

Bighorn-Desert View Water Agency

Board of Directors

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



Agency Office

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

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

Marina D West, PG, General Manager

A Public Agency

www.bdvwa.org

BOARD OF DIRECTORS' REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, July 23, 2013 - 6:00 p.m.

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

DISCUSSION AND ACTION ITEMS - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.

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

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

5. **PUBLIC HEARING: RESOLUTION 13R-XX – A RESOLUTION CONFIRMING REPORTS OF DELINQUENT ACCOUNTS FOR BASIC SERVICE CHARGES, WATER CHARGES, REVENUE BOND SURCHARGES, DELINQUENT FEES AND PROCESSING FEES AND AUTHORIZING PLACEMENT OF PROPERTY LIENS ON THE SECURED TAX ROLLS OF SAN BERNARDINO COUNTY FOR COLLECTION OF DELINQUENCIES WITHIN BIGHORN DESERT VIEW WATER AGENCY**

Board considers taking the following action(s):

1. Review staff report, and note any letters received; and
2. Receive questions from the Board of Directors; and
3. Open public hearing; and
4. Receive public comments; and
5. Close public hearing; and
6. Board discussion of public comments received; and

7. Board to consider adopting Resolution No. 13R-XX – Confirming reports of delinquent accounts for basic service charges, water charges, revenue bond surcharges, delinquent fees and processing fees AND authorizing the placement of property liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn-Desert View Water Agency.
6. **PRESENTATION BY CADIZ INC. ON THE STATUS OF THE CADIZ VALLEY WATER CONSERVATION, RECOVERY AND STORAGE PROJECT**
Information and discussion item only.
7. **LEAK RELIEF/ BILLING ADJUSTMENT POLICY**
Information and discussion item only.
8. **REVIEW OF FRAUD IN THE WORKPLACE POLICY FROM EMPLOYEE HANDBOOK**
Information and discussion item only.
9. **RESOLUTION 13R-XX – CALL FOR NOMINATIONS OF CANDIDATES FOR THE POSITION OF PRESIDENT AND VICE PRESIDENT OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA)**
Board considers taking the following action(s):
 1. Board to consider nominations for Association's statewide positions of President and Vice President; and
 2. Authorize execution of Resolution 13R-XX to Nominate Candidates for ACWA President or Vice President.
10. **RECOATING AND REPAINTING B-3 AND B-4 RESERVOIRS – CHANGE ORDER NO. 1, ACCEPT COMPLETION OF WORK, AND AUTHORIZE FILING OF NOTICE OF COMPLETION AND PAYMENT OF RETENTION**
Board considers taking the following action(s):
 1. Ratify execution of Change Order No. 1 in the amount of \$8,565 for additional work at the Johnson Valley Reservoir and C-1/C-2 Reservoir; and
 2. Accept completion of work; and
 3. Authorize filing of Notice of Completion; and
 4. Authorize release of retention amounts held.
11. **UPDATE ON SB 246 INTRODUCED BY SENATOR JEAN FULLER (DISTRICT 18) TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW**
Information and discussion item only.
12. **CONSENT ITEMS –**
The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that an item be held for discussion or further action.
 - a. Consumption & Billing Comparison Report, June 2013
 - b. Service Order Report, June 2013
 - c. Production Report, Resubmittal of March 2013
 - d. Production Report Resubmittal of April 2013
 - e. Production Report June 2013
 - f. Regular Board Meeting Minutes, May 28, 2013

Recommended Action:

Approve as presented (Items a - f):

13. MATTERS REMOVED FROM CONSENT ITEMS

14. PUBLIC COMMENT PERIOD

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared. If you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

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

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

16. FUTURE AGENDA ITEMS

17. ADJOURNMENT

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

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

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

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

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

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

AGENDA ITEM # 5

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

Meeting Date: July 23, 2013

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: \$0

Funding Source: Secured Property Liens

From: Marina D. West

General Counsel Approval: Obtained

CEQA Compliance: N/A

Subject: Public Hearing: Resolution No 13R-XX: A Resolution Confirming Reports of Delinquent Accounts for Basic Service Charges, Water Charges, Revenue Bond Surcharges, Delinquent Fees and Processing Fees AND Authorizing Placement of Property Liens on the Secured Tax Rolls of San Bernardino County for Collection of Delinquencies within Bighorn-Desert View Water Agency

SUMMARY

Each May/June the Agency summarizes the report of Bad Debt expenses owed for the prior year period and prepares for the submission of a collections report to the County of San Bernardino for inclusion on the secured tax rolls. Currently, the total amount to be forwarded to the County of San Bernardino for collections on the 2013/2014 tax bill is \$43,837.35.

On June 4 and 6, 2013 each delinquent property owner was sent a final notice of delinquency. This letter served to inform each owner of the pending property tax lien and the amount owed to the Agency to avoid the lien. As required, the letter was mailed regular first class. A required public notice was also placed on file with the Hi Desert Star newspaper for publishing on July 3, 2013 and July 10, 2013.

RECOMMENDATION

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

1. Review staff report, and note any letters received;
2. Receive questions from the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion of public comments received;
 - a. Board to consider approving Resolution No. 13R-XX - Confirming reports of delinquent accounts for Basic Service Charges, water charges, revenue bond surcharges, delinquent fees and processing fees AND authorizing the placement of property liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn-Desert View Water Agency.

BACKGROUND/ANALYSIS

In June 2013, one-hundred and thirty six (136) properties were identified as being excessively delinquent. On June 6 and 9, 2013 these property owners were mailed a letter warning of the pending hearing for placement of the debt as a property tax lien. Of the original one-hundred and thirty six (136) delinquent properties, twenty-four (24) paid their debt in the amount of \$5,782.52 thus reducing the total outstanding debt to \$43,837.35

The final step in the notification process, prior to the Public Hearing, is to publish a legal notice in an final effort to notify the responsible parties. The legal notice was published on July 3 and July 10, 2013. The County of San Bernardino has set August 10, 2013 as the deadline for submitting the Special Assessment to the 2013/14 Tax Rolls with August 30, 2013 being the deadline for all corrections.

PRIOR RELEVANT BOARD ACTION(S)

7/24/12 Motion No. 12-056 RESOLUTION 12R-25 – A Resolution confirming reports of delinquent accounts for Basic Service Charges, Water Charges, Revenue Bond Surcharges, Delinquent Fees and Processing Fees and authorizing placement of property tax liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn Desert-View Water Agency.

6/28/2011 Motion No. 11-030 Resolution No. 11R-06 - A Resolution of the Board of Directors of Bighorn-Desert View Water Agency confirming reports of delinquent accounts for water charges, meter charges, and bonded indebtedness, and fees and authorizing the placement of property liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn-Desert View Water Agency.

6/29/2010 Resolution No. 10R-05: Resolution of the Board of Directors of Bighorn-Desert View Agency confirming reports of delinquent accounts for water charges, meter charges, bonded indebtedness, and processing fees and authorizing the placement of property liens on the secured tax rolls of San Bernardino County for collection of delinquencies within Bighorn-Desert View Water Agency.

RESOLUTION NO. 13R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY CONFIRMING REPORTS OF DELINQUENT ACCOUNTS FOR BASIC SERVICE CHARGES, WATER CHARGES, REVENUE BOND SURCHARGES, DELINQUENT FEES, AND PROCESSING FEES

AND

AUTHORIZING THE PLACEMENT OF PROPERTY LIENS ON THE SECURED TAX ROLLS OF SAN BERNARDINO COUNTY FOR COLLECTION OF DELINQUENCIES WITHIN BIGHORN-DESERT VIEW WATER AGENCY

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency resolves as follows:

SECTION 1:

The Board of Directors of the Bighorn-Desert View Water Agency finds and declares as follows:

- A. On June 4 and 6, 2013, the General Manager did cause written notification to be mailed, by first class U.S. Mail, to such delinquent customers that public notices would be placed in the local newspaper on July 3, 2013 and July 10, 2013 and that a public hearing would be held on July 23, 2013; and
- B. On July 1, 2013, public notices were placed in the local newspaper and published on July 3, 2013. Also on July 8, 2013, public notices were placed in the local newspaper and published on July 10, 2013.

SECTION 2:

The Board of Directors of the Bighorn-Desert View Water Agency resolves that the following delinquent accounts will be placed on the (2013/2014) Secured Property Tax Roll of the County of San Bernardino Tax Collector:

BCSI INC	63504112	\$376.02
SHREWSBURY, KURT MICHAEL	63504111	\$376.02
BAUTISTA, ALICE R	63507164	\$376.02
FRITTS, THOMAS	63560101	\$376.02
TROCCHIANO, CHARLES R	63509145	\$392.53
KUNZ, JAMES	63503127	\$376.02
RIOS, GENY	63503101	\$376.02
PAYNE, KENNETH D	63502117	\$376.02
RAUSCHENBERG, NEIL C ET AL	63553109	\$376.02
HENNING, DON	63509111	\$326.25
OAKES, JEANETTE & MATTHEW	63551146	\$376.02
KLEIN, JAMES C	63551107	\$212.90
LIEBIG, WILLIAM C	63552137	\$272.18
PARRIOTT, LYLE	63551105	\$376.02

