

## Bighorn-Desert View Water Agency

### Board of Directors

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



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A Public Agency

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## FINANCE/PUBLIC RELATIONS/EDUCATION AND PERSONNEL COMMITTEE SPECIAL MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday, January 11, 2012 - 5:00 p.m.

### COMMITTEE MEMBERS: Vice President McBride & President Burkhart

The BDVWA Finance/Public Relations/Education & Personnel Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

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

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

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

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

5. **REVIEW OPTIONS FOR COMPLIANCE WITH SECTION 33305 OF THE BIGHORN-DESERT VIEW WATER AGENCY LAW (CALIFORNIA WATER CODE APPENDIX 112 & RELATED WATER CODES)**
6. **REVIEW DISCUSS ADDING AB 1825 SEXUAL HARASSMENT PREVENTION TRAINING AS A REQUIREMENT FOR DIRECTORS**
7. **REVIEW DIRECTORS' PER DIEMS**
8. **CONSENT ITEMS** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

- a. Regular FPREP Committee Meeting Report, September 14, 2011

## **9. PUBLIC COMMENT PERIOD**

Any person may address the Committee 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.

## **10. VERBAL REPORTS**

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

## **11. ITEMS FOR NEXT AGENDA**

## **12. ADJOURNMENT**

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

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda.

Copies of these materials and other discloseable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during

regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

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

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

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

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE  
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** January 11, 2012

**To:** Financial/PR/Education/Personnel Comm.    **Budgeted:** N/A  
Board of Directors                                    **Budgeted Amount:** \$0  
   **Cost:** Unknown

**From:** Marina D. West                                    **General Counsel Approval:** Obtained  
   **CEQA Compliance:** N/A

**Subject:** Review Options for Compliance with Section 33305 of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 & Related Water Codes)

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**SUMMARY**

Staff has determined that the Agency is not in compliance with Section 33305 of the Bighorn-Desert View Water Agency Law (attached) which requires a separation of finances of the former district systems when a consolidation occurs without a vote of the public.

Bighorn Mountains Water Agency and Desert View Water District were legally consolidated without a vote of the public but through an action of the California State Legislature (attached Assembly Bill No. 1819 – Woodruff) which established a format for the consolidation allowing consolidation of the two districts under the provisions of the Cortese-Knox Local Government Reorganization Act of 1985.

The Local Area Formation Commission (LAFCO) completed the consolidation on April 18, 1990 (attached LAFCO Proposal No. 2595/Resolution No. 2255) outlining the conditions and findings of the consolidation. LAFCO No. 2595 Condition No. 10 cites that the successor agency shall function under and pursuant to the Bighorn Mountains Water Agency Law which includes Section 33305 requiring the separation of finances.

The Board of Supervisors of the County of San Bernardino approved the change of organization for the consolidation of the Desert View Water District and the Bighorn Mountains Water Agency in Resolution No. 90-244, executed June 4, 1990. Resolution No. 90-244 Condition No. 10 also cites that the successor agency shall function under and pursuant to the Bighorn Mountains Water Agency Law which includes Section 33305 requiring the separation of finances.

Staff has concluded there are four options to consider to resolve this matter: 1) do nothing, 2) separate the finances such that there are two distinct functioning enterprises, 3) solicit the electorate to either confirm the requirement for a separation of finances or authorize complete consolidation, and 4) approach the California State Legislature to retroactively repeal Section 33305 from the Bighorn-Desert View Water Agency Law.

## RECOMMENDATION

Staff is requesting Committee's input and direction.

## BACKGROUND/ANALYSIS

Staff has determined that the Agency is not in compliance with Section 33305 of the Bighorn-Desert View Water Agency Law (attached). Section 33305 is only one sentence long and is very simple, but its impact is substantial.

*Section 33305 provides:*

*"Section 31012 applies to a county water district consolidated with the Bighorn Mountains Water Agency.*

*Water Code Section 31012 reads as follows:*

*"If ... substantially all of a district water system is acquired by another public agency ... the following provisions shall apply:*

- (a) All funds derived from the operation of the former district system shall be separately accounted for and used exclusively for the purposes of maintenance, operation, betterments, and bond service of the acquired system.*
- (b) No funds derived from the former district's system shall be used for any other such purpose until all debt of that former system has been paid in full ...."*

The addition of incorporating, by reference, Section 31012 served to impose a requirement that the consolidated entity maintain and operate two separate water systems.

Bighorn Mountains Water Agency and Desert View Water District were consolidated without a vote of the public. The consolidation was allowed through an action of the California State Legislature (attached Assembly Bill No. 1819 – Woodruff) which established a format for the consolidation of the two districts under the provisions of the Cortese-Knox Local Government Reorganization Act of 1985 under the authority of the Local Agency Formation Commission (LAFCO).

LAFCO completed the consolidation on April 18, 1990 (attached LAFCO No. 2595) outlining the conditions and findings of the consolidation. LAFCO No. 2595 Condition No. 10 cites that the successor agency shall function under and pursuant to the Bighorn Mountains Water Agency Law which includes Section 33305 requiring the separation of finances. LAFCO No. 2595 did not specifically state that Section 33305 was more important than any other provision in the BDVWA Law by making it a separate condition of consolidation. However, LAFCO No. 2595 does correctly require that all debt be tied to the lands benefitted (Condition No. 11). BDVWA has correctly complied with Condition No. 11 in its accounting structure.

The issue is what to do about the requirement to maintain two separate enterprise funds on a going forward basis.

Staff has concluded there are four options to consider to resolve this matter: 1) do nothing, 2) separate the finances such that there are two distinct functioning enterprises, 3) solicit the electorate to either confirm the need for separation of finances or authorize complete consolidation, and 4) approach the California State Legislature to retroactively repeal Section 33305 from the Bighorn-Desert View Water Agency Law.

#### Analysis of options:

Option 1 - Do Nothing: Since the consolidation in 1990 the Agency has not complied with provisions of Section 33305 of the Bighorn-Desert View Water Agency Law so one option is to continue with the status quo. Water Code Section 31012 (b) could be a signal that the requirement ends when the bonds are paid off (in another 8 years). However, if challenged a court might rule otherwise on the meaning of this subsection. The risk is that the Agency is open to receiving a complaint. Therefore, the "do nothing" approach does leave some level of risk in place, potentially, in perpetuity.

Option 2 – Separate the Finances ("split the books"): Staff has not fully evaluated the true cost of running two separate operations but doing so is expected to increase operating costs. This is not consistent with the original intent to consolidate for cost efficiency reasons. For example, separate books and accounts will have to be maintained with each subject to a separate audit. This includes all labor, supplies, equipment, utilities and overhead. In addition the Board workload will also increase since there will be a need to separate agency agenda actions, budgets, rate resolutions, and hold duplicate public hearings. An increase in financial analysis resources will be required to adequately "control" accuracy of the day-to-day accounting. Again, such an operation is inconsistent with the intent of consolidating for economic reasons. If forced to operate under a dual bookkeeping system the cost of operations will surely increase and those costs will be passed onto the ratepayers proportionately according to the perceived/actual level of services needed. Furthermore, just based on its larger geographic size the predecessor Bighorn Mountains Water Agency is likely to take more resources to operate and maintain and therefore their rate structure is likely to be different than for Desert View. Again, this is inconsistent with the desire to consolidate.

