

## Bighorn-Desert View Water Agency

### Board of Directors

Michael McBride, President  
Judy Corl-Lorono, Vice President  
David Larson, Secretary  
Terry Burkhart, Director  
J. Dennis Staley, Director

Marina D West, P.G., General Manager



A Public Agency

### Agency Office

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

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

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

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# PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Thursday, August 16, 2012 - 8:45 a.m.

## COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart

The BDVWA Planning / Legislative / Engineering / Grant & Security 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 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. **CONSIDER CHANGE ORDER TO REVISE SCOPE OF SERVICES PROVIDED BY CHIEF ENGINEER TO PREPARE CONTRACT DOCUMENTS AND PROJECT MANAGEMENT/CONSTRUCTION INSPECTION SERVICES FOR RECOATING AND REPAINTING BY INCREASING NUMBER OF RESERVOIRS FROM TWO (2) UP TO FOUR (4) RESERVOIRS**
6. **DISCUSSION OF RESOLUTION 12R-XX AMENDING THE AGENCY'S CONFLICT OF INTEREST CODE**
7. **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 PLEGS Committee Meeting Report, June 21, 2012

**8. 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. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

**9. VERBAL REPORTS**

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

**10. ITEMS FOR NEXT AGENDA**

**11. 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  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 19, 2012

**To:** Board of Directors

**Budgeted:** Replacement/Refurbishment

**Budgeted Amount:**

Engineering Services: CO1 for \$50,500

Construction Est.: \$220,000 (B3 & B4) and  
\$120,000 (A2 & C1).

**From:** Marina D. West

**General Counsel Approval:** Required prior  
to advertisement for bids

**CEQA Compliance:** Filing of Categorical  
Exemption identified in attached Scope of  
Services

**Subject:** Consider Change Order No. 1 to Krieger & Stewart Work Order No. 4A to Prepare Contract Documents and Project Management/Construction Inspection Services for Recoating and Repainting of Two (2) Additional Reservoirs

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**SUMMARY**

On July 24, 2012 the Board approved execution of Work Order No. 4A with Chief Engineer, Krieger & Stewart, Inc. but asked staff to evaluate the possibility of recoating up to four (4) reservoirs.

Staff has obtained a cost update from K&S to prepare bid specifications and provide project management and on-site inspection services for up to four (4) reservoirs (attached).

A project representative from K&S will participate via teleconference during the meeting to review the cost proposal and answer any questions the Committee may have.

**RECOMMENDATION**

That the Committee consider taking the following action(s):

1. Provide recommendation to full Board on whether or not to proceed with a bid package for up to four (4) reservoirs and amend Krieger & Stewart Work Order No. 4A accordingly.

**BACKGROUND/ANALYSIS**

At the June 21, 2012 the Planning/Legislative/Engineering/Grant/Security Committee (PLEGS) meeting moved to complete recoating of up to two (2) reservoirs in the current fiscal year. The matter was moved to the July 24<sup>th</sup> regular Board of Directors meeting for further review and approval. The Board approved execution of Work Order No. 4A with Chief Engineer, Krieger & Stewart but asked staff to evaluate the possibility of recoating up to four (4) reservoirs.

Staff has obtained a cost update from K&S to prepare bid specifications and provide project management and on-site inspection services for up to four (4) reservoirs (attached). The proposal reflects small increases in effort to prepare the specifications and manage the project. A majority of the cost increase is related to the on-site inspection services due to the

increased time on-site by the contractor in completing additional reservoirs. The estimated increase to Work Order No. 4A is \$50,500 (Change Order No. 1) bringing the total engineering costs to \$135,400.

The preliminary cost estimate to complete safety upgrades along with interior and exterior coatings for the two highest priority reservoirs, B3 and B4, is \$220,000. Adding two additional reservoirs is expected to increase the estimate by another \$120,000. The lowest possible cost can be realized if all reservoirs are made available to the contractor without restrictions. These four reservoirs meet that requirement leaving A2, B1, B2, C1 and D1 for future years. The cost difference is due primarily to the size of the reservoirs. Reservoirs B3 and B4 have a combined capacity of 750,000 gallons while reservoirs A2 and C1 have a combined capacity of 200,000 gallons.