CAPITAL AMERICANA INC	63551160	\$376.02
HEREDIA, JESUS	62938202	\$376.02
ELLISON, RON	62939402	\$376.02
TYZA INDUSTRIES LLC	62937207	\$376.02
TYZA INDUSTRIES LLC	62937208	\$376.02
TAYLOR, W DAN	62937205	\$376.02
KINDIG, CHARLES R	62935235	\$376.02
SEVERSON, HOWARD	62934243	\$376.02
CROUCH, CLEMENCE H &	62934251	\$376.02
ATAYDE, LYDIA A	62929240	\$376.02
DE GALIZIA, LIZA	62929227	\$376.02
172*DEER TR LANDERS CA TR	62929245	\$120.29
LEITCH, JULIAN B	62929246	\$376.02
BAUGHMAN, ABRE R.	62930134	\$281.14
NARANJO, JUAN	62930111	\$376.02
RAUSCHENBERG, NEIL	62931253	\$376.02
WILLIAMS, RUFUS	62931248	\$458.04
WHITBY, ANDREW	62931135	\$369.69
HARVEY, WILLIAM A	62931118	\$376.02
GUZMAN, REFUGIO O	62930229	\$376.02
DIGALIZIA, LIZA M	62929204	\$371.02
PARKER, JAMES F II	62931123	\$376.02
MC KISSIC, ELLA S LIV TR	63002132	\$217.85
WINCHESTER, JAMES	63002123	\$376.02
RICE BRADLEY CURTIS LV TR	63001102	\$376.02
GROSS, DUAINÉ	63106147	\$376.02
WILSON, SHERRY K	63106139	\$376.02
CURRY, CLAIRE	63106137	\$246.02
LOPEZ, RICKY JOE	63001119	\$256.02
ROWAN, LYNELLEN	63003234	\$376.02
BROWN, SHIRLEY I	63003246	\$376.02
Y211*A NEVADA LLC	63004142	\$191.02
SCARDINA, MELANIE A	63003113	\$376.02
DERRY FAM TR	63004111	\$376.02
NAPIER, DENISE	63003222	\$368.90
COPYAK, JOHN G	63005123	\$378.77
SAMSON, PATRICIA A INTERVIVOS	63008236	\$376.02
RUGGLES, JUDY	63008221	\$508.15
DUNN, KEVIN	63005137	\$376.02
DACH, SHELLEY & LYLE	63008223	\$2,057.24
OTTERBINE, CHRISTOPHER J	63008125	\$376.02
RISING PHOENIX GROUP LLC	63005162	\$376.02
POWELL, JAMES L	63005110	\$376.02
MILLER, RUBY M	63007116	\$204.77

HERNANDEZ, PEDRO	63007103	\$376.02
RANDALL, TEDDIE J	63006234	\$376.02
FORD, RENEE	63006130	\$550.78
MACK, BARRY ETAL	63006127	\$376.02
GUIITERREZ, PEDRO A ETAL	62929175	\$569.72
LAND, EMORY	62929119	\$728.69
LU, KEN QUOC	62928208	\$431.82
SECRETARY HOUSING & URBAN DEV.	62927121	\$435.04
KEMPER, WALTER RON	62928203	\$431.82
HARMON, JACK D	62929160	\$431.82
PARIMORE, RAYMOND L	62928133	\$431.82
VENOBLE, DEBORAH J	62928210	\$431.82
HOLT, JANIE L	62928202	\$431.82
WONG, GENE S ET AL	62929125	\$431.82
MUSIAL, KARENA	62928157	\$375.00
MC LEOD, SEAN P	62929147	\$362.52
MC MAKIN, ELIZABETH AND MICHAEL	62926129	\$431.82
LA FLEUR, JAMES L	62907215	\$431.82
CLEAR LAKE FINANCIAL SERVICES	62907225	\$123.93
YOUNKERS, RICHARD D LIV TR 9/	62934120	\$334.84
LAMBERT, STEVEN A	62907251	\$431.82
CRONCE, GENE-MARIE E	62906225	\$431.82
WATKINS, RONALD	62913502	\$620.61
TYZA INDUSTRIES	62910303	\$431.82
SHIPLEY, CHRISTINE D	62923222	\$493.14
SCHREPPING, FAITH A	62910109	\$607.54
BRACAMONTE, ELIZABETH	62909201	\$431.82
PNC BANK NATIONAL ASSOC	62908208	\$351.82
BRIDGES, TYRONE	62923243	\$431.82
BRIDGES, TYRONE	62923242	\$431.82
CUSHINGHAM, JUNE B	62912301	\$431.82
WHEAT, CHARLOTTE	62944108	\$673.22
BALES, OLEN R	62905114	\$1,519.08
BARRIENTOS, FELIX	62942105	\$431.82
HAGA, JACK WES	62906210	\$431.82
STEARNS, CLAYTON	62905165	\$165.13
MASON, LAWRENCE	62944140	\$223.92
DALBEY, KORI	62904219	\$447.62
Title Transfer	62916114	\$527.11
CERVANTES, JOSE A	62917103	\$521.75
FEDERAL NATIONAL MORTGAGE	62916126	\$316.82
TAGALONI, PHIL	62943119	\$223.92
C A CRAWFORD PROPERTIES LLC	62902129	\$431.82

BAATZ, ELOUISE M TRUST 2/17/99	62902159	\$431.82
BROOKER, LARRY S	62902142	\$362.52
EZELL FAMILY TRUST 10-6-98	62943113	\$431.82
FRANCHINI, PHILIP JOHN ERO	63002160	\$84.83
OTT, JOHN	63006135	\$127.23
JAWSWANT SINGH BRAR	62913106	\$147.75
SHIRLEY, LILLIAN P & JOHN T	62903217	\$75.89
EZELL FAMILY TRUST	62943113	\$52.46
COHEN, JEANINE	62934219	\$77.55
HOUSE, DARYLE E	62944111	\$77.82
KEMPER, WALTER RON	62928203	\$144.62

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 23rd day of July 2013, by the following roll call vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

BY _____
Michael McBride, Board President

ATTEST:

By _____
David Larson, Board Secretary

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,


under the date of 11/27 19 61

Case Number 107762 : that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

7/3, 7/10
all in the years 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: YUCCA VALLEY, California,
this 10TH, day JULY 2013


RECEIVED
Signature
Mindie Carter

JUL 16 2013

BY: This space is for the County Clerk's Filing Stamp

Proof of Publication

RESOLUTION NO. 13R-XX

RESOLUTION NO. 13R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER CONFIRMING REPORTS OF DELINQUENT ACCOUNTS FOR BASIC SERVICE CHARGE CHARGES, REVENUE BOND SURCHARGES, DELINQUENT FEES, AND PROCESSING AND
AUTHORIZING THE PLACEMENT OF PROPERTY LIENS ON THE SECURED TAX ROLL SAN BERNARDINO COUNTY FOR COLLECTION OF DELINQUENCIES WITHIN BIGHORN-DESERT VIEW WATER AGENCY

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- B. On July 1, 2013, public notices were placed in the local newspaper and published on July 3, 2013 and on July 8, 2013, public notices were placed in the local newspaper and published on July 10, 2013

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TYZA INDUSTRIES LLC	62937208	\$376.02
TAYLOR, W DAN	62937205	\$376.02
BELCHER, MICHEL	62934256	\$223.54
KINDIG, CHARLES R	62935235	\$376.02
SEVERSON, HOWARD	62934243	\$376.02
CROUCH, CLEMENCE H &	62934251	\$376.02
CONTRERAS, MANUEL	62934241	\$317.70
ATAYDE, LYDIA A	62929240	\$376.02
DE GALIZIA, LIZA	62929227	\$376.02
172*DEER TR LANDERS CA TR	62929245	\$120.29
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RISING PHOENIX GROUP LLC	63005162	\$376.02
POWELL, JAMES L	63005110	\$376.02
TRIANGLE H 063** TRUST	63006227	\$201.02
MILLER, RUBY M	63007116	\$204.77
FANNIE MAE	63007150	\$378.77
HERNANDEZ, PEDRO	63007103	\$376.02
RANDALL, TEDDIE J	63006234	\$376.02
FORD, RENEE	63006130	\$550.78
MACK, BARRY ETAL	63006127	\$376.02
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SECRETARY HOUSING & URBAN DEV.	62927121	\$435.04
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WATKINS, RONALD	62913502	\$620.61
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BRACAMONTE, ELIZABETH	62909201	\$431.82
RNC BANK NATIONAL ASSOC	62908208	\$351.82
BRIDGES, TYRONE	62923243	\$431.82
BRIDGES, TYRONE	62923242	\$431.82
CUSHINGHAM, JUNE B	62912301	\$431.82
WHEAT, CHARLOTTE	62944108	\$673.22
BALES, OLEN R	62905114	\$1,519.08
BARRIENTOS, FELIX	62942105	\$431.82
HAGA, JACK WES	62906210	\$431.82
STEARNS, CLAYTON	62905165	\$165.13
MASON, LAWRENCE	62944140	\$223.92
DAUBEY, KORI	62904219	\$447.82
Title Transfer	62916114	\$527.11
CERVANTES, JOSE A	62917103	\$521.75
FEDERAL NATIONAL MORTGAGE	62916126	\$316.82
TAGALONI, PHIL	62943119	\$223.92
CRAWFORD PROPERTIES LLC	62902129	\$431.82
BAATZ, ELOUISE M TRUST 2/17/99	62902159	\$431.82
BROOKER, MARRY S	62902142	\$362.52
EZELL, FAMILY TRUST 10-6-98	62943113	\$431.82
FRANCHINI, PHILIP JOHN ERO	63002160	\$84.83
OTT, JOHN/PROPERTY OWNER	63006135	\$127.23
JAWSWANT SINGH BRAR	62913106	\$147.75
SHIRLEY, WILLIAM P & JOHN T	62903217	\$135.89
EZELL, FAMILY TRUST	62943113	\$52.46
COHEN, JEANINE	62934219	\$77.55
HOUSE, DARYLE E	62944111	\$77.82
KEMPER, WALTER RON	62928203	\$144.82

PASSED, APPROVED AND ADOPTED by the Board of Directors of Blighorn-Desert View Water Agency this 23rd day of July 2013, by the following roll call vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

BY

Michael McBride, Board President

ATTEST:

By
David Larson, Board Secretary

(PUB: S., 7/3, 7/10/13)

AGENDA ITEM # 6

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

Meeting Date: July 23, 2013

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Presentation by Cadiz, Inc. on the Status of the Cadiz Valley Water Conservation, Recovery and Storage Project

SUMMARY

At the July 10, 2013 Finance/Public Relations/Education/Personnel Standing Committee Seth Shteir of the National Parks Conservation Association made a presentation on the status of the Cadiz Valley Water Conservation, Recovery and Storage Project. Mr. Shteir requested that the Committee recommend that the Board consider submitting a letter to the Department of the Interior urging them to require Cadiz to comply with the National Environmental Policy Act (NEPA).

