

Bighorn-Desert View Water Agency

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A Public Agency

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FINANCE/PUBLIC RELATIONS/EDUCATION AND PERSONNEL COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday July 10, 2013 - 4:00 p.m.

COMMITTEE MEMBERS: Director Larson & Director McBride

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. UPDATE ON THE CADIZ WATER PROJECT BY SETH SHTEIR - NATIONAL PARKS CONSERVATION ASSOCIATION

- Mr. Shteir is requesting the Agency adopt a Resolution or submit a letter urging the Department of the Interior to require National Environmental Policy Act (NEPA) review of the Cadiz Water Project with specific emphasis on impacts to water resources
- Committee to provide direction to staff regarding Mr. Shteir's request

6. UPDATE OF DRUG AND ALCOHOL POLICY (Policy No. 97P-07)

7. METHODOLOGIES FOR COLLECTING BULK WATER ACCOUNT DELINQUENT BILLS

8. ACKNOWLEDGE RECEIPT OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR FISCAL YEAR END JUNE 30, 2012

9. UPDATE ON SB 246 INTRODUCED BY SENATOR JEAN FULLER (DISTRICT 18) TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW

10. 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. Special FPREP Committee Meeting Report, May 8, 2013

11. 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.

12. VERBAL REPORTS

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

13. ITEMS FOR NEXT AGENDA

14. ADJOURNMENT

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

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

Copies of these materials and other discloseable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.

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

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

AGENDA ITEM # 5



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To protect and enhance America's National Parks for present and future generations.

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Gerald R. Ford was the only U.S. president to work as a park ranger.

The National Parks Conservation Association

America's national parks are the touchstones of our shared history and culture. In some ways, they represent the soul of the nation. They represent our hopes, our dreams, our struggles. They are our absolute best places.

We believe that America's national parks and historical sites embody the American spirit. They are windows to our past, homes to some of our rarest plants and animal species, and places where every American can go to find inspiration, peace, and open space.

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But these living, breathing monuments to our nation's history, culture, and landscape need care and support to overcome the many dangers that threaten to destroy them forever. At the National Parks Conservation Association, we work every day to ensure our national parks get that vital care and support.

NPCA plays a crucial role in ensuring that these magnificent lands and landmarks are protected in perpetuity:

- We advocate for the national parks and the National Park Service;
- we educate decision makers and the public about the importance of preserving the parks;
- we help to convince members of Congress to uphold the laws that protect the parks and to support new legislation to address threats to the parks;
- we fight attempts to weaken these laws in the courts;
- and we assess the health of the parks and park management to better inform our advocacy work.

In more than 90 years, we have grown to represent more than 750,000 members and supporters through our DC headquarters and 23 regional and field offices, all working to "protect and enhance America's National

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PRESS RELEASE

FOR IMMEDIATE RELEASE

Date: September 4, 2012

Contact: Seth Shteir, National Parks Conservation Association, (760) 332-9776, sshteir@npca.org
 Adam Lazar, Center for Biological Diversity, (415) 670-0797, alazar@biologicaldiversity.org
 Kim Floyd, Sierra Club, (760) 680-9479
 Drew Feldmann, San Bernardino Valley Audubon Society, (909) 881-6081

9/4/2012

Cadiz Water Project Challenged in Court

Project Would Suck 16 Billion Gallons of Water Per Year From Mojave Desert, Threatening Wildlife, Costing Ratepayers

SAN BERNARDINO, Calif.— A coalition of conservation groups filed a lawsuit in San Bernardino County superior court on Friday, August 31, challenging the Cadiz water project, which would take more than 16 billion gallons of water per year from the Mojave desert and pump it to southern Orange County, creating numerous problems for desert lands and animals. The project would mine underground water near the town of Cadiz, in eastern San Bernardino County, to fuel Orange County growth.

Widely opposed by Orange County ratepayers, San Bernardino County residents, state and federal public agencies, and a local mining company, the ill-conceived plan threatens to dry up life-sustaining desert springs in the Mojave National Preserve, hurting vegetation and key habitat for iconic desert wildlife species including desert tortoises, bighorn sheep, Mojave fringe-toed lizards and kit foxes.

"This shortsighted water grab will benefit those pushing more sprawl in Orange County, but it'll rob some of California's rare species of the water they need to survive," said Adam Lazar, an attorney with the Center for Biological Diversity. "Our desert, the residents of San Bernardino County and Orange County ratepayers all deserve better."

Although the project's environmental review should have been conducted by San Bernardino County, it was actually done by a water district in Orange County about 200 miles away, disregarding San Bernardino County's groundwater ordinance. "Santa Margarita is the wrong agency, in the wrong county, serving the wrong interests for reviewing the environmental impacts of a project that will drain the groundwater from the eastern Mojave in San Bernardino County," said Lazar.

"On behalf of our over 90,000 California members and supporters, we sent a strong message to the Santa Margarita Water District that this ill-conceived project was a significant threat to the Mojave Desert in general and the Mojave National Preserve in particular," said Seth Shteir, California desert field representative for the National Parks Conservation Association. "Our voice — and the law — was disregarded throughout this process, and taking legal action is our only viable next step."

