

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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A Public Agency

www.bdvwa.org

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

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

COMMITTEE MEMBERS: David Larson & Michael 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. **REVIEW DRAFT BUDGET**
6. **REGIONAL DESERT-WISE LANDSCAPE PROJECT**
7. **DISCUSS POTENTIAL CHANGES TO LEAK RELIEF/BILLING ADJUSTMENT POLICY**
8. **UPDATE ON SB 246 INTRODUCED BY SENATOR JEAN FULLER (DISTRICT 18) TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW**
9. **UPDATE ON AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM**
10. **DEMONSTRATION GARDEN UPDATE AND PUBLIC RELATIONS**
11. **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, March 13, 2013

12. **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.

13. **VERBAL REPORTS**

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

14. **ITEMS FOR NEXT AGENDA**

15. **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.

EXHIBIT "A"



DRAFT

2013/2014

OPERATING BUDGET

Resolution No. 13R-XX

Adopted XX, 2013

2013/2014 OPERATING BUDGET
EXHIBIT "A"

DRAFT

<u>SUMMARY</u>		
	2013-2014	
	revenue	expenses
REVENUE - OPERATING	1,041,386	
ADMINISTRATION EXPENSE		601,510
OPERATION EXPENSE		425,130
TOTAL REVENUE (NON-OPERATING)	330,495	
DEBT EXPENSE (BH, DV, & MWA)*		224,300
CAPITAL IMPROVEMENT/ REPLACEMENT/REFURBISHMENT		
FY2013/2014 portion from BFC & Meter Install (restricted)		5,353
Op. and non-Op Revenue Available to allocate (unrestricted)		115,587
Verification of Totals	1,371,880	1,371,880
* MWA Debt Participation is funded by Operating Revenues		

2013/2014 BUDGET
EXHIBIT "A"

DRAFT

REVENUE SUMMARY

		2013-2014
Description		Amount
OPERATING INCOME		
Metered Water Sales		441,836
Basic Service Charge		559,350
Other Operating Income		37,200
Interest Income Unrestricted		3,000
Grants and Funding Partners		-
	* Subtotal	1,041,386
NON-OPERATING INCOME		
BH Debt Income BH FMHA DA01		175,900
DV FMHA Surcharge		47,542
General Tax Income (1%) Imp. "A" GA02		51,600
General Tax Income (1%) BM/DV GA01		50,100
	Subtotal	325,142
NON-OPERATING INCOME - New Services		
Meter Connect Fees (SL Install Fees)		1,255
Basic Facilities Charge (Buy In)		4,098
	Subtotal	5,353
Total Revenue		1,371,880

MWA debt participation (\$73K) will be transferred from Operating
* Revenue to Non-Operating expense.

2013/2014 BUDGET
EXHIBIT "A"

DRAFT

<u>ADMINISTRATIVE EXPENSE</u>		2013-2014
Account	Description	Amount
56001	Directors Fees	33,500
56002	Director Meeting Expense	-
56002 01	Director 1	-
56002 02	Director 2	-
56002 03	Director 3	-
56002 04	Director 4	-
56002 05	Director 5	-
56003	Administrative Compensation	256,000
56005	Administrative Meeting Expenses	-
56006	Contractual Services- Auditor	30,000
56007	Contractual Services- Legal	15,000
56008	PERS	44,700
56009	Payroll Tax	10,150
56011	Telephone & Fax	6,700
56012	Mailing Expenses	4,360
56014	Contractual Services- Other	18,800
56016	Property/Liability Insurance	27,000
56017	Workers Comp. Insurance	6,500
56018	Dues & Subscriptions	10,050
56020	Power- Office & Yards	5,600
56022	Bad Debt Expense	2,000
56025	Propane	1,800
56030	Office Supplies	6,700
56100	Employee Benefits Insurance	95,400
56110	Employee Education	3,000
56200	Office Equipment Expense	6,500
56300	Customer Relations	9,250
56400	Other Administrative Expenses	1,500
58100	Elections Costs	7,000
Total Administrative Expense		601,510

2013/2014 BUDGET
EXHIBIT "A"

DRAFT

2013-2014

OPERATIONS EXPENSE

Account	Description	Amount
54102	Operations Compensation	154,565
54103	Uniforms	2,150
54105	Auto Controls	2,640
54106	Vehicle/Tractor/Equip Expense	6,000
54107	Vehicle Expense- Fuel	24,600
54109	Field Materials and Supplies	25,000
54111	Water Testing	4,425
54112	Contractual Services- Engineering	65,000
54114	Water System Repairs	25,000
54115	Building Maintenance/Repair	19,750
54117	Ames Basin Monitoring	-
54119	Communications Expense	1,500
54121	Disinfection Expense	5,000
54125	Power- Wells/Booster Pumps	63,000
54130	Other Operations Expense	15,000
55001	Bulk Pumping Plant Expense	6,500
55002	Bulk Operations and Maintenance	5,000
	Total Operations Expense	425,130

2013/2014 BUDGET
EXHIBIT "A"

DRAFT

DEBT EXPENSE

Account	Description	Payment Amount	Paid from Revenue	Paid from LAIF
22300	BH Debt Principal	81,000	81,000	-
57000	BH Debt Interest Payment	28,000	28,000	-
21101	DV Debt Principal	29,000	29,000	-
59100	DV Debt Interest Payment	13,000	13,000	-
57350	MWA Pipeline Debt	73,300	73,300	-
	Total Debt Expense	224,300	224,300	

*Assumes no debt service payments from LAIF reserves

MWA Pipeline debt is paid from Operating Revenue.

2013/2014 BUDGET - EXPENSE ACCOUNTS
EXHIBIT "A"

DRAFT

EXPENSE	ACCOUNTS	PROJECTED BUDGET							
		FY2010/11 Actual expenditures	FY2011/12 Actual expenditures	FY2012/13 Approved Budget	2012/2013 YTD 75%	Preliminary Budget 2013/14			
54102	OPERATIONS COMPENSATION								
	Three field employees with on-call overtime and standby hours	\$ 153,405	\$ 158,404	\$ 151,538	81.18%	\$154,565			1.7 Cost of Living increase for all eligible employees based on Social Security Administration Adjustment
54103	UNIFORMS								
	Shoes \$450, Uniform Lease Service \$1700; jackets \$375	\$ 2,370	\$ 1,975	\$ 2,150	114.27%	\$2,150			Shoes \$450, Uniform Lease Service \$1700
54105	VERIZON-TELEMETRY								
	220 X 12 months-36 month fixed lease	\$ 2,520	\$ 2,579	\$ 2,640	56.69%	\$2,640			220 X 12 months-36 month fixed lease
54106	VEHICLE/TRACTOR/ EQUIP EXPENSE								
	Includes new tires for fleet, routine maintenance, large equipment repairs. Fuel tank vapor compliance testing \$500 and compliance \$500. Haz.Mat. Disposal \$500	\$ 6,444	\$ 4,567	\$ 5,000	216.31%	\$6,000			
54107	VEHICLE EXPENSE- FUEL								
	Projections based on prior 7 month trend.	\$ 17,681	\$ 18,234	\$ 18,000	104.88%	\$24,600			Increase in fuel costs in 2012/13
54109	FIELD MATERIAL & SUPPLIES								
	All materials and supplies used in the maintenance of the water distribution system, safety/traffic control and small tools.	\$ 15,655	\$ 15,258	\$ 20,000	107.96%	\$25,000			
54111	WATER TESTING								
	Bact, Gen. Phy. And Plate Counts \$3075, Nitrates all wells \$140, Pb/Cu testing cycle \$460, Misc. T22 (EDB/DBCP, Inorganics, Secondary GP, TDS) \$340, GAUJr \$0, 10% contingency \$400	\$ 11,064	\$ 8,026	\$ 6,850	43.15%	\$4,425			
54112	ENGINEERING								
	Engineering consultant services	\$ 34,274	\$ 68,040	\$ 65,000	13.50%	\$65,000			
54114	WATER SYSTEM REPAIRS								
	Routine repairs/maintenance for wells, pumps, boosters, pressure reducing stations, reservoirs, pipelines, airvac valves, etc.	\$ 9,218	\$ 12,834	\$ 25,000	30.59%	\$25,000			
54115	BUILDING REPAIR AND MAINT								
	Trash \$1000, Security \$680, Shop Sec. \$520, Fire extinguisher maintenance \$550, cleaning service \$2700, Landscape Main. \$1,000. Non-routine maintenance items (one time expense) \$13,300	\$ 8,238	\$ 12,595	\$ 7,500	98.23%	\$19,750			Add non-routine funds to replace lighting at Boardroom. Maintenance at Jemez office to include upgraded Heater/AC w/ducting changes, new carpet, paint outside.
54117	AMES BASIN MONITORING								
	MWA to take over program. No outside costs being incurred.	\$ 5,112	\$ 755	\$ -					Program costs end with new Judgment
54119	COMMUNICATIONS EXP								
	AT&T Cell phones	\$ 1,784	\$ 5,422	\$ 1,500	90.38%	\$1,500			3 field employees. 1 on-call phone
54121	DISINFECTION EXPENSE								
	Chlorine \$3500, Misc \$1500	\$ 3,552	\$ 7,375	\$ 4,500	81.16%	\$5,000			Chlorine, testing eq. and supplies to maintain chlorination system and PPE for handling chlorine.
54125	POWER WELLS & BOOSTER								
	Based on prior 12 months usage	\$ 59,816	\$ 58,613	\$ 63,000	63.20%	\$63,000			No increase anticipated
54130	OTHER OPER EXPENSES								
	Dump charges \$500, SWROB filing fee \$400, bee service \$650, DPH (DHS) - \$8750, BLM rent for ID 1 system \$3350, AQMD \$265, Misc. \$1,000	\$ 19,932	\$ 18,965	\$ 16,500	185.17%	\$15,000			
55001	BULK PUMPING PLANT EXPENSE								
	3% of telemetry expense \$85, J/V Well 10 power plus 3% of all other power expense \$5650, sampling for bacti. Gen. Phy., Plate Count and contingency \$700	\$ 10,487	\$ 6,721	\$ 6,500	65.14%	\$6,500			