The Committee moved the item to the full Board for further consideration but acknowledged that representatives from Cadiz Inc. should be afforded an opportunity to address the Board as well.

Subsequent to the Committee meeting, NPCA representatives responded that they are unable to attend the July 23, 2013 Board meeting and asked if they could address the Board in August. Representatives from Cadiz Inc. will be making a presentation on July 23rd.

RECOMMENDATION

Information and discussion purposes only.

BACKGROUND/ANALYSIS

Attached is information provided by Cadiz Inc. on the status of the Water Conservation, Recovery and Storage Project. According to Cadiz Inc. the Environmental Impact Report has been completed and certified as of July 2012. They also claim there is no pending decision by the Department of the Interior concerning NEPA compliance.

This project has received both opposition and support from various groups throughout the region. To that end, staff questions the need for the Agency to actively engage in taking a position on this project at this time.

PRIOR RELEVANT BOARD ACTION(S)

7/10/2013 Finance/Public Relations/Education/Personnel Standing Committee (FPREP) received update on Cadiz Valley Water Conservation, Recovery and Storage Project from the National Parks Conservation Association representative Seth Shteir and a request to submit a letter to the Department of the Interior regarding National Environmental Policy Act (NEPA) review for the project.



PRESS RELEASE

DATE:

August 1, 2012

CONTACT:

Courtney Degener
213-271-1600

CADIZ VALLEY WATER PROJECT APPROVED

Santa Margarita Water District Board votes to certify Final Environmental Impact Report

Project will create reliable Southern California water supply and local jobs and investment

Los Angeles, CA -- Cadiz Inc. (NASDAQ: CDZI) is pleased to announce that the Santa Margarita Water District ("SMWD") Board of Directors voted unanimously to certify the Final Environmental Impact Report ("Final EIR") for the Cadiz Valley Water Conservation, Recovery and Storage Project ("Project") and approve the Project's Groundwater Management, Monitoring and Mitigation Plan ("GMMMP") and Purchase and Sale Agreement, which outlines terms for their participation in the Project. These actions follow a nearly 18-month environmental review and represent significant milestones for the Project.

"We are very grateful for the SMWD Board's decision tonight and their leadership in this process," said Scott Slater, President and General Council of Cadiz. "We also want to thank the South Orange County and Hi-Desert communities for their support and participation in public comment. As a longtime desert business, we are committed to the protection of desert resources and implementing a safe and sustainable project. We look forward to working with our neighbors as we enter the next phase of the Project and further develop our legacy commitments to the area, including land conservation easements, habitat protection and a steam train and cultural center."

The Cadiz Project will provide a new, reliable water supply for approximately 100,000 Southern California homes by capturing and conserving groundwater that will otherwise be lost to evaporation from a vast aquifer system beneath our private property owned in California's Mojave Desert. In its first phase, the Project will deliver up to an average of 50,000 acre-feet per year to Southern California water providers, including SMWD. The Arizona & California Railroad Company, which owns and operates the railroad right-of-way to be used by the Project's water conveyance pipeline to the Colorado River Aqueduct, is also a Project participant. The ARZC will receive water from the Project to meet critical railroad purposes, including fire suppression.

To safeguard the environment, the Project includes an extensive monitoring and mitigation program that will be

--MORE--

independently enforced by the County of San Bernardino and SMWD. All Project facilities, including a wellfield and the conveyance pipeline, will be built on private land and avoid any critical habitat.

The Final EIR for the Project, which evaluated potential for environmental impacts and responded to all comments received during a 100-day public comment period, was issued earlier this month by SMWD. The Final EIR summarized that the Project would not cause significant impacts to critical resources of the desert. A public hearing was held on July 25th to consider certification of the environmental documents and approval of the GMMMP and Purchase and Sale Agreement. The SMWD Board continued its meeting until July 31st to complete deliberations on the Project and then acted to approve the Project and related documents. The Company will now work to complete arrangements with other Project participants, finalize necessary permits in compliance with MWD conditions and move ahead to the construction phase.

The Project has received substantial support from San Bernardino and Orange County organizations and businesses, as well as water experts and industry professionals. Organizations that testified in support of the Project at the July 25 public hearing included South Orange County Chamber of Commerce and Economic Coalition, Association of California Cities-Orange County, Orange County Taxpayers Association, Rancho Santa Margarita Chamber of Commerce, Rancho Cucamonga Chamber of Commerce and the Engineering Contractors Association.

As part of a local outreach campaign, over 2,100 South Orange County residents and SMWD customers signed cards expressing support for SMWD's efforts to improve water supply reliability and evaluate the Project.

Nearly 500 support cards from the Hi-Desert region of San Bernardino County, which is local to the Project area, were also received.

About Cadiz Inc.

Founded in 1983, Cadiz Inc. is a publicly-held renewable resources company that owns 70 square miles of property with significant water resources and clean energy potential in eastern San Bernardino County, California. The Company is engaged in the development of water supply and storage projects and operates an organic farm in the Cadiz Valley. In 2009 Cadiz adopted a wide-ranging "Green Compact" to implement environmental conservation and sustainable management practices at its properties. For more information about Cadiz, visit www.cadizinc.com.

FORWARD LOOKING STATEMENT: This release contains forward-looking statements that are subject to significant risks and uncertainties, including statements related to the future operating and financial performance of the Company and the financing activities of the Company. Although the Company believes that the expectations reflected in our forward-looking statements are reasonable, it can give no assurance that such expectations will prove to be correct. Factors that could cause actual results or events to differ materially from those reflected in the Company's forward-looking statements include the Company's ability to maximize value for Cadiz land and water resources, the Company's ability to obtain new financing as needed, the receipt of permits for the water project and other factors and considerations detailed in the Company's Securities and Exchange Commission filings.

CHAPTER 3

Master Responses

3.0 Overview of Master Responses

Chapter 3 contains master responses. These master responses are intended to provide comprehensive discussions in response to select sets of issues that received multiple comments. As required by Section 15132 of the CEQA Guidelines, the responses in this volume address environmental issues raised by commenters during the Draft EIR public review period. They are intended to provide clarification and refinement of information presented in the Draft EIR and, in some cases, to correct or update information in the Draft EIR. In some instances, the text of the Draft EIR has been revised in response to a comment, and the revised text is included as part of the response.

Many comments received on the Draft EIR did not address the adequacy or accuracy of the environmental analysis or did not identify any other significant environmental issue requiring a response; rather, these comments were directed toward the perceived merits or demerits of the proposed Project, provided information, or expressed an opinion without specifying why the Draft EIR analysis was inadequate. SMWD, as the CEQA lead agency, acknowledges the receipt of these types of comments; however, limited responses are provided to these comments as they do not relate to the adequacy or accuracy of the Draft EIR or otherwise raise significant environmental issues.

The 15 master responses included in this Chapter are listed below. For some master responses a shortened reference title is shown in parenthesis and is used throughout the document to refer the reader back to that master response.

- 3.1 Groundwater Recharge Estimates and Evaporation Estimates
(Groundwater Recharge and Evaporation)
- 3.2 Groundwater Modeling
- 3.3 Groundwater Pumping Impacts
- 3.4 Springs
- 3.5 Potential for Generation of Dry Lake Dust (Dry Lakes and Dust)
- 3.6 Vegetation Effects of Drawdown (Vegetation)
- 3.7 Water Rights Law (Water Rights)
- 3.8 Groundwater Management, Monitoring, and Mitigation Plan (GMMMP)
- 3.9 Biological Resources
- 3.10 SMWD as CEQA Lead Agency (CEQA Lead Agency)
- 3.11 CEQA Public Process
- 3.12 Project vs. Program- Level Analysis
- 3.13 Railroad Right-of-Way and NEPA Analysis (Right-of-Way and NEPA)
- 3.14 Alternatives
- 3.15 Terminology

3.13 Master Response on Railroad Right-of-Way and NEPA Analysis

3.13.1 Introduction

Overview

A number of commenters raise concerns over whether an approval from the federal government is necessary to use of the Arizona and California Railroad (ARZC) railroad right-of-way (ROW) for the Project. Commenters also inquire as to why the Project is not subject to the National Environmental Policy Act (NEPA) when the Project pipeline will be constructed within the ARZC ROW on U.S. Bureau of Land Management (BLM land).

This master response is organized by the following subtopics:

- 3.13.2 Right-of-Way Issues
- 3.13.3 NEPA Analysis

3.13.2 Right of Way Issues

Summary of Issues Raised by Commenters

- Is BLM authorization required for the Project's installation and use of the proposed pipeline within the ARZC ROW?

Response

The subject right-of-way was granted to ARZC approximately 100 years ago pursuant to the General Railroad Right of Way Act of 1875 (18 Stat. 482) ("1875 Act"). The 1875 Act granted easements to railroad companies that constructed railroads over federal land. The easement is the ARZC right-of-way along their railroad tracks, including a portion of land to either side of the tracks.

A railroad can authorize a third party to undertake any activity within its 1875 Act right-of-way if the activity furthers a railroad purpose. Pursuant to that authority, Cadiz Inc. and ARZC entered into an agreement that permits a water conveyance pipeline to be constructed within ARZC's right-of-way (see Final EIR Vol. 7, Appendix M3 Excerpts of Lease Agreement). Subject to certain conditions, the Agreement, as noted in the Draft EIR, also provides that Cadiz Inc. will provide ARZC with available water and power from the pipeline and with access to certain related Project facilities and roads, to the extent necessary for ARZC's operations (see Draft EIR Vol. 1, Chapter 3 Project Description, pp. 3-2, 3-20, 3-21, and 3-40).

