereafter call an election. That election would be held no earlier than April 10, 2012.

Call for Election:

A candidate selected for this vacancy filled by (a call for) election shall hold office for the unexpired balance of the term of office. In this case the election would be called no earlier than April 10, 2012 with the term then expiring in 2013. The Agency would be responsible for the cost of a special election. The cost is estimation to be between \$9,000.00 (Mail-in Ballot) - \$25,000.00 (Precinct Election).

Appointment to Vacancy:

Filling the vacancy by appointment is the final choice. Should the Board decide that it should proceed with an appointment then staff recommends the following course of action be taken:

- Post a "Notice of Vacancy of Directorship" at the Agency routine posting locations
 - Accept applications from interested members of the community with the Board Secretary verifying candidate requirements such as residency and voter registration.
- Final candidate selection following oral interviews at a full Board meeting prior to the January 31, 2011 deadline.

A candidate appointed by a majority vote of the remaining Board shall hold office until the next general election which would be scheduled for November 2013.

If no applications are submitted or the Board fails to reach a majority decision on the appointment of one particular candidate then the Board can revert back to the other two choices as long as its decision is made by the January 31, 2011 deadline. In order to prevent any misunderstanding, under the appointment option, it is the Board's sole discretion as to whether a candidate is appointed or not. In other words, if only one candidate applies the Board still has to cast a majority vote for that person to actually be appointed.

Attached is a copy of Government Code Section 1750-1752 and 1770-1782.

PRIOR RELEVANT BOARD ACTION(S)

none

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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Enclosed please find a copy of his resignation letter for your records.

Please do not hesitate to contact me if you should have any questions.

Sincerely,

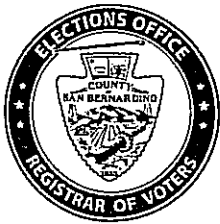
A handwritten signature in black ink, appearing to read "Lyni Tompkins".

Lyni Tompkins
Executive Secretary/Personnel Administrator
bdvwa@mindspring.com

Enc: Paul Dossey's Letter of Resignation

cc: Roy Trules, Registrar of Voters, 777 E. Rialto Ave., San Bernardino, CA 92415-1005





County of San Bernardino

Community Services Group

ELECTIONS OFFICE of the REGISTRAR OF VOTERS

Michael J. Scarpello
Registrar of Voters

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November 22, 2011

Ms. Linda Tompkins
Bighorn-Desert View Water District
622 S. Jemez Trail
Yucca Valley CA 92284

Re: November 8, 2011 Consolidated Election

Dear Linda,

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The oath of office found on the Certificates of Election and/or the Certificates In Lieu of Election must be administered to the elected official and the appointed official before his/her term commences. The oath of office may be administered by the county elections official or district secretary, or a person designated by the county elections official or district secretary. (California Elections Code 10512)

Lastly, any elective officers elected or appointed, shall take office at noon on the first Friday in December, 2011. (California Elections Code 10554)

If you have any questions, please do not hesitate in contacting my office at (909) 387-2083.

Sincerely,

MICHAEL J. SCARPELLO
Registrar of Voters
MS:rg

Registrar of Voters
San Bernardino County
277 East Rialto Ave
San Bernardino Ca 92415-0770

11-10-11

Fax 909-387-2022

I Paul J. Dossery hear by request
to be taken off as Director of
Dighorn - Desert View Water Agency
at my Dr's Orders Due to High
Blood Pressure. Hard to weight due to
hands shaking. This has become
worse the last weeks.

Thank You

Paul J. Dossery

[REDACTED]
[REDACTED]
[REDACTED]

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhardt, President
Michael McBride, Director
David Larson, Director
Judy Corl-Lorono, Director
Director Vacancy



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

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

Marina D West, P.G., General Manager
Lyni Tompkins, Executive Secretary

A Public Agency

www.bdvwa.org

APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY

(Deadline for consideration is 4:30 p.m., Xxxxxx XX, 2012)

Name: _____ Contact Phone Number: _____

Home Address: _____

Registered Voter Residing Within Agency Boundaries: ☐ Yes ☐ No

Please state your reasons for wanting to become a Director of the Agency:

List any community activities:

Signature: _____ Date: _____

Please return completed application to the Executive Secretary at the Agency address, provided above



GOVERNMENT CODE

SECTION 1750-1752

1750. Resignations shall be in writing, and made as follows:

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district or special district other than an air pollution control district which includes territory in more than one county or a school district, not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than the board of supervisors, in which case the resignation shall be submitted to the appointing body.

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

1750.5. The Speaker of the Assembly and the Chairman of the Senate Rules Committee shall immediately inform the Governor in writing whenever a resignation has been made to them, pursuant to subparagraph (f) of Section 1750 of this chapter, from any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee and whenever an appointment has been made by them to any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee.

1751. In all cases not otherwise provided for in this article or elsewhere, a resignation is made by filing the resignation in the

office of the Secretary of State.

1752. (a) Except as provided in subdivision (b), no person elected or appointed to the governing body of any city, county, or district having an elected governing body, shall be appointed to fill any vacancy on that governing body during the term for which he or she was elected or appointed.

(b) With respect to a general law city, if a vacancy in the elected office of mayor occurs, the council may fill that vacancy by appointing a member of the council to the office of mayor. Any person appointed to fill the vacancy shall hold the office of mayor for the unexpired term of the former mayor. Any vacancy created in the membership of a city council as the result of an appointment of a member to the office of mayor shall be filled in accordance with Section 36512.

GOVERNMENT CODE

SECTION 1770-1782

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) His or her resignation.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal-declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

1770.1. The disqualification from holding office upon conviction, as provided in Section 1021, or the forfeiture of office upon conviction, as provided in subdivision (h) of Section 1770 and Section 3000, is neither stayed by the initiation of an appeal from the conviction, nor set aside by the successful prosecuting of an appeal from the conviction by the person suffering the conviction.

1770.2. Upon the entry of a plea of guilty, the entry of a plea of nolo contendere, or the rendering of a verdict of a guilty either by a jury or by the court sitting without a jury of a public offense, the conviction of which would invoke the provisions of Section 1021, subdivision (h) of Section 1770, or Section 3000, the person found

guilty shall not assume the office for which the person is otherwise qualified or shall be suspended immediately from the office the person then holds. During the time of inability to assume an office or of suspension from office, the person shall not be entitled to receive the emoluments of the office, including, but not limited to, the exercise of the powers of the office, the rights to be seated in the office, and the compensation, including benefits, prescribed for the office.

In the event the trial court sets aside or otherwise nullifies the plea or verdict before the trial court judgment is entered, the inability to assume office or the suspension from holding office shall be lifted, and the person suspended from office shall be restored to office with its emoluments, including those that would have otherwise accrued during the suspension, excluding, however, interest on any monetary payment.