2013/2014 BUDGET - EXPENSE ACCOUNTS
EXHIBIT "A"

DRAFT

EXPENSE	ACCOUNTS	PROJECTED BUDGET						2012/2013 YTD 75%	Preliminary Budget 2013/14	
		FY2010/11 Actual expenditures	FY2011/12 Actual expenditures	FY2012/13 Approved Budget						
55002	BULK OPERATIONS AND MAINTENANCE	\$ 1,357	\$ 279	\$ 5,000			48.49%	\$5,000		
56001	DIRECTORS FEES	\$ 15,000	\$ 16,300	\$ 16,000			46.25%	\$33,500		Est. per diem for all meetings and expenses for various BOD approved seminars. Budget combined w/ 56002 expenses. Total budget decreased from prior year.
56002	DIRECTOR MEETING EXPENSE	\$ 12,183	\$ 4,885	N/A				\$0		
56002 01	DIRECTOR 1			\$ 4,200			46.13%	\$0		All monies moved to 56001 and will be apportioned into subaccounts as expended for ease in reporting.
56002 02	DIRECTOR 2			\$ 4,200			60.15%	\$0		
56002 03	DIRECTOR 3			\$ 4,200			0.00%	\$0		
56002 04	DIRECTOR 4			\$ 4,200			2.02%	\$0		
56002 05	DIRECTOR 5			\$ 4,200			3.46%	\$0		
56003	ADMINISTRATION COMP	\$ 224,630	\$ 238,370	\$ 245,494			66.03%	\$256,000		Includes 1.7 % COLA and est. overtime.
56005	ADMIN/BOD MEETING EXPENSE	\$ 1,514	\$ 195	\$ 1,000			14.07%	\$0		Move expenses to 56400 beginning FY2013/14
56006	CONTRACTUAL SERVICES- AUDITOR	\$ 28,700	\$ 26,472	\$ 30,000			90.18%	\$30,000		
56007	CONTRACTUAL SERV- LEGAL	\$ 71,463	\$ 80,000	\$ 30,000			35.20%	\$15,000		Budget based on FY2012/13 expenses to date.
56008	PERS	\$ 29,874	\$ 34,880	\$ 41,000			74.45%	\$44,700		
56009	PAYROLL TAXES	\$ 13,076	\$ 8,317	\$ 12,400			46.51%	\$10,150		
56011	PHONE, FAX LINES, INTERNET	\$ 6,676	\$ 7,022	\$ 7,500			58.82%	\$6,700		
56012	MAILING EXPENSE	\$ 8,825	\$ 7,608	\$ 11,500			41.87%	\$4,360		6-mo. in-house billing. 1-yr. routine postage, Pitney contract 1-yr. remaining.

2013/2014 BUDGET - EXPENSE ACCOUNTS
EXHIBIT "A"

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EXPENSE	ACCOUNTS	PROJECTED BUDGET					2012/2013 YTD 75%	Preliminary Budget 2013/14	
56014	CONTRACTUAL SERV- OTHER	Bank Fees \$3000, DataStream Maintenance Contract \$3000, Extra DataStream Programming Estimate \$6000 (PDF conversion = \$4500), Copier Maintenance Agreement Est. \$2,600, Outsourced Billing \$4200	FY2011/11 Actual expenditures	FY2011/12 Actual expenditures	FY2012/13 Approved Budget	2012/2013 YTD 75%		\$18,800	Begin outsourced billing from postcard to letter in Jan. 2014.
			\$ 36,823	\$ 15,145	\$ 19,100	58.30%			
56016	PROPERTY/LIABILITY EXPENSE	Property and Liability	\$ 28,475	\$ 26,663	\$ 27,000	77.23%		\$27,000	Estimate from prior year expense
56017	WORKERS COMP INS	All Employees	\$ 13,023	\$ 3,066	\$ 6,500	78.98%		\$6,500	Estimate provided by SDRMA
56018	DUES & SUBSCRIPTIONS and ANNUAL FEES	AWWA \$420, ACWA \$4800, DigAlert \$375, Hi Desert Star \$40, CRWA \$620, Weinhorff \$130, CSDA \$2500, LAFCO budget allocation \$432, ERNIE Memb. \$400, GFOA \$150, Misc \$200	\$ 9,175	\$ 9,246	\$ 9,630	97.45%		\$10,050	
56020	POWER OFFICE & YARDS	Based on prior 12 months usage	\$ 5,246	\$ 4,671	\$ 5,600	62.36%		\$5,600	
56022	BAD DEBT EXPENSE	Bad debt (misc. unable to lien)	\$ 2,003	\$ 304	\$ 2,000	48.18%		\$2,000	Expensed bad debt (est.)
56025	PROPANE	Office and Shop	\$ 1,741	\$ 1,516	\$ 1,800	69.05%		\$1,800	
56030	OFFICE SUPPLIES/ PRINTING	Printed items such as envelopes, business cards, checks. Toner refills for desktop printers, consumable office supplies (paper) and Boardroom supplies. Safety and emergency supplies \$500. Copier "per print" costs (\$1000)	\$ 5,692	\$ 8,998	\$ 8,500	52.04%		\$6,700	
56100	EMPLOYEE BENEFITS INS	Health, Dental, Vision, Life	\$ 61,624	\$ 65,029	\$ 94,090	71.99%		\$95,400	various increases: HMO 15-17%, PPO 8-10%, ACA 1-3%
56110	EMPLOYEE EDUCATION	Miscellaneous employee education and outside training (inc. safety training)	\$ 6,131	\$ 4,134	\$ 3,500	54.81%		\$3,000	
56200	OFFICE EQUIPMENT EXPENSE	Computer and phone system repairs \$1000, Misc office equipment, furniture & software \$5500	\$ 5,694	\$ 6,507	\$ 3,500	42.34%		\$6,500	New front office furniture for staff (\$3,000)
56300	CUSTOMER RELATIONS	Misc customer relations expense: Notices (CCR & Newsletter printing, etc. \$3350), Outreach: Orchid Festival Expenses \$1300, 3rd July outreach \$200, Desert-wise Tour and Seminars \$1000, AWAC \$500, Landers Ele. Programs \$500, Regional Demonstration Garden (Brehm) \$1500, Calendars \$900	\$ 1,096	\$ 4,832	\$ 6,000	46.30%		\$9,250	Increased newsletter circulation and W-1 outreach. Added events: July 3rd, Regional Demonstration Garden, Calendars
56400	OTHER ADMIN EXPENSES	BOD Advertising (legal notices, etc.), GFOA COE application for audit, misc. meeting expenses. employment advertising including bid recruitment and legal advertising, employee screening,	\$ 6,735	\$ 4,832	\$ 3,500	44.29%		\$1,500	FY2013/14 Combine 56003 into 56400. Reduce budget based on actual expenses.
58100	ELECTION COSTS	Regular election in FY2012/13	\$ -	\$ 6,320	\$ -			\$7,000	Regular election in Nov. 2013
TOTAL EXPENSES			\$ 958,309	\$ 985,954	\$ 1,007,292			\$1,026,640	