The scope of a railroad's authority to approve uses within a railroad right-of-way granted under the 1875 Act was recently analyzed in the November 4, 2011 Solicitor of the U.S. Department of the Interior's Memorandum Opinion to the Secretary of the Interior (M-37025) ("M-Opinion").

See Final EIR Vol. 7, Appendix M1 Memorandum of Opinion M-37025. In the M-Opinion, the Solicitor clarifies that BLM approval is not required for a proposed use of a railroad right-of-way if that use furthers, at least in part, a railroad purpose. Specifically, the M-Opinion states that:

Within an 1875 Act ROW, a railroad's authority to undertake or authorize activities is limited to those activities that derive from or further a railroad purpose, which allows a railroad to undertake, or authorize others to undertake, activities that have both railroad and commercial purposes. . .

In addition to the Solicitor's opinion, BLM explained in a press release issued in connection with the M-Opinion that: "[i]f a railroad purpose exists for a proposed use, then no further action would be required by the BLM and the activity could be authorized by the railroad rights-of-way holder at its discretion." See Final EIR Vol. 7, Appendix M2 Issuance of Guidance on Existing and Proposed Uses within Railroads' Rights-of-Way Authorized Under the 1875 Act (November 4, 2011).

Although the general purpose of the Project is to transfer and store water, several of the Project's design features provide for utilization of the 43-mile Project pipeline or the accompanying power lines, to serve both railroad purposes and commercial purposes. As described in the Draft EIR Vol. 1, Chapter 3 Project Description, pp. 3-20 and 3-40, ARZC has reserved rights for and identified the use of water from the Project for fire suppression and vehicle maintenance. Due to the remote location of train tracks, trestle fires can be difficult to fight, can last for days, and have significant effects on air quality and public safety.¹ Train trestle material is known to exacerbate fires. Most trestles are coated in creosote, which is an oily combustible substance used to seal and extend the lifeline of the material. In addition to being highly flammable, the sealant is rich in polycyclic aromatic hydrocarbons (PAHs), a carcinogen which causes cancer. When the creosote burns, it releases these toxic chemicals and other particulate matter which can produce negative cumulative effects to sensitive receptors and air quality standards.²

The Project would: (1) place fire hydrants along the pipeline, as appropriate, in order to suppress fires that could damage the railroad trestles and facilities; (2) grant the railroad access to power meters along the railroad and emergency access to power at any location; and (3) provide the railroad with 10,000 gallons of water per day for the future needs of the railroad, including washing railcars, vehicle maintenance, vegetation control, and serving offices, or other improvements (see Draft EIR Vol. 1, Project Description, pp. 3-2, 3-20, 3-21, 3-40).

For fire suppression activities, fire hydrants would be installed at several locations along the rail corridor, primarily at trestle bridge locations. In addition, ARZC has reserved rights for the use of water from the Project for future operations such as a steam-powered excursion locomotive, new warehouses (if any), bulk transfer facilities, or other railroad-related facilities on the line. Each of these uses would be subject to additional environmental review as they are developed.

¹ California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, *Public Health Impacts from the Sacramento Trestle Fire*, August 2007, p.3-5.

² California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, *Public Health Impacts from the Sacramento Trestle Fire*, August 2007, p. 3.

These activities are similar to other activities within a railroad right-of-way that the Solicitor has held derive from or further a railroad purpose (Final EIR Vol. 7, Appendix M1 Memorandum of Opinion M-37025, p. 9, "[A] railroad may make many uses of its right-of-way including the building of side tracks, building, telegraph lines, and other structures necessary for its business."). For example, the Solicitor noted that courts conducting such inquiries have allowed railroads to: 1) run telephone lines; 2) construct structures, such as commercial warehouses; 3) string power lines; and 4) construct combined bulk and retail oil facilities within their right-of-way (Final EIR Vol. 7, Appendix M1 Memorandum of Opinion M-37025, pp. 10-11). As shown, the ARZC intends to use Project water for railroad purposes and therefore has the authority to grant permission for the use of its right-of-way for Project purposes, purposes that include hosting the Project pipeline along its railroad tracks. Consequently, BLM approval is not required for the Project's use of the railroad right-of-way.

3.13.3 NEPA Analysis

Summary of Issues Raised by Commenters

- Why doesn't the Project's use of the railroad's right-of-way to construct the 43-mile pipeline within the ARZC ROW on BLM land trigger NEPA?

Response

Project's Use of the Right-of-Way to Construct Pipeline

NEPA directs that all federal agencies shall consider the environmental impacts of every "major Federal action significantly affecting the quality of the human environment."³ Therefore, the NEPA process is initiated when a proposal for federal action exists.

NEPA is not triggered in connection with this Project because there is no federal action. All Project facilities will be constructed on land that does not require federal approval, including within the ARZC easement. Neither the Project's proponents nor ARZC are federal entities, and federal approval for the use of the railroad right-of-way for the Project pipeline is not required, as explained in the section above.

Phase 2's Proposed Use of Natural Gas Pipelines

While NEPA review is not currently required for Phase 1, it may be required in the future if Phase 2 includes conversion of existing natural gas pipelines to convey water to the Project's spreading grounds for storage (see Draft EIR Vol. 1, Chapter 3 Project Description, p. 3-4). The Draft EIR analyzed use of these pipelines at a programmatic level under CEQA (Draft EIR Vol. 1, Chapter 3 Project Description, p. 3-5 and Section 4.4 Biological Resources 4.4-56). At such a time when the Imported Water Storage Component is to be implemented, and if use of the pipelines is found to be feasible, project level review will be conducted, which may include review under NEPA.

³ 42 U.S.C. § 4332(2)(C); see also 40 C.F.R. § 1501.4.

For private or nonfederal agency applications that require federal agency approval review under NEPA should commence after the federal agency receives the application for its approval.⁴ It is not until “the point of commitment” that NEPA requires a federal agency to evaluate the environmental effects of its action. NEPA review need not be conducted ‘during the germination process of a potential proposal.’ Instead, NEPA review is required when the “critical agency decision” is made which results in an “irreversible and irretrievable commitment of resources” to an action that affects the environment. At this time, no federal approval for use of these pipelines is required, there has been no irretrievable commitment of resources to this option, and no application to a federal agency has been submitted.

Regarding the status of the potential use of the natural gas pipeline as part of Phase 2, only options to purchase natural gas pipelines have been executed and their use for either Component of the proposed Project is speculative at this time. Cadiz Inc. entered into an option agreement with El Paso Natural Gas in September 2011 for an option to purchase an idle 220-mile natural gas pipeline for potential conversion to transmit water. The pipeline runs over land controlled by the Bureau of Land Management; its use will likely require approval by BLM if Cadiz Inc. pursues that course of action for imported storage as a second phase of the Project. NEPA directs that all federal agencies shall consider the environmental impacts of every “major Federal action significantly affecting the quality of the human environment.”⁵ Therefore, the NEPA process is initiated when a proposal for federal action exists. At this time, no application for such approval has yet been made, and so preparation of an Environmental Assessment or Environmental Impact Statement under NEPA for Phase 2’s proposed conversion of natural gas pipelines for water conveyance is premature.

⁴ 40 C.F.R. § 1502.5.

⁵ 42 U.S.C. § 4332(2)(C); *see also* 40 C.F.R. § 1501.4

AGENDA ITEM # 7

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

Meeting Date: July 23, 2013

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

Funding Source:

From: Marina D. West

General Counsel Approval: N/A

Staff: Michelle Corbin

CEQA Compliance: N/A

Subject: Leak Relief/Billing Adjustment

SUMMARY

During the March 13, 2013 and May 8, 2013 FPREP Committee meetings, members and staff discussed the issue of leak relief and a reused policy for guidance. The Agency currently has no leak relief policy.

RECOMMENDATION

Information and Discussion Purposes Only

BACKGROUND/ANALYSIS

At the Committee meetings the following parameters for leak relief were noted;

- Include language that defines a qualified leak
- Must 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 metered overage up to \$500.00 (excluding average usage)
- No leak relief granted on leaks found on irrigation systems
- Include information in our newsletters reminding customers to shut off water supply when leaving their homes for long periods of time and their responsibility for leaks.

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

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.



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

AGENDA ITEM # 8

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

Meeting Date: July 23, 2013

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: \$0

Funding Source:

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Board Review of Fraud in the Workplace Policy from Employee Handbook

SUMMARY

At the February Board Workshop it was recommended that the Board periodically review active resolutions, policies and procedures that pertain to routine operations of the Agency. Furthermore, the auditors recommend certain policies and procedures be reviewed annually.

This month staff is highlighting the current policy on Fraud in the Workplace which is integral to the Employee Handbook.

RECOMMENDATION

Information and Discussion Only

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

4/26/2011 Motion No. 11-015 Resolution No. 11R-03 amending the employee handbook for purposes of establishing the policy/procedure for Fraud in the Workplace, modifying/correcting/adding job descriptions and authorizing the modification of the employee handbook

5.7 CONFIDENTIALITY

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you may have access to confidential information regarding the Agency, its suppliers, its customers or perhaps even fellow employees. Employees shall not reveal or divulge any such confidential information. This obligation to maintain the confidentiality of information shall continue even after employment with the Agency ends. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

5.8 BUSINESS CONDUCT AND ETHICS

No employee may accept a gift or gratuity from any customer, vendor, supplier or other person doing business with the Agency that may give the appearance of influence regarding their business decision, transaction or service. Employees should discuss expenses paid by such persons for business meals or trips with the General Manager in advance.

5.9 FRAUD IN THE WORKPLACE

PURPOSE AND SCOPE

To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other related dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

I. GENERAL

A. The Bighorn-Desert View Water Agency ("Agency") is committed to protecting its assets against the risk of loss or misuse. Accordingly it is the policy of the Bighorn-Desert View Water Agency to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Agency and, when appropriate, to pursue legal remedies available under the law.

B. DEFINITIONS

1. Fraud - Fraud and other similar irregularities include, but are not limited to:
 - a. Claim for reimbursement of expenses that are not job-related or authorized by the current Agency policy.
 - b. Forgery or unauthorized alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).