The Cadiz Corporation has faced a series of rejections of similar proposals from larger water districts in Southern California over the past decade. Former government hydrologists from the U.S. Geological Survey have disagreed with the Cadiz consultants on the recharge rate of the aquifer and identified the project as unsustainable over the long term.

"Any effort to mine the water source for the vast desert area adjacent to the national treasures of the Mojave National Preserve and Joshua Tree National Park must be looked at very carefully, and the environmental documents that have been produced do not adequately address the multitude of issues and concerns of our members and residents of the desert," said Kim Floyd, conservation chair for the San Geronio Chapter of the Sierra Club. "Our 145,000 California members feel strongly that the desert and our national parks must be protected from wanton, profit-driven destruction that will likely result from this proposal."

"The so-called Cadiz Valley Water Conservation, Recovery, and Storage Project is none of those things. It's just a scheme to destroy the aquifer so a single corporation can make more money using a water company that will charge higher rates," said Drew Feldmann, conservation chair of the San Bernardino Valley Audubon Society.

The groups filing today's suit were the Center for Biological Diversity, National Parks Conservation Association, Sierra Club

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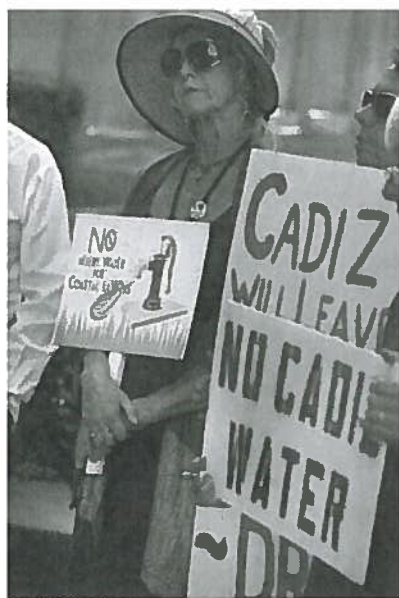
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SAN BERNARDINO COUNTY: Cadiz water project legal fees climbing



KURT MILLER/STAFF PHOTOGRAPHER

Karen Tracy of Joshua Tree was among a group protesting the Cadiz project at the San Bernardino County board of supervisors meeting in October.

6/20/2013

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BY JANET ZIMMERMAN | STAFF WRITER | June 20, 2013; 05:22 PM | Comments (2)

Lawyers' fees to defend challenges to San Bernardino County's involvement in the Cadiz water-harvesting project in the Mojave Desert have climbed again, to a total of nearly \$1.5 million.

County supervisors this week approved an additional \$500,000 for Downey Brand, a Sacramento-based firm hired to fight Cadiz-related lawsuits by several environmental and conservation groups, a labor union and a salt mining operation.

The project would pump water from an ancient underground water basin and pipe it to cities across the state.

Critics accuse Cadiz of overestimating the amount of natural recharge to the groundwater and

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project will restore economic growth by bringing a new source of water to a state plagued by drought.

Cadiz is reimbursing the county and the Santa Margarita Water District in Orange County, the lead agency on the project, for expenses related to the lawsuits, said Michele Miller, a water district spokeswoman, on Thursday, June 20.

The county has been receiving regular payments for earlier legal expenses, but about \$52,000 is outstanding, county spokeswoman Felisa Cardona said.

Legal costs have been rising steadily since March 2012, when supervisors approved \$350,000 for outside counsel related to the Cadiz project.

David Lamfrom, California desert program manager for the National Parks Conservation Association, questioned why the county is paying the costs up front.

"Even if they're being reimbursed, where is that money coming from? What are we taking money away from? What can we not do as a county because they're defending a project that is opposed by the community?" he said.

Potential buyers so far include Santa Margarita Water District in Rancho Santa Margarita, Jurupa Community Services District in Riverside County, and five other agencies as far north as San Jose.

The \$225 million Cadiz Valley Water Conservation, Recovery and Storage Project would pump groundwater from an open valley beneath 45,000 acres that Los Angeles-based Cadiz Inc. owns south of the Marble Mountains, 40 miles east of Twentynine Palms.

The area lies between the Mojave National Preserve and Joshua Tree National Park, where, according to environmentalists, the project would cause a drop in the water table, drying up springs that support bighorn sheep and other wildlife.

In their lawsuit, the Center for Biological Diversity, National Parks Conservation Association, San Bernardino Valley Audubon Society and Sierra Club San Gorgonio chapter say the county failed to provide an environmental review and did not comply with its own groundwater ordinance, designed to protect resources in the desert.

Delaware Tetra Technologies, which operates a brine mining operation at two dry lakes near Cadiz Inc.'s property, filed suit against the county and Santa Margarita Water District, saying they violated state environmental law by not making the county the lead agency, instead of Santa Margarita.

Laborers International Union of North America, Local 783 also has sued.

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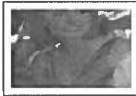
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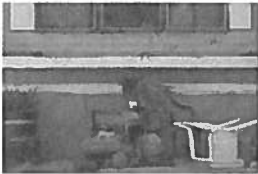
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San Bernardino County always uses the "threat of lawsuits" as a front for whatever agenda they have. They said they feared a lawsuit from Santa Margarita Water District if "the County was the lead agency". That likely-hood of Santa Margarita WD being able to sue successfully is less than 5%. Back when the County Board of Supervisors voted to sell the County's water to those damned Orange County

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Questions & Answers



About the Project

What is the Cadiz Valley Water Conservation, Recovery and Storage Project?