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2013/2014 REVENUE PROJECTED
EXHIBIT "A"

Account	Description	JULY 13	AUG 13	SEP 13	OCT 13	NOV 13	DEC 13	JAN 14	FEB 14	MAR 14	APR 14	MAY 14	JUNE 14	TOTAL
	METERED WATER SALES													
	Percentage vs previous 12 months BIGHORN 01-06 Consumption previous 12 mo.		0.95		0.95		0.95		0.95		0.95		0.95	
01-41100	Metered Water @ 95% of prior 12 mo.		1,361,702 38,931		1,446,445 41,224		992,049 28,273		846,447 24,124		706,556 20,137		1,022,830 29,151	\$181,839
	Percentage vs previous 12 months DESERT VIEW 07-11 Consumption previous 12 mo.	0.95		0.95		0.95		0.95		0.95		0.95		
01-41100	Metered Water @ 95% of prior 12 mo.	1,502,083 42,809		1,616,233 46,063		1,477,718 42,115		984,810 28,067		892,901 25,448		1,006,919 28,697		\$213,199
	BASIC SERVICE CHARGE													
01-41300	no of meters - BIGHORN 01-06 Basic Svs Charge @ \$55/ meter per cycle		843 46,365		843 46,365		843 46,365		843 46,365		843 46,365		843 46,365	\$278,190
01-41300	no of meters - DESERT VIEW 07-11 Basic Svs Charge @ \$55/ meter per cycle	852 46,860		852 46,860		852 46,860		852 46,860		852 46,860		852 46,860		\$281,160
	BULK WATER													
	percentage of previous 12 months consumption previous 12 mos.	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	
01-41400	Bulk Water @95% of prior 12 mo.	61,632 4,977	70,534 5,696	54,289 4,384	59,171 4,778	42,834 3,459	47,949 3,872	32,686 2,639	33,818 2,731	30,702 2,479	42,409 3,425	45,872 3,704	57,636 4,854	\$46,797
	DEBT REVENUE													
01-49103	# of Desert View Accounts FHMA Desert View Revenue Bond @ 9.30	852 7,924		852 7,924		852 7,924		852 7,924		852 7,924		852 7,924		\$47,542
01-49101	PT Ad Valorem Bighorn ID 1 Debt	-	-	-	-	72,000	36,250	9,200	2,100	20,000	16,350	20,000	-	\$175,900
	GENERAL PROPERTY TAX REVENUE													
01-49100	Bighorn Imp "A" Area 1% Gen Levy Share	-	-	-	-	-	21,500	4,100	500	3,000	6,500	11,500	4,500	\$51,600
01-49102	Bighorn-Desert View WA 1% Gen Levy Share	-	-	-	-	-	20,000	4,100	500	3,000	6,500	11,500	4,500	\$50,100
01-41700	Income Other (Operating)	3100	3100	3100	3100	3100	3100	3100	3100	3100	3100	3100	3100	\$37,200
01-49200	LAIF Interest Income (Unrestricted-Operating)	750	-	-	750	-	-	750	-	-	750	-	-	\$3,000
01-49600	Income Other (Non Op) DO Standbys													\$0
	METER SALES AND INSTALLATION													
01-41000	Estimated # SL Installs Service Line Installation Fees	-	-	-	-	-	1,255	-	-	-	-	-	-	\$1,255
01-41001	Basic Facilities Charge (Buy In)	-	-	-	-	-	4,098	-	-	-	-	-	-	\$4,098
	TOTAL REVENUE													\$1,371,880

Item No. 6
Regional Desert-Wise
Landscape Project

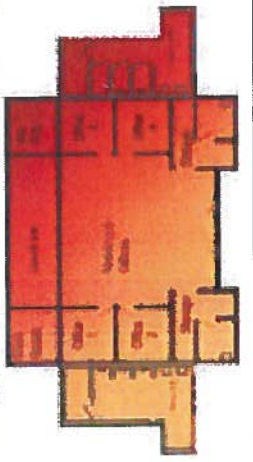
D.C. TRAIL



PRELIMINARY MASTER PLAN

BREHM PARK

BASIN WIDE FOUNDATION
IN THE TOWN OF YUCCA VALLEY NORTH



Enlargement of Snack Bar/Restrooms

Approximate Room Areas of 2,725sf Silver LEED Building

Snack bar	270 sf	Inventory	100 sf
Meeting room	812 sf	Men's Restroom	312 sf
Office 1	121 sf	Women's Restroom	312 sf
Office 2	121 sf	Storage 1	154 sf
Office 3	121 sf	Storage 2	154 sf
Office 4	121 sf	Electrical	100 sf

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

Meeting Date: May 8, 2013

To: Financial/PR/Education/Personnel Comm. **Budgeted:** To Be Determined
Board of Directors **Budgeted Amount:** To Be Determined
Cost: n/a

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

Subject: Leak Relief/Billing Adjustment Policy

SUMMARY

During the March 13, 2013 FPREP Committee meeting, members and staff discussed the issue of leak relief and a policy for guidance. The Agency current policy is no leak relief.

RECOMMENDATION

Staff is requesting Committee's input and direction prior to bringing this item to the full board for further consideration.

BACKGROUND/ANALYSIS

At the Committees last meeting the following parameters for leak relief were noted;

- Include language that defines a qualified leak
- Be the primary residence of the person requesting the relief
- Granted once in a lifetime per account holder
- Set a limit of 25% of the consumed overage up to \$500.00
- No leak relief granted on leaks found on irrigation systems piping
- Include information in our newsletters reminding customers of their responsibility when leaving their homes for long periods of time

PRIOR RELEVANT BOARD ACTION(S)

10/3/2011 Ordinance No. 11O-01 Establishing Rules and Regulations for Water Service

**Water Leakage
Relief Application**

*Bighorn-Desert View Water Agency
622 S. Jemez Trail, Yucca Valley CA 92284
Phone: 760-364-2315 Fax: 760-364-3412*

Account number:

Property APN :

Checklist—are you eligible?

Important—if all requirements below are not met, you are not eligible for relief from water leakage.

- ☐ The concealed leak is located in a burst pipe (either underground, under or within concrete or underneath a building—where the occupier could not reasonably expect to know it exists)
Note: Pool leaks, tap leaks, leaks in the irrigation system and plumbing fixtures are not eligible
- ☐ Proof the leak has been repaired, i.e. a copy of the plumber's invoice
- ☐ Previous leak relief has not been granted at this home for this homeowner/ tenant
- ☐ The property is owner occupied or is rented to a tenant
- ☐ All sections of this application form have been completed

DRAFT

Applicant details

Name: _____ Owner _____ Tenant _____

Mailing address: _____

Phone number: _____

Details of property where leak occurred

Property address: _____

Location of leak: _____

Leak and plumber details

Date leak suspected: _____ Date leak repaired: _____

Plumbers name: _____ Contact phone number: _____

I/we, _____
believe that the above information is correct.

Signature of applicant: _____

Date: _____



Water Leakage Relief Application

Important information regarding your water leakage relief application

Leakage shall mean:

The accidental emergence of water at places where it is not intended to emerge, from a crack or hole within the main water service supply pipe servicing the premises and or property which has been caused by wear or damage.