After encumbering engineering costs already approved for expenditure, the Agency holds approximately \$600,000 in unrestricted reserves. Should the Board decide to proceed with recoating of four (4) reservoirs the unrestricted reserve balance would be reduced to approximately \$260,000 available for other important projects earmarked for fiscal year 12/13.

Options for the Committee to consider and recommend to the Board include the following:

1. Proceed with original plan to prepare plans and specifications for one (1) reservoir with the option to increase to two (2); or
2. Proceed with Change Order No. 1 and prepare the plans and specifications for one (1) reservoir with the option to increase to four (4).

In either case, K&S will prepare the base plans and specifications which would only require slight modification in subsequent project years for additional reservoirs.

A project representative from K&S will participate via teleconference during the meeting to review the cost proposal and answer any questions the Committee may have.

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

**7/24/2012 M12-057** Authorize General Manager to execute Work Order No. 4A with Krieger & Stewart to prepare bid specifications and provide project management and on-site inspection services for recoating of up to two (2) reservoirs. The cost estimate to provide these engineering services is \$85,900.

**6/21/2012 Planning/Legislative/Engineering/Grant/Security Committee** review of cost and scope of services for preparation of bid specifications, project management and on-site inspection services. The cost estimate to provide these engineering services is \$85,900

**2/10/2012 Board Goal Setting Workshop:** Identifying Reservoirs B3 and B4 as priority reservoirs for recoating.

**WORK ORDER NO. 4A, EXHIBIT B  
BIGHORN-DESERT VIEW WATER AGENCY  
RECOATING AND REPAINTING FOUR RESERVOIRS  
ESTIMATED FEES FOR ENGINEERING SERVICES**

COMPONENT	PRINCIPAL-IN-CHARGE (1)		PROJECT MANAGER (2)		CADD SERVICES (3)		CLERICAL (4)		CONSTRUCTION INSPECTOR (5)		TOTAL
	HOURS	\$	HOURS	\$	HOURS	\$	HOURS	\$	HOURS	\$	
1. REVIEW REPORTS BY OTHERS	8	1,520	8	1,264							\$2,784
2. SITE VISIT/EVALUATION OF SCOPE	12	2,280	12	1,896			2	166			\$4,342
<b>2B. SITE VISIT/EVALUATION OF SCOPE</b>	<b>2</b>	<b>380</b>	<b>2</b>	<b>316</b>							<b>\$696</b>
3. CEQA DOCUMENTS	FEE IS INCLUDED WITH PREPARATION OF DRAFT CONTRACT DOCUMENTS										
4. PREPARATION OF DRAFT CONTRACT DOCUMENTS	10	1,900	40	6,320	10	1,200	40	3,320			\$12,740
<b>4A. PREPARATION OF DRAFT CONTRACT DOCUMENTS</b>	<b>1</b>	<b>190</b>	<b>10</b>	<b>1,580</b>	<b>2</b>	<b>240</b>	<b>2</b>	<b>166</b>			<b>\$2,176</b>
5. REVIEW MEETING WITH DISTRICT STAFF	6	1,140	6	948			2	166			\$2,254
6. PREPARATION OF FINAL CONTRACT DOCUMENTS	8	1,520	8	1,264	4	480	24	1,992			\$5,256
7. BID PHASE SERVICES	5	950	20	3,160			16	1,328			\$5,438
8. CONSTRUCTION ENGINEERING SERVICES (6)											
A. PRECONSTRUCTION MEETING	4	760	4	632			4	332	4	420	\$2,144
B. SUBMITTAL REVIEW	2	380	16	2,528			4	332			\$3,240
C. CONTRACT ADMINISTRATION (7)	24	4,560	60	9,480							\$14,040
<b>C2. CONTRACT ADMINISTRATION (7)</b>	<b>24</b>	<b>4,560</b>	<b>60</b>	<b>9,480</b>							<b>\$14,040</b>
D. CONSTRUCTION INSPECTION (8)									252	26,460	\$26,460
<b>D2. CONSTRUCTION INSPECTION (8)</b>									<b>252</b>	<b>26,460</b>	<b>\$26,460</b>
SUBTOTAL:	106	20,140	246	38,868	16	1,920	94	7,802	508	53,340	\$122,070
											REIMBURSABLES (ESTIMATED @ 3%, ROUNDED):
											<b>\$3,700</b>
											<b>\$9,677</b>
											CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES TOTAL:
											<b>\$135,447</b>
											<b>ESTIMATED FEE (ROUNDED):</b>
											<b>\$135,400</b>