The Cadiz Valley Water Conservation, Recovery and Storage Project is designed to actively manage the groundwater basin underlying a portion of the Cadiz and Fenner Valleys in California's Eastern Mojave Desert and conserve renewable native groundwater that would otherwise flow to hyper-saline dry lakes and evaporate.

The Project would be implemented in two phases. The first phase would capture an average of 50,000 acre-feet (1 acre-foot = 326,000 gallons) of groundwater per year and deliver it via the Colorado River Aqueduct to water users throughout Southern California. In wet years, if supplies from the Project are not needed, water could be stored safely underground through active management of the wellfield. A second phase of the Project would use the available capacity in the soils beneath the ground to store up to 1 million acre-feet of imported water. The imported storage phase of the Project will undergo a separate environmental review and permit process after the first phase is implemented.

Where is the proposed Project?

The Project is located in Cadiz, California at the base of the Fenner Valley and Orange Blossom Wash watersheds, which span approximately 1,300 square miles (roughly the size of the State of Rhode Island). The Project wellfield will be built on property owned by Cadiz Inc. and a conveyance pipeline will be constructed along the Arizona & California Railroad ("ARZC") right-of-way to connect the Project wellfield to the Colorado River Aqueduct in Rice, California (near Twentynine Palms, CA). Cadiz Inc. is the largest private landowner in the region with over 45,000 acres (70 square miles) of private land.

Who is participating in the Project?

Between 2010 - 2011, six water providers signed option agreements with Cadiz Inc. for water supplies from the Project. The providers included Three Valleys Municipal Water District, Golden State Water Company, Suburban Water Systems, California Water Service Company, Jurupa Community Services District and Santa Margarita Water District (SMWD). SMWD served as lead agency for the California Environmental Quality Act (CEQA) environmental review process for the Project. In July 2012, following a nearly 18 month review, the Board of Directors of the SMWD certified the environmental documents, approved the Project and also converted their option agreement to a purchase and sale agreement, finalizing terms for participation in the Project.

The Arizona & California Railroad Co., which owns the right-of-way where the Project's conveyance pipeline will be constructed, is also participating in the Project. As part of the Project, the ARZC will receive water supplies to serve critical railroad purposes. Additional water providers may join the Project prior to construction.



For more information visit cadizinc.com



Map of Project facilities

Why is the water needed and who will use it?

Southern California is an arid region and faces a long-term water crisis due to regulatory restrictions on its imported water supplies, population growth and rising costs. As a result, water providers must identify additional reliable, high-quality and affordable water supplies to build a balanced water supply portfolio and keep costs low for ratepayers. Most Southern California communities rely on water imported from northern California and the Colorado River, and these supplies can be unreliable in dry years. The Project offers certainty in both wet and dry years that water will be available.

Water users throughout Southern California in the service areas of the Project's participating agencies will receive supplies from the Project. The six current participating agencies combined serve over 1 million customers in Orange, Los Angeles, Riverside, San Bernardino and Ventura Counties.



About the Water Resource

Where does the water come from?

The Project is located at the base of the Fenner Valley and Orange Blossom Wash watersheds in California's Eastern Mojave Desert. Every year, precipitation falls on the mountains in the watersheds as rain and snow. This water gradually percolates underground and is stored deep beneath the surface in the aquifer system. The underlying rock layers provide ideal conditions for storage of this pure water; research has found that 17 - 34 million acre-feet of water is currently stored in the alluvium beneath the Project area, as much as is stored in Lake Mead, the nation's largest surface reservoir. Even more water is believed to be stored further underground in carbonate rock layers.

Groundwater in storage naturally flows downhill through the aquifer system over hundreds of years and ultimately to area dry lakes at the base of the watershed, where it becomes highly-saline and evaporates through the surface. To minimize the loss of this clean groundwater to evaporation, Project wells will intercept the groundwater and capture it before it reaches the highly-saline brine. Once implemented, the Project would conserve and recover millions of gallons of water every year for beneficial use throughout Southern California.

Is the water supply renewable?

Detailed scientific analysis of the Project's watersheds over many years has confirmed that the groundwater in the system is naturally renewable. A variety of scientific models have been used to estimate the amount of recharge occurring annually in the Watersheds surrounding the Project area.

In 2008 the United States Geological Survey (USGS) developed a new model called INFIL 3.0 to estimate groundwater recharge. Applying the INFIL 3.0 model, which incorporates extensive data about local soils, vegetation, precipitation, temperatures, rock types, and field research of the Cadiz and Fenner Valleys, an estimated 32,000 acre-feet per year was projected as a long-term average amount of water that reaches below the root zone to become groundwater at the Project area.



For more information visit cadizinc.com

About Project Development

What type of facilities will be constructed?

Project facilities would be constructed in two phases:

Phase 1 - Conservation and Recovery

To ensure minimal disturbance of the desert landscape and habitats, Project operations will be concentrated to Cadiz's pre-disturbed agricultural land and other private lands. A wellfield would be constructed on Cadiz Inc. property to actively manage the aquifer system and minimize loss of groundwater. A 43-mile underground steel pipeline will also be constructed and buried within the active ARZC railroad right-of-way between Cadiz and Rice, California. The pipeline will connect the wellfield to the Colorado River Aqueduct allowing for delivery throughout Southern California.