Relief WILL NOT be considered for water loss or leakage from fixtures such as:

- Internal and external taps
- Toilets
- Water heaters
- Plumbing fittings and water pipes which service an irrigation system

Applications should include a proof of repair such as a plumbers invoice with before and after photos

- If you are unable to obtain an invoice from a licensed plumber that did the repairs, a signed letter summarizing the repair with photos must accompany this application as well as receipts for parts purchased.
- Leak relief, if granted is for 25% of the overage up to \$500 and is based on the accounts average water consumption.
- Only one application for relief will be allowed per property account holder.

DRAFT



Large water bills caused by breaks in irrigation systems do not qualify for relief.

Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley CA 92284

Phone: 760-364-2315
Fax: 760-364-3412
E-mail: bdvwa@mindspring.com

SENATE RULES COMMITTEE

SB 246

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 246
Author: Fuller (R)
Amended: 4/23/13
Vote: 21

SENATE GOVERNANCE & FINANCE COMMITTEE: 7-0, 4/17/13

AYES: Wolk, Knight, Beall, DeSaulnier, Emmerson, Hernandez, Liu

SUBJECT: Bighorn-Desert View Water Agency

SOURCE: Bighorn-Desert View Water Agency

DIGEST: This bill repeals the entire Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and amends the Bighorn Mountains Water Agency Law to make it a more modern, transparent, and functional statute.

ANALYSIS: The Legislature created the Bighorn Mountains Water Agency as a special act special district governed by the uncodified "Bighorn Mountains Water Agency Law" (SB 1175 (Coombs, 1969)). To allow the Bighorn Mountains Water Agency to merge with the Desert View Water District, which was governed by the County Water District Law, the Legislature enacted the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law (AB 1819 (Woodruff, Chapter 570, Statutes of 1989)). The merged Bighorn-Desert View Water Agency (Agency) provides retail water service to residents within a 45-square mile area encompassing the San Bernardino County communities of Flamingo Heights, Landers, and Johnson Valley.

This bill repeals the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and deletes cross-references to the law from the Bighorn-Desert View Water Agency's special act.

CONTINUED

This bill requires the Agency to separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Water Agency for the purpose of bond debt service for each of the former systems. This bill declares that its provisions must not be construed to impair any contract entered into prior to January 1, 2014.

This bill reduces, from three months to 60 days, the period during which legal actions can be initiated to contest, question, or deny the validity of the Agency's bonds, improvement districts, annexations, or other proceedings. This bill allows the Agency to file legal actions, pursuant to specified statutes in the Code of Civil Procedure, to determine the validity of the Agency's bonds, warrants, promissory notes, contracts, or other evidences of indebtedness.

This bill reduces, from six to three, the number of public places in which the Agency must post specified hearing notices.

This bill deletes current statutory language governing compensation for the Agency's board of directors. This bill requires the Agency's board members to receive compensation for attending board meetings that does not exceed the maximum amount authorized by specified statutes that govern compensation for water districts' directors.

This bill deletes current statutory language relating to vacancies on the Agency's board of directors and specifies that the Agency must fill vacancies on its board pursuant to specified statutes in the Government Code.

This bill reorganizes current statutory language allowing the Agency's board to appoint, define the duties of, and provide compensation for specified offices. This bill prohibits the board from appointing a sitting member of the board to one of those offices. This bill deletes statutory language authorizing the board to appoint a treasurer and to consolidate specified offices.

This bill requires the Agency's board to adopt a resolution specifying the date, time, and place of its meetings and deletes conflicting and redundant statutory language relating to board meetings.

This bill specifies that the Agency's board can act by minute order and details specific notice, posting, and publication procedures that the board must follow to adopt an ordinance.

This bill deletes current statutory language governing the Agency's elections and allows the Agency's voter to pass an initiative or disapprove of an ordinance by referendum subject to specified statutes in the Elections Code.

This bill specifies that the Agency's powers include the power to:

- Construct, maintain, and operate water wells.
- Construct, maintain, and operate property useful or necessary to produce water.
- Enlarge any waterworks or waterworks system acquired by the Agency.

This bill deletes a requirement that the Agency's board regulate specified recreational facilities' use by adopting an ordinance. This bill repeals language defining a violation of those regulations as a misdemeanor. Instead, this bill makes a violation of the specified regulations an infraction, punishable by a fine of \$300 or less.

This bill specifies that the Agency's board, to restrict the use of water during a drought or water shortage, must comply with specified statutes in the Water Code governing water shortage emergencies. This bill deletes language defining a violation of specified water restrictions as a misdemeanor and deletes other related statutory language.

This bill deletes statutory language requiring the board to adopt an ordinance to exercise specified powers related to pensions.

This bill amends the current statute governing the Agency's power to enter into contracts. This bill deletes a requirement that the Agency must get 2/3-voter approval for specified contracts that incur long-term debt.

This bill deletes current statutory language allowing the Agency to incur debt, issue bonds and promissory notes, and impose assessments. This bill authorizes the Agency to:

- Borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at an annual interest rate that must not exceed 12%, pursuant to state law.
- Refund or retire any indebtedness or lien against the agency or its property.
- Issue negotiable promissory notes that are general obligations of the Agency payable from revenues and taxes in the same manner as the Agency's bonds

CONTINUED

and subject to the same 12% annual interest rate limit.

- Cause taxes to be levied to pay the Agency's obligations, subject to constitutional and statutory requirements.
- To issue improvement bonds in accordance with and pursuant to the:
 - Improvement Act of 1911
 - Improvement Bond Act of 1915
 - Municipal Improvement Act of 1913
 - Refunding Assessment Bond Act of 1935
 - Revenue Bond Law of 1941

This bill increases the maximum allowable annual interest rates on debt issued by the Agency from 7% to 12%, pursuant to specified statutes in the Government Code.

This bill allows the Agency to sell bonds through negotiated sale or private sale subject to specified conditions. This bill prohibits bonds from being sold for less than 94% of par value.

This bill replaces the term "bonded debt" with the term "debt" in numerous places throughout the Bighorn-Desert View Water Agency Law and deletes outdated references to bonds' interest coupons.

This bill specifies the manner in which the Agency can record liens for unpaid water service charges.

This bill clarifies that bond proceeds and surplus revenues from water rates can be used to pay for replacement of the Agency's works.

This bill renames the special act governing the Bighorn-Desert View Water Agency as the "Bighorn-Desert View Water Agency Law." Throughout the Law, this bill replaces the name "Bighorn Mountains Water Agency" with "Bighorn-Desert View Water Agency."

This bill updates the statutory metes-and-bounds description of the Bighorn-Desert View Water Agency's boundaries.

This bill deletes statutory language relating to a potential future consolidation of the Bighorn Mountains Water Agency with the Desert View Water Agency.

CONTINUED

This bill makes numerous technical, non-substantive amendments to the statutes governing the Bighorn-Desert View Water Agency to conform the statutes to other changes made by this bill and to modernize the statutory language. This bill includes findings and declarations that comply with existing law requirements.

Comments

According to the author's office, this bill helps clarify and reorganize the law that established the Bighorn-Desert View Water District within San Bernardino County. This update and modernization should provide more transparency and accountability to ratepayers in that District.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/23/13)

Bighorn-Desert View Water Agency (source)

AB:k 4/23/13 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** **END** ****



California
LEGISLATIVE INFORMATION

SB-246 Bighorn-Desert View Water Agency. (2013-2014)

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 04, 2013

CALIFORNIA LEGISLATURE— 2013-2014 REGULAR SESSION

SENATE BILL

No. 246

Introduced by Senator Fuller

February 12, 2013

An act to repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, and 30 to, to repeal Sections 3, 15.1, 15.2, 15.3, 16, 17, 18, 19.5, 21, 22, 36, 40, 41, 45, 46, 49, and 51 of, and to repeal and add Sections 9, 13, and 14 of, the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Fuller. Bighorn-Desert View Water Agency.

Existing law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures.