Option 3 – Solicit the Electorate: The voters have the authority to approve a full consolidation or not. Staff has not evaluated the total cost of this option but if the intent was to obtain approval to fully consolidate then there would be election costs plus public relations costs necessary to educate the public about the ballot measure and its affects on the individual voter. Note that, in a vote of the electorate, registered voters who currently receive no service from the Agency would have an equally weighted vote against those that are active rate payers. This may lead to unforeseen difficulties in educating the public on the benefits of an affirmative vote for the ballot measure.

Option 4 – Change the BDVWA Law: The Agency could request the State Legislature retroactively repeal Section 33305 from the Bighorn-Desert View Water Agency Law. This would have no negative ramifications on either LAFCO's consolidation or the County's consolidation Resolutions. All other conditions of these Resolutions are unaffected by such

an action as the State Legislature has the authority to make such a revision to the BDVWA Law. The cost to this option involves only staff time to solicit the legislature.

Staff seeks Committee input on the options but offers the following additional information which seems to justify Option 4. This includes an analysis of why a full consolidation of the Bighorn Mountains Water Agency and the Desert View Water District is warranted here today when under a different set of circumstances such a consolidation may in fact be inappropriate.

- Upon completion of LAFCO No. 2595 the consolidated Agency began receiving a one percent (1%) general levy from each parcel in the total combined Agency. There was no initial separation of the general tax levy by the auditor/controller which is an indication that the consolidated agency was "a whole" not "two parts" in terms of ad valorem taxes (excluding debt).
- LAFCO No. 2595 Condition No. 13 states that the "appropriations limit (Gann Limit) of the consolidated agency, if any, shall be the aggregate appropriations limits, if any, of the two agencies. This is another indication to staff that LAFCO viewed BDVWA as consolidated, a single entity with appropriations limit being the sum total of the two parts.
- Assembly Bill No. 1819 (Woodruff) was originally drafted to mandate the separation of the entities but this language was redacted in a revised version prior to adoption. However, after redaction the Bill was amended to include Section 33305 (see attached Bill, page 3, lines 28 to 40 and page 4, lines 1 through 7). This is an indication to staff that the Legislature understood the ineffectiveness of having the consolidated water agency operate under two different mandates (including financial controls) opening a door to retroactive repeal of Section 33305. Operating under such mandates would not produce any economic savings for the new agency.
- There is a demonstrated history of the Agency operating without the necessity of an artificial division of finances for more than 20 years.
- LAFCO approved the consolidation of Desert View and Bighorn in April, 1990 (Resolution No. 2255), and the San Bernardino County Board of Supervisors approved the consolidation on June 4, 1990 pursuant to Resolution No. 90-244. LAFCO in its Resolution, and the Board of Supervisors in its Resolution, each found "That the reason for the proposed change of organization is that a consolidated successor district will institutionalize economic savings ...." Neither Resolution specifically referred to AB 1819, and neither Resolution called for the maintenance of separate water systems and separate books and records for each water system, except as provided in Condition No. 11 which mandates separation of the indebtedness of the predecessor agencies.
- Assembly Bill No. 1819 (Woodruff) states on page 4, beginning on line 13, that "no action or proceeding shall be brought for or against the Desert View Water District or the Bighorn Mountains Water Agency, but shall instead be prosecuted by or against the consolidated successor district". This statement seems to directly contradict the requirement to maintain separate enterprises. It clearly states the whole will care for the liability of the parts.
- Water Code Section 31012 referenced by BDVWA Law Section 33305 states "if *a district water system is acquired by another public agency... the following provisions shall apply...*". Staff speculates that this implies consolidation with an entity which

provides unique and different services than the entity being acquired. In this case, both entities provide identical public service to their constituents; they both serve water.

If the Agency proceeds with Option 4, staff believes we will have resolution with the State Legislature, for or against our request, by the end of calendar year 2012. Option 4 is far from the "do nothing" approach to a complicated problem. Should this option fail, staff will bring the issue back to the Board for an alternative solution.

**PRIOR RELEVANT BOARD ACTION(S)**

none



# BIGHORN-DESERT VIEW WATER AGENCY LAW



## CALIFORNIA WATER CODE APPENDIX 1112 & RELATED WATER CODES

**WATER CODE  
DIVISION 12. COUNTY WATER DISTRICTS  
PART 5. POWERS AND PURPOSES  
CHAPTER 1. POWERS AND PURPOSES GENERALLY  
ARTICLE 1. POWERS GENERALLY**

*Current through end of 1997-98 Reg. Sess. and 1st Ex. Sess.*

**§ 31012. Acquisition of district water system by another public agency other than by vote**

If, on or after the effective date of this section, substantially all of a district water system is acquired by another public agency by any method other than a vote of the electorate of that district so authorizing, the following provisions shall apply:

(a) All funds derived from the operation of the former district system shall be separately accounted for and used exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system.

(b) No funds derived from the former district system shall be used for any other such purpose until all debt of that former system has been paid in full or until a majority vote of the electorate of the area served by that former system has authorized such other expenditures.

**CREDIT(S)**

1984 Main Volume

*(Added by Stats.1974, c. 791, p. 1722, § 1, eff. Sept. 18, 1974.)*

<General Materials (GM) - References, Annotations, or Tables>

**REFERENCES**

**CROSS REFERENCES**

Application of this section to county water district consolidated with Bighorn Mountains Water Agency, see Water Code § 33305.

Permitting Consolidation to take Place

AMENDED IN ASSEMBLY MAY 2, 1989

CALIFORNIA LEGISLATURE—1989-90 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1819**

Introduced by Assembly Member Woodruff

March 9, 1989

An act to add Part 9.2 (commencing with Section 33300) to Division 12 of the Water Code, *and to amend Sections 1, 5, and 15.3 of, and to add Section 3 to, the Bighorn Mountains Water Agency Law (Chapter 1175 of the Statutes of 1969)*, relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as amended, Woodruff. Water districts consolidation.

(1) Under existing law, the Bighorn Mountains Water Agency is created and governed under the Bighorn Mountains Water Agency Law, a special act of the Legislature. Under existing law, county water districts may be organized under the County Water District Law, a general district act.