Phase 2 – Imported Storage

The Project would add capacity to the wellfield and pipeline to make available up to one million acre-feet of groundwater storage space in the aquifer system for water imported to the Project area. Recharge basins would also be constructed on Cadiz Inc. property to percolate imported water into the aquifer system. The imported water would be held in storage in the aquifer system underground using the wellfield.

What are the benefits of the Project?

The Project will provide numerous benefits for local communities throughout Southern California. According to a study published by Inland Empire economist Dr. John Husing, the Project would create support over 5,900 jobs and generate more than \$878 million in economic activity in the Inland Empire over its two construction phases, and infuse millions of dollars in tax revenue to local governments over the long-term, including approximately \$5.4 million per year for San Bernardino County budgets and \$613,000 per year for the Needles Unified School District.

Implementation of the Project will also improve local water supply reliability and reduce the demand for imported water from the Sacramento-San Joaquin Delta and the Colorado River, both of which continue to be limited by drought and regulatory restrictions. Such improvements could help manage Southern California's energy demands, reduce greenhouse gas emissions, and stabilize rates for water users.



For more information visit cadizinc.com

About Environmental Protection & Review

What type of Environmental Review will the Project undergo before it can be permitted and built?

The Project has been extensively reviewed pursuant to the California Environmental Quality Act (CEQA) environmental review and permitting process. In December 2011, following more than two years of significant technical analysis and field survey of environmental resources at the Project area, the Santa Margarita Water District (SMWD) issued a Draft Environmental Impact Report (DEIR) for the Project. The Draft EIR considered peer-reviewed technical reports, as well as independently collected data, scientific modeling and a state of the art Groundwater Management, Monitoring and Mitigation Plan (GMMMP) to complete its analysis of the Project. The Draft EIR summarized that, with the exception of unavoidable short-term construction emissions, by implementing the measures developed in the GMMMP, the Project would avoid any significant impacts to desert resources, including critical resources of the desert environment such as vegetation, mountain springs, and water and air quality. Following a 100-day public comment period, SMWD released a Final EIR in July 2012 responding to all comments received. On July 31, 2012, SMWD certified the Final EIR and approved the Project and the GMMMP.



How will the Project proponents ensure the environment is protected?

As a member of the Cadiz Valley community for over 25 years, Cadiz Inc. is committed to the highest standard of environmental protection and good stewardship of the surrounding desert environment and water resources. In 2009, Cadiz Inc. entered into a Green Compact with the Natural Heritage Institute (NHI) to ensure that its projects operate sustainably. Since that time, the Company has also invested in significant technical and environmental analysis of the Project area to ensure that the environment is always protected.

A Groundwater Stewardship Committee (GSC) comprised of leading experts from various fields including geology, groundwater, hydrology, water regulation, environmental protection, and academia, reviewed the Project's technical analysis of the four potential impact areas: springs, subsidence, air quality and water quality, as well as the Project's operating plan and monitoring program. After completing its review in October 2011, the GSC concluded that with long-term management and monitoring, the Project could offer a significant water supply to Southern California communities without harm to the desert environment.

The GSC's specific recommendations for monitoring and mitigation measures were incorporated into the project's GMMMP. In May 2012, the County of San Bernardino agreed to assume full independent enforcement authority for the GMMMP monitoring program, which will employ more than 40 monitoring wells, air-monitoring devices and new weather stations. All monitoring reports will be filed with the county and made available to the public. The GMMMP also includes extensive corrective actions and mitigations measures that would be implemented to prevent any potential impacts.

Environmental Protection

Will Project operations deplete nearby springs?

Springs are found in the upper elevations of the 1,300 square-mile watershed, far from the Project area. The springs are fed first from above by the rain and snow that falls at higher elevations. Water that does not reach a spring filters through the crevices in the rock layers to become part of the aquifer system.

The nearest spring to the Project area is Bonanza Spring located in the Clipper Mountains at 2,100 feet in elevation. It is approximately 11 miles from the Project area and is situated more than 1,000 feet above the saturated alluvial aquifer system.

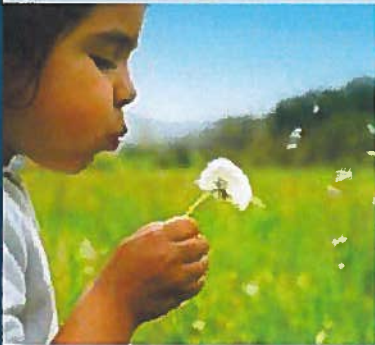
According to extensive scientific analysis conducted there is no physical hydrologic connection between the springs in the upper elevations of the watershed and the groundwater stored in the alluvial aquifer beneath the Project area. As a result, pumping water from the aquifer system beneath the Project area, miles away and deep below ground surface and fractures, could not harm the springs. Bonanza Spring will be monitored to demonstrate that it is not impacted by the Project.

Will the Project reduce water levels in other private wells?