- (1) PRINCIPAL ENGINEER @ \$190 /Hr
- (2) SENIOR ENGINEER @ \$158 /Hr
- (3) CADD OPERATOR @ \$120 /Hr
- (4) SECRETARY @ \$83 /Hr
- (5) CONSTRUCTION INSPECTOR @ \$105 /Hr
- (6) CONSTRUCTION ENGINEERING SERVICES IS BASED ON AN ESTIMATED 28 WEEK CONSTRUCTION PERIOD SUMMARIZED AS FOLLOWS:

A) FOR EACH RESERVOIR, CONTRACTOR WILL REQUIRE 1 WEEK FOR REMEDIAL WORK (CONTINGENT UPON EXTENT OF STRUCTURAL/SAFETY REMEDIAL WORK), 2 WEEKS FOR SURFACE PREPARATION AND APPLICATION OF THE PRIME COAT, 1 WEEK TO APPLY THE SECOND AND THIRD COATS, 1 WEEK TO BLAST AND COAT THE FLOOR, 1 WEEK TO PAINT THE RESERVOIR EXTERIOR, AND 1 WEEK TO CLEAN AND DISINFECT THE RESERVOIR. THE TOTAL CONSTRUCTION TIME IS THEREFORE ESTIMATED TO BE 7 WEEKS FOR EACH RESERVOIR.

(7) TOGETHER THE PRINCIPAL-IN-CHARGE AND PROJECT MANAGER WILL SPEND AN AVERAGE OF 6 HOURS PER WEEK OVER THE 28 WEEK CONSTRUCTION PERIOD.

(8) THE CONSTRUCTION INSPECTOR WILL SPEND AN AVERAGE OF 18 HOURS PER WEEK (3 DAYS PER WEEK AT 6 HOURS PER DAY) OVER THE ESTIMATED 28 WEEK CONSTRUCTION PERIOD.

(9) BASED ON 3 TRIPS PER WEEK, 160 MILES PER TRIP, AND \$0.72 PER MILE.



**BIGHORN DESERT VIEW WATER AGENCY  
PLANNING/LEGISLATIVE/ENGINEERING/GRANT/SECURITY  
STANDING COMMITTEE AGENDA ITEM SUBMITTAL**

**Meeting Date:** August 16, 2012

**To:** Standing Committee Members

**Budgeted:** No

**Funding Source:** N/A

**Cost:** \$0 (prepared by staff)

**From:** Marina West

**General Counsel Approval:** Obtained

**CEQA Compliance:** N/A

**Subject:** Resolution No. 12R-XX Amending the Agency's Conflict of Interest Code

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**SUMMARY**

The Political Reform Act requires every local agency to review its conflict of interest code biennially.

Legal counsel has reviewed the 2010 Conflict of Interest Code and has submitted a completely revised Code for the Board's adoption. Rather than try to keep the Agency Code compliant with the Political Reform Act, which is routinely updated, the Agency's revised Code simply provides reference to it. The Political Reform Act 2012 document can be found on the Fair Political Practices Commission (FPPC) website at [http://www.fppc.ca.gov/Act/2012\\_Act\\_w-shading.pdf](http://www.fppc.ca.gov/Act/2012_Act_w-shading.pdf).

Directors who have specific questions regarding how the Act applies to them are encouraged to obtain opinions directly from the FPPC to be sure they are in full compliance with the Act.

Attached is the 2010 Resolution and the final draft 2012 Resolution. With Committee concurrence, the Resolution will be brought to the full Board for further consideration and possible adoption at the August 28<sup>th</sup> regular meeting.