This bill would permit the consolidation of the Bighorn Mountains Water Agency and the Desert View Water District, a county water district, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, even though they are not organized pursuant to the same principal act. The bill would prescribe requirements for the board of directors of the successor district and would prescribe related matters, thereby imposing a state-mandated local program. The bill would require the board of directors of the successor district to operate under the ~~County Water District Law~~ with respect to the existing territory of the ~~Desert View Water District~~ and to operate under the Bighorn

Mountains Water Agency Law with respect to the existing territory of the Bighorn Mountains Water Agency and would prescribe related powers. The bill would authorize the consolidated district to change the name of the agency, in accordance with prescribed procedures.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 9.2 (commencing with Section  
2 33300) is added to Division 12 of the Water Code, to read:

3  
4 PART 9.2. DESERT VIEW WATER  
5 DISTRICT-BIGHORN MOUNTAINS WATER  
6 AGENCY CONSOLIDATION  
7

8 33300. This part shall be known and may be cited as  
9 the Desert View Water District-Bighorn Mountains  
10 Water Agency Consolidation Law.

11 33301. As used in this part, "consolidation," as defined  
12 in Section 56030 of the Government Code, includes, for  
13 the purposes only of effecting a consolidation between  
14 the Desert View Water District and the Bighorn  
15 Mountains Water Agency, the uniting or joining of those  
16 two public entities, even though they have not been  
17 formed pursuant to the same principal act.

18 33302. The board of directors of a consolidated  
19 successor district shall consist of not less than five nor  
20 more than 16 members, all elected at large. The number  
21 of directors of the successor district, in any application to  
22 the San Bernardino County Local Agency Formation  
23 Commission concerning creation of a successor district,  
24 shall be not less than the minimum number approved by

1 prior action of both the Board of Directors of the Desert  
2 View Water District and the Board of Directors of the  
3 Bighorn Mountains Water Agency. five members. The  
4 members of the board of directors of the consolidated  
5 successor district shall be elected at large unless, as a  
6 condition of consolidation, it is determined by the San  
7 Bernardino County Local Agency Formation  
8 Commission and by action of both the boards of the  
9 Desert View Water District and the Bighorn Mountains  
10 Water Agency that the board of the consolidated  
11 successor district shall be elected entirely by divisions or  
12 by some determined and agreed upon combination of  
13 divisional and at-large elections.

14 33303. For a period of not less than 10 years after  
15 January 1, 1990, unless approved by an unanimous vote of  
16 the directors of the successor district, all meetings of the  
17 board of directors of the successor district shall be held in  
18 offices or places within the boundaries of the Desert View  
19 Water District in even numbered months and in offices  
20 or places within the boundaries of the Bighorn Mountain  
21 Water Agency in odd numbered months, as those  
22 boundaries exist on the effective date of the  
23 consolidation.

24 33304. Subject to San Bernardino County Local  
25 Agency Formation Commission terms and conditions to  
26 a consolidation of the Desert View Water District and the  
27 Bighorn Mountains Water Agency, the board of directors  
28 of a consolidated successor district shall; with respect to  
29 the citizens and territory of the Desert View Water  
30 District as of the effective date of the consolidation,  
31 operate under and pursuant to this division; and with  
32 respect to the citizens and territory of the Bighorn  
33 Mountains Water Agency as of the effective date of  
34 consolidation; operate under and pursuant to the Bighorn  
35 Mountains Water Agency (Chapter 1175 of the Statutes  
36 of 1969).

37 33305. In any annexation to consolidated successor  
38 districts, the San Bernardino County Local Agency  
39 Formation Commission shall, as a condition of that  
40 annexation, determine whether this division or the

1 ~~Bighorn Mountains Water Agency Law shall apply to the~~  
2 ~~annexed area.~~

3 ~~SEC. 2.~~ *operate under and pursuant to the Bighorn*  
4 *Mountains Water Agency Law (Chapter 1175 of the*  
5 *Statutes of 1969).*

6 *33305. Section 31012 applies to a county water district*  
7 *consolidated with the Bighorn Mountains Water Agency.*

8 *33306. Any and all actions or proceedings pending by*  
9 *or against either the Desert View Water District or the*  
10 *Bighorn Mountains Water Agency may be prosecuted to*  
11 *final judgment for or against those entities, or the*  
12 *consolidated successor district may be substituted as a*  
13 *party. After the effective date of the consolidation, no*  
14 *action or proceeding shall be brought for or against the*  
15 *Desert View Water District or the Bighorn Mountains*  
16 *Water Agency, but shall instead be prosecuted by or*  
17 *against the consolidated successor district.*

18 *SEC. 2. Section 1 of the Bighorn Mountains Water*  
19 *Agency Law (Chapter 1175 of the Statutes of 1969) is*  
20 *amended to read:*

21 *Section 1. This act is designated, and may be cited and*  
22 *referred to as, the "Bighorn Mountains Water Agency*  
23 *Law."*

24 *If the Desert View Water District and the Bighorn*  
25 *Mountains Water Agency consolidate, this act shall*  
26 *thereafter be designated, and may be cited and referred*  
27 *to, by the full name of the consolidated successor district,*  
28 *followed by the word "Law."*

29 *SEC. 3. Section 3 is added to the Bighorn Mountains*  
30 *Water Agency Law (Chapter 1175 of the Statutes of*  
31 *1969), to read:*

32 *Sec. 3. If the Desert View Water District and the*  
33 *Bighorn Mountains Water Agency consolidate, the board*  
34 *of directors of both entities may accept, as a San*  
35 *Bernardino County Local Agency Formation*  
36 *Commission condition of that consolidation, the selection*  
37 *of a different name for the agency. Thereafter, all*  
38 *statutory references to "Bighorn Mountains Water*  
39 *Agency" shall, from the effective date of the*  
40 *consolidation, be deemed to refer to the name of the*

1 consolidated successor district.

2 SEC. 4. Section 5 of the Bighorn Mountains Water  
3 Agency Law (Chapter 1175 of the Statutes of 1969) is  
4 amended to read:

5 Sec. 5. The Board of Directors of the Bighorn  
6 Mountains Water Agency organized under this act shall  
7 consist of five members. The Board of Supervisors of San  
8 Bernardino County shall appoint the first board of  
9 directors, each of whom shall be a resident of the agency,  
10 and shall hold office until his successor is elected. All  
11 successors of the first board shall be elected or chosen at  
12 the time and in the manner provided in the Uniform  
13 District Election Law.

14 If the Desert View Water District and the Bighorn  
15 Mountains Water Agency consolidate, the board of  
16 directors of the consolidated successor district shall  
17 consist of five members, in accordance with Section 33302  
18 of the Water Code. In that event, the San Bernardino  
19 County Local Agency Formation Commission may,  
20 pursuant to Section 56844 of the Government Code,  
21 change or terminate existing elective terms of the  
22 directors of both the Desert View Water District and the  
23 Bighorn Mountains Water Agency in a manner approved  
24 by actions of the board of each of those entities in their  
25 respective applications for formation of a consolidated  
26 successor district.

27 SEC. 5. Section 15.3 of the Bighorn Mountains Water  
28 Agency Law (Chapter 1175 of the Statutes of 1969) is  
29 amended to read:

30 Sec. 15.3. In addition to the powers granted in Section  
31 15, the agency may exercise all powers ~~heretofore~~  
32 previously or hereafter granted to or possessed by county  
33 water districts organized and governed under the  
34 County Water District Law (Division 12 (commencing  
35 with Section 30000) of the Water Code) to finance the  
36 acquisition of waterworks or waterworks systems, waters,  
37 water rights, lands, rights or privileges, and may exercise  
38 all those powers to fund construction, maintenance, or  
39 operation of new waterworks systems constructed after  
40 January 1, 1986.