1771. When an officer is removed, declared insane, or convicted of a felony or offense involving a violation of his official duty, or when his election or appointment is declared void, the body or person before whom the proceedings are had shall give notice thereof to the officer empowered to fill the vacancy.

1772. When any office becomes vacant and no mode is provided by law for filling the vacancy, the Governor shall fill the vacancy by granting a commission, to expire at the end of the next session of the Legislature or at the next election by the people.

1773. When a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor shall within 14 calendar days after the occurrence of the vacancy issue a writ of election to fill the vacancy; provided, that when such vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, a special election may be held, at the Governor's discretion; and provided, further, that when a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

The Governor shall issue the election proclamation under his hand and the Great Seal of the state, and transmit copies to the board of supervisors of the counties in which the election is to be held.

1773.5. In addition to any other applicable provision of law, a vacancy occurs in the office of Representative in Congress in the event of his or her disappearance, as defined in subdivision (c) of Section 10731 of the Elections Code.

1774. (a) When an office, the appointment to which is vested in the Governor and Senate, either becomes vacant or the term of the incumbent thereof expires, the Governor may appoint a person to the office or reappoint the incumbent after the expiration of the term. Until Senate confirmation of the person appointed or reappointed, that person serves at the pleasure of the Governor. If the term of office of an incumbent subject to this section expires, the Governor shall have 60 days after the expiration date to reappoint the incumbent. If the incumbent is not reappointed within the 60-day period, the office shall be deemed to be vacant as of the first day following the end of the 60-day period.

(b) With respect to the appointment or reappointment by the Governor of a person to an office subject to confirmation by the Senate, the Governor shall submit the name of the person appointed, or the name of the incumbent reappointed, and the effective date of the appointment or reappointment to the Senate or, if the Senate is in recess or has adjourned, to the Secretary of the Senate, within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent, within 90 days after the expiration date of the term. If the Governor does not provide the required notification within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent to an office after the expiration date of the term, within 90 days after the expiration of the term, the office shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(c) If the Senate either refuses to confirm, or fails to confirm within 365 days after the day the person first began performing the

duties of the office, or, with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, within 365 days after the expiration date of the term, the following shall apply:

(1) If the Senate refuses to confirm, the person may continue to serve in that office until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first, or with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, until 60 days have elapsed since refusal or until 365 days after the expiration date of the prior term, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(2) If the Senate fails to confirm within the applicable 365-day period, the person may not continue to serve in that office, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the 365-day period.

1774.1. Notwithstanding any other provision of law, whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate confirms the appointment within the applicable period described in Section 1774, and the term of office is at the pleasure of the Governor, such confirmation shall be deemed the last act necessary for appointment and the Governor shall not be required to issue another commission to complete the act of appointment.

1774.2. (a) For any person whose term of office expires prior to Senate confirmation and who is reappointed to that office, the time served prior to, as well as subsequent to, the expiration date of the prior term shall be counted for purposes of Section 1774.

(b) For any person who resigns an office prior to Senate confirmation and who is reappointed to that office at any time within 365 days of the resignation, the time served prior to, as well as subsequent to, the resignation shall be counted for purposes of

Section 1774.

(c) The subsequent appointment of a person to an office 365 days or more after the date the person last served in that office shall be considered a new appointment, and not a reappointment, for purposes of Section 1774.

1774.3. With respect to any body or entity having more than one member, including, but not limited to, a board, commission, or committee, "office" includes every position on the body or entity, regardless of qualifications, expiration date of the term, or duties and responsibilities of the position.

1774.5. Notwithstanding any other provisions of law, no person holding an office which is deemed to be vacant pursuant to Section 1774 may, after the time the office has been deemed to be vacant pursuant to those provisions, continue to discharge the duties of the office, and no warrant shall be drawn by the Controller for the payment of any salary or expenses of that person attributable to the discharge of the duties of the office after that time. In addition, the Governor shall not reappoint the person to the same office for a period of 365 days after the time the office has been deemed to be vacant.

1774.7. (a) Sections 1774, 1774.2, 1774.3, and 1774.5 shall apply to any person appointed, or reappointed, prior to, or on or after, January 1, 1981, except as follows:

(1) With respect to any person appointed prior to January 1, 1981, the 365-day period specified in Section 1774 shall not commence to run until January 1, 1981.

(2) With respect to the term of office of an incumbent which expires during the period from the first Monday after January 1 of the year a newly elected Governor takes office for the first time, until January 31 of that year, inclusive, the 60-day period specified in subdivision (a) of Section 1774 and the 90-day period specified in subdivision (b) of Section 1774 shall not commence to run until February 1 of that year.

(b) It is the intent of the Legislature that Sections 1774,

1774.2, 1774.3, and 1774.5 shall prevail over any contrary special or general provision of this code, any other code, or any uncodified statute of this state. These sections shall be construed as superseded by another statute only if that statute specifically provides that these sections shall not apply and expressly refers to the numbers of the sections superseded.

1775. Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

After a vacancy has occurred in an office specified in this section and prior to the time such vacancy is filled as provided in this section, the chief deputy to the above constitutional officers shall discharge the duties of the office.

1776. Except as otherwise provided in the Constitution, when a person is appointed by the Governor, or by the Governor by and with the advice and consent of the Senate, either to fill a vacancy in any office or to fill an office when the appointment is not made until after the expiration of the preceding term, the appointee holds office only for the balance of the unexpired term as provided by the law creating the office.

1777. After filing his official oath and bond, any person elected or appointed to fill a vacancy possesses all the rights and powers and is subject to all the liabilities, duties, and obligations of the

officer whose vacancy he fills.

1778. A vacancy in any appointive office on the governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided.

1779. A vacancy on any appointed governing board of a special district shall be filled by the appointing authority within 90 days immediately subsequent to its occurrence. If no action is taken for a period of 90 days immediately subsequent to a vacancy on such a board, the board of supervisors of the county in which the larger portion of the district is located shall have authority to fill the vacancy by appointment.

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled as provided in this section. The district shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The remaining district board members may fill the vacancy by appointment. The person appointed shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor. Appointments pursuant to this subdivision shall be made within a period of 60 days immediately subsequent to either the date on which the district board is notified of the vacancy or the

effective date of the vacancy, whichever is later, and a notice of the vacancy shall be posted in three or more conspicuous places in the district at least 15 days before the appointment is made. The county elections official shall be notified of the appointment no later than 15 days after the appointment. In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(b) If the vacancy is not filled by the district board as specified, or if the board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or county supervisors may order the district to call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(c) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, the district shall call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(2) If the number of remaining members of the board falls below a quorum, at the request of the district secretary, or a remaining board member, the board of supervisors or the city council may waive the 60-day period provided in subdivision (a) and appoint immediately to fill the vacancy as provided in subdivision (a), or may call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

The board of supervisors or the city council shall only fill enough vacancies to provide the board with a quorum.

(d) Persons appointed to fill a vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the county elections official is notified of the vacancy and thereafter until the person elected at that election to fill the vacancy has been qualified, but persons elected to fill a vacancy shall hold office for the unexpired balance of the term of office.