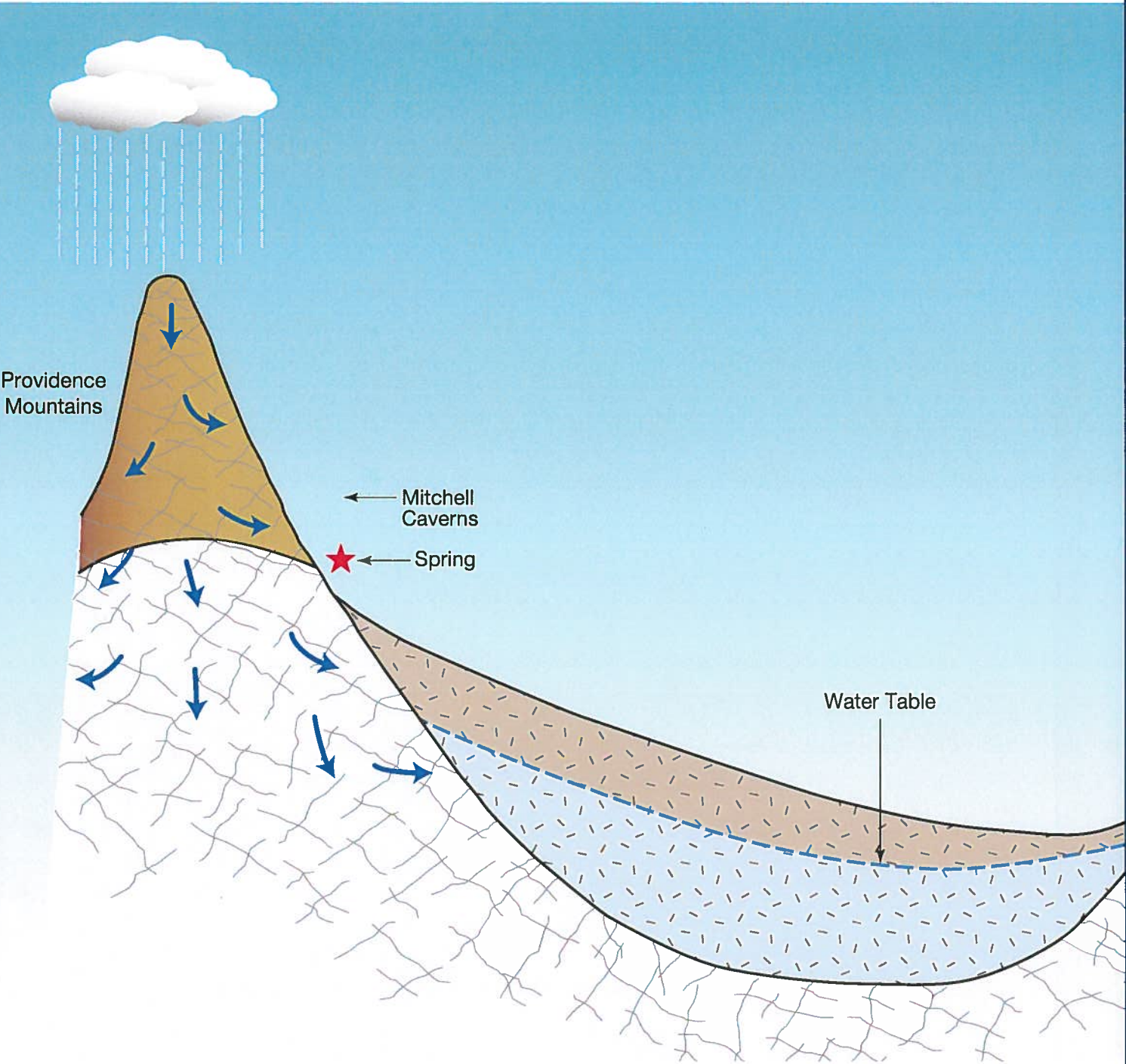
Most of the area's private wells are located at higher points in elevation and draw water before it reaches the alluvial aquifer system at the Project area. As a result, the area's other private wells are not expected to be affected by the Project. Water levels may fluctuate closer to the Project area and could lead to fluctuations (both up and down) in wells nearest the Project. To ensure that the Project does not impact these private wells, any well owner can be monitored by the Project's GMMMP. The monitoring features will quickly identify and address any indications of impacts to well levels and these impacts would be mitigated.

Will Project operations increase dust in the area?

Extensive study of the chemical composition of the dry lakes confirms that unlike surface water fed dry lakes playas in California, such as Owens Lake, the crusts of Bristol and Cadiz Dry Lakes are not susceptible to increased dust emissions from dewatering and will not harm air quality in the area. Nevertheless monitoring will be implemented even though there are no expected impacts.



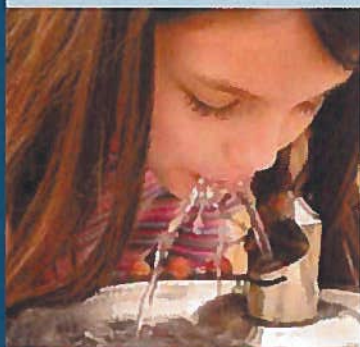
For more information visit cadizinc.com



Cross section illustration of groundwater flow and storage at the Project area

What is the quality of the groundwater that would be withdrawn from the aquifer?