Under existing law, the Desert View Water District and the Bighorn Mountains Water Agency consolidated forming the Bighorn-Desert View Water Agency. Existing law, the Bighorn-Desert View Water Agency Law, grants to the consolidated successor district specified authorizations, powers, and duties and makes a violation of certain regulations and ordinances a misdemeanor.

This bill would make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. The bill would revise various provisions relating to the operation of the district, including, but not limited to, specifying procedures for the repayment of bonded indebtedness incurred prior to the consolidation, and eliminating the misdemeanor for ordinance violations and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings demonstrating these in regard to the limitation of certain public posting requirements by the bill.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code is repealed.

SEC. 2. Section 1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 570 of the Statutes of 1989, is amended to read:

Section 1. This act is designated, and may be cited and referred to as, the "Bighorn-Desert View Water Agency Law."

SEC. 3. Section 2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended to read:

Sec. 2. The Bighorn-Desert View Water Agency, formed by the consolidation of agencies authorized pursuant to former Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, is hereby created, organized, and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory and shall include all territory lying within the following described boundaries:

All that real property situate in the County of San Bernardino, State of California, more particularly described as follows:

(a) Township 3 North, Range 4 East, San Bernardino Base and Meridian:

Section 7

Section 8

Section 11

South 1/2 Section 2

Southwest1/4 Section 12

Section 13, excluding the North1/2 of the Northeast 1/4

Section 14

Section 15

Section 16

Section 17

East1/2 Section 18

Northeast1/4, Northeast1/4, Section 20

North 1/2 Section 21

North1/2 Section 22

(b) Township 3 North, Range 5, East, San Bernardino Base and Meridian:

South1/2, Southwest1/4, Section 4

Section 8

Section 9, excluding the Northeast 1/4

Southwest 1/4 Section 10

Section 13

South 1/2 Section 14

Section 15, excluding the Northeast 1/4

Section 16

Section 17

Section 18

Section 21

Section 22

Section 23

Section 24

West 1/2 Section 26

Section 27

Southeast 1/4 Section 33

Section 34

Section 35, excluding the Northeast 1/4

West 1/2, Northwest 1/4, Southwest 1/4, Section 36

Northeast 1/4, Northwest 1/4, Southwest 1/4, Section 36

(c) Township 2 North, Range 5 East, San Bernardino Base and Meridian:

Section 2

Section 3

Section 10

Section 11

Section 12

Section 13

Section 14

Section 15

Section 22

Section 23

Section 26

Section 27

Section 34

(d) Township 2 North, Range 6 East, San Bernardino Base and Meridian:

Section 5

Section 6

Section 7, except certain parcels described as:

630-032-04 W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC

630-032-05 E 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RDS

630-032-09 W 1/2 NE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD

630-032-10 W 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD

630-032-11 W 1/2 NE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD

630-032-15 E 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC

630-032-49 W 1/2 SE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX W 100 FT S 422 FT THEREOF AND EX RDS

630-041-26 W 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD MNL RTS AS RESERVED BY USA 5 AC

630-041-30 E 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC

630-041-39 W 1/2 SE 1/4 NE 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC

630-041-42 N 280 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD

630-041-54 N 130 FT S 380 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD

630-041-55 S 250 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD

630-041-56 N 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD

630-041-57 S 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E

Section 18, except certain parcels described as:

630-021-18 E 1/2 SW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX RD

630-021-67 N 1/2 E 1/2 NW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX S 130 FT W 100 FT E 230 FT THEREOF AND EX MNL RTS AS RESERVED BY USA EX RDS

West 1/2, Section 19

SEC. 4. Section 3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as added by Section 3 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 5. Section 5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 4 of Chapter 570 of the Statutes of 1989, is amended and renumbered to read:

Sec. 3. The Board of Directors of the Bighorn-Desert View Water Agency organized under this act shall consist of five members, each of whom shall be a resident of the agency, and shall hold office until his or her successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

SEC. 6. Section 7 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 4. No person shall vote at any Bighorn-Desert View Water Agency election who is not a voter within the meaning of the Elections Code.

In case the boundary line of the Bighorn-Desert View Water Agency crosses the boundary line of a county election precinct only those voters within the Bighorn-Desert View Water Agency and within the precinct who are registered as being voters within the Bighorn-Desert View Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within these precincts, one containing the names of candidates for office in the Bighorn-Desert View Water Agency, and the other not containing the names, and it shall be the duty of the election officers in these precincts to furnish only those persons registered as voters within the Bighorn-Desert View Water Agency with the ballots upon which are printed the names of the candidates for office in the Bighorn-Desert View Water Agency.

SEC. 7. Section 8 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 5. The provisions of the Elections Code so far as they may be applicable shall govern all general and special Bighorn-Desert View Water Agency elections, except as otherwise provided in this act.

SEC. 8. Section 8 is added to the Bighorn-Desert View Water Agency Act (Chapter 1175 of the Statutes of 1969), to read:

Sec. 8. For attending a meeting of the board of directors, each of the members of the board of directors shall receive compensation in an amount not to exceed the maximum amount authorized by Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code.

SEC. 9. Section 9 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 10. Section 9 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 9. Any vacancy in the board of directors shall be filled pursuant to Article 2 (commencing with Section 1770) of Chapter 4 of Division 4 of Title 1 of the Government Code.

SEC. 11. Section 10 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 6. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Bighorn-Desert View Water Agency in accordance with the recall provisions of the Elections Code of the state with reference to cities.

SEC. 12. Section 10 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 10. By a majority vote of the board of directors, the board shall appoint an attorney, chief engineer, general manager, and auditor, define their duties, and fix their compensations. The attorney, chief engineer, general manager, and auditor each shall serve at the pleasure of the board of directors. A member of the board of directors shall not serve as the appointed attorney, chief engineer, general manager, or auditor.

SEC. 13. Section 11 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 7. The board of directors shall be the governing body of the Bighorn-Desert View Water Agency. The board of directors shall, by resolution, provide for the date, time, and place of holding of its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January in each even-numbered year, the board of directors shall choose from among its members a president, vice president, and secretary.

SEC. 14. Section 11 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 11. The general manager shall:

(a) Have full charge and control of the maintenance, operation, and construction of the waterworks of the agency.

(b) Have full power and authority to employ and discharge all employees and assistants at pleasure.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants subject to approval by the board of directors.

(e) Perform other duties imposed by the board of directors.

(f) Report to the board of directors in accordance with rules and regulations adopted by the board.

SEC. 15. Section 12 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 696 of the Statutes of 1984, is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the members of

the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn-Desert View Water Agency as follows:" Except as otherwise required by law, ordinances shall be adopted by one of the following procedures:

(a) A copy of the full text of the ordinance shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance is to be amended. Within 21 days after passage of an ordinance, the general manager shall cause the ordinance to be published at least once in a newspaper of general circulation published and circulated within the agency's boundaries and shall cause the ordinance to be posted in at least three public places. An ordinance shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but summaries of the ordinance shall be published as provided in subdivision (b) or (c).

(b) The general manager may cause a summary of the ordinance or amendment to be published at least once in a newspaper of general circulation, and a copy of the full text of the ordinance or amendment shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the general manager shall cause the ordinance or amendment to be published at least once in a newspaper of general circulation, published, and circulated within the agency's boundaries, and shall cause the ordinance or amendment to be posted in at least three public places.

(c) If the general manager determines that it is not feasible to prepare a fair and adequate summary of the ordinance or amendment, the general manager shall cause a display advertisement of the full text of the ordinance or amendment of at least one-sixth of a page to be published in a newspaper of general circulation and a copy of the full text of the ordinance or amendment to be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 21 days after adoption, a display advertisement of a similar size shall be published and the full text posted in at least three public places.

SEC. 16. Section 13 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 17. Section 13 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 13. The voters of the Bighorn-Desert View Water Agency may pass an initiative in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a city.

SEC. 18. Section 14 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 19. Section 14 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 14. The voters of the Bighorn-Desert View Water Agency may disapprove and thereby veto an ordinance by proceeding in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a referendum in a city.