1781. The provisions of Section 1780 shall not apply to a school district, a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, or a district subject to the provisions of Chapter 5 (commencing with Section 22825) of Part 5 of Division 11 of the Water Code.

1782. Notwithstanding any other provision of the law, whenever a vacancy occurs on a state board or commission, or a seat on a board or commission is abolished by statute, the board or commission shall notify the appropriate appointing authority of this occurrence and the appropriate appointing authority shall notify the person occupying the vacated or abolished seat that the person may no longer serve on the board or commission. Except as provided in Section 1774, the person occupying the vacated or abolished seat on the board or commission shall continue to serve until notified by the appropriate appointing authority.

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
NOVEMBER 30, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11654	11/14/11	ACWA REGION 9 BUSINESS 2012 ANNUAL MEMBERSHIP DUES	4,705.00
11655	11/14/11	ACWA-HBA SERVICES CORP. ACWA/HEALTH BENEFITS DEC 2011	819.50
11656	11/14/11	AT&T MOBILITY COMMUNICATIONS EXPENSE	145.92
11657	11/14/11	BUCKNAM & ASSOCIATES, INC. GRANT CONSULTING FEE	1,665.00
11658	11/14/11	CANDIDA NEAL ENVIRO STUDY SEPT/OCT 2011	4,208.75
11659	11/14/11	CLINICAL LABORATORY OF BACT TEST. PT COUNT PT COUNT, BACT TEST	26.00
11660	11/14/11	COUNTY TREASURER OF S.B. LIEN AMT REMOVED	18.00
11661	11/14/11	GPW I.T. SET-UP OFFICE COMPUTERS	387.00
11662	11/14/11	THE HOME DEPOT #6971 OFFICE SUPPLIES	15.74
11663	11/14/11	MAID TO ORDER SVC JEMEZ SVC JEMEZ & MTG ROOM	221.00
11664	11/14/11	OFFICE DEPOT OFFICE SUPPLIES	80.20
11665	11/14/11	PROTECTION ONE REPLACE DAMAGED WIRE	166.58
11666	11/14/11	SDRMA SDRMA MEDICAL BENEFITS NOV2011	5,760.18
11667	11/14/11	TODD ENGINEERS PROF SVC, RECHE	5,358.90
11668	11/14/11	UNDERGROUND SERVICE ALERT DIG ALERTS 10	15.00
11669	11/14/11	USA BLUEBOOK WATER TESTING SUPPLIES	374.94
11679	11/22/11	ALESHIRE & WYNDER, LLP LEGAL FEES OCT 2011 - ALESHIRE	378.00
11680	11/22/11	BARR LUMBER CO INC FIELD MATERIALS FIELD MATERIALS FIELD MATERIALS	75.51
11681	11/22/11	CLINICAL LABORATORY OF BACT TEST, GEN PHYSICAL BACT TEST, PLATE CT PLATE CT, BACT TEST	169.00
11682	11/22/11	DATASTREAM BUSINESS SOLUTIONS SOFTWARE UPDATE	475.00
11683	11/22/11	DESERT PACIFIC EXTERMINATORS PEST CONTROL	250.00
11684	11/22/11	FIRST BANKCARD OFFICE SUPPLIES	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
NOVEMBER 30, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11685	11/22/11	3 OFFICE COMPUTERS, ADMIN EXP GOODSPEED DISTRIBUTING INC	1,669.84
11686	11/22/11	UNLEADED FUEL GPW I.T.	2,149.82
11687	11/22/11	WORKED ON OFFICE COMPUTER COMPLETED OFFICE COMPUTERS	266.00
11688	11/22/11	THE HOME DEPOT #6971 OFFICE SUPPLIES	42.08
11689	11/22/11	IBF PRINTING & GRAPHICS WHITE & YELLOW WATER BILLS	1,170.30
11690	11/22/11	INLAND WATER WORKS FIELD MATERIALS	43.60
11691	11/22/11	FIELD MATERIALS MYFLEETCENTER.COM	68.18
11692	11/22/11	2010 FORD RANGER LC #9090 DAVID LARSON	100.00
11693	11/22/11	MWA BOARD MTG 10/27/11 OFFICE DEPOT	144.07
11694	11/30/11	OFFICE SUPPLIES RETURNED OFFICE SUPPLIES	500.00
11695	11/30/11	OFFICE SUPPLIES PITNEY BOWES PURCHASE POWER	100.00
11696	11/30/11	POSTAGE FOR METER OCT 2011 TERRY BURKHART	133.00
11697	11/30/11	AD HOC COMMITTEE 11/28/11 MORONGO BASIN PIPELINE	50.00
11698	11/30/11	CAPACITY ALLOCATION CLINICAL LABORATORY OF	570.15
11699	11/30/11	BACT TEST, PLATE CT, PHYSICAL EAST VALLEY WATER DISTRICT	68.00
11700	11/30/11	ASSESSMENT FEE FOR RENEWAL IBF PRINTING & GRAPHICS	100.00
11701	11/30/11	ARTWORK & WATER BILLS MAID TO ORDER	5,599.19
11702	11/30/11	SVC JEMEZ MICHAEL MCBRIDE	581.48
11703	11/30/11	AD HOC COMMITTEE 11/28/11 MORONGO BASIN PIPELINE	5.49
11704	11/30/11	CAPACITY ALLOCATION SOUTHERN CALIFORNIA EDISON	15.36
11705	11/30/11	POWER EXP OCT 2011 VERIZON CALIFORNIA	67.00
11706	11/30/11	OFFICE PHONES & AUTO CONTROL OFFICE PHONES & AUTO CONTROLS	80.58
		BANK OF NEW YORK MELLON TR BALANCE RFND ACCT# 0107653	14.12
		CAROL SHOVEY BALANCE RFND ACCT# 0306106	
		DANA DESSELLE 401K TRUST BALANCE RFND ACCT# 0108406	
		JOHN GUNTER BALANCE RFND ACCT# 1005341	
		PATRICIA FIGUEROA BALANCE RFND ACCT# 0308003	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
NOVEMBER 30, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11707	11/30/11	SCOTT MCLATCHY	
		BALANCE RFND ACCT# 0205801	50.62
11708	11/30/11	SHELLY OMALLEY	
		BALANCE RFND ACCT# 0100601	
		CLOSING BILL FOR 01-0060-0	60.93
11709	11/30/11	TENANT ACCESS	
		BALANCE RFND ACCT# 0210600	48.55
11710	11/30/11	WELLS FARGO BANK NTIONAL ASSOC	
		BALANCE RFND ACCT# 1001523	40.71
		TOTAL	39,054.29

GENERAL FUND

ASSETS

CASH & CASH EQUIVALENTS		
01 13120	CASH UNION BANK OF CA	68,678.80
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00