The vast watershed surrounding Cadiz has very few overlying land uses and is free from the threat of bacterial waste and industrial contamination. Water at Cadiz is very pure and meets all State and Federal water quality standards for drinking water without treatment. Total Dissolved Solids (TDS), a key measurement for determining water quality, typically range from 300 to 400 milligrams per liter (mg/L) at Cadiz, significantly lower than California's Colorado River supply. All groundwater having a TDS below 3,000 mg/L is considered by the State to be a potential domestic or municipal source of water supply.



In addition to TDS, water at Cadiz has been tested for metals, including Chromium. The federal standard for total Chromium is 100 ppb and California's standard is more stringent at 50 ppb. Naturally occurring Chromium has been measured at Cadiz at far below both the State and Federal standards at levels between 10-16ppb.

There is presently no state or federal MCL specific to Chromium-6, but in July 2011, the CA Dept. of Public Health (CDPH) proposed a Public Health Goal (PHG) for Chromium-6 at less than 1 ppb. A PHG is a health-protective, recommended level for a contaminant that California's public water systems should strive to achieve if it is feasible to do so. But, according to the State of California, "a PHG is not a boundary line between a "safe" and "dangerous" level of a contaminant," and there are numerous public drinking water sources in Southern California that have Chromium-6 at levels greater than the proposed public health goal but below the current state MCLs for total chromium. The final adopted MCL is not expected to be as low as the PHG. However, if an MCL for Chromium-6 is implemented and is lower than levels at Cadiz, then Cadiz water could be treated or blended to meet any new standard.



For more information visit cadizinc.com

How can I learn more about the Project?

Useful information is posted online about the Project at the following websites:

Cadiz Inc. | <http://www.cadizinc.com/water-project>

Santa Margarita Water District | <http://www.smwd.com/operations/the-cadiz-valley-project.html>

In addition, questions can be emailed to waterinfo@cadizinc.com

About Cadiz Inc.

Founded in 1983, Cadiz Inc. is a publicly-held California company that owns 50 sq. miles (34,000 acres) of land and water rights in the eastern Mojave Desert's Cadiz Valley, where the Project would be located. Cadiz Inc. also owns an additional 11,000 acres in the other part of the Desert and is one of the largest private landowners in San Bernardino County.

For more than 25 years, the Company has operated an organic farm at its Cadiz Valley property using ground-water to irrigate a variety of crops, including lemons, dried-on-the-vine raisins and assorted vegetables. Cadiz Inc. abides by a wide-ranging "Green Compact" at its properties following sustainable management practices and has pledged to implement the Project without harm to the desert environment.

Organic vineyard at Cadiz Ranch





For more information, please visit
Cadiz Inc.
www.cadizinc.com

Santa Margarita Water District
www.snmwd.com

AGENDA ITEM # 6

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

Meeting Date: July 10, 2013

To: Financial/PR/Education/Personnel Comm. **Budgeted:** N/A
Board of Directors

From: Marina D. West

General Counsel Approval: In Progress
CEQA Compliance: N/A

Subject: Update to Agency Drug and Alcohol Testing Program

SUMMARY

The Agency utilizes a Drug and Alcohol Testing Program drafted in 1997 and approved by the Board as Policy No. 97P-07. The Program is active and the Agency is in compliance with its provisions. Staff is evaluating the program for accuracy due to its age and notes that a few updates are necessary because of changes in the law since 1997.

General Counsel Aklufi suggests that while the program, as written, is comprehensive it could be much shorter and thus much easier to navigate, explain and manage. Furthermore, he recommends that the policy be fully integrated into the Employee Handbook not just referenced. In other words, we should avoid having the Drug and Alcohol Testing Program as a separate stand-alone document.

A draft of the language proposed to be incorporated into the Employee Handbook is attached. Staff will review the language with the Committee and intends to bring a Draft Employee Handbook update to the next Committee meeting for final review before submitting an update to the full Board for approval.

RECOMMENDATION

Information and discussion only

BACKGROUND/ANALYSIS

No further discussion provided.

PRIOR RELEVANT BOARD ACTION(S)

5/13/2013 Policy No. 97P-07 Drug and Alcohol Testing Program

XX – Drug and Alcohol Policy

Job-related drug or alcohol use by employees will not be tolerated as it creates a risk of danger to the employee and others, and it tends to harm employee productivity and efficiency. Accordingly, job-related use, possession, being under the influence of, selling or giving, or purchasing or receiving drugs or alcohol is strictly prohibited:

- (a) During working hours (including rest breaks);
- (b) While on the District property;
- (c) While subject to call for duty; or,
- (d) In such other circumstances which tend to directly harm the District's interests and/or your job performance.

For the purpose of this Policy, the term "drugs" means over-the-counter drugs; substances controlled by statute or regulation, such as those available only by prescription of a licensed physician, dentist or other licensed practitioner; and, so-called illegal or "street" drugs and/or alcohol, which, when taken, impair the employee's ability to work without the risk of harm to persons, property, or work efficiently. If you are using an over-the counter or prescription drug which may impair your ability to perform work safely and efficiently, you must report such use to the Supervisor. The Supervisor will place you in an alternative position, if available, or on leave of absence (without pay) until you are no longer using that drug.