SEC. 20. Section 15 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 1 of Chapter 950 of the Statutes of 1985, is amended to read:

Sec. 15. The Bighorn-Desert View Water Agency, which may exercise only the powers expressly granted and those necessarily implied by this act, has all of the following powers:

1. To have perpetual succession.
2. To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, condemnation, or lease, hold, use, enjoy, and to lease, with or without the privilege of purchase, sell, or dispose of real and personal property of every kind, within or without the agency.
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain, and operate water wells, conduits, pipelines, reservoirs, works, machinery,

18. To cause taxes to be levied, in the manner provided by the California Constitution and state law, for the purpose of paying any obligation of the agency.

19. To issue improvement bonds in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935), and the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code).

20. To prescribe, revise, and collect water system connection and capacity charges in the manner provided by the California Constitution and state law.

21. To record a certificate in the office of the county recorder of any county specifying the amount of unpaid charges for water or other services, plus interest and penalties. From the time of recordation of the certificate, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by the person. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. Within 10 years from the filing of the certificate or within 10 years of the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of that filing the lien shall be extended to the real property in the county for 10 years unless sooner released or otherwise discharged.

22. To construct, operate, and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation, and maintenance of its projects for the control, conservation, diversion, and transmission of water, and to enter into contracts for the sale of this energy *for a term not to exceed 50 years. This energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.*

23. To contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, *for a term not to exceed 50 years.*

24. To prosecute an action to determine the validity of any bonds, warrants, promissory notes, contracts, or other evidences of indebtedness, including those of the kind authorized by paragraphs 16, 17, and 19, brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

25. In addition to the powers granted in this section, the agency may exercise all powers previously or hereafter granted to or possessed by county water districts organized and governed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) to finance the acquisition of, and to acquire, waterworks and waterworks systems, waters, water rights, lands, rights, or privileges, and may exercise all those powers to fund construction, maintenance, or operation of waterworks and waterworks systems.

SEC. 21. Section 15.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 22. Section 15.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 23. Section 15.3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 24. Section 16 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 176 of Chapter 1128 of the Statutes of 1984, is repealed.

SEC. 25. Section 17 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 26. Section 18 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 27. Section 19.5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 28. Section 21 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is

repealed.

SEC. 29. Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 30. Section 23 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 12 of Chapter 104 of the Statutes of 1970, is amended and renumbered to read:

Sec. 16. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations applicable thereto.

SEC. 31. Section 25 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 17. The board of directors, in compliance with the applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions, and enlargements, pay the interest on any debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 32. Section 26 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 19. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including payment of principal or interest on any debt of the agency or any improvement district thereof, as it becomes due, then the board of directors of the agency shall provide, in accordance with the provisions of the California Constitution and state law, for the levy and collection of a special tax sufficient to raise the amount of money determined by the board of directors to be necessary for the purpose of paying the expenses in addition to the funds required under Section 17 of this act.

SEC. 33. Section 27 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 20. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, by continuing to impose any ad valorem taxes or any other special taxes, or by levying assessments, in accordance with the provisions of the California Constitution and state law. Subject to Section 4 of Article XIII C of the California Constitution, the agency may impose new special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. Within a reasonable time before the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any debt of the agency, or of an improvement district thereof, as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors to collect, in addition to any other tax as may be levied by the board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the debt, as the case may be. Taxes for the payment of the interest on or principal of any debt shall be levied on the property within the agency, or improvement district thereof, benefited by the debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the agency or improvement district or portion thereof subject to the particular tax. It shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of indebtedness and the interest thereon or for other

purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 34. Section 28 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 21. (a) Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in the agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency. The resolution shall state all of the following:

(1) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The amount of debt to be incurred.

(3) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(4) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, which shall be payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on the dates specified in the resolution.

(5) The measure to be submitted to the voters.

(6) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(b) The board of directors shall provide for holding the special election on the date fixed and in accordance with the applicable provisions of the Elections Code. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in the agency, if there is a newspaper published in the agency, and the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the proposed election. No other notice of the election need be given. The returns of the election shall be made, the votes canvassed and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate the result, if the election has otherwise been fairly conducted.

(c) Any action or proceeding contesting, questioning, or denying the validity of these bonds, or proceedings in relation to these bonds, shall be commenced within 30 60 days from the date of the election, or the bonds and all proceedings in relation to these bonds shall be held to be valid and in every respect legal and incontestable.

SEC. 35. Section 29 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 22. (a) Whenever the board of directors deems it necessary to incur bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and the sale of the bonds.

(3) That the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in that proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for that improvement district.

(4) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(5) That a general description of the proposed improvements, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the question of the formation of the proposed improvement district, the extent thereof, the proposed improvements and the amount of debt to be incurred.

(7) That at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

(c) At the time and place fixed for the hearing, or at any time and place to which it is adjourned, the board shall proceed with the hearing. At the hearing, any person interested, including any person owning property within the agency or within any proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of the proposed improvement district, or any combination of these; provided, however, that the board shall not change the boundaries so as to include any territory that will not, in its judgment, be benefited by the improvement.

(d) The purpose, amount of bonded debt, or boundaries shall not be changed by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, and by posting in three public places within the proposed improvement district. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on the change, which time shall be at least 10 days after publication or posting of the notice. At the time and place fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing, the board shall, by resolution, determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which the proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. ... of Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of an improvement district within the Bighorn-Desert View Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(e) After the board has made its determination of the matters required to be determined by the last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for the improvement district. The resolution shall state all of the following:

(1) That the board deems it necessary to incur the bonded indebtedness.

(2) The purpose for which the bonded indebtedness will be incurred.

(3) The amount of debt to be incurred.

(4) The Improvement district to be benefited by the indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of the improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district.

(5) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(6) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(7) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on dates specified in the resolution.

(8) The measure to be submitted to the voters.

(9) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(f) The board of directors shall provide for holding the special election on the day so fixed and in accordance with the provisions of the Elections Code, as applicable, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(g) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(h) Any action or proceeding contesting, questioning, or denying the validity of the formation of the improvement district, of the bonds, or of the proceedings in relation to the bonds shall be commenced within ~~30~~ 60 days from the date of such election, or the bonds and all proceedings in relation to the bonds, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 36. Section 30 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 23. (a) Any portion of the Bighorn-Desert View Water Agency, whether contiguous or not to an improvement district thereof, may be annexed to the improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to 60 percent or more of the land in the portion proposed to be annexed, which land as so represented in the petition shall have an assessed valuation of not less than 50 percent of the land so proposed to be annexed. The petition shall contain all of the following:

(1) A description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner.

(2) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency.

(3) A request that the board of directors declare the area to be annexed to the improvement district.

(b) The petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse the agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

(c) Within 10 days of the date of the filing of the petition, the secretary of the agency shall examine it and ascertain whether or not the petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize the general manager to employ persons

especially for that purpose, in addition to the persons regularly employed in his or her office, and shall provide for their compensation. When the general manager has completed his or her examination of the petition, he or she shall attach to it his or her certificate, properly dated, showing the result of the examination; and if from the examination he or she finds the petition is signed by the requisite number of property owners, or is not so signed, he or she shall certify that the petition is sufficient, or insufficient, as the case may be.

(d) If by the certificate of the general manager, the petition is found to be insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of the certificate. The general manager shall, within 10 days after the filing of the supplemental petition or petitions, examine them and certify to the result of the examination as hereinbefore provided.

(e) If by the certificate of the general manager, the petition, or petition as amended, is shown to be sufficient, the secretary shall cause notice of hearing on the petition to be published and posted.

(f) The text of the petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which it is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. When contained upon one or more instruments, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. The notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

(g) The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district shall be entitled to appear and be heard at the hearing. The hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area is proposed to be annexed will also be benefited thereby and will not be injured thereby, the board of directors of the agency may, by resolution, approve the annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

(h) From and after the date of the adoption of the resolution, the area named therein shall be deemed added to and shall form a part of the improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district at the time authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district, and the board of directors of the Bighorn-Desert View Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as authorized in this section.