- c. Misappropriation of Agency assets (funds, securities, supplies; furniture, equipment, etc.).
 - d. Improprieties in the handling or reporting of money transactions.
 - e. Authorizing or receiving payment for goods not received or services not performed.
 - f. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of Agency-owned software.
 - g. Misrepresentation of information on documents.
 - h. Any apparent violation of Federal, State, or Local laws related to dishonest activities or fraud.
 - i. Any violation of the Fair Political Practices Act, regulation of the Fair Political Practices Commission, or the Bighorn-Desert View Water Agency Conflict of Interest Code.
2. Employee - In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, from the Bighorn-Desert View Water Agency. The term also includes any volunteer who provides services to the Agency through an arrangement with the Agency.
3. Management - In this context, management refers to any administrator, manager, director, supervisor, or other individual who manages or supervises funds or other resources, including human resources.
4. Personnel Department - In this context, Personnel Department refers to any person or persons assigned by the General Manager to investigate any fraud or similar activity.
5. External Auditor - In this context, External Auditor refers to independent audit professionals who perform annual audits of the Agency's financial statements.
- C. It is the Agency's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Agency of any party who might be or become involved in or becomes the subject of such investigation.
- D. Each department of the Agency is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

- E. The Personnel Department, in conjunction with the Agency Attorney, has the primary responsibility for the investigation of all activity as defined in this policy.
- F. Throughout the investigation, the Personnel Department will inform the General Manager of pertinent investigative findings.
- G. Employees will be granted whistle-blower protection when acting in accordance with this policy. When informed of a suspected impropriety, neither the Agency nor any person acting on behalf of the Agency shall:
 - 1. Dismiss or threaten to dismiss the employee,
 - 2. Discipline, suspend, or threaten to discipline or suspend the employee,
 - 3. Impose any penalty upon the employee, or
 - 4. Intimidate or coerce the employee.Violations of the whistle-blower protection will result in discipline up to and including dismissal.
- H. Upon conclusion of the investigation, the results will be reported to the General Manager.
- I. The General Manager, following review of investigation results, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, and referral of the case to the District Attorney's Office for possible prosecution.
- J. The Agency will pursue every reasonable effort, including court ordered restitution, to obtain recovery of Agency losses from the offender, or other appropriate sources.

II. PROCEDURES

A. Board of Directors Responsibilities

- 1. If a member of the Board of Directors has reason to suspect that a fraud has occurred, he or she shall immediately contact the General Manager (or contact the Agency Attorney if the General Manager is involved).
- 2. The Board member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager or Agency Attorney.
- 3. The alleged fraud or audit investigation shall not be discussed with the media by any person other than through the General Manager in consultation with the Agency Attorney and the Personnel Department.

B. Management Responsibilities

- 1. Management is responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.

2. Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area.
3. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
4. If management determines a suspected activity may involve fraud or related dishonest activity, they should contact the General Manager immediate supervisor (or contact the Agency Attorney if the General Manager is involved).
5. Department Directors should inform the General Manager (or contact the Agency Attorney or Personnel Director if the General Manager is involved).
6. Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions.
7. Management should support the Agency's responsibilities and cooperate fully with the Personnel Department, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
8. Management must give full and unrestricted access to all necessary records and personnel. All Agency furniture and contents, including desks and computers, are open to inspection at any time. There is no assumption of privacy.
9. In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:
 - a. Incorrect accusations.
 - b. Alerting suspected individuals that an investigation is underway.
 - c. Treating employees unfairly.
 - d. Making statements that could lead to claims of false accusations or other offenses.
10. In handling dishonest or fraudulent activities, management has the responsibility to:
 - a. Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc.
 - b. Avoid discussing the case, facts, suspicions, or allegations with anyone outside the Agency, unless specifically directed to do so by the Agency Attorney.
 - c. Avoid discussing the case with anyone inside the Agency other than employees who have a need to know such as the General Manager, Personnel Department, or Agency Attorney or law enforcement personnel.

- d. Direct all inquiries from the suspected individual, or his or her representative, to the General Manager or Agency Attorney. All inquiries by an attorney of the suspected individual should be directed to the Agency Attorney. All inquiries from the media should be directed to the General Manager.
- e. Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the Personnel Director, in conformance with the Agency's Personnel Policies and Procedures.

C. Employee Responsibilities

1. A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the General Manager.
2. When the employee believes the supervisor may be involved in the inappropriate activity, the employee shall make the report directly to the General Manager (or contact the Agency Attorney if the next higher level of management and/or the General Manager is involved).
3. The reporting employees shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Personnel Department, Agency Attorney or law enforcement personnel.

D. Personnel Department Responsibilities

1. Upon assignment by the General Manager, the Personnel Department or General Manager's designee will promptly investigate the fraud.
2. In all circumstances where there appears to be reasonable grounds for suspecting that a fraud has taken place, the Personnel Department, in consultation with the Agency Attorney, will contact the County of San Bernardino Sheriff Department.
3. The Personnel Department shall be available and receptive to receiving relevant, confidential information to the extent allowed by law.
4. If evidence is uncovered showing possible dishonest or fraudulent activities, the General Manager or Personnel Department will proceed as follows:
 - a. Discuss the findings with the appropriate management/supervisor and the Department Director.
 - b. Advise management, if the case involves staff members, to meet with the General Manager (or his/her designated representative) to determine if disciplinary actions should be taken. Any disciplinary action taken will be in accordance with the Agency Personnel Rules.
 - c. Report to the External Auditor such activities in order to assess the effect of the illegal activity on the Agency's financial statements.
 - d. Coordinate with the Agency's Risk Management insurer regarding notification to insurers and filing of insurance claims.

- e. Take immediate action, in consultation with the Agency Attorney, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:
 - 1) Removing the records and placing them in a secure location, or limiting access to the location where the records currently exist.
 - 2) Preventing the individual suspected of committing the fraud from having access to the records.
5. In consultation with the Agency Attorney and the County of San Bernardino Sheriff Department, the Personnel Department may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.
6. If the Personnel Department is contacted by the media regarding an alleged fraud or audit investigation, the Personnel Department will consult with the General Manager and the Agency Attorney, as appropriate, before responding to a media request for information or interview.
7. At the conclusion of the investigation, the Personnel Department will document the results in a confidential memorandum report to the General Manager and the Agency Attorney. If the report concludes that the allegations are founded, the report will be forwarded to the County of San Bernardino Sheriff Department.
8. Unless exceptional circumstances exist, a person under investigation for fraud is to be given notice in writing of essential particulars of the allegations following the conclusion of the audit. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Personnel Department no later than seven calendar days after notice is received.
9. The Personnel Department will be required to make recommendations to the appropriate department for assistance in the prevention of future similar occurrences.
10. Upon completion of the investigation, including all legal and personnel actions, all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Personnel Department to that department.

III. EXCEPTIONS

There will be no exceptions to this policy unless provided and approved in writing by the General Manager and the Agency Attorney.

AGENDA ITEM # 9



Association of California Water Agencies

Since 1910

Leadership • Advocacy • Information • Service

RECEIVED

JUN 10 2013

BY: _____

MEMORANDUM

TO: ACWA Member Agencies
Board Presidents and General Managers

CC: ACWA Board of Directors

FROM: ACWA Nominating Committee

DATE: June 7, 2013

SUBJECT: Call for Candidate Nominations

ACWA's Nominating Committee is responsible for submitting a slate for the Association's statewide positions of President and Vice President to the general membership meeting at Fall Conference.

Nominations must be received in the ACWA office by **Tuesday, September 3, 2013**, to be considered by the committee. Candidate interviews are slated for **Wednesday, September 18**.

The following criteria must be met for names to be considered:

- Only elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association shall be eligible for election to the officer positions.
- Nominations of qualified candidates are encouraged from all member agencies.
- All nominations for the positions of ACWA President and Vice President shall be accompanied by a resolution of support from the ACWA member agency on whose board the nominee serves. Said resolution shall be signed by an authorized signatory of the member agency's Board of Directors.
- A resume of the candidate, highlighting qualifications for the position, shall accompany each nomination.

It is not necessary to have additional letters or resolutions of support from other agencies, but the Nominating Committee will review all materials received.

ACWA's Bylaws and Board policies establish the criteria outlined above, which also govern nominations from the floor. Board policy reads, "All nominations received for the positions of ACWA President and Vice President shall be accompanied by a resolution of support from the

ACWA member agency on whose board the nominee serves, and signed by an authorized signatory of the Board of Directors. This policy applies to nominations received in the ACWA office prior to elections, as well as to all nominations received from the floor at general session during the floor nomination process” (Policy O.3.a.).

We appreciate your interest and participation in this process to find the best qualified individuals to serve in representing the statewide membership of ACWA. Thank you for your consideration of our request.

Nominating Committee members include:

- Paul Kelley, Region 1
- Thad Bettner, Region 2
- Joe Parker, Region 3
- Mike Hardesty, Region 4
- David Hodgins, Region 5
- William Diedrich, Region 6
- J. Paul Hendrix, Region 7
- Stephen Cole, Region 8
- Martha Davis, Region 9
- Linda Ackerman, Region 10

We ask that candidates not approach Nominating Committee members directly to solicit their support, but it is acceptable for candidates to interact with the regions, committees, and ACWA members.