The District may conduct the following type of drug tests regarding its employees:

- pre-employment drug testing
- reasonable suspicion testing
- post-incident drug testing

(A) DRUG TESTING

Toward reaching the goal of a drug and alcohol free workplace, the District may conduct pre-employment drug or alcohol testing of applicants for District positions that require more than incidental driving or performance of other safety-sensitive functions as part of their regular duties, as defined in the approved job descriptions.

The District shall have complete authority to determine the selection of any drug and/or alcohol testing facilities deemed necessary under this policy.

In the event that an employee suspects that the employee's supervisor is under the influence of drugs or alcohol, the employee may submit a written or oral complaint which contains detailed information regarding the allegation of alcohol or substance abuse to the General Manager.

Employees who (a) refuse to submit to a drug or alcohol test immediately when requested by authorized District or law enforcement personnel; (b) refuse to submit to a search of personal properties if requested by law enforcement personnel; or (c) are "convicted" of a "criminal drug statute" violation, shall be subject to disciplinary action.

All District lockers, desks, cabinets, vehicles, computer files, and computer diskettes are the property of the District and are subject to search without the employee's consent by District management at any time with or without notice. Refusal to cooperate with a search may result in a disciplinary action, up to and including termination. Unless the supervisors are directed otherwise by the General Manager, employees will be given the opportunity to be present when the search is conducted.

If an employee voluntarily wishes to participate in a drug or alcohol rehabilitation program, and has not been found to have violated the District's policies concerning drugs and alcohol, the District shall make every reasonable effort to assist in placing an employee with an available employee assistance program or service for purposes of rehabilitation, in lieu of disciplinary action or criminal prosecution. If, in such cases, the employee refuses to attend and complete an employee assistance program or service, the employee will be subject to the disciplinary procedures which are outlined in these policies.

(B) REASONABLE SUSPICION TESTING

When a supervisor or manager has a reasonable basis to suspect that any employee is using or under the influence of drugs or alcohol in violation of this policy, that employee may be required to submit to a blood, urine, or other testing or examination designed to detect such use. If you refuse to consent and submit to, or fail to otherwise cooperate and, the testing/examination process or job-related drug or alcohol use is reasonably suspected, you will be subject to discipline, up to and including dismissal.

(C) POST-INCIDENT DRUG TESTING

Following any incident where an injury occurs, the District may at its sole discretion also require that you participate in a drug test.

If it is determined by a test, examination, or by other means that you are using or are under the influence of drugs or alcohol while on duty, or otherwise in violation of the terms of this policy, you will be subject to discipline, up to and including, termination of employment.

If you have drug or alcohol abuse problems, you are encouraged to seek help through drug and alcohol treatment programs before being found in violation of this Policy and, thus, becoming subject to discipline.

AGENDA ITEM # 7



AKLUFİ & WYSOCKI
ATTORNEYS AT LAW
12 NEVADA STREET, SUITE B
REDLANDS, CALIFORNIA 92373

JOSEPH S. AKLUFİ
DAVID L. WYSOCKI

TELEPHONE
(909) 748-7700
FACSIMILE
(909) 748-7710
E-MAIL
AandWLaw@aol.com

MEMORANDUM

TO: MARINA WEST, GENERAL MANAGER
FROM: JOSEPH S. AKLUFİ, AGENCY COUNSEL
SUBJECT: COLLECTING DELINQUENT BULK WATER ACCOUNTS
DATED: JULY 1, 2013

Question:

What are the options for collecting delinquent bulk water accounts?

Answer:

The options are the same as those for delinquent direct-delivery water service accounts.

Discussion:

Bulk water accounts are generally one of two types: property owners or tenants who self-haul for themselves, and bulk water haulers who purchase water "wholesale" from the Agency and sell such water to customers of the hauler.

The options for collecting delinquent direct-delivery accounts are well known to Agency staff. Because bulk water accounts are conceptually different, there is an assumption that such accounts are to be treated differently, but they shouldn't be.

Although terminating bulk water service may not be feasible to force payment of a delinquent account, the Agency always has the option of filing a small claims action in the local court, or recording a lien against property and placing the delinquent account on the Property Tax Roll. The Agency has the authority to take such actions under Water Code Section 31701.7, Health and Safety Code 5471 et seq., and paragraph 21 of Section 15 of the Bighorn Agency Law.

Not much information is needed to record a lien against a delinquent bulk hauler. All that needs to be known is the hauler's name and address and, if known, the APN(s) of property owned by the bulk hauler—but even that information is not needed to simply record a notice of lien. Once the notice of lien is recorded, it will be good for 10 years (unless renewed and extended another 10 years) during which time if any property is sold by the bulk hauler in the county in which the lien is recorded, the lien will be discovered and paid by either the buyer or the seller, if the escrow is to close. If it is believed that the delinquent bulk hauler has property in other counties (such as Imperial, San Diego, Riverside or Los Angeles), then notices should be recorded in each of those counties and, at such time as any property is sold by the hauler, the lien will be discovered and paid.

MEMORANDUM

Page 2

TO: MARINA WEST, GENERAL MANAGER
FROM: JOSEPH S. AKLUF, AGENCY COUNSEL
SUBJECT: COLLECTING DELINQUENT BULK WATER ACCOUNTS
DATED: JULY 1, 2013

Of course, the hauler must own identifiable property in San Bernardino County if the Agency wants to place the delinquency on the Tax Roll.