1     *The board of directors may, with respect to any*  
2     *improvement, assessment, special tax, or taxation district*  
3     *or area originally formed or existing under the County*  
4     *Water District Law, continue to exercise all of the powers*  
5     *held by a board organized under that law to fund, set,*  
6     *levy, or collect moneys, taxes, fees, or assessments*  
7     *reasonably required to be raised and collected from the*  
8     *improvement, assessment, special tax, or taxation district*  
9     *or area.*

10    *SEC. 6.*   No reimbursement is required by this act  
11    pursuant to Section 6 of Article XIII B of the California  
12    Constitution because this act is in accordance with the  
13    request of a local agency or school district which desired  
14    legislative authority to carry out the program specified in  
15    this act. Notwithstanding Section 17580 of the  
16    Government Code, unless otherwise specified in this act,  
17    the provisions of this act shall become operative on the  
18    same date that the act takes effect pursuant to the  
19    California Constitution.





**LOCAL AGENCY FORMATION COMMISSION**  
COUNTY OF SAN BERNARDINO

175 West Fifth Street, Second Floor  
San Bernardino, CA 92415-0490 • (714) 387-5866

PROPOSAL NO: LAFCO 2595

HEARING DATE: APRIL 18, 1990

**RESOLUTION NO. 2255**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATION ON LAFCO 2595 AND approving the Consolidation of the Desert View Water District and the Bighorn Mountains Water Agency.**

On motion of Commissioner Mikels, duly seconded by Commissioner Taylor, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed consolidation in the County of San Bernardino was heretofore filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese/Knox Local Government Reorganization Act of 1983 (Govt. Code Section 56000 et. seq.), and said Executive Officer has examined said application and executed his certificate in accordance with law, determining and certifying that said filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, said Executive Officer has given notice of public hearing by this Commission upon said application; and,

WHEREAS, said Executive Officer has reviewed available information and prepared a report including his recommendations thereon, said filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of public hearing and in order or orders continuing such hearing; and,

WHEREAS, at such hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization and reorganization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to said application, in evidence presented at the hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission of the County of San Bernardino does hereby determine, resolve, order, and find as follows:

**DETERMINATIONS:**

SECTION 1. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56853 of the Government Code.

SECTION 2. The proposal is approved subject to the terms and conditions hereinafter specified:

**CONDITIONS:**

Condition No. 1. The conducting authority for this proceeding shall be the San Bernardino County Board of Supervisors.

RESOLUTION NO. 2255

Condition No. 2. The boundaries are approved as set forth in Exhibit "A" attached.

Condition No. 3. The following distinctive short form designation shall be used throughout this proceeding: LAFCO 2595.

Condition No. 4. The name of the consolidated agency shall be the Bighorn-Desert View Water Agency.

Condition No. 5. The Bighorn-Desert View Water Agency shall be the successor agency to all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Bighorn Mountains Water Agency and the Desert View Water District.

Condition No. 6. The Board of Directors of the successor agency shall consist of five members elected at-large.

Condition No. 7. The initial Board of Directors shall consist of two members of the current Board of the Desert View Water District selected by that Board, two members of the current Board of the Bighorn Mountains Water Agency selected by that Board, and one Board member of either Desert View or Bighorn jointly selected by those Boards. The terms of office shall be staggered, with no more than three Board positions expiring at each consolidated district election.

Condition No. 8. Members of the successor agency Board of Directors shall have staggered terms of office in accordance with the Uniform District Election Law. One member currently representing the Desert View Water District and one member currently representing the Bighorn Mountains Water Agency shall have an initial term of two years; the balance of the initial Directors shall have four year terms.

Condition No. 9. All full-time employees of the Desert View Water District and the Bighorn Mountains Water Agency shall be retained by the successor agency with retention of salaries, seniority rights, vacation/sick leave accruals and accrual rates, retirement, and other employee benefits applicable to the districts.

Condition No. 10. The successor agency shall function under and pursuant to the Bighorn Mountains Water Agency Law, a special act of the legislature.

Condition No. 11. Indebtedness of the Desert View Water District and the Bighorn Mountains Water Agency shall remain the legal obligation of only the lands and areas which incurred such indebtedness. Improvement and/or assessment districts of each entity shall be improvement and/or assessment districts of the consolidated agency.

Condition No. 12. Any previously authorized but unissued bonds of either the Desert View Water District or the Bighorn Mountains Water Agency, or any improvement district thereof, shall remain in effect and may be issued by the successor agency.

Condition No. 13. The appropriations limit of the consolidated agency, if any, shall be the aggregate appropriations limits, if any, of the two agencies.

Condition No. 14. All previously authorized charges, fees, assessments, or taxes now levied or collected by the Desert View Water District and the Bighorn Mountains Water Agency, including improvement or assessment districts thereof, shall continue to be levied and collected by the successor agency.

Condition No. 15. The effective date for this action shall be July 1, 1990, or the date of issuance of the Certificate of Completion, whichever is later.

SECTION 3. The conducting authority is hereby directed to initiate appropriate proceedings in compliance with this resolution and State law (Govt. Code Section 57000 through 57053).

RESOLUTION NO. 2255

SECTION 4. The conducting authority shall not make any changes in the boundaries hereby approved nor shall it impose any new conditions or modify any conditions hereby imposed unless and until it receives the approval of the Local Agency Formation Commission for such changes, modifications, or conditions, pursuant to the procedures prescribed in Section 56657 of the Government Code.

SECTION 5. Upon completion of its proceedings, the conducting authority is directed to adopt its own resolution setting forth its action relating to the proposal considered and forward the required number of certified copies of the resolution to the Local Agency Formation Commission (Govt. Code Section 57075 through 57179).

SECTION 6. Upon receipt of the resolution of the conducting authority approving said action, the Certificate of Completion shall be prepared and filed.

SECTION 7. Approval by the Local Agency Formation Commission indicates approval of this proposal by the conducting authority would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 8. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The area proposed for consolidation is legally inhabited. The County Registrar of Voters has determined that the Desert View Water District contained 670 registered voters as of March 9, 1990, and the Bighorn Mountains Water Agency contained 899 registered voters as of that date.
2. The County Assessor's Office indicates that the total valuation of the study area is \$73,290,463.
3. Legal notices have been provided through publication in newspapers of general circulation in the area, as required by law.
4. The Local Agency Formation Commission has determined that this proposal is categorically exempt from environmental review since it does not have the potential for resulting in a physical change in the environment, directly or ultimately (Section 15378(a) of the California Environmental Quality Act) since it will not alter the geographical area within which services are already provided. LAFCO adopted the Categorical Exemption and instructed its Clerk to file a Notice of Exemption within five days.
5. The Commission finds that upon the consolidation of the Desert View Water District and the Bighorn Mountains Water Agency, the spheres of influence for these agencies should become the sphere of influence of the successor agency.
6. The Commission finds that it is the desire of the Districts to be consolidated to hold the meetings of the successor agency's board within the former Desert View Water District boundary area, at the DVWD office, in even numbered months, and in the Bighorn Mountains Water Agency former boundary area, at the BMWA office, in odd numbered months, unless changed by a unanimous vote of the Board of Directors of the ~~consolidated agency~~.
7. This proposal has no direct effect on the County General Plan designations.
8. Local Agencies currently serving the area are listed in the file. None of these agencies will be affected by this proposal.
9. This proposal and its anticipated effects does not conflict with adopted Commission policies.
10. All notices required by law have been provided. No protest has been received.