TOTAL CASH & CASH EQUIVALENTS		70,228.80

INVESTMENTS		
01 13303	CASH LAIF-UNRESTRICTED	782,302.11

TOTAL INVESTMENTS		782,302.11

ACCOUNTS RECEIVABLE, WATER		
01 13710	A/R WATER	131,556.08
01 13950	2009-2010 LIEN RECEIVABLE	27,128.15
01 13951	2010-2011 LIEN RECEIVABLE	33,074.96

TOTAL ACCTS RECEIVABLE, WATER		191,759.19

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	60,894.09

TOTAL INVENTORY		60,894.09

PREPAID EXPENSES		
01 14401	PREPAYMENTS WORKERS COMP INSUR	535.00
01 14402	PREPAYMENTS PL & PD LIAB INS	16,546.96

TOTAL PREPAID EXPENSES		17,081.96

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	(5,370,807.22)

TOTAL FIXED ASSETS		3,480,840.82

WORK IN PROGRESS (FOR OTHERS)

Prepared By 103
Date 12/5/2011
Reviewed By WJW

GENERAL FUND

TOTAL WORK IN PROGRESS (OTHERS) 0.00

WORK IN PROGRESS (AGENCY)

01 12005	WIP EPA GRANT	774,067.77
01 12041	WIP-JVHI LAND	8,623.47
01 12043	WIP - JVHI WELL	1,764.24

TOTAL WORK IN PROGRESS (AGENCY) 784,455.48

DEBT ISSUANCE COST

TOTAL DEBT ISSUANCE COST 0.00

TOTAL ASSETS 5,388,594.45

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LIABILITIES

ACCOUNTS PAYABLE

TOTAL ACCOUNTS PAYABLE 0.00

ACCRUED PAYROLL

TOTAL ACCRUED PAYROLL 0.00

CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	465.00
01 22600	CUSTOMER DEPOSITS	52,814.00

TOTAL CUSTOMER DEPOSITS 53,279.00

WORK IN PROGRESS DEPOSIT

01 23004	WIP-DEP-BLUCKER ANNEXATION	7,388.48
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TOTAL WORK IN PROGRESS DEPOSIT 7,388.48

LIAB PYBL FRM RESTRICTD ASSETS

01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00
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TOTAL LIAB PYBL FRM REST ASSET 2,000.00

LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	261,977.05
01 22300	REVENUE BONDS PAYABLE - BH	702,000.00

TOTAL LONG TERM DEBT 963,977.05

TOTAL LIABILITIES 1,026,644.53

BALANCE SHEET
PERIOD ENDING 11/30/11

GENERAL FUND

EQUITY

01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88	
01 30111	FMHA GRANTS	758,297.76	
01 31000	FUND BALANCE	2,796,093.48	
01 31001	FUND BALANCE FEMA & OES	427,895.00	
01 31111	CURR YEAR NET REVENUE/EXPENSE	88,627.80	
TOTAL EQUITY			4,361,949.92
TOTAL LIABILITIES & EQUITY			5,388,594.45
			=====

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 11/30/11

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	28,514.43	196,331.37	243,516.63	44.64%
01 41300 BASIC SERVICE CHARGE	594,000.00	49,670.57	248,470.86	345,529.14	41.83%
01 41400 INCOME METERED BULK WATER	0.00	4,225.39	23,439.94	0.00	0.00%
01 41600 INCOME REVENUE BONDS DV FMHA	49,662.00	-43.14	16,648.95	33,013.05	33.52%
01 41700 INCOME OTHER (OPERATING)	34,480.00	2,734.11	16,408.57	18,071.43	47.59%
	-----	-----	-----	-----	-----
TOTAL OPERATING REVENUE	1,123,343.00	85,101.36	501,299.69	622,043.31	44.63%
NON-OPERATING REVENUE					
01 49100 INCOME GEN TAX ID A 1% BH GA02	52,100.00	0.00	-593.46	52,693.46	-1.14%
01 49101 INCOME BOND DEBT BH FMHA DA01	175,900.00	0.00	-57.45	175,957.45	-.03%
01 49102 INCOME GENERAL TAX 1% DV GA01	52,100.00	0.00	-561.33	52,661.33	-1.08%
01 49200 INTEREST INCOME	3,600.00	709.25	694.59	2,905.41	19.29%
01 49600 INCOME OTHER (NON OPERATING)	0.00	-681.97	0.00	0.00	0.00%
01 49999 FEDERAL/STATE GRANTS FEMA/OES	0.00	3,386.46	3,386.46	0.00	0.00%
	-----	-----	-----	-----	-----
TOTAL NON-OPERATING REVENUE	283,700.00	3,413.74	2,868.81	280,831.19	1.01%
	-----	-----	-----	-----	-----
TOTAL REVENUE	1,407,043.00	88,515.10	504,168.50	902,874.50	35.83%
EXPENSE					

OPERATIONS EXPENSE					
01 54102 OPERATIONS COMPENSATION	147,640.00	11,350.42	47,059.35	100,580.65	31.87%
01 54103 UNIFORMS	2,525.00	0.00	533.20	1,991.80	21.12%
01 54105 AUTO CONTROLS	0.00	211.47	1,098.38	0.00	0.00%
01 54106 VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	68.18	1,541.41	7,458.59	17.13%
01 54107 VEHICLE EXPENSE - FUEL	18,000.00	2,149.82	6,605.94	11,394.06	36.70%
01 54109 FIELD MATERIALS & SUPPLIES	25,000.00	916.29	8,116.72	16,883.28	32.47%
01 54111 WATER TESTING	5,000.00	210.00	2,376.25	2,623.75	47.53%
01 54112 CONTRACTUAL SERV- ENGINEERING	52,000.00	0.00	-6,318.31	58,318.31	-12.15%
01 54114 WATER SYSTEM REPAIRS	25,000.00	374.94	634.95	24,365.05	2.54%
01 54115 BUILDING MAINTENANCE/REPAIR	11,680.00	705.58	6,864.85	4,815.15	58.77%
01 54119 COMMUNICATIONS EXPENSE	1,680.00	145.92	575.57	1,104.43	34.26%
01 54121 DISINFECTION EXPENSE	4,000.00	0.00	1,907.70	2,092.30	47.69%
01 54125 POWER WELLS & PUMPS	59,570.00	4,849.98	21,575.91	37,994.09	36.22%
01 54130 OTHER OPERATIONS EXPENSES	17,000.00	0.00	8,162.58	8,837.42	48.02%
01 54150 PAYROLL LABOR TO PROJECTS	0.00	-125.95	-125.95	0.00	0.00%
01 54160 VEH & EQUIP EXPENSE TO PROJECT	0.00	-309.06	-309.06	0.00	0.00%
01 54170 INVENTORY EXP TO WIP PROJECTS	0.00	-574.37	-574.37	0.00	0.00%