Should you have any questions regarding this process, please contact Clerk of the Board Donna Pangborn at the ACWA office at 916-441-4545 or donnap@acwa.com

Enclosures:

1. Basic Information for ACWA Officer Nominees
2. Sample Resolution to Nominate Candidate for ACWA President or Vice President

PRESIDENT

- Must be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association
- Term of office begins January 1 following election
- Term of office—2 years
- Willingness and ability to represent ACWA at a variety of functions / events, including visits to member agencies for ceremonies, events, and retention efforts
- President unable to succeed him / herself in that office
- Serves on the ACWA Board and presides at all Board meetings—approximately six per year
- May call special Board meetings with proper notification
- Serves on Executive Committee and presides at meetings—approximately six in-person meetings and additional teleconference meetings as needed
- Presides over all general membership meetings—potentially two per year
- Appoints members of all committees, including the chair and vice chair of each, upon recommendation from members and regions (as communicated by the region chairs), with each such committee chair and vice chair ratified by the Board of Directors
- Appoints task forces and work groups as needed, consistent with and supportive of the mission of the Association
- Non-voting ex officio member of all committees, except Nominating Committee or region boards
- Agrees to support ACWA positions on issues of importance to the statewide membership
- Determines with vice president how to handle attendance at region functions
- Expenses for official ACWA functions are paid by ACWA; spouse registration and meals are also covered for official ACWA functions
- Receives weekly packets from ACWA
- Business cards are provided by ACWA if desired
- Time commitment between Board meetings and events limited to weekly conference calls with the Executive Director and other Board officers regarding Association matters

VICE PRESIDENT

- Must be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association
- Term of office begins January 1 following election
- Term of office—2 years
- Willingness and ability to represent ACWA at a variety of functions / events
- Assumes all duties in absence of president
- Succeeds president for an unexpired term if vacancy occurs
- Serves on the ACWA Board and presides over Board meetings in the absence of the President
- Serves on the ACWA Executive Committee
- Serves as chair / vice chair of task forces / work groups as requested by the President
- Agrees to support ACWA position on issues of importance to the statewide membership
- Determines with president how to handle attendance at region functions
- Budget is provided to cover expenses for official ACWA functions; spouse registration and meals are also covered for official ACWA functions
- Receives weekly packets from ACWA
- Business cards are provided by ACWA if desired
- Time commitment between Board meetings and events limited to weekly conference calls with the Executive Director and other Board officers regarding Association matters
- ACWA / JPIA
 - Serves on ACWA / JPIA's Executive Committee—meets approximately 10 times a year
 - Attends ACWA / JPIA Board meetings—meets two times a year
 - ACWA / JPIA pays related expenses to attend their meetings



SAMPLE RESOLUTION TO NOMINATE CANDIDATE FOR ACWA PRESIDENT OR VICE PRESIDENT

RESOLUTION OF THE BOARD OF DIRECTORS OF

TO NOMINATE AND SUPPORT

AS A CANDIDATE FOR THE POSITION OF ACWA _____

WHEREAS, ACWA has announced that a Nominating Committee has been formed to develop a slate for the Association's statewide positions of President and Vice President; and

WHEREAS, the individual who fills an officer position will need to have a working knowledge of water industry issues and concerns, possess strength of character and leadership capabilities, and be experienced in matters related to the performance of the duties of the office; and

WHEREAS, this person must be able to provide the dedication of time and energy to effectively serve in this capacity; and

WHEREAS, _____ has served in a leadership role as a member of the _____ Board of Directors since _____; and

WHEREAS, (list positions held to demonstrate knowledge of water and leadership)

WHEREAS,

WHEREAS,

WHEREAS, it is the opinion of the _____ Board of Directors that _____ possesses all of the qualities needed to fulfill the duties of the office of ACWA _____.

NOW, THEREFORE, BE IT RESOLVED, that the _____ Board of Directors does hereby nominate and support _____ as a candidate for the office of ACWA _____, pledging the District's support of his/her endeavors in fulfilling the duties of this office if elected.

PASSED AND ADOPTED by the _____ Board of Directors at a regular meeting of said Board held on the _____ day of _____, 2013, by the following vote:

Ayes: Directors

Noes: Directors

Absent: Directors

AGENDA ITEM # 10

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

Meeting Date: July 23, 2013

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$293,550

Cost: \$273,115

From: Marina D. West

General Counsel Approval: Obtained

CEQA Compliance: Notice of Exemption
filed September 10, 2012

Subject: Recoating and Repainting B-3 and B-4 Reservoirs – Change Order No. 1, Accept Completion of Work, and Authorize Filing of Notice of Completion and Payment of Retention

SUMMARY

All work associated with recoating and repainting the B3/B4 reservoirs, cleaning and repairing the Johnson Valley reservoir and repairs to the C1/C2 reservoirs has concluded. The project has been completed under the authorized budget by \$20,435.

At this time the Board should accept completion of work, ratify execution of Change Order No. 1, authorize filing of the Notice of Completion and authorize release of retentions held following the prescribed waiting period.

RECOMMENDATION

That the Board considers taking the follow action(s):

1. Ratify execution of Change Order No. 1 in the amount of \$8,565 for additional work at the Johnson Valley Reservoir and C-1/C-2 Reservoir; and
2. Accept completion of work; and
3. Authorize filing of Notice of Completion; and
4. Authorize release of retention amounts held.

BACKGROUND/ANALYSIS

The contract awarded to J. Colon Construction in February 2013 has been completed. The original scope of work consisted of recoating and repainting the B3 and B4 reservoirs, associated safety upgrades to ladders and railings and replacement of broken liquid level gauges. In addition, the Johnson Valley reservoir was drained and pressure washed.

Upon contract award the Board authorized a contingency for unforeseen work that might arise during the term of the contract. Change Order No. 1 was executed for additional work at the Johnson Valley reservoir and at C1/C2. At Johnson Valley the liquid level indicator was replaced, the ladder security door was re-installed and a safety handrail was installed on the top of the reservoir. At the C1/C2 reservoirs the liquid level indicators were replaced after

being damaged in high winds during May 2013. Lastly, during the April 2013 Department of Health Service (DPH) facilities inspection it was noted that the vent on the C1 reservoir be fitted with a shroud to prevent excessive dust from entering the reservoir. Since J. Colon Construction was under contract, staff used this opportunity to correct the noted deficiency.

The total amount authorized by the Board for this project is \$293,550 and the total amount spent is \$273,115. Therefore this project has been completed under the project budget by \$20,435.

Since the Contract Work has been performed in accordance with the Contract Documents the Board should ratify execution of Change Order No. 1, accept completion of work authorizing filing of the Notice of Completion and authorize release of retentions held following the prescribed waiting period.

PRIOR RELEVANT BOARD ACTION(S)

2/26/2013 M13-015 Waive two minor, correctable irregularities in the bid received from J. Colon Construction; and Award contract for recoating and repainting of Reservoir Nos. B3 and B4 and cleaning of the Johnson Valley Well 10 Reservoir in the amount of \$263,550 to J. Colon Construction; and Award contract for recoating and repainting of Reservoir Nos. B3 and B4 and cleaning of the Johnson Valley Well 10 Reservoir in the amount of \$263,550 to J. Colon Construction; and Authorize construction contingency of \$30,000.

8/28/2012 M 12-066 Board of Director's accepts 8/16/2012 PLEGS recommendation to recoat and repaint up to two (2) reservoirs in FY2012/13.

8/16/2012 Planning/Legislative/Engineering/Grant/Security Committee review and reject proposed Change Order increasing scope of work for recoating and repainting by increasing the number of reservoirs from two (2) up to four (4).

7/24/2012 M12-057 Board of Director's authorizes General Manager to execute Work Order No 4A with Krieger and Stewart, Inc. for project management/construction inspection services for recoating and repainting of (up to) four reservoirs in conjunction with scope of services dated June 15, 2012 at a cost estimate of \$85,900; and authorize filing of categorical exemption for the proposed project in accordance with CEQA; and authorize publication of notice inviting bids for recoating and repainting of (up to) four reservoirs; and authorize transfer of funds from the "unencumbered cash" fund to the "replacement and refurbishment" fund.

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

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

MEMORANDUM

TO: MARINA WEST
BIGHORN DESERT VIEW WATER AGENCY
FILE: 997-4.2.6 F/C

FROM: WILLIAM G. HUFFMAN *WGH*
CHARLES A. KRIEGER *CAK*
KRIEGER & STEWART, INCORPORATED
DATE: 07/18/2013

SUBJECT: RECOATING AND REPAINTING B-3 AND B-4 RESERVOIRS
J. COLON COATINGS, INC.
RECOMMENDATION OF ACCEPTANCE OF CONTRACT WORK

All work performed by J. Colon Coatings, Inc. was completed and the reservoirs were put back into service by the specified completion date (June 21, 2013) with the exception of minor work. The adjusted Contract Amount is set forth as follows:

Original Contract	\$263,550.00
Contract Change Order No. 1	<u>\$8,565.00</u>
Adjusted Contract	\$272,115.00

Contract Change Order No. 1 is attributable to miscellaneous additional work requested by the Agency at the Johnson Valley Reservoir, C-1 Reservoir, and C-2 Reservoir (e.g. ladder and handrail modifications, float gauge replacement, etc.) and reduction in hours of welding allocated in Bid Items 105 and 205 that were not required to complete the Contract Work.

Since the Contract Work has been performed in accordance with the Contract Documents, we recommend the Agency accept said Work in the amount of \$272,115.00. Subsequent to Board acceptance, a Notice of Completion will be filed and thereafter, following the lien period, the Agency will make final payment (i.e. release retained amount).

Once the Board has accepted the Work, we will file the Notice of Completion with the San Bernardino County Assessor-Recorder-Clerk on the Agency's behalf and forward a copy of the recorded Notice to the Agency with the necessary information regarding final payment.

If you have any questions, or require additional information, please call.