RESOLUTION NO. 2255

11. Maps and legal descriptions meet state standards.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

AYES: COMMISSIONERS: Reilly, Schuiling, Walker, Kragness,  
Taylor, Mikels, Bertolotti

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Grant (Reilly voting in his stead),  
Hammock (Walker voting in his stead)

\* \* \* \* \*

STATE OF CALIFORNIA )  
 )SS.  
COUNTY OF SAN BERNARDINO)

I, JAMES M. RODDY, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of April 18, 1990

DATED: May 7, 1990


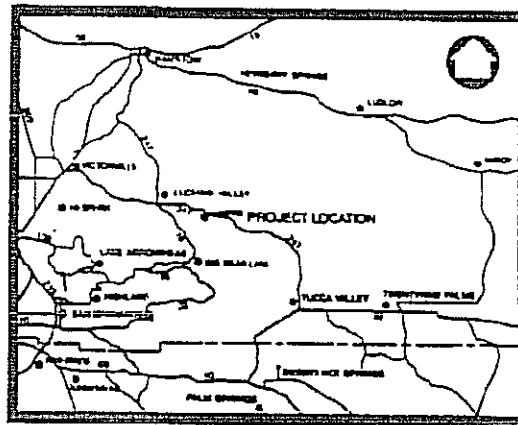
  
JAMES M. RODDY, Executive Officer

Exhibit "A"

# BIGHORN-DESERT VIEW WATER AGENCY LANDERS, CALIFORNIA

## PROPOSED CONSOLIDATION OF SERVICE AREAS LEGAL DESCRIPTION



LOCATION MAP

0 25 50 100  
SCALE IN MILES

FEBRUARY 7, 1990

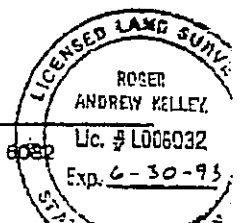
REVISED APRIL 5, 1990

~~Revised~~ Legal #1 - DATED 2595

PREPARED BY:

**NBS//LOWRY**  
ENGINEERS & PLANNERS

*Roger Kelley*  
ROGER KELLEY LS 6082



BIGHORN - DESERT VIEW WATER AGENCY  
LANDERS, CALIFORNIA  
PROPOSED CONSOLIDATION OF SERVICE AREAS

LEGAL DESCRIPTION

Beginning at the southwest corner of Section 34, Township 2 North, Range 5 East of the San Bernardino Meridian; thence Northerly along the Westerly section lines of Sections 34, 27, 22, 15, 10, and 3 to a point, said point being the Southeast corner of Section 33, Township 3 North, Range 5 East San Bernardino Meridian; thence Westerly along the South line of said Section 33 to the Southwest corner of the Southeast 1/4 of said Section 33; thence Northerly along the West line of said Southeast 1/4 to the center of Section 33; thence Easterly along the North line of said Southeast 1/4 to the East 1/4 corner of said Section 33; thence Northerly along the Easterly line of said Section 33 and Section 28, Township 3 North, Range 5 East San Bernardino Meridian to the Northeast corner of said Section 28; thence Westerly along the North line of said Section 28 to the Southeast corner of Section 20, Township 3 North, Range 5 East San Bernardino Meridian; thence Northerly along the Easterly line of said Section 20 to the Northeast corner of said Section 20; thence Westerly along the North line of Sections 20 and 19 to the Northeast corner of Section 24, Township 3 North, Range 4 East San Bernardino Meridian; thence continuing Westerly along the North line of Sections 24 and 23 to the Northwest corner of said Section 23, Township 3 North, Range 4 East, San Bernardino Meridian; thence Southerly along the West line of said Section 23 to the Southeast corner of the North 1/2 of Section 22, Township 3 North, Range 4 East, San Bernardino Meridian; thence Westerly along the South line of the North 1/2 of Sections 22 and 21 to the Easterly 1/4 corner of Section 20, Township 3 North, Range 4 East, San Bernardino Meridian; thence Northerly along the East line of Section 20 to the Northeast corner of the Southeast 1/4 of the Northeast

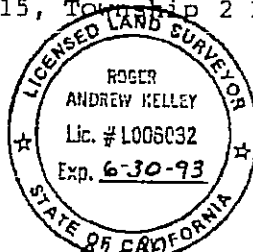
1/4 of said Section 20; thence Westerly along the North line of said Southeast 1/4 to the Northwest corner of said Southeast 1/4; thence Northerly along the West line of the Northeast 1/4 of the Northeast 1/4 of said Section 20 to a point in the North line of said Section 20; thence Westerly along the North line of Sections 20 and 19 to the Southeast corner of the West 1/2 of Section 18, Township 3 North, Range 4 East San Bernardino Meridian; thence Northerly along the East line of said West 1/2 to the North line of said Section 18; thence Westerly along the North line of said Section 18 to the Southwest corner of Section 7, Township 3 North, Range 4 East San Bernardino Meridian; thence Northerly along the West line of said Section 7 to the Northwest corner of said Section 7; thence Easterly along the North line of Sections 7 and 8 to the Northeast corner of Section 8, Township 3 North, Range 4 East, San Bernardino Meridian; thence Southerly along the East line of said Section 8 to the Southeast corner of said Section 8; thence Easterly along the South line of Sections 9 and 10 to the Southeast corner of said Section 10, Township 3 North, Range 4 East, San Bernardino Meridian; thence Northerly along the East line of Sections 10 and 3 to the Northwest corner of the South 1/2 of Section 2, Township 3 North, Range 4 East San Bernardino Meridian; thence Easterly along the North line of said South 1/2 to the East 1/4 corner of said Section 2; thence Southerly along the East line of said Sections 2 and 11 to the Northwest corner of the Southwest 1/4 of Section 12, Township 3 North, Range 4 East; thence Easterly along the North line of said Southwest 1/4 to the Northeast corner of said Southwest 1/4; thence southerly along the East line of said Southwest 1/4 and the West line of the Northeast quarter of Section 13 to the Southwest corner of the North 1/2 of the Northeast 1/4 of said Section 13, Township 3 North, Range 4 East; thence Easterly to the Southeast corner of said North 1/2; thence Northerly to the Northeast corner of said North 1/2, said point also being the Southwest corner of Section 7, Township 3 North, Range 5 East, San Bernardino Meridian; thence Easterly along the