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 11/30/11

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
TOTAL OPERATIONS EXPENSE	378,095.00	19,973.22	99,725.12	278,369.88	26.38%
BULK SYSTEM EXPENSE					
01 55001 PUMPING PLANT EXPENSE	8,935.00	527.22	2,151.73	6,783.27	24.08%
01 55002 BULK OPERATIONS & MAINTENANCE	5,000.00	0.00	241.25	4,758.75	4.83%
TOTAL BULK SYSTEM EXPENSE	13,935.00	527.22	2,392.98	11,542.02	17.17%
ADMINISTRATIVE EXPENSE					
01 56001 DIRECTOR FEES	20,000.00	300.00	5,800.00	14,200.00	29.00%
01 56002 DIRECTOR MEETING EXPENSES	11,000.00	0.00	519.84	10,480.16	4.73%
01 56003 ADMINISTRATIVE COMPENSATION	260,000.00	17,036.23	70,674.39	189,325.61	27.18%
01 56005 ADMINISTRATIVE MEETING EXPENSE	1,000.00	0.00	75.00	925.00	7.50%
01 56006 CONTRACTUAL SERV-AUDITOR	29,418.00	0.00	26,472.00	2,946.00	89.99%
01 56007 CONTRACTUAL SERV-LEGAL	80,000.00	0.00	4,349.20	75,650.80	5.44%
01 56008 PERS CONTRIBUTION	40,450.00	2,964.28	13,305.77	27,144.23	32.89%
01 56009 PAYROLL TAXES	9,375.00	698.84	468.73	8,906.27	5.00%
01 56011 TELEPHONE/FAX/INTERNET/WEB	7,420.00	1,076.47	3,070.85	4,349.15	41.39%
01 56012 MAILING EXPENSES	7,550.00	500.00	1,744.06	5,805.94	23.10%
01 56014 CONTRACTUAL SERV-OTHER	38,660.00	1,700.69	9,388.07	29,271.93	24.28%
01 56016 PROPERTY/LIABILITY EXPENSE	30,000.00	2,356.71	11,783.55	18,216.45	39.28%
01 56017 WORKERS COMP INSURANCE	14,500.00	535.00	1,070.00	13,430.00	7.38%
01 56018 DUES & SUBSCRIPTIONS	7,725.00	4,720.00	8,289.41	-564.41	107.31%
01 56020 POWER OFFICES & YARDS	5,200.00	346.52	1,925.83	3,274.17	37.04%
01 56022 BAD DEBT EXPENSE	43,000.00	-33,089.58	-350.53	43,350.53	-.82%
01 56025 PROPANE	1,800.00	0.00	255.51	1,544.49	14.20%
01 56030 OFFICE SUPPLIES	5,000.00	2,109.44	4,467.92	532.08	89.36%
01 56100 EMPLOYEE BENEFITS INSURANCE	70,850.00	5,876.94	28,321.28	42,528.72	39.97%
01 56110 EMPLOYEE EDUCATION	3,300.00	0.00	1,003.73	2,296.27	30.42%
01 56150 PAYROLL FRINGE EXP TO PROJECTS	0.00	-173.76	-173.76	0.00	0.00%
01 56160 OVERHEAD TO PROJECTS	0.00	-256.90	-256.90	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE	686,248.00	6,700.88	192,203.95	494,044.05	28.01%
TOTAL OPERATING EXPENSE	1,078,278.00	27,201.32	294,322.05	783,955.95	27.30%
NON-OPERATING EXPENSE					
01 56200 OFFICE EQUIPMENT EXPENSE	4,950.00	1,551.57	1,594.61	3,355.39	32.21%
01 56300 CUSTOMER RELATIONS	3,000.00	0.00	291.20	2,708.80	9.71%
01 56400 OTHER ADMINISTRATIVE EXPENSES	3,000.00	-115.23	974.36	2,025.64	32.48%
01 57000 INTEREST EXPENSE - BH BONDS	0.00	0.00	-2,925.00	0.00	0.00%
01 57100 DEPRECIATION EXPENSE	0.00	19,671.40	98,356.28	0.00	0.00%
01 58100 ELECTION COSTS	12,000.00	0.00	0.00	12,000.00	0.00%
01 59100 INTEREST EXPENSE - DV BONDS	0.00	0.00	22,927.20	0.00	0.00%
TOTAL NON-OPERATING EXPENSE	22,950.00	21,107.74	121,218.65	-98,268.65	528.19%

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 11/30/11

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
TOTAL EXPENSE	1,101,228.00	48,309.06	415,540.70	685,687.30	37.73%
NET REV/EXP GENERAL FUND	305,815.00	40,206.04	88,627.80	217,187.20	28.98%
	=====	=====	=====	=====	=====

SOURCES & USES OF FUNDS STATEMENT
GENERAL ACCOUNT (UNION BANK)
Oct-11

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	
BAD DEBT EXPENSE	91.99
A/R - WATER	96,437.85
MISCELLANEOUS REVENUE	817.40
1% GENERAL TAX	
BIGHORN AD VALOREM TAX	
WORKFORCE DEVELOPMENT GRANT	
REIMBURSEMENT FOR REPAIR	2397.71
CUSTOMER DEPOSITS	<u>1,300.00</u>

TOTAL	<u><u>101,044.95</u></u>
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USE OF FUNDS:

A/R WATER	389.28
WIP EXPENSE	
CAPITAL PURCHASES (EPA GRANT)	11,610.65
CAPITAL PURCHASES (JV Hydro Investigation)	
INVENTORY PURCHASES	
PREPAYMENTS - INSURANCE	
PAYMENTS FOR SALARIES & WAGES	31,939.38
OPERATIONS EXPENSES	9,380.22
ADMINISTRATIVE EXPENSE	18,909.82
INTEREST EXPENSE - BH BONDS	
BOND PAYABLE - DV	
TRANSFER TO LAIF	

TOTAL	<u><u>72,229.35</u></u>
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Prepared By JS
Date 12/5/2011
Reviewed By mmw

UNION BANK OF CALIFORNIA
DISBURSEMENTS NOV 2011

Datastream Check Register	<u>39,054.29</u>	<u>39,054.29</u>
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EFT for Vendor Services

Bank Fees	177.80	
Credit Card Fees	997.89	
Internet Access Fee	<u>59.99</u>	
Total EFT for Vendor Services		<u>1,235.68</u>

Wages for Paydate 11/10/11

State & Fed Taxes plus PERS Paid	5,385.75	
Wages check #11645-11653	<u>10,884.22</u>	
		<u>16,269.97</u>

Wages for Paydate 11/23/11

State & Fed Taxes plus PERS Paid	5,322.68	
Wages check #11670-11678	<u>10,346.73</u>	
		<u>15,669.41</u>