CONTRACT CHANGE ORDER NO. 1K&S W.O. 997-4.2.6 F/C

To Contract: RECOATING AND REPAINTING B-3 AND B-4 RESERVOIRS, dated February 26, 2013
 by and between: BIGHORN-DESERT VIEW WATER AGENCY (OWNER),
 and: J. COLON COATINGS, INC. (CONTRACTOR),

Contractor is hereby directed to make the following change in Contract Work:

Item No.	Description of Change	Decrease \$	Increase \$
1.	Replace liquid level indicator board scale on Johnson Valley Reservoir.		\$1,300.00
2.	Install exterior ladder security door on Johnson Valley Reservoir.		\$1,540.00
3.	Install perimeter handrail on top of Johnson Valley Reservoir.		\$9,130.00
4.	Install 1" NPT threaded coupling on Johnson Valley Reservoir.		\$495.00
5.	Replace complete float gauge assembly on C-1 Reservoir.		\$2,875.00
6.	Install baffle on existing center vent on C-1 Reservoir.		\$2,350.00
7.	Replace complete float gauge assembly on C-2 Reservoir.		\$2,875.00
8.	50 hours of welding not required (Bid Item 105).	\$6,000.00	
9.	50 hours of welding not required (Bid Item 205).	\$6,000.00	
Total Decrease in Contract Amount:		\$12,000.00	
Total Increase in Contract Amount:			\$20,565.00
Net Change in Contract Amount:		\$8,565.00	
Contract Amount Prior to Change:		\$263,550.00	
Contract Amount Adjusted for Change:		\$272,115.00	

By reason of Change Order No. 1, time of completion shall be adjusted as follows: 0 calendar days. Adjusted Contract Completion Date shall be June 21, 2013. All provisions of the Contract shall apply hereto, and shall become effective when fully executed (signed and dated) by both parties.

Recommended by (Engineer) _____ Date: _____

Accepted by (Contractor) _____ Date: _____

Approved by (Owner) _____ Date: _____

Remarks Change Order Item Nos. 1 through 7 are pursuant to the Agency's request for extra work and shall be performed as described in the Contractor's Proposal.

AGENDA ITEM # 12

Consumption & Billing Comparison June 2013

CONSUMPTION						
Residential- North- Bighorn			Residential- South- Desert View			
	Meters	Usage (c.f.)		Meters	Usage (c.f.)	
Book 1	148	0	Book 7	163	215,446	
Book 2	182	0	Book 8	176	347,896	
Book 3	162	194	Book 9	188	414,510	
Book 4	152	74	Book 10	177	297,025	
Book 5	129	0	Book 11	191	332,781	
Book 6	136	508	Total	895	1,607,658	
Total	909	776				
			Construction			
Bulk -Kickapoo, Well 4, Cherokee				Meters	Usage (c.f.)	
	Meters	Usage (c.f.)	Book 40	0	0	
Book 30	39	24,489	Total	0	0	
Book 31	4	3,400				
Book 32	4	12,040	Billed Consumption		1,669,073	
Total	47	39,929	Non Billed Usage		12,445	
			Total Consumption		1,681,518	
Bulk - Well 10						
	Meters	Usage (c.f.)	Active Residential Meters		1,804	
Book 33	48	20,710	Active Bulk Meters		95	
Total	48	20,710	Total Active Meters		1,899	
BILLING COMPARISON						
			CURRENT YEAR	LAST YEAR	DIFFERENCE	
			JUNE 2013	JUNE 2012	JUNE	
Total Customer Accounts			990	995	(5)	
Usage in Cubic Feet			1,669,073	1,581,892	87,181	
Percentage Increase/(Decrease)					6%	
REVENUES						
Water Revenues			53,296.46	50,819.11	2,477.35	
Basic Service Charge			49,245.18	49,285.81	(40.63)	
Miscellaneous			400.55	440.00	(39.45)	
Delinquent Charges			1,488.25	1,616.51	(128.26)	
FMHA			8,308.40	8,319.93	(11.53)	
Total Operating Revenues			\$ 112,738.84	\$ 110,481.36	\$ 2,257.48	



Date: July 1, 2013
 To: Marina West
 From: Destiny Diaz
 Subject: Service Order Report for June 2013

SERVICE ORDER REPORT FOR FISCAL YEAR 2012-2013

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
After Hours Call	5	4	9	2	5	2	8	2	2	2	2	3	46
AirVac Maintenance							2	0	0	2	0	0	4
Booster Repair/Maintenance (New Category)									2	1	0	0	
Bulk Stations: Maintenance	0	0	0	2	1	4	0	2	1	0	0	2	12
Close Account	12	24	29	14	15	21	11	13	13	25	22	19	218
Customer Asst:Leak/Other	4	7	6	9	2	3	12	7	8	5	6	13	82
Destroy Service Line	1	0	0	0	0	0	0	0	1	1	0	0	3
Exchange Meter	0	3	4	12	6	4	8	12	3	3	0	2	57
Fire Flow Test	0	0	0	0	0	0	0	0	0	0	0	0	0
Flush Deadend/Blowoffs	0	0	2	0	0	1	0		0	0	0	0	3
Hangtag	3	16	6	8	9	11	19	40	13	9	7	2	143
Hydrant Maint. ****	27	30	0	33	26	14	1	1	8	23	4	0	167
Inspections					2	1	3	2	3	4	2	6	23
Install New Service	0	1	0	0	0	0	0	0	1	0	0	1	3
Leak Response	6	9	5	2	4	8	6	1	4	2	1	13	61
Lock-Off Service	12	11	31	15	24	25	6	12	18	13	10	5	182
Lock-Off Service per Customer Request							1	1	2	4	1	2	11
Miscellaneous	19	12	21	14	6	4	11	10	10	25	20	7	159
Office Repairs	3	1	0	0	2	0	0	1	0	0	1	0	8
Open New Service	12	24	29	14	15	21	11	13	13	25	22	19	218
Pressure Complaint	0	0	1	0	0	0	2	0	1	0	0	1	5
Pull Meter	0	0	0	0	0	1	2	0	0	0	0	0	3
Read Meter	0	2	3	8	2	0	2	0	1	0	2	1	21
Repair Mainline	1	0	1	0	0	0	0	0	0	0	1	0	3
Repair Service Line	14	9	11	9	2	1	1	0	2	4	3	21	77
Replace Service Line	0	0	1	1	2	3	0	0	1	3	1	6	18
Reread Meter	22	19	12	8	6	7	12	8	2	16	11	26	149
Safety Meeting	1	1	0	4	3	2	2	2	2	2	3	2	24
Tamper	1	1	0	1	0	0	2	0	0	2	2	3	12
Tank/Reservoir Maintenance/Repairs							3	2	3	1	0	0	9
Turn Off Service per Customer Request							8	1	2	0	0	0	11
Unlock Service	11	17	14	14	19	17	14	9	16	14	12	15	172
Valve Maintenance	1	0		1	1	0	1	3	2	1	0	0	10
Verify Meter Locked	4	2	10	2	0	6	0	3	14	4	5	2	52
Water Quality Issues **	0	0	0	2	0	0	0	1	0	0	0	0	3
Water Level						0	1	1	1	1	1	0	5
Water Test		0	4	0	0	0	0	0	0	0	0	0	4
Well Repairs/Maint.	0	3	0	1	3	4	8	9	4	11	4	0	47
TOTAL	159	193	199	175	152	156	157	156	153	203	143	171	2017

** Includes Water Quality (taste, odor, color) as well as high or low pressure concerns as of April 2013

***Includes Inspections for Fire Extinguishers, Vehicles and Facilities



Resubmit: Well 8 Corrections

DATE: 7/23/2013
TO: Board of Directors
FROM: Kit Boyd
RE: MAR.2013

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	3,480	26,030		0	0.08
Well 3	25,000	187,000	380	8.2	0.57
Well 6	201,100	1,504,228	362	69.3	4.62
Well 7	159,290	1,191,489	346	57.4	3.66
Well 8	559,300	4,183,564	911	76.5	12.84
Well 9	412,000	3,081,760	661	77.7	9.46
Well 10	8,530	63,804	30 *	35.3	0.20
Total	1,368,700	10,237,876			31.42

Well 2 Bac T sample only, all water discharged to waste after passing through flow meter.

* Well 10 suspect flow meter is not accurate. Staff evaluating options for replacement of obsolete meter.

A Boosters	64,610	483,283	84	95.7	
C Boosters	165,480	1,237,788	232	88.9	
Total	230,090	1,721,071			



Resubmit: Well 8 Corrections

DATE: 7/23/2013
TO: Board of Directors
FROM: Kit Boyd
RE: APR.2013

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	0	0		0	0.00
Well 3	9,920	74,202	399	3.1	0.23
Well 6	97,820	731,694	418	29.2	2.25
Well 7	337,570	2,525,024	353	119.3	7.75
Well 8	613,300	4,587,484	911	83.9	14.08
Well 9	428,700	3,206,676	666	80.2	9.84
Well 10	7,530	56,324	27 *	34.6	0.17
Total	1,494,840	11,181,403			34.32

Well 2 Bac T sample only, all water discharged to waste after passing through flow meter.

* Well 10 suspect flow meter is not accurate. Staff evaluating options for replacement of obsolete meter.

A Boosters	77,890	582,617	101	95.7	
C Boosters	165,480	1,237,788	232	88.9	
Total	243,370	1,820,405			



DATE: 7/8//2013
TO: Board of Directors
FROM: Kit Boyd
RE: JUNE.2013

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	2,680	20,046		0	0.06
Well 3	253,860	1,898,873	345	91.7	5.83
Well 6	249,100	1,863,268	415	74.8	5.72
Well 7	231,400	1,730,872	350	82.4	5.31
Well 8	671,800	5,025,064	917	91.3	15.42
Well 9	636,200	4,758,776	675	117.5	14.61
Well 10	0	0	- *	51.4	0.00
Total	2,045,040	15,296,899			46.95

Well 2 Bac T sample only, all water discharged to waste after passing through flow meter.

* Well 10 suspect flow meter is not accurate. Staff evaluating options for replacement of obsolete meter. meter pulled may 7, 2013

A Boosters	122,730	918,020	160	95.7	
C Boosters	165,480	1,237,788	232	88.9	
Total	288,210	2,155,808			

Bighorn-Desert View Water Agency

Board of Directors

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

Marina D West, PG, General Manager



Agency Office

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A Public Agency

www.bdvwa.org

BOARD OF DIRECTORS REGULAR MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, May 28, 2013 - 6:00 p.m.