(i) Any action or proceeding wherein the validity of an annexation is contested, questioned or denied must be commenced within ~~30~~ 60 days after the date of adoption of the resolution approving the annexation, or the annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 37. Section 31 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 24. (a) If from the returns it appears that more than two-thirds of the votes cast in the election held pursuant to the provisions of Section 21 or of Section 22 of this act were in favor of and assented to the incurring of the proposed indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as are needed, until the full amount of the bonds authorized has been issued. Bonds may be divided into two or more series and different dates may be fixed for each of the series. The maximum term that the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

(b) The board of directors shall, by resolution, prescribe the form of the bonds and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds of each series. The bonds shall

bear interest at a rate or rates not to exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable on a fixed or variable basis, or payable on the dates specified in the resolution. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(c) The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

(d) The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. All of these signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of these signatures or countersignatures shall be manually affixed.

(e) If the bond election proceedings have been limited to and have applied only to an improvement district within the agency, the bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Bighorn-Desert View Water Agency for Improvement District No. ____" and each bond shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in that improvement district.

(f) Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or negotiate the sale of the bonds. The board of directors may determine by a two-thirds vote of the total vote of the board that the interest of the district and the public interest or necessity require that the bonds may be sold at private sale upon those terms and conditions as the board may deem necessary, convenient, or desirable. In addition to interest paid on a bond or evidence of indebtedness of the district, the board, in its discretion, may sell the bonds or evidence of indebtedness at less than its par or face value, but not at less than 94 percent of the par or face value thereof.

(g) The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when that purpose has been accomplished any moneys remaining in the special improvement fund may be transferred to the water operating fund to be used for the payment of principal of and interest on the bonds. The moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose that will benefit the property in the improvement district.

(h) The bonds of the district shall be legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for state school funds, and, whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of a city, county, or city and county, school districts, and municipalities in the state, the moneys or funds may be invested in bonds of the district, issued in accordance with the provisions of this act. Whenever bonds of a city, county, city and county, school district, or municipality may by law be used as security for the performance of any act, the bonds of the district may be so used.

SEC. 38. Section 32 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 25. Any bonds issued by the Bighorn-Desert View Water Agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 39. Section 33 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 26. (a) Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 22 of this act it shall by resolution so declare and state all of the following:

(1) The purpose for which the proposed improvement district is to be formed.

(2) The estimated expense of carrying out the purpose.

(3) That the board intends to form an improvement district of a portion of the agency that in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district.

(4) That taxes for carrying out the purpose shall be levied exclusively upon the taxable property in the proposed improvement district.

(5) That a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the questions of the formation of the proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out the purpose.

(7) That at the time and place specified, any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Bighorn-Desert View Water Agency, if there is a newspaper circulated therein. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for the hearing.

(c) At the time and place of the hearing, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing, at which any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to form the proposed improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, the estimated expense of carrying out the purpose, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of the improvement district within the Bighorn-Desert View Water Agency pursuant to this section all taxes levied for the purpose for which the improvement district is formed shall be levied exclusively upon the taxable property in the improvement district.

(d) A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of the resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. The resolution shall not be effective until the 31st day after completion of this posting, and, if applicable, publication. If, before this date, a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, the board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the Improvement district to the voters of the proposed improvement district.

(e) The board of directors shall fix a date for this special election in accordance with applicable provisions of the Elections Code, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(f) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the applicable provisions of the Elections Code, except as in this act otherwise

provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(g) If from the returns it appears that a majority of the votes cast at the election were in favor of the formation of the improvement district, the formation of the improvement district shall be complete.

(h) Any action or proceeding questioning, contesting, or denying the validity of the formation of the improvement district, or of any of the proceedings in relation to that formation, shall be commenced within ~~30~~ 60 days from the effective date of the resolution forming the district, or, if an election is held, within ~~30~~ 60 days from the date of the election, or the formation of the improvement district, and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 40. Section 34 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 27. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district and the district may repay the agency from the proceeds of the sale of bonds authorized for those purposes, or from the special taxes levied exclusively upon the taxable property in the improvement district, at the rate of interest authorized by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 41. Section 35 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 28. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next tax levy after the sale of the bonds are available, and interest on any bonds issued by the agency coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of those bonds.

SEC. 42. Section 36 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 43. Section 40 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 44. Section 41 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 45. Section 42 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 29. The Bighorn-Desert View Water Agency shall not be dissolved until all indebtedness shall have been fully paid.

SEC. 46. Section 30 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 30. (a) The Bighorn-Desert View Water Agency shall separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Water Agency for the purpose of bond debt service for each of the former systems.

(b) Nothing in this part shall be construed to impair any contract entered into prior to January 1, 2014.

SEC. 47. Section 45 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 48. Section 46 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 49. Section 48 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 35. If any section, subsection, sentence, clause, or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. The Legislature hereby declares that it

would have passed this act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstances may be held invalid.

SEC. 50. Section 49 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 51. Section 50 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 3 of Chapter 950 of the Statutes of 1985, is amended and renumbered to read:

Sec. 18 The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. Alternatively, the board of directors may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code). A standby charge shall be adopted by the board only in compliance with the applicable provisions of the California Constitution and state law. The board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with the applicable procedures of the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property charged pursuant to this section. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 52. Section 51 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 1035 of the Statutes of 1982, is repealed.

SEC. 53. Section 52 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 31. (a) Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in that portion of the agency and to incur the indebtedness.

(b) For the purposes of this section, the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside within the district at the time of the formation of the district.

(c) The resolution of intention shall state that the board of directors intends to form an improvement district of an uninhabited portion of the agency which, in the opinion of the board, will be benefited, and to incur indebtedness by the issuance of bonds of the agency for that uninhabited improvement district.

The resolution of intention shall also state all of the following:

- (1) The purpose for which the proposed debt is to be incurred.
- (2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.
- (3) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.
- (4) That a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the agency and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.
- (5) The time and place for a hearing by the board of directors on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be

Sec. 32. (a) The board, by resolution, may initiate proceedings for the annexation of territory to an

improvement district within the agency whether contiguous or not to the improvement district.

(b) The resolution proposing annexation shall do all of the following:

(1) Declare that proceedings have been initiated by the board pursuant to this law.

(2) State the reason for proposing the annexation.

(3) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(4) State the terms and conditions of the annexation.

(5) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon those terms and conditions.

(6) Fix the time and place of a meeting at which the board will receive written protests filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

(c) The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

(d) A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

(e) The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons shall be heard at the hearing.

(f) If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

(g) If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines for the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

(h) The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as determined by resolution of the board.

(i) If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby or will be injured thereby, the board shall by resolution disapprove the annexation.

(j) From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

(k) The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

(l) The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

(m) Any action or proceeding contesting, questioning, or denying the validity of an annexation to an improvement district pursuant to this section shall be commenced within 30 60 days after the date of the resolution of the board approving the annexation of the territory to an improvement district, or the annexation shall be held valid and in every respect legal and incontestable.

SEC. 55. Section 53.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is

amended and renumbered to read:

Sec. 32.5. Notwithstanding the provisions of Section 32, if the petition for annexation of land to an improvement district formed under Section 26 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

SEC. 56. Section 53.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 33. (a) Proceedings to exclude territory from an Improvement district, formed pursuant to Section 26, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded. The petition shall state reasons that the exclusion will be beneficial to the agency or the Improvement district or the territory to be excluded.

(b) Upon adoption of a motion to initiate exclusion proceedings or upon receipt of a petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state all of the following:

(1) The method by which the exclusion proceedings were initiated; by motion of the board or by petition of voters.

(2) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following the exclusion in the event the territory is excluded.

(3) That following the exclusion, the taxable property in the territory remaining in the improvement district shall continue to be levied upon and taxed to provide funds for the purposes of the improvement district.

(4) That a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in the improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

(5) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of the exclusion upon the agency, the improvement district and the territory to be excluded.

(6) That at that time and place any person interested, including all persons owning property in the agency or in the improvement district, will be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

(d) At the time and place fixed in the resolution of Intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the agency, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of Intention to exclude.

(e) At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude the territory. If so, the resolution shall also state both of the following:

(1) The reasons why the exclusion is necessary or desirable.

(2) That the exterior boundaries of the improvement district following the exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of the resulting improvement district.