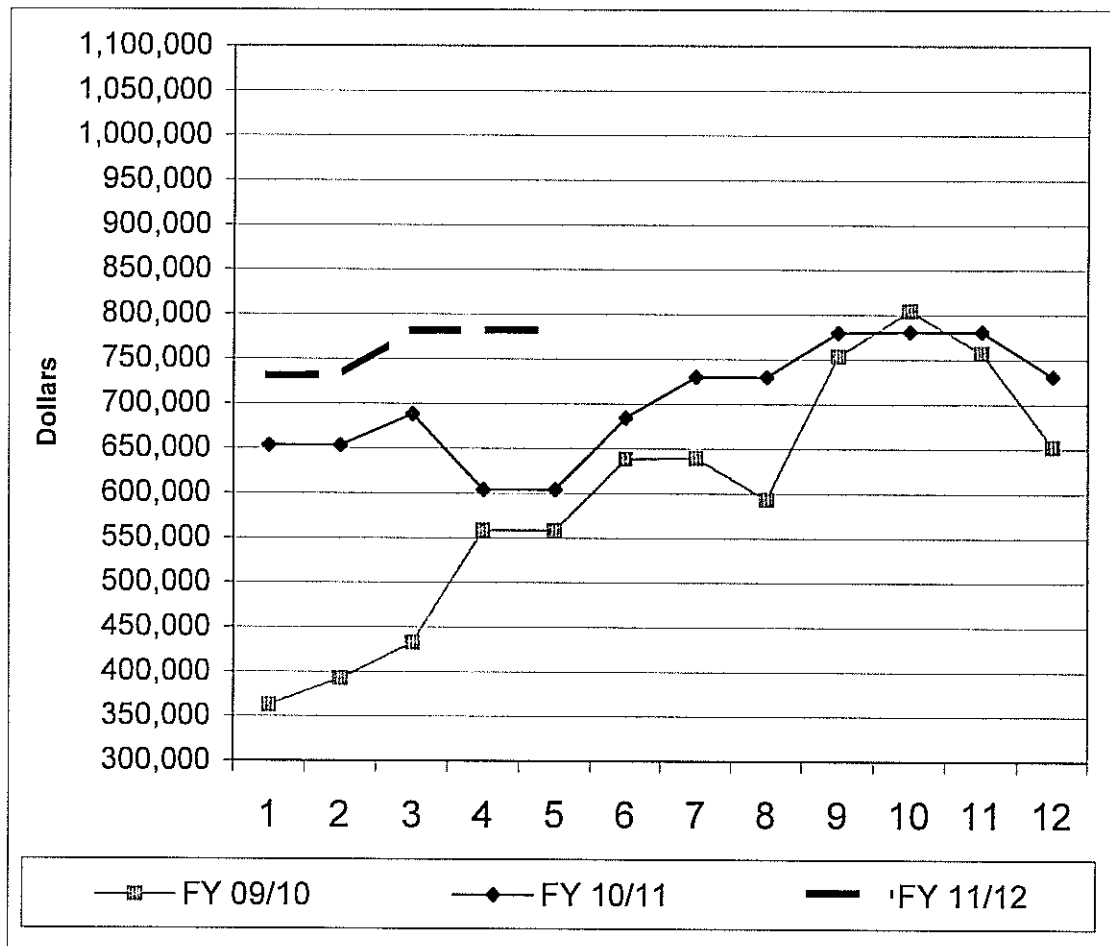
Total Disbursements

72,229.35

Prepared By JB
Date 12/5/2011
Reviewed By mmw

Local Agency Investment Fund Balance Timeline **Balance as of**

	FY 09/10	FY 10/11	FY 11/12
July	362,520	653,168	730,685
August	392,520	653,168	731,593
September	432,520	688,168	781,593
October	558,397	604,025	782,302
November	558,397	604,025	782,302
December	638,397	684,025	832,302 <i>current</i>
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	



DATE: December 1, 2011
TO: Lyni Thomkins
FROM: Michelle Corbin
RE: Consumption & Billing Comparison November 2011

Consumption

Residential- North- Bighorn

	Meters	Usage (c.f.)
Book 1	148	254,426
Book 2	183	182,649
Book 3	161	151,633
Book 4	152	126,244
Book 5	128	119,533
Book 6	137	115,334
Total	909	695,393

Residential- South- Desert View

	Meters	Usage (c.f.)
Book 7	160	631
Book 8	174	1
Book 9	185	84
Book 10	177	50
Book 11	191	0
Total	887	766

Bulk -Kickapoo, Well 4, Cherokee

	Meters	Usage (c.f.)
Book 30	41	17,633
Book 31	6	4,297
Book 32	4	10,790
Total	51	32,720

Construction Meters

	Meters	Usage (c.f.)
Book 40	0	0
Total	0	0

Bulk - Well 10

	Meters	Usage (c.f.)
Book 33	47	16,989
Total	47	16,989

Billed Consumption	1,000,294
Non Billed Usage	2,730
Total Consumption	1,003,024

Active Residential Meters	1,798
Active Bulk Meters	98
Total Active Meters	1,896

Billing Comparison

	This Year NOV 2011	Last Year NOV 2010	Difference More (Less)
Statistics			
Total Customer Accounts	1,007	1004	3
Usage in Cubic Feet	1,000,294	935,076	65,218
Percentage Increase/(Decrease)			7%

Revenues

Water Revenues	32,739.82	30,173.37	2,566.45
Basic Service Charge	50,003.27	49,368.91	634.36
Miscellaneous	255.55	194.05	61.50
Delinquent Charges	1,643.43	1,373.05	270.38
Total Operating Revenues	84,642.07	81,109.38	3,532.69

Debt Service Revenues (pass through)

FMHA **	13.05	-	13.05
Total Debt Service Revenues	13.05	-	13.05

Additional Information Regarding Pass Through Revenues

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

Total Charges (Proof)	84,655.12	81,109.38
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Date: 12/1/11
 To: Lyni Tompkins
 From: Michelle Corbin
 Subject: Service Order Report July 2011 through June 2012

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
After Hours Call	1	4	3	1	2								11
Close Account	29	31	21	39	13								133
Customer Service	8	12	9	6	8								43
Customer Leak	1	0	1	0	0								2
Destroy Service Line	0	1	0	1	0								2
Exchange Meter	2	0	0	0	5								7
Fire Flow Test	0	0	0	0	1								1
Flush Deadend/Blowoffs	0	0	0	1	0								1
Hangtag	27	33	26	24	32								142
Install New Service	0	0	0	0	0								0
Leak Response	4	9	7	2	4								26
Lock-Off Service	13	8	16	24	9								70
Repair Mainline	0	0	0	0	0								0
Miscellaneous	26	7	18	10	7								68
Office Repairs	0	0	0	1	2								3
Open New Service	30	31	21	39	13								134
Pressure Complaint	1	0	0	0	0								1
Pull Meter	2	0	0	0	1								3
Read Meter	4	0	0	0	0								4
Repair Service Line	9	14	7	3	3								36
Replace Service Line	3	0	0	0	0								3
Reread Meter	35	55	28	20	4								142
Tamper	3	0	0	0	1								4
Unlock Service	4	7	10	11	10								42
Valve Maintenance	0	0	0	0	0								0
Verify Meter Locked	10	2	6	7	7								32
Well Repairs	0	0	1	0	0								1
Water Issues **	0	0	0	0	1								1
TOTAL	212	214	174	189	123								912