South line of said Section 7 to the Southeast corner; thence Northerly along the Easterly line of said Section 7 to the Northwest corner of Section 8, Township 3 North, Range 5 East San Bernardino Meridian; thence Easterly along the North line of said Sections 8 to the Southwest corner of the South half of the South half of the Southwest corner of Section 4, Township 3 North, Range 5 East, San Bernardino Meridian; thence Northerly along the West line of said South half of the South half of the Southwest quarter to the Northwest corner of said South half of the South half of the Southwest quarter; thence Easterly along the North line of the said South half of the South half of the Southwest quarter to the Northeast corner of the South half of the South half of the Southwest quarter of said Section 4; thence Southerly along the East line of said South half of the South half of the Southwest quarter, to the Northeast corner of the Northwest 1/4 of said Section 9, Township 3 North, Range 5 East San Bernardino Meridian; thence Southerly along the East line of said Northwest 1/4 to the center of said Section 9; thence Easterly along the South line of the Northeast 1/4 of said Section 9 and also the North line of Southwest 1/4 of Section 10, Township 3 North, Range 5 East, San Bernardino Meridian to the Northeast corner of said Southwest quarter; thence Southerly along the East line of said Southwest 1/4 to the Southwest corner of the Northeast 1/4 of Section 15, Township 3 North, Range 5 East, San Bernardino Meridian; thence Easterly along the South line of said Northeast 1/4 and the South line of the North 1/2 of Section 14 to the Southeast corner of the North 1/2 of said Section 14, Township 3 North, Range 5 East, San Bernardino Meridian; thence Northerly along the East line of said Section 14 to the Northwest corner of Section 13, Township 3 North, Range 5 East, San Bernardino Meridian; thence Easterly along the North line of said Section 13 to the Northeast corner of said Section 13; thence Southerly along East line of Sections 13 and 24 to the Southeast corner of said Section 24, Township 3 North, Range 5 East, San Bernardino Meridian; thence Westerly along the



South line of Sections 24 and 23 to the Northeast corner of the West 1/2 of Section 26, Township 3 North, Range 5 East, San Bernardino Meridian; thence Southerly along said East line and the East line of the West 1/2 of Section 35 to the Southwest corner of the Northeast 1/4 of Section 35, Township 3 North, Range 5 East, San Bernardino Meridian; thence Easterly along the South line of said Northeast 1/4 to the West line of Section 36, Township 3 North, Range 5 East, San Bernardino Meridian; thence Southerly along the West line of said Section 36 to the Northwest corner of Section 1, Township 2 North, Range 5 East San Bernardino Meridian; thence continuing Southerly along the West line of said Section 1 to the Southwest corner of said Section 1; thence Easterly along the South line of said Section 1 to the Southeast corner of said Section; thence Northerly along the Easterly line of said Section 1 to the Northeast corner of said Section; thence Easterly along the North line of Sections 6, 5, 4 and 3 all in Township 2 North, Range 6 East, San Bernardino Meridian to the Northeast corner of said Section 3; thence Southerly along the East lines of Sections 3 and 10 to the Northwest corner of Section 14, Township 2 North, Range 6 East, San Bernardino Meridian; thence Easterly along the North line of said Section 14 to the Northeast corner of said Section 14; thence Southerly along the East line of said Section 14 to the Southeast corner of said Section 14; thence Westerly along the South line of said Section 14 to the Northeast corner of Section 22, Township 2 North, Range 6 East, San Bernardino Meridian; thence Southerly along the East line of said Section 22 to the Southeast corner of said Section 22; thence Westerly along the South line of said Section 22 to the Southwest corner of said Section 22; thence Northerly along the West line of said Section 22 to the Southeast corner of Section 16, Township 2 North, Range 6 East; thence Westerly along the South line of said Section 16 to the Southwest corner of said Section 16; thence Northerly along the West line of said Section 16 to the Southeast corner of Section 8, Township 2 North, Range 6

East, San Bernardino Meridian; thence Westerly along the South line of said Section 8 to the Northeast corner of Section 18, Township 2 North, Range 6 East, San Bernardino Meridian; thence Southerly along the East line of said Section 18 the Northeast corner of Section 19, Township 2 North, Range 6 East, San Bernardino Meridian; thence Westerly along the North line of said Section 19 to the Northeast corner of the West 1/2 of said Section 19; thence Southerly along the Easterly line of said West 1/2 to the Southeast corner of said West 1/2; thence Westerly along the South line of said West 1/2 to the Southwest corner of said West 1/2; thence Northerly along the West line of said West 1/2 to the Northwest corner of said West 1/2; thence Westerly along the North line of Section 24, Township 2 North, Range 5 East, San Bernardino Meridian to the Northwest corner of said Section; thence Southerly along the East line of Sections 23 and 26, Township 2 North, Range 5 East, San Bernardino Meridian, to the Southeast corner of said Section 26; thence Westerly along the South line of said Section to the Northeast corner of Section 34, Township 2 North, Range 5 East San Bernardino Meridian; thence Southerly along the Easterly line of said Section 34 to the Southeast corner of said Section; thence Westerly along the South line of said Section 34 to the point of beginning, excluding Section 15, Township 2 North, Range 6 East, San Bernardino Meridian.



*Roger Kelley*  
ROGER KELLEY, L.L.S. 6032



1 RESOLUTION NO. 90- 244

2  
3 A RESOLUTION OF THE BOARD OF SUPERVISORS  
4 OF THE COUNTY OF SAN BERNARDINO, STATE  
5 OF CALIFORNIA, APPROVING THE CHANGE OF  
6 ORGANIZATION FOR THE CONSOLIDATION OF THE  
7 DESERT VIEW WATER DISTRICT AND THE BIGHORN  
8 MOUNTAINS WATER AGENCY (LAFCO 2595)

9  
10 On Monday, June 4, 1990, on motion of Supervisor  
11 Turoci, duly seconded by Supervisor  
12 Hammock, and carried, the following resolution is  
13 adopted:

14  
15 SECTION 1. The Board of Supervisors of the County of  
16 San Bernardino, as the conducting authority for the change of  
17 organization for the consolidation of the Desert View Water  
18 District and the Bighorn Mountains Water Agency, hereby finds and  
19 determines:

20  
21 (a) That preliminary proceedings for the above change of  
22 organization were jointly initiated by the governing bodies of the  
23 Desert View Water District and the Bighorn Mountains Water Agency,  
24 and an application submitted to the Local Agency Formation  
25 Commission of the County of San Bernardino pursuant to the  
26 provisions of the Cortese-Knox Local Government Reorganization  
27 Act;

28  
29 (b) That the exterior boundaries of the territory for  
30 this change of organization are set forth in Exhibit "A", attached  
31 hereto and incorporated herein by this reference;

32  
33 (c) That thereafter, appropriate proceedings were  
34 conducted by the Local Agency Formation Commission and on  
35 April 18, 1990, the Commission adopted its Resolution No. 2255  
36

OFFICE OF  
COUNTY COUNSEL  
385 NORTH ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92415-0140

LTK:BBB/  
R-DeViewWD

1 approving the proposed change of organization, subject to the  
2 following terms and conditions:

3  
4 Condition No. 1. The conducting authority for this  
5 proceeding shall be the San Bernardino County Board of  
6 Supervisors.