**RECOMMENDATION**

That the Committee considers taking the following action(s):

1. Review the 2012 Final Draft Conflict of Interest Code.

**BACKGROUND/ANALYSIS**

No further information provided.

**PRIOR RELEVANT BOARD ACTION(S)**

**10/25/2010 Resolution No. 10R-10** incorporating by reference the standard conflict of interest and disclosure code adopted by the Fair Political Practices Commission.



COUNTY OF SAN BERNARDINO Clerk of the Board of Supervisors

County Government Center 385 North Arrowhead Avenue, Second Floor San Bernardino, CA 92415-0130 www.sbcounty.gov/cob (909) 387-3841 Fax (909) 387-4554

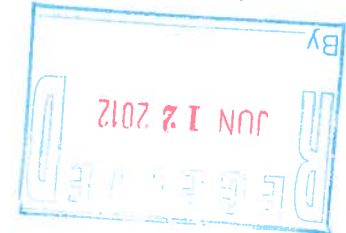
GREGORY C. DEVEREAUX Chief Executive Officer

BOARD OF SUPERVISORS

Brad Mitzelfelt First District Janice Rutherford Second District Neil Derry Third District Gary C. Ovitt Fourth District Josie Gonzales Fifth District

LAURA H. WELCH Clerk of the Board of Supervisors

June 11, 2012



Bighorn Desert View Water Agency 622 Jemez Trail Yucca Valley, CA 92284

SUBJECT: 2012 Biennial Notice for Conflict of Interest Codes

Dear Sir or Madam:

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. No later than October 1 of each even-numbered year, each agency must submit to the County Board of Supervisors a notice indicating whether or not an amendment is necessary. To assist you in making that determination, please review the enclosed "How to Review a Conflict of Interest Code" and "How to Amend a Conflict of Interest Code" documents. The enclosed "2012 Local Agency Biennial Notice" form must be returned to the Board of Supervisors, via the Clerk of the Board, no later than October 1, 2012.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the Board for approval within 90 days of filing the biennial notice. For example, if your agency files its notice on October 1, 2010, indicating that an amendment is necessary, the amendment is due to the Board of Supervisors by December 30, 2012. An agency's amended code is not effective until it has been approved by the Board of Supervisors. Our County Counsel has advised that amended code information must include either of the following:

- A copy of the resolution adopted by your governing body showing that these Conflict of Interest Code changes were approved, or
A copy of the minutes from the board meeting where the Conflict of Interest changes were discussed and approved

The Fair Political Practices Commission (FPPC) offers free seminars on how to amend a conflict of interest code. To register for a seminar, call the FPPC at (866) ASK-FPPC, and press 4. Information is also available on the FPPC's website at www.fppc.ca.gov.

If you have any questions, please contact me at (909) 387-4265.

Sincerely,

Handwritten signature of Michelle Morend
Michelle Morend
Board Services Supervisor

Enclosures (3)



## 2012 Local Agency Biennial Notice

Name of Agency: Bighorn Desert View Water Agency

Mailing Address: 622 S. Jemez Trail, Yucca Valley CA 92284

Contact Person: Marina West Office Phone No: (760) 364-2315

E-mail: bdvwa@mindspring.com Fax No: (760) 364-3412

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

An amendment is required. The following amendments are necessary:  
(*Mark all that apply.*)

Include new positions.

Revise disclosure categories.

Revise the titles of existing positions.

Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

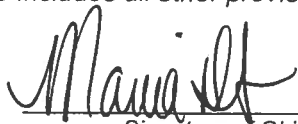
Other (*describe*) \_\_\_\_\_

No amendment is required.

The code is currently under review by the code reviewing body.