The Agency's procedure to collect a delinquent bulk account is the same whether the hauler is doing so for himself, or for others. In either case, the hauler is the customer of the Agency and the one who is financially responsible to the Agency.

If it is believed that the hauler is a tenant rather than an owner, then the Agency's rules governing tenants' accounts would apply (some minor amendment to the rules may be required to make this work).

AGENDA ITEM # 8



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

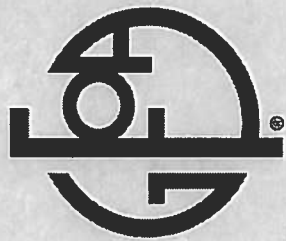
**Bighorn-Desert View Water
Agency, California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2012

A handwritten signature in black ink, reading "Jeffrey R. Egan". The signature is written in a cursive, flowing style.

Executive Director/CEO



The Government Finance Officers Association
of the United States and Canada

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Marina Dee West, P.G.

General Manager

Bighorn-Desert View Water Agency, California



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date June 19, 2013



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

June 19, 2013

Marina Dee West, P.G.
General Manager
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley CA 92284

Dear Ms. West:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2012, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. As the designated individual we have enclosed your AFRA.

Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by December 31, 2013.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

A handwritten signature in black ink that reads "Stephen J. Gauthier". The signature is written in a cursive style with a large, stylized "S" and "G".

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

06/19/2013

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Bighorn-Desert View Water Agency** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Marina Dee West, P.G., General Manager

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

AGENDA ITEM # 10

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



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

A Public Agency

www.bdvwa.org

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

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, May 8, 2013 - 4:00 p.m.

COMMITTEE MEMBERS: Director Larson & President McBride

CALL TO ORDER

Director Larson called the meeting to order at 4:17 p.m.

PLEDGE OF ALLEGIANCE

Led by John Burkhart

ROLL CALL

Directors: David Larson
Michael McBride

Staff: Marina West
Michelle Corbin

APPROVAL OF THE AGENDA

Director Larson and Director McBride approved the agenda as presented.

REVIEW DRAFT BUDGET

General Manager West gave a power point presentation highlighting various aspects of the budget line items. West noted water sales are up and explained how the Agency estimated the proposed water sales for the upcoming fiscal year 2013/2014 budget. Evaluations of debt income such as the Ad Valorem Tax and the Farmers Mortgage Home Association Loan were also reviewed.

West covered items that went "over budget" during the present fiscal year such as vehicle maintenance and also covered items that will see an increase in their funding for

next fiscal year. West proposed combining the travel and education expenses for all the Directors. The Agency will continue to keep track of the individual expenses of each Director; however the budget line item will reflect one pool of money instead of five individual line items.

Anonymous asked what company the Agency uses for long distance phone service.

The Committee directed staff to bring the new budget to the full board in May for possible adoption.

REGIONAL DESERT-WISE LANDSCAPE PROJECT

General Manager West gave the staff report. The Agency was approached by a representative from Hi-Desert Water regarding the possibility of participating in a landscape project for Bremm Park in Yucca Valley, CA. A portion of the new park is designated for handicap use and accessibility.

Both Director Larson and Director McBride have stated this is a worthwhile project and a great opportunity for the Agency.

No public comment.

The Committee directed staff to bring to the full Board for authorization of the expenditure.

DISCUSS POTENTIAL CHANGES TO LEAK RELIEF/BILLING ADJUSTMENT POLICY

General Manager West reviewed the Leak Relief/Billing Adjustment Policy previously discussed with the committee. West highlighted the parameters and discussed the proposed application for leak relief.

No public comment.

The Committee directed staff to bring the policy and application to the full Board of Directors.

UPDATE ON SB 246 INTRODUCED BY SENATOR JEAN FULLER (DISTRICT 18) TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW

General Manager West updated the committee on the progress of the bill and went over some of the most recent changes and redactions. The Agency has reached out to various entities to request "letters of support" of Bill SB 246. West is attending the next Local Agency Formation Commission (LAFCO) meeting as well as several other water board meetings to seek support of the bill.

No public comment.

UPDATE ON AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM

General Manager West reported Mojave Water Agency has awarded the contract for the construction of the pipeline and outlet structure. Title on the mitigated lands should record soon then escrow can close. The preconstruction meeting is scheduled for May. Once the site is operational, West will file the judgment.

No public comment.

DEMONSTRATION GARDEN UPDATE AND PUBLIC RELATIONS

General Manager West gave the staff report. The irrigation system will be installed the following week. The Agency is planning on planting the larger trees ourselves and inviting the public to participate with planting some of the smaller plants.

No public comment.

CONSENT ITEMS

- a. Special FPREP Meeting Report, March 13, 2013

No public comment.

Director Larson and Director McBride approved the report.

PUBLIC COMMENT PERIOD

No public comment.

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS

No reports.

GENERAL MANAGER'S REPORT

General Manager West thanked her staff for their assistance with the new budget.

ITEMS FOR NEXT AGENDA

Update on Senate Bill SB246 and the Drug and Alcohol Policy.

ADJOURNMENT - Director Larson adjourned the meeting at 6:08 p.m.