Fire Hydrant Maintenance and Overhaul activities began in November 2010

** Includes Water Quality (taste, odor, color) as well as high or low pressure concerns.



DATE: 11/3/2011
TO: Board of Directors
FROM: Kit Boyd
RE: NOVEMBER 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	268,070	2,005,164	380	87.9	6.15
Well 4	0	0	#DIV/0!	0	0.00
Well 6	175,100	1,309,748	419	52.1	4.02
Well 7	128,330	959,908	111	143.9	2.95
Well 8	124,600	932,008	936	16.6	2.86
Well 9	477,000	3,567,960	670	88.8	10.95
Well 10	13,260	99,185	54	30.4	0.30
Total	1,186,360	8,873,973			27.24

Wells 2, and 4 did not run this month

A Boosters	47,210	353,131	61	95.7
C Boosters	237,100	1,773,508	161	183.5
Total	284,310	2,126,639		

Bighorn-Desert View Water Agency

Board of Directors

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



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

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

Marina D West, 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, November 30, 2011 - 6:00 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:04 p.m.

PLEDGE OF ALLEGIANCE

Led by Hayley Larson.

ROLL CALL

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

Staff Present: Marina West
Lyni Tompkins

APPROVAL OF AGENDA

Motion to approve the agenda.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

**PRESENTATION OF THE AGENCY FINANCIAL AUDIT FOR FISCAL YEAR 2010-2011 BY THE
INDEPENDENT CPA FIRM OF MAYER HOFFMAN MCCANN P.C.**

General Manager West reported all staff contributed to this audit and compiled a report that the Agency believes can be submitted for award to the Government Finance Office Association award program for Excellence in Financial Reporting, the highest recognition a local government could receive for financial reporting, which will be done after tonight's meeting. The audit has a new layout and is longer than previous audits to make it eligible for the award.

General Manager West also introduced Ken Al-Imam of Mayer Hoffman McCann P.C. who gave a presentation of the Agency's Financial Audit for fiscal year 2010-2011.

Public comments:

Lary Callandar, had questions from page 30 and page 35 of the report, and complemented the report as award winning in his opinion as a business owner.

MOTION NO. 11-061

After Board discussion, Director McBride made a motion to receive and file the Agency Financial Audit for Fiscal Year 2010-2011 conducted by Mayer Hoffman McCann P.C. Director Corl-Lorono seconded the motion.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH DANIEL B. STEPHENS & ASSOCIATES, INC. TO COMPLETE THE JOHNSON VALLEY HYDROLOGIC INVESTIGATION, AND AUTHORIZE A BUDGET FOR AGENCY'S PROJECTED COST SHARE

General Manager West gave the staff report.

Public comment:

Lary Callandar, commented that this is a great start, wrote an article about a pressurized water system, would like a permit someday to build in Johnson Valley for his grandchildren, and is affordable to the Agency a step up for improving the residents of Johnson Valley.

MOTION NO. 11-062

After Board discussion, Vice President McBride made a motion to Authorize General Manager to execute a Professional Services Agreement with Daniel B. Stephens & Associates, Inc. in the amount of \$171,372 for completion of the Johnson Valley Hydrologic Investigation in accordance with the Agency's proposal dated August 11, 2011 and the proposal received from Daniel B. Stephens & Associates, Inc. dated September 9, 2011 and revised cost estimate dated November 16, 2011; and authorize a budget of \$93,611 to cover the Agency's projected cost share. The motion was seconded by Director Corl-Lorono.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

RESOLUTION NO. 11R-20, NOMINATING JUDY CORL-LORONO TO THE BOARD OF DIRECTORS OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES HEALTH BENEFITS AUTHORITY (ACWA HBA)

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-063

After brief Board discussion, Vice President McBride made a motion to adopt Resolution No. 11R-20, nominating Judy Corl-Lorono to the Board of Directors of the Association of California Water Agencies Health Benefits Authority. Director Larson seconded the motion.

Roll Call Vote:

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

MSC¹ (McBride/Larson) motion carried. Director Corl-Lorono abstained from voting due to a possible conflict of interest.

MORONGO BASIN PIPELINE (MBP) CAPACITY ALLOCATIONS AD HOC COMMITTEE REPORT

Vice President McBride gave a status report to the Board of this committee and is looking for Board direction regarding Morongo Basin Pipeline capacity allocation discussions with the other ID 'M' Participants.

No public comment.

MOTION NO. 11-064

After Board discussion, Director Larson made a motion that the Board proceed forward with the recommendation that our members of the Morongo Basin Pipeline (MBP) Capacity Allocations Ad Hoc Committee recommend and urge the other ID 'M' participants to allocate based on existing capacity allocations for the participants. The motion was seconded by Director Corl-Lorono.

MSC¹ (Larson/Corl-Lorono) unanimously approved.

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

CHANGE ORDER NO. 4 WITH TODD ENGINEERS FOR WATER INFRASTRUCTURE RESTORATION PROGRAM PROJECT MANAGEMENT, PERMITTING, HYDROGEOLOGIC FEASIBILITY STUDY AND GROUNDWATER MANAGEMENT PLAN PROJECT SERVICES

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-065

After Board discussion, Director Corl-Lorono made a motion to Authorize General Manager to execute Change Order No. 4 with Todd Engineers for Water Infrastructure Restoration Program Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project Services in the Amount of \$12,300; and extend contract completion date to March 30, 2012. Director Larson seconded the motion.

MSC¹ (Corl-Lorono/Larson) unanimously approved.

REVIEW OPTIONAL DENTAL & VISION COVERAGE

General Manager West gave the staff report.

No public comment.

This was an information item only; no action was required.

DISBURSEMENTS OCTOBER 2011

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

No public comment.

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

MSC¹ (Larson/McBride) unanimously approved.

CONSENT ITEMS

- a. Financial Statements October 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, October 2011
- c. Service Order Report, October 2011
- d. Production Report, October 2011
- e. Special Board Meeting Minutes, October 26, 2011
- f. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, September & October 2011
- g. Water Infrastructure Restoration Program/EPA STAG Grant: Bucknam & Associates Change Order No. 2 for Grant Administrative Services Contract Extension through April 30, 2012 with no Increase in the Contract Amount
- h. Resolution 11R-21 - Adopting the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project Mitigated Negative Declaration - Addendum Ames/Reche Groundwater Storage and Recovery Program

General Manager West requested consent item 'h' be pulled from the consent calendar.

No Public comment.

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

MSC¹ (McBride/Corl-Lorono) unanimously approved.

MATTERS REMOVED FROM CONSENT ITEMS

General Manager West gave the staff report on Item 'h' on the consent calendar. This item was pulled from the consent calendar because it needs a roll call vote. However this resolution is administrative.