7 Condition No. 2. The boundaries are approved as set  
8 forth in Exhibit "A" attached.

9 Condition No. 3. The following distinctive short form  
10 designation shall be used throughout this proceeding: LAFCO 2595.

11 Condition No. 4. The name of the consolidated agency  
12 shall be the Bighorn-Desert View Water Agency.

13 Condition No. 5. The Bighorn-Desert View Water Agency  
14 shall be the successor agency to all rights, responsibilities,  
15 properties, contracts, assets and liabilities, and functions of  
16 the Bighorn Mountains Water Agency and the Desert View Water  
17 District.

18 Condition No. 6. The Board of Directors of the successor  
19 agency shall consist of five members elected at-large.

20 Condition No. 7. The initial Board of Directors shall  
21 consist of two members of the current Board of the Desert View  
22 Water District selected by that Board, two members of the current  
23 Board of the Bighorn Mountains Water Agency selected by that  
24 Board, and one Board member of either Desert View or Bighorn  
25 jointly selected by those Boards. The terms of office shall be  
26 staggered, with no more than three Board positions expiring at  
27 each consolidated district election.

28 Condition No. 8. Members of the successor agency Board  
29 of Directors shall have staggered terms of office in accordance  
30 with the Uniform District Election Law. One member currently  
31 representing the Desert View Water District and one member  
32 currently representing the Bighorn Mountains Water Agency shall  
33 have an initial term of two years; the balance of the initial  
34 Directors shall have four year terms.

35 Condition No. 9. All full-time employees of the Desert  
36 View Water District and the Bighorn Mountains Water Agency shall  
be retained by the successor agency with retention of salaries,  
seniority rights, vacation/sick leave accruals and accrual rates,  
retirement, and other employee benefits applicable to the  
districts.

Condition No. 10. The successor agency shall function  
under and pursuant to the Bighorn Mountains Water Agency Law, a  
special act of the legislature.

1           Condition No. 11. Indebtedness of the Desert View Water  
2 District and the Bighorn Mountains Water Agency shall remain the  
3 legal obligation of only the lands and areas which incurred such  
4 indebtedness. Improvement and/or assessment districts of each  
5 entity shall be improvement and/or assessment districts of the  
6 consolidated agency.

7           Condition No. 12. Any previously authorized but unissued  
8 bonds of either the Desert View Water District or the Bighorn  
9 Mountains Water Agency, or any improvement district thereof, shall  
10 remain in effect and may be issued by the successor agency.

11           Condition No. 13. The appropriations limit of the  
12 consolidated agency, if any, shall be aggregate appropriations  
13 limits, if any, of the two agencies.

14           Condition No. 14. All previously authorized charges,  
15 fees, assessments, or taxes now levied or collected by the Desert  
16 View Water District and the Bighorn Mountains Water Agency,  
17 including improvement or assessment districts thereof, shall  
18 continue to be levied and collected by the successor agency.

19           Condition No. 15. The effective date of this action  
20 shall be July 1, 1990, or the date of issuance of the Certificate  
21 of Completion, whichever is later.

22           (d) That the Local Agency Formation Commission made the  
23 following findings:

- 24           (1) The area proposed for consolidation is legally  
25 inhabited. The County Registrar of Voters has  
26 determined that the Desert View Water District  
27 contained 670 registered voters as of  
28 March 9, 1990, and the Bighorn Mountains Water  
29 Agency contained 899 registered voters as of  
30 that date.
- 31           (2) The County Assessor's Office indicates that  
32 the total valuation of the study area is  
33 \$73,290,463.
- 34           (3) Legal notices have been provided through  
35 publication in newspapers of general circu-  
36 lation in the area, as required by law.
- (4) The Local Agency Formation Commission has  
determined that this proposal is categorically  
exempt from environmental review since it does  
not have the potential for resulting in a  
physical change in the environment, directly or  
ultimately (Section 15378(a) of the California

1 Environmental Quality Act) since it will not  
2 alter the geographical area within which  
3 services are already provided. LAFCO adopted  
4 the Categorical Exemption and instructed its  
5 Clerk to file a Notice of Exemption within five  
6 days.

- 7 (5) The Commission finds that upon the consolida-  
8 tion of the Desert View Water District and the  
9 Bighorn Mountains Water Agency, the spheres of  
10 influence for these agencies should become the  
11 sphere of influence of the successor agency.  
12  
13 (6) The Commission finds that it is the desire of  
14 the Districts to be consolidated to hold the  
15 meetings of the successor agency's board within  
16 the former Desert View Water District boundary  
17 area, at the DVWD office, in even numbered  
18 months, and in the Bighorn Mountains Water  
19 Agency former boundary area, at the BMWA  
20 office, in odd numbered months, unless changed  
21 by a unanimous vote of the Board of Directors  
22 of the consolidated agency.  
23  
24 (7) This proposal has no direct effect on the  
25 County General Plan designations.  
26  
27 (8) Local Agencies currently serving the area are  
28 listed in the file. None of these agencies  
29 will be affected by this proposal.  
30  
31 (9) This proposal and its anticipated effects does  
32 not conflict with adopted Commission policies.  
33  
34 (10) All notices required by law have been  
35 provided. No protest has been received.  
36  
37 (11) Maps and legal descriptions meet state  
38 standards.

39 (e) That required notice was duly and properly given;  
40 that said hearing was held before the Board of Supervisors on  
41 June 4, 1990; that all parties desiring to be heard have been  
42 heard and that testimony and evidence for and against the proposed  
43 change of organization were duly considered.

44 (f) That the reason for the proposed change of organi-  
45 zation is that a consolidated successor district will institu-  
46 tionalize economic savings now being achieved by various

1 contractual and other less formal cooperative relationships  
2 between Desert View Water District and Bighorn Mountains Water  
3 Agency.  
4

5 SECTION 2. The Board of Supervisors of the County of  
6 San Bernardino, as the conducting authority for this proceeding,  
7 therefore, hereby finds, resolves and orders:  
8

9 (a) That pursuant to the Cortese-Knox Local Government  
10 Reorganization Act (Government Code Section 56000, et seq.), the  
11 Desert View Water District and the Bighorn Mountains Water Agency  
12 should be, and they hereby are, ordered consolidated into the  
13 Bighorn-Desert View Water Agency, subject to the terms and  
14 conditions and requirements set forth in Local Agency Formation  
15 Commission Resolution No. 2255;  
16

17 (b) That pursuant to Government Code Sections 57077 and  
18 57081, the consolidation is hereby ordered without election in  
19 that (i) no petition for election has been submitted by either  
20 landowners or voters within the affected territory and (ii) no  
21 written protest has been filed.  
22