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*



Signature of Chief Executive Officer

8/9/2012

Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

**Clerk of the Board of Supervisors  
County Government Center  
385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130  
Attention: Michelle Moreno**

# **2012 Conflict of Interest Code Final Draft**

**(This version replaces Resolution No. 10R-10 in its entirety)**

## RESOLUTION NO. 12R-XX

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AMENDING THE AGENCY'S CONFLICT OF INTEREST CODE

**WHEREAS**, the Political Reform Act (Government Code, Section 81000 *et seq.* [the "Act"]) contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Bighorn-Desert View Water Agency (the "Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the Agency's Board of Directors adopted a Conflict of Interest Code (the "Code") for the Agency which was amended on October 25, 2010, in compliance with the Act; and

**WHEREAS**, changed circumstances within the Agency have made it advisable and necessary, pursuant to Sections 87306 and 87307 of the Act to amend and update the Code and the Appendix thereto; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Agency being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by, the Agency's Board of Directors, the proposed amended Conflict of Interest Code was provided to each affected designated employee and publicly posted for review; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Agency's Board of Directors on August 28, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

**NOW, THEREFORE**, the Board of Directors of the Bighorn-Desert View Water Agency does hereby resolve as follows:

#### **Section 1: Adoption of Code**

The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be kept on file with the Agency General Manager and available to the public for inspection and copying during regular business hours.

**Section 2: County Approval**

The Board of Directors hereby directs the General Manager to submit the amended Conflict of Interest Code to the Board of Supervisors of the County of San Bernardino for approval.

**Section 3: Effective Date**

The amended Conflict of Interest Code shall become effective 30 days after its approval by the Board of Supervisors of San Bernardino County.

**Section 4: Rescission**

The Conflict of Interest Code adopted pursuant to Resolution No. 12R-XX is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Bighorn-Desert View Water Agency held on this 28th day of August, 2012.

BIGHORN-DESERT VIEW WATER AGENCY

BY:

\_\_\_\_\_  
Michael McBride, Board President

ATTEST:

By \_\_\_\_\_  
David Larson, Board Secretary

**CONFLICT OF INTEREST CODE**  
**FOR THE**  
**BIGHORN-DESERT VIEW WATER AGENCY**

The Political Reform Act (Government Code Sections 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 CA. Code of Regs., Section 18730), which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation, and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Bighorn-Desert View Water Agency.

Designated employees shall file their statements of economic interests with the Bighorn-Desert View Water Agency, which will make the statements available for public inspection and reproduction. (Government Code Section 81008.) Statements for Directors of the Agency, and the General Manager shall be filed with the Agency, which shall reproduce and retain a copy for public inspection and reproduction, and forward the originals to the Board of Supervisors of the County of San Bernardino.

# BIGHORN-DESERT VIEW WATER AGENCY

## APPENDIX

### Designated Positions

Consultant\* (including but not limited to General Counsel, Chief Financial Officer, Agency Engineer)

### Disclosure

Individuals holding Designated Positions must report the following:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, and interests in real property.

\* The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

### Public Officials Who Manage Public Investments

The following positions are not covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Directors  
General Manager  
Consultants that manage the Agency's investments

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.

This is the last page of the Conflict of Interest Code for the **Bighorn-Desert View Water Agency**.

**CERTIFICATION OF COUNTY APPROVAL**

Pursuant to Government Code Section 87303, the Conflict of Interest Code for the **Bighorn-Desert View Water Agency** was approved on \_\_\_\_\_, 2012. The Code will be effective on \_\_\_\_\_, 20\_\_.

COUNTY OF SAN BERNARDINO

By

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# 2010 Conflict of Interest Code



RESOLUTION 10R-10  
OF THE BOARD OF DIRECTORS OF  
BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY  
REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY  
THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, pursuant to said Act, on November 6, 2002 per Resolution 02R-11 the Bighorn-Desert View Water Agency adopted a Conflict of Interest and Disclosure Code; and

WHEREAS, within that resolution the San Bernardino County Clerk was designated as the official filing clerk; and

WHEREAS, it is necessary from time to time to amend the Agency's Conflict of Interest Code to conform its disclosure obligations to recent changes in the law; and

WHEREAS, the Board of Supervisors of San Bernardino County, as the Code reviewing body for this Agency, and the Fair Political Practices Commission (FPPC) recommend that public agencies adopt the standard Conflict of Interest Code promulgated by the FPPC, and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Bighorn-Desert View Board of Directors that;