No public comment.

MOTION NO. 11-066

After brief Board discussion, Director Corl-Lorono made a motion to adopt Resolution 11R-21 - Adopting the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project Mitigated Negative Declaration - Addendum Ames/Reche Groundwater Storage and Recovery Program. The motion was seconded by Director Larson.

Roll Call Vote:

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

MSC¹ (Corl-Lorono/Larson) unanimously approved.

PUBLIC PARTICIPATION

Lary Callandar, commented on a resent false accusation of a Bighorn-Desert View Brown Act Violation; costing the Agency money for being accused of something that the Agency did not do. The Board broke no violation. He was glad the Board was cleared of the accusation.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

None

DIRECTORS' REPORT

Vice President McBride commented on being thrilled with staff and their work investigating competitive pricing of their benefits. He also thanked Director Nell Casey Garcia for her work as a Director on the Board.

Director Corl-Lorono reported on attending a webinar in Mojave about the correlation between water and power.

PRESIDENT'S REPORT

None

ITEMS FOR NEXT AGENDA

May have to proceed with a possible Board vacancy.

ADJOURNMENT - President Burkhart adjourned the meeting at 7:44 p.m.

Approved by:

Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.

TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

December 8, 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 – November 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 November 1 through 30, 2011.

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

Work Completed During November 2011

Task 4.2 Support for MOU and Water Agreement Amendment - Todd and Aleshire & Wynder LLP (Richards/Watson/Gershon) provided support to the Agency for comments on the final draft MOU/Agreement amendment.

Work Planned for December 2011

Task 4.1 Groundwater Management Plan – When provided by the Agency, 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

Total professional charges for the Period November 1 through 30, 2011 are \$5,616.90, bringing total charges to date to \$529,598.60. An accounting error of \$970.10 was corrected and the total charges reflect this correction. In December 2011, the Agency approved Change Order No. 3 providing additional funding of \$12,300.00 for Task 4.2 Agreement Amendment. The total approved budget is now \$543,621.50. The remaining budget is \$14,022.90.

Attachments:

Table 1. Charges Details by Task

Table 2. Charges to Date and Budget Remaining



Todd Engineers and Kennedy/Jenks Consultants
Accrued Hours by Task

Table 1 Charges Details by Task (through November 30, 2011)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan															
Classification	Project Manager	Principal Geologist	Senior Geologist	Senior Geologist	Senior Geologist	QC	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	Craig \$165	Stanlin \$190	Lin \$160	Abbott \$170	Taylor \$150	Priestaf \$190	\$95								
Task 1 – Project Management	150	0.25	29.5	4.5	2.5	2	12.5	201.25	\$ 34,845.00	\$ 896.90	\$ 377.76	\$ 54.92	\$ 8.24	-	\$ 35,992.82
Task 1 – Project Management	150	0.25	29.5	4.5	2.5	2	12.5	201.25	\$ 34,845.00	\$ 896.90	\$ 377.76	\$ 54.92	\$ 8.24	-	\$ 35,992.82
Task 2 – Permitting Support	66.75	0	21.5	0	0	0	0	88.25	\$ 15,786.75	\$ 315.78	-	-	-	\$ 22,181.41	\$ 36,285.94
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	\$ 809.35	\$ 569.66	\$ 79,840.70	\$ 7,094.07	\$ 44,329.71	\$ 103,933.44
3.2 HDWD Well No. 24 Aquifer Test	40.5	0	0	55	0	0	0	95.5	\$ 18,842.50	\$ 336.85	-	\$ 1,239.30	\$ 123.93	\$ 12.39	\$ 18,554.07
3.3 Perennial Yield Assessment	28	0	57	0	0	0	0	83	\$ 13,930.00	\$ 276.60	-	\$ 1,187.50	-	-	\$ 15,398.10
3.4 Groundwater Flow Evaluation	303	0	148.75	0	0.5	0	0	450.25	\$ 79,810.00	\$ 1,592.20	-	\$ 10.00	-	-	\$ 81,212.20
3.5 Water Quality Evaluation	46.5	0	18	0	0	0	0	87.5	\$ 12,037.50	\$ 240.75	-	\$ 4,055.00	\$ 405.50	\$ 1,326.13	\$ 18,064.88
3.6 Hydrogeology FS Report	162.5	0	0	0	0	0	23	184.5	\$ 33,687.50	\$ 673.75	-	\$ 21.09	\$ 2.11	\$ 0.21	\$ 34,364.60
Task 3 Total	725	0	253.25	55	0.5	0	23	1038.75	\$ 186,575.00	\$ 3,731.50	\$ 668.66	\$ 80,453.59	\$ 8,535.61	\$ 45,668.44	\$ 331,448.24
Task 4 – Groundwater Management Plan and Water Agreement Amendment															
4.1 GWMP	100.5	10.25	99.5	0	0	0	52.75	263	\$ 41,471.25	\$ 829.43	-	-	-	-	\$ 42,300.68
4.2 Agreement Amendment	62	28	100	0	0	0	0	190	\$ 32,760.00	\$ 655.80	\$ 40.00	\$ 40,306.11	\$ 4,030.61	\$ 3,790.40	\$ 81,812.92
Task 4 Total	162.5	38.25	199.5	0	0	0	52.75	453	\$ 74,231.25	\$ 1,485.23	\$ 40.00	\$ 40,306.11	\$ 4,030.61	\$ 3,790.40	\$ 123,913.60
Total Charges to Date through November 30, 2011	1104.25	38.5	505.75	59.5	3	2	88.25	1601.25	\$ 311,470.00	\$ 8,229.40	\$ 987.42	\$ 126,814.62	\$ 12,564.46	\$ 71,610.25	\$ 629,690.60



Todd Engineers and Kennedy/Jenks Consultants

Table 2 Charges to Date and Budget Remaining (through November 30, 2011)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan				
Task Name	Task Budget	Charges to Date (November 30, 2011)	Remaining Budget	
Task 1 – Project Management	\$36,831.60	\$35,982.82	\$848.78	
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	\$15,381.60	\$15,396.10	-\$14.50	
3.4 Groundwater Flow Evaluation	\$81,227.05	\$81,212.20	\$14.85	
3.5 Water Quality Evaluation	\$18,093.10	\$18,084.89	\$8.22	
3.6 Hydrogeology FS Report	\$34,399.60	\$34,384.66	\$14.94	
Task 3 Total	\$325,870.30	\$331,446.24	-\$5,575.94	
Task 4 – Groundwater Management Plan and Water Agreement Amendment				
4.1 GWMP	\$47,571.60	\$42,300.68	\$5,270.93	
4.2 Agreement Amendment	\$93,992.00	\$81,612.92	\$12,379.08	
Task 4 Total	\$141,563.60	\$123,913.60	\$17,650.00	
Project Total	\$543,621.50	\$529,598.60	\$14,022.90	