(f) The determinations made in the resolution of exclusion shall be final and conclusive.

(g) After the exclusion of territory from the improvement district pursuant to this section, all taxes levied for the carrying out of the Improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

(h) A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two

weeks.

(i) The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

(j) Any action or proceeding contesting, questioning, or denying the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto shall be commenced within ~~30~~ 60 days from the effective date of the resolution of exclusion, or the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 57. Section 54 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 34. (a) Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

(b) As used in this act, "improvement district" includes an uninhabited Improvement district formed pursuant to Section 31.

(c) The resolution of Intention shall state:

(1) The reason why the Improvement district should be dissolved.

(2) That no bond, indebtedness, or liability has been issued or incurred for the improvement district that remains outstanding.

(3) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(4) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(5) That at that time and place for the hearing any person interested, including all persons owning property in the agency or in the improvement district will be heard.

(d) Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

(e) At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

(f) At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to dissolve the improvement district. If so, the resolution shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the resolution shall be final and conclusive.

(g) When the resolution declaring an improvement district dissolved becomes effective, the dissolution of the improvement district is complete.

(h) The taxable property within the boundaries of the dissolved Improvement district shall continue to be taxed for any indebtedness of the agency contracted for the dissolved Improvement district until the indebtedness has been satisfied, to the same extent that the property would be taxable for that purpose if the dissolution had not occurred.

(i) Any action or proceeding contesting, questioning, or denying the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, shall be commenced within ~~30~~ 60 days from the effective date of the resolution dissolving the improvement district, or the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

(j) After a bond election has been held in an improvement district and less than two-thirds of the votes cast in

the election were in favor of the measure, the board may within one year of the date of that election, call and hold another election for the purpose of resubmitting the measure to the electors of the Improvement district. If the measure is not so resubmitted, the Improvement district, on the anniversary date of the election, is dissolved without further action by the board. If the measure is resubmitted and fails to receive more than two-thirds of the votes cast in the election in favor of the measure, the Improvement district is dissolved following the canvass of the election returns.

SEC. 58. *The Legislature finds and declares that Section 35 of this act, which amends Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

In order for the Bighorn-Desert View Water Agency to reduce costs and staff burdens associated with posting notices of specified hearings, while still providing adequate notice of public hearings, it is necessary to reduce, from six to three, the number of public locations in which the agency must post specified hearing notices.

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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A Public Agency

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

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, March 13, 2013 - 5:00 p.m.

COMMITTEE MEMBERS: Director Larson & President McBride

CALL TO ORDER

Director Larson called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Led by Terry Burkhart

ROLL CALL

Directors: David Larson
Michael McBride

Staff: Marina West
Michelle Corbin

APPROVAL OF THE AGENDA

Director McBride and Director Larson approved the agenda as presented.

FINANCE UPDATE: SUMMARY OF CASH ACCOUNTS

General Manager West gave the staff report beginning with a review of the summary of cash accounts.

Cash: \$1,079,274 with \$756,646 encumbered as follows:

- Union Bank: \$25,000
- LAIF Basic Facilities Charge: \$27,196
- LAIF Customer Deposits: \$50,000
- LAIF Emergency Contingencies: \$100,000

- LAIF Replacement and Refurbishment B3/B4 Tank Recoating Project: \$354,450
- LAIF Debt Service: \$150,000

No public comment.

The Committee directed staff to bring the report to the next regular meeting of the Board of Directors.

REVIEW OPTIONS AND NECESSITY FOR TRAILER EQUIPPED WITH HYDRAULIC VALVE EXERCISER AND VACUUM-WATER JET SYSTEM

General Manager West gave the staff report. West went over the enclosed company brochures the Agency is considering for the purchase of a new hydraulic valve exerciser, pointing out and discussing the various differences of each purchase option. Each unit is relatively comparable; however the E.H. Wachs valve exercising unit is unique because it is fully automated. All three units have data capability. Each unit comes with a water jet system which doubles as a pressure washer. Both the hydraulic valve exerciser and vacuum water jet system mount on a trailer.

The Agency does not have an established valve exercise program. Routine valve exercising is an essential maintenance activity. The purchase of this equipment will create a one man, safe operation. All three products are relatively equal in price at around \$55K or less.

Anonymous asked if the both items are mounted on one trailer.

The Committee is in support of the purchase of this item and recommending it go to the Board.

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

General Manager West gave the staff report. West reported she is working with the Senators' office to produce an informational fact sheet. The fact sheet describes the background on the proposed bill and expresses the bills importance.

West also reported on the numerous conversations between herself and the Senators' office with regards to the language used to modernize the Agency Law making it more transparent. Several sections of the Water Code will be repealed to aid in the modernization of the language.

Once the changes are uploaded, the Agency will begin to seek support from various water agencies and other entities. The bill will go to the Senate Governance and Finance Committee in April 2013. West added the Senator does not intend to add any other items to our bill.

No public comment.

The Committee directed staff to bring this report to the next Board of Directors meeting.

DEMONSTRATION GARDEN UPDATE AND PUBLIC RELATIONS – Discussion item only

Staff member Michelle Corbin gave the staff report. Mike Branning of Unique Nursery is assisting the Agency with the layout of the demonstration garden. This is a community project and the Landers Garden Club has been participating in the planning of the garden. Also the Agency has placed a signup sheet within the Landers Association to seek community support of an improved Morongo Basin Transit Association bus stop shelter at the Landers Post Office.

Anonymous suggested that if we get support from Supervisor Ramos we have his name put onto a plaque for the bus shelter. He also suggested the Agency add photos and updated information about the project on our website.

Director Larson suggested the Agency take the opportunity to use the Demonstration Garden for public relations, encouraging a press release of the event.

DISCUSS POTENTIAL CHANGES TO LEAK RELIEF/BILLING ADJUSTMENT POLICY (Referred by Board of Directors on February 26, 2013)

General Manager West gave the staff report beginning with a recap of events that led the Board of Directors to begin the process of implementing a policy on leak relief. West reminded the Committee that leak relief is a subsidy paid for by all other rate payers. Currently the Agency lacks a policy and West is seeking direction from the Committee.

Staff member Michelle Corbin reported leak relief requests are often the cause of large water consumption bills that involve either neglected irrigation systems or vacant homes that are not the primary residence of the owner.

In researching other water agencies staff found that many have either no leak relief, or will not allow leak relief on homes other than a primary residence. Others offer a once in a lifetime per account, while some have specific language that state "leak relief will only be considered in a home where the leak is underground or under the building, where the occupier could not reasonably expect to know it exists".

Both Director Larson and Director McBride agree that a policy should exist and want to see some form of leak relief available to the customers but with parameters. The Committee is suggesting the policy include language that defines a qualified leak and be the primary residence of the person requesting the leak or owner occupied. The Committee also suggest leak relief be granted once in a lifetime per account holder and set a limit of 25% of the consumed overage up to \$500.00. Also, the committee does not want leak relief granted on leaks found on irrigation systems. Lastly, Director Larson suggested the Agency include information in our newsletters reminding the customers of their responsibility when leaving their homes for long periods of time.

The Committee recommended this item be brought back to their Committee for future review.

CONSENT ITEMS

- a. Special FPREP Meeting Report, September 12 2012.

Public comment:

No public comment.

PUBLIC COMMENT PERIOD

No public comment.

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS

Director McBride inquired about the recharge permits. GM West responded with a brief update.

GENERAL MANAGER'S REPORT

General Manager West reported the State Department of Fish and Wildlife has approved the 6.13 acre parcel chosen by the Desert Tortoise Protection Council.

The job walk for the construction of the pipeline was held today. Mojave Water Agency (MWA) is in charge of the contract specification. MWA will open bids on March 27 and go to their Board in April for the award of contract. The MOU for the operation of the facility has been written up and will be before the Bighorn-Desert View Water Agency Board of Directors at the March 2013 regular board meeting.

ITEMS FOR NEXT AGENDA

Leak Relief Policy and a review the outdated Drug and Alcohol Testing Policy.

ADJOURNMENT - Director Larson adjourned the meeting at 6:24 p.m.