1) The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated in the Bighorn-Desert View Water Agency Conflict of Interest Code by this reference; and

2) That 2 California Code of Regulations Section 18730 (current version available upon public request) and the attached Exhibit A, designating officials and employees, and Exhibit B, establish disclosure categories, shall constitute the Bighorn-Desert View Water Agency Conflict of Interest Code; and

3) That the original statements for all designated officials and employees shall be retained by the Agency which shall will be made available for public inspection and/or reproduction upon request and

4) That a secretarially certified copy of this Resolution including the attached exhibits to the FPPC Standard Code, shall be forwarded to the San Bernardino County Board of Supervisors as the Conflict of Interest and Disclosure Code of the Bighorn-Desert View Water Agency and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code submitted.

5) That Resolution 02R-11 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Board of Directors' of Bighorn-Desert View Water Agency held on October 25, 2010.

  
Terry Burkhart, Board President

Exhibit A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of Board of Directors	1, 2
General Manager	1, 2
Consultant*	3
General Counsel	1, 2, 3

\* The disclosure, if any, required of a consultant will be decided on a case-by-case basis, which determination will be made in writing. The determination should include a description of the consultant's duties and the extent of the consultant's disclosure requirements, where applicable. Such written determination is a public record and is to be retained for public inspection in the same manner and location as this Conflict of Interest Code

## Exhibit B

### Disclosure Categories

Category 1: Persons in this category shall disclose, in accordance with this Code, all interests in real property within the Agency, except personal residences. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

Category 2: Persons in this category shall disclose, in accordance with this Code, all income from and investments and business positions in businesses that produce products or provide services of a type utilized by the Agency, including, but not limited to, the areas of: building materials; construction; motor vehicles; specialty vehicles; vehicle replacement parts; petroleum products; water quality testing; water transmission; water treatment; water distribution; geological tests and reports; maintenance; repair; safety; engineering; provision of water or power; brokering; accounting; auditing; banking; underwriting; money management; law; insurance; printing; and office equipment or office supplies.

Category 3: Individuals who perform under contract the duties of any designated position, as set forth on Exhibit B, shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interests, shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the General Manager or Secretary of the Agency

## **FPPC Regulation 18730. Provisions of Conflict of Interest Codes**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup> Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after

the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not

apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$390.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor



who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$390 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Resolution 10R-10 Conflict of Interest Code

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

NOTE: Authority cited: Section 83112, Government Code.

Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## ENDNOTES

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

## Bighorn-Desert View Water Agency

### Board of Directors

Michael McBride, President  
Judy Corl-Lorono, Vice President  
David Larson, Secretary  
Terry Burkhart, Director  
J. Dennis Staley, Director



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# PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285

Thursday, June 21, 2012 - 8:45 a.m.

**COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart**

### CALL TO ORDER

Director Corl-Lorono called the meeting to order at 8:45 a.m.

### PLEDGE OF ALLEGIANCE

Led by John Burkhart

### ROLL CALL

Directors: Corl-Lorono  
Burkhart

Staff: Marina West

### APPROVAL OF THE AGENDA

Director Burkhart and Director Corl-Lorono approved the agenda as presented.

### CHANGE IN SCHEDULE FOR THE MOJAVE WATER AGENCY LEGAL, LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

General Manager West gave the staff report stating that the Mojave Water Agency is moving their regularly scheduled Legal, Legislative and Public Information Committee (LLPI) from the third Thursday of the month to the first Wednesday of the month. GM West introduced several options.

Director Corl-Lorono stated that she felt there was a lot of value to hearing the LLPI meeting.

Director Burkhart stated that she would rather not resign in order to change the PLEGS meeting to the first Wednesday of the month.

Public comment:

The Committee directed staff to bring the following options to the full Board.

1. Do nothing and bring a recording of the LLPI Committee meeting to the Agency PLEGS meeting.
2. Move the PLEGS meeting to coincide with the Mojave Water Agency LLPI Committee meeting.
3. Create an Ad Hoc to listen to the Mojave Water Agency LLPI Committee meeting and report to the BOD monthly.