CALL TO ORDER

Meeting convened by Board President Michael McBride at 6:03 p.m.

PLEDGE OF ALLEGIANCE

Led by Lois Johnson.

ROLL CALL

Directors Present:

David Larson
Judy Corl-Lorono
Michael McBride
Terry Burkhart
J. Dennis Staley

Staff Present:

Marina West
Michelle Corbin

APPROVAL OF AGENDA

Motion to approve the agenda.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved.

DISCUSS GENERAL MANAGER EMPLOYMENT CONTRACT INCLUDING COMPENSATION AND OTHER PROVISIONS –

General Manager West began the contract negotiations with an overview of the history of her contracts, salary and the recent performance evaluation.

Prior to hiring West, the Agency employed the General Manager at \$80K (32 hrs. per week), a Chief of Operations at \$77K and a Field Supervisor at \$56K bringing the total of these three positions to \$213K per year. West reminded the Board since her hire the Chief of Operations position was eliminated and the Field Supervisor resigned. These two positions have not been refilled. Due to West's knowledge, experience and capacity building she has accumulated through the years, she is able and capable of covering the duties of these positions which alone

save the Agency \$133K. West stated she is seeking an increase of her salary from approximately \$114K to \$135K.

Public comments:

Lary Callander, of Yucca Valley, stated he feels \$135K is an excellent salary and the Bighorn-Desert View Water Agency is going to grow. Mr. Callander went on to say that \$19K is a drop in the bucket compared to what the Agency will receive in return.

Dr. Bob Karmen of Yucca Mesa stated he was impressed by how Marina West has worked to stabilize the Agency and had also received her Master's Degree. He feels that receiving this degree warrants consideration of this salary.

Elizabeth Karmen stated she feels Marina West is worth the increase of salary. Ms. Karmen noted that Marina West has done a wonderful job working on behalf of the Agency sighting the recent activity with the State Legislature. She also feels the contract should be for five years.

President McBride really likes the idea of extending the contract an additional two years.

Director Staley requested clarification of the COLA and merit raises. He questioned the benefits of extending the contract and had questions about life insurance.

Director Larson began by stating the Agency has a great General Manager who is just as good as any other in the area and he would like to keep her forever. Director Larson stated that he realized the salary may be a point of contention within the community and he would like to strike a balance between the two issues.

Director Burkhart noted the lack of performance from the previous managers. Director Burkhart acknowledges Marina West's level of education and West is capable of working anywhere she desires. She feels the salary is extremely reasonable and Marina West has raised the Agency up to being one of the best run water districts in Southern California.

Vice President Corl-Lorono stated that considering the more than forty hours a week Marina West works and her knowledge of water she is thrilled about this offer.

President McBride noted that between his visits to Sacramento on behalf of Senate Bill SB246 and the positive responses he witnessed at a recent Local Agency Formation Commission (LAFCO) meeting he was reminded of just how far the Agency has come under General Manager, Marina West.

President McBride acknowledged Director Larson's concerns regarding a salary increase and how it may be a point of contention with the public; however he continued, if you look at where the Agency was prior to the hiring of Marina West compared to where the Agency is today, we are saving money. He went on to say that if they decide to pay the General Manager \$135K, the Agency will still be saving money and he feels we should approve it.

Director Staley also stated Marina West has gone beyond the call of duty being involved with many things within the community. He went on to comment that she works to continue her education and demonstrates leadership in getting the people that work with her to also upgrade themselves. Director Staley said he has no problem with the \$135K figure that Marina West has brought before the Board and told them what she feels she is worth and he feels her proposal is fair.

President McBride also commended Marina West stating she not only trains the employees of Bighorn-Desert View Water Agency but also trains staff from other agencies for no fee during her off time.

MOTION NO. 13-035

(After brief Board discussion), Vice-President Corl-Lorono made a motion to increase the General Managers Salary to \$135,000 beginning July 1, 2013. Director Burkhart seconded the motion.

Roll Call Vote:

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

MSC¹ (Corl-Lorono/Burkhart) motion carried 4/1.

MOTION NO. 13-036

(After brief Board discussion), Director Burkhart made a motion to extend the General Manager contract an additional two years. The motion was seconded by Vice President Corl-Lorono.

Roll Call Vote:

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

MSC¹ (Burkhart/Corl-Lorono) unanimously approved..

Adjourned for a Break at 6:42 p.m. - Reconvened from Break at 6:49 p.m.

PUBLIC HEARING: Ordinance No. 130-01 – AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO –

General Manager West gave the staff report beginning with a review of the March 26, 2013 Board of Director Meeting where it was decided the Agency would begin the Cost-Of-Living (COLA) increase process seeking a five dollar \$5.00 increase in the per diem amount. The Public Notices were processed in the newspaper on May 15 and 22, 2013. If the Board approves the increase it will go into effect after 60 days.

Public comment:

Lary Callander reminded the Board last time they had the opportunity to increase their per diem they decided not to pursue the increase. He said the Board members always attend their meetings and they deserve the increase.

Elizabeth Karmen stated the Board should consider giving themselves the five dollar raise, noting they often attend events which require them to leave early in the morning.

MOTION NO. 13-037

(After brief Board discussion), Director Burkhart made a motion to adopt Ordinance 130-01 Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto. Vice President Corl-Lorono seconded the motion.

Roll Call Vote:

Ayes: McBride, Corl-Lorono, Burkhart, Staley
Nays: Larson

Abstain: None
Absent: None

MSC¹ (Burkhart/Corl-Lorono) motion carried 4/1.

POSTING OF AGENCY'S APPROPRIATION LIMIT FOR FISCAL YEAR 2013/14

General Manager West gave the staff report explaining how the Agency calculates the appropriation limit. The Agency is required to post the calculations 15 days prior to Board adoption. For the sake of transparency West feels it is only fair to make the public aware that the Agency will post the calculation which is why she is bringing this to the Board today.

Lary Callander of Yucca Valley asked if California Special Districts 70/W-1 had to post an Appropriation Limit for Fiscal Year 2013/2014 and he also asked what would happen if the tax is not collected.

MOTION NO. 13-038

(After brief Board discussion), Director Burkhart made a motion to direct staff to post the calculations made to determine the Agency's Appropriation Limit at least 15 days prior to the date the Board considers adoption of Resolution establishing the Agency's appropriation limit for fiscal year 2013/14. Vice President Corl-Lorono seconded the motion.

MSC¹ (Burkhart/Corl-Lorono) unanimously approved.

RESOLUTION NO. 13R-06 FIXING AND ADOPTING THE AGENCY BUDGET FOR FISCAL YEAR 2013/14

General Manager West went over some of the highlights of the budget noting various line items such as engineering, office upgrades and replacement of materials that would not fall under capital replacement. West also noted areas the Agency is saving money and working to improve customer relations such as the larger bill format. West is not making any recommendations to change the Bighorn Mountains Improvement District No. 1 Ad valorem tax or the Desert View surcharge.

Public comments:

Mr. Destry, of Landers, questioned if Proposition 13 has anything to do with increases in property tax value.

MOTION NO. 13-039

(After brief Board discussion), After Board discussion, Director Burkhart made a motion to adopt Resolution No. 13R-06, A Resolution Fixing and Adopting the Agency Budget for Fiscal Year 2013/2014 for the Bighorn-Desert View Water Agency. The motion was seconded by Director Larson.

MSC¹ (Burkhart/Larson) unanimously approved.

DISCUSS ALTERNATE DATE FOR THE JUNE 25, 2013 BOD REGULAR MEETING DUE TO SCHEDULING CONFLICT WITH DIRECTOR BURKHART'S SPECIAL DISTRICTS RISK MANAGEMENT AUTHORITY BOARD MEETING

General Manager West stated there are many items the Agency must address in June and she would prefer the Board reschedule the June 25, 2013 meeting to remain in the month of June as opposed to canceling it altogether.

No public comment.

MOTION NO. 13-040

(After brief Board discussion), Director Larson made a motion to move the June 25, 2013 Board of Director Meeting to June 18, 2013 at 6:00 PM. Vice President Corl-Lorono seconded the motion.

MSC¹ (Larson/Corl-Lorono) unanimously approved.

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

General Manager West updated the Board on the progress of Senate Bill SB246. West went over the letters of support from the Association of California Water Agencies, Hi-Desert Water District and past-president Ruth Rieman. Other letters of support will soon follow.

No public comment.

DISBURSEMENTS APRIL 2013

No public comment.

MOTION NO. 13-041

Vice President Corl-Lorono made a motion to approve the Disbursements (Check Register - Payment of Bills) for April 2013. Director Burkhart seconded the motion.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved.

CONSENT ITEMS

- a. Financial Statements April 2013
 - 1. Balance Sheet
 - 2. Statement of Revenue and Expense
 - 3. General Account (Union Bank)
 - 4. Disbursements
 - 5. Local Agency Investment Fund Balance Timeline
- b. Consumption & Billing Comparison Report, April 2013
- c. Service Order Report, April 2013
- d. Production Report, April 2013
- e. Regular Board Meeting Minutes, April 23, 2013

No public comment.

MOTION NO. 13-042

Vice President Corl-Lorono made a motion to approve consent items a - e. The motion was seconded by Director Burkhart.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved.

MATTERS REMOVED FROM CONSENT ITEMS

No items removed from consent.

PUBLIC COMMENT PERIOD

No public comment.

VERBAL REPORTS

General Manager Marina West reported the pre-construction meeting for the Ames/Reche Recharge Project will be held the following day.

Director Burkhardt reported on the Special Districts Risk Management Authority (SDRMA) Legislative Days she had recently attended.

President McBride reported on the Twentynine Palms Water District Board meeting. He accompanied GM West in seeking support of the Senate Bill SB 246.

FUTURE AGENDA ITEMS

None.

ADJOURNMENT - President McBride adjourned the meeting at 7:46 p.m.

Approved by:

David Larson, Secretary of the Board

MSC¹ – Motion made, seconded, and carried.