23 (c) That the regular County assessment roll will be used  
24 for tax purposes;  
25

26 (d) That the affected territory will be liable for  
27 existing bonded indebtedness and contractual obligations;  
28

29 (e) That the Clerk of the Board of Supervisors is hereby  
30 directed to certify to the passage of this resolution and to file  
31 appropriate copies of said resolution with the Executive Officer  
32 of the Local Agency Formation Commission of the County of  
33 San Bernardino;  
34

35 (f) That the Clerk is further directed to forward copies  
36 of this resolution to the Registrar of Voters, Surveyor, Auditor

OFFICE OF  
COUNTY COUNSEL  
281 NORTH ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92415-0140

MM: RRB/  
K-ReviewWD



1 and Office of Special Districts of the County of San Bernardino  
2 and other interested agencies and departments;  
3

4 (g) That this Board certifies that it has considered the  
5 categorical exemption adopted by the Local Agency Formation  
6 Commission and directs the Clerk of the Board of Supervisors to  
7 file an appropriate Notice of Exemption.  
8

9 PASSED AND ADOPTED by the Board of Supervisors of  
10 San Bernardino County, State of California, by the following vote:  
11

12 AYES: Supervisors: Turoci, Mikels, Walker, Hammock, Riordan  
13

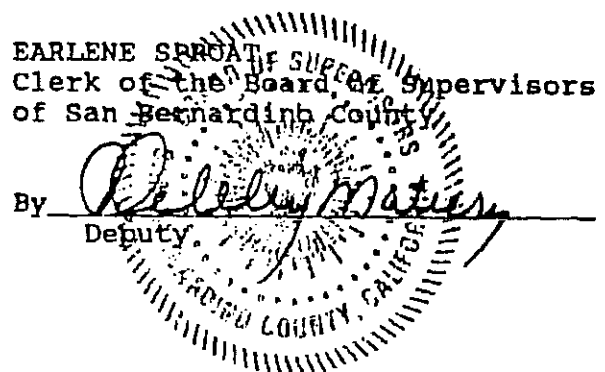
14 NOES: Supervisors: None  
15

16 ABSENT: Supervisors: None  
17

18 STATE OF CALIFORNIA )  
19 ) ss.  
20 COUNTY OF SAN BERNARDINO )

21 I, EARLENE SPROAT, Clerk of the Board of Supervisors of  
22 San Bernardino County, California, hereby certify the foregoing to  
23 be a full, true and correct copy of the record of the action as  
24 the same appears in the Official Minutes of said Board at its  
25 meeting of June 4, 1990.

26 EARLENE SPROAT, Clerk of the Board of Supervisors  
27 of San Bernardino County  
28 By *Deputy*  
29 Deputy.  
30  
31  
32  
33  
34  
35  
36



OFFICE OF  
COUNTY COUNSEL  
185 NORTH LAUREL AVENUE  
SAN BERNARDINO, CA 92415-0140

# Bighorn-Desert View Water Agency

## Board of Directors

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



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

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

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

A Public Agency

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

## FINANCE/PUBLIC RELATIONS/EDUCATION AND PERSONNEL COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday, September 14, 2011 - 4:00 p.m.

### CALL TO ORDER

Director McBride called the meeting to order at 4:00 p.m.

### PLEDGE OF ALLEGIANCE

Led by John Burkhart.

### ROLL CALL

Directors: Terry Burkhart  
Michael McBride

Staff: Marina West  
Lyni Tompkins

### APPROVAL OF THE AGENDA

President Burkhart and Vice President McBride approved the agenda as presented.

### REVIEW OPTIONAL DENTAL & VISION COVERAGE

General Manager West gave the staff report.

Human Resources Administrator Tompkins also reported on the Agency's Dental & Vision plans.

The plans the Agency has with ACWA are very competitively priced compared to other plans that were submitted to the Agency by a health benefits broker.

Most of the other dental plans reviewed by the Agency would be at a higher cost to the Agency except for one plan. That plan was close in cost, but offered the employees less choices in dentists; only 3 dentists in the entire Morongo area. The vision plans were also higher in cost for the same benefits.

In conclusion, there is no compelling reason to change dental and vision providers at this time.

No public comment.

The Committee directed staff to take this information to the Board to show the Agency is keeping up to date on costs of employees' benefits.

#### **REVIEW DEPENDENT LIFE INSURANCE COVERAGE**

General Manager West gave the staff report.

Human Resources Administrator Tompkins also reported on Dependent Life Insurance benefits.

The Dependent Life Insurance benefit offered by ACWA is 100% paid by the employee at \$1.33 per month per family. The benefit amount for a spouse is \$1,500; Infant to Birth is \$100 benefit; Children 6 months but less than 19 years is \$1000 benefit.

No public comment.

The Committee directed staff to bring this information up at a general board meeting, so the public and the rest of the Board is aware the Committee and Agency are keeping up to date on the costs of employees' benefits. They recommended not adding dependent life. The Committee did not believe the benefit was great enough to offer it to the employee.

#### **REVIEW DRAFT RULES & REGULATIONS FOR WATER SERVICE - ORDINANCE NO 110-XX**

General Manager West gave the staff report. The Committee reviewed the draft Rules and Regulations for Water Service an Ordinance (Ordinance No. 110-XX) scheduled for public hearing at the September 26, 2011 Board of Directors meeting.

General Manager West discussed Deposit Change (requires a Prop 218 process to modify), eliminating Leak Relief, handling Unauthorized Water Use, Payment Arrangements (extensions, failure to pay on payment arrangements), Credit Card Fees, How to Handle Real-estate Transactions (foreclosures & Sales), Bulk

Meter Accounts (cancelling inactive service, general rules of bulk meters, and deposits), Extensions, Fire Protection, Backflow, Reimbursement Agreements.

No public comment.

#### **REVIEW DIRECTOR FEES AND EXPENSES FORM FOR TRACKING BOARD BUDGETED EXPENSES**

General Manager West gave the staff report.

No public comment.

President Burkhart suggested changing the Agency's "Request for Compensation and Reimbursement" form. She suggested using a similar format to Mojave Water Agency's Board Expense Voucher.

Vice President McBride commented he likes the Agency's current "Request for Compensation and Reimbursement" form.

The Committee recommended creating a monthly expense report for the Board members for informational purposes. Staff could put the monthly reports in the Director's mail slots. It is not necessary to bring it to board meetings. The public can always request a copy.

#### **CONSENT ITEMS**

- a. Regular FPREP Meeting Report, September 14, 2011

President Burkhart and Vice President McBride approved the report.

#### **PUBLIC PARTICIPATION**

No public comment.

#### **VERBAL REPORTS**

##### **COMMITTEE MEMBERS' COMMENTS/REPORTS**

None.

##### **GENERAL MANAGER'S REPORT**

General Manager West reported on future Board Meeting dates.

#### **ITEMS FOR NEXT AGENDA**

**ADJOURNMENT** - Director McBride adjourned the meeting at 4:42 p.m.