### **AMES/RECHE GROUND WATER STORAGE AND RECOVERY PROGRAM UPDATE - VERBAL REPORT**

General Manager West gave the verbal report stating the Ames/Reche Agreement has been signed. While the documents were being prepared to go to court it was discovered that they will have to wait until the facility is operational.

A draft environmental assessment had gone to Fish and Wildlife so that they may draft their biological opinion. This resulted in the view that the land is non-critical tortoise habitat and may have as many as eleven tortoises on the site at one time. Through this process they will create a take permit which allows a biologist to relocate and move tortoises'.

Also Fish and Wildlife said the permanent land that will be disturbed is 1.13 acres that we will need to mitigate.

Recently the Agency has received a comment from BLM that will need to be addressed. They are questioning what will happen when the native storm flows run down the wash and into our site.

A Hecres Model was run showing that the site would be "blown-out" causing the need for ongoing maintenance to rebuild the berms.

Once we are close to completing the NEPA we will need to look at and fulfill the state protection issues. At a recent conference call with Fish and Game it was noted that within the draft permit there were a few errors and also there is complete disturbance of the area totaling 6.63 acres that is to be mitigated.

The Agency is in the process of drafting our comments back to Fish and Game. The good news is that the Mojave Water Agency Board has given their staff permission to go out to bid on the project. The next steps are to complete the State Incidental Take Permit, complete the NEPA Document and locate land for mitigating.

The rough cost for the mitigated land is \$30 to \$40 k and the process can be carried out through the Desert Tortoise Council.

Anonymous stated that he finds it interesting that no one mentioned the benefit of the water for the human population.

A break was taken at 9:22 a.m. and the meeting continued at 9:27 a.m.

GM West continued that do to the many components that have their own mitigation requirements; she feels it would be best to bring a complete list to the full board. West also stated the entire project is under one million dollars.

**REVIEW COSTS AND SCOPE OF SERVICES PROVIDED BY CHIEF ENGINEER TO PREPARE CONTRACT DOCUMENTS AND PROJECT MAGAGEMENT/CONSTRUCTION INSPECTION SERVICES FOR RECOATING AND REPAINTING OF TWO RESERVOIRS AT A COST ESTIMATE OF \$85,000**

Via teleconference Chuck Krieger gave the report. The bid will include field reviews to prepare the plans and specifications on the interior and exterior coatings of tanks B3 and B4.

GM West stated that the tanks will need to be washed out so that the bottom of each tank may be assessed.

Director Corl-Lorono asked if the Agency was draining both tanks at the same time.

GM West responded that the remaining two tanks will continue to provide service while the other tanks are drained and coated and well 8 can fill them rapidly. West also stated the contract will be between the Agency and the contractor.

No public comment.

The Committee directed staff to take Mr. Krieger's suggestions to the full board.

**DISCUSS EXPANSION OF AGENCY SPREERE OF INFLUENCE EAST OF EXISTING BOUNDARY AND STRATGIES FOR ADDRESSING COMMUNITY OUTREACH FOR EVENTUAL "PROTEST VOTE"**

General Manager West gave the staff report identifying two ways the reorganization could happen. The first is by a Resolution passed by the Agency Board of Directors. The second would be by a petition signed by the land owners of W-1.

After a brief discussion the committee stated it would like to form an Ad Hoc Committee to support the goal of reorganizing W-1.

Public Comment:

Anonymous stated that we may want to speak to Mr. Bagley and the Agency may want to make the public aware of the sphere of influence.

The Committee directed staff to take this item to the full board at the July 24, 2012 BOD meeting.

**CONSENT ITEMS**

- a. Regular PLEGS Meeting Report, April 19, 2012

Public comment:

Director Burkhart and Director Corl-Lorono approved the report.

**PUBLIC PARTICIPATION**

No public comment.

**VERBAL REPORTS**

**COMMITTEE MEMBERS' COMMENTS/REPORTS**

No Report

**GENERAL MANAGER'S REPORT**

No Report

**ITEMS FOR NEXT AGENDA**

**ADJOURNMENT** - Director Corl-Lorono adjourned the meeting at 10:53 a.m.

Pending Committee Approval