

## Bighorn-Desert View Water Agency

### Board of Directors

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J. Larry Coulombe, Director



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

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

Marina D West, P.G., General Manager

A Public Agency

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

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

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday March 19, 2014 - 9:00 a.m.

### COMMITTEE MEMBERS: Michael McBride & J. Larry Coulombe

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

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

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

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

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

1. **FY 2013/2014 BUDGET REVIEW – Review Status of fiscal year 2013/2014 Budget Revenue and Expenses through January 31, 2014.**
2. **REVIEW BOND DEBT SERVICE SCHEDULES FOR BIGHORN MOUNTAINS AND DESERT VIEW: Consider early debt retirement or refinance options**
3. **CONSIDER APPLICATION FOR GENERAL SERVICES ADMINISTRATION (GSA) STATE AND FEDERAL SURPLUS PROPERTY PROGRAM**
4. **UPDATE ON STATUS OF CSA 70/W-1 REORGANIZATION**
5. **UPDATE ON MOJAVE WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP) – Review status of IRWMP and opportunities for grant funding.**
6. **CONSENT ITEMS** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.
  - a. Special FPREP Committee Meeting Report, July 10, 2013

## **7. PUBLIC COMMENT PERIOD**

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

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

## **8. VERBAL REPORTS**

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

## **9. ITEMS FOR NEXT AGENDA**

## **10. ADJOURNMENT**

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

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

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

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

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

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

## AGENDA ITEM # 2

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

**Meeting Date:** March 19, 2014

**To:** Financial/PR/Education/Personnel Comm.  
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:** Review Bond Debt Service Schedules for Bighorn Mountains and Desert View and Consider Early Debt Retirement or Refinance Options

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**SUMMARY**

A customer has requested the Agency consider retiring the Bighorn Mountains bond which is paid through an ad valorem tax on the property tax bill.

**RECOMMENDATION**

Staff is seeking direction from the FPREP Committee on how to proceed.

**BACKGROUND/ANALYSIS**

The Agency currently has two long-term debt instruments. They are the Bighorn Mountains General Obligation Bond and the Desert View Water Revenue Bond.

The Bighorn Mountains General Obligation Bond was issued in 1979 in the amount of \$1,875,000 to finance construction and operations of the water supply and distribution system for the Bighorn Mountains Water Agency Improvement District 1. This note was for a period of 40 years at a fixed interest rate of 5%. The current balance on this bond is \$551,000 and the bond will mature in 2019. Revenue is collected through a Special Assessment on the County of San Bernardino property tax rolls based on the property value (Ad Valorem) for the payment of principal and interest as well as \$75,000 in funding for annual operations and maintenance of the water system as outlined in the bond instruments.

The Desert View Water District Revenue Bond was issued in 1980 in the amount of \$700,000 to finance the construction and operations of additions and improvements to the water supply and distribution system of the entire District. This note was for a period of 40 years at a fixed interest rate of 5%. The current balance on this bond is \$233,000 and the bond will mature in 2020. Revenue is collected through a surcharge on the water bill for those Desert View customers that have a water connection. The surcharge covers the principal and interest on the loan as well as \$6,000 in funding for annual operations and maintenance of the water system as outlined in the bond instruments.

The remaining payment schedule for the Bighorn Mountains General Obligation Bond is:

Bighorn Mountains Debt		
Payments remaining		
		5%
2014	81,000	27,550
2015	85,000	23,500
2016	89,000	19,250
2017	94,000	14,800
2018	98,000	10,100
2019	104,000	5,200
	\$551,000	\$100,400

The remaining payment schedule for the Desert View Revenue Bond is:

Desert View Revenue Bond		
Payments Remaining		
2014	29,000	11,850
2015	31,000	10,400
2016	32,000	8,850
2017	34,000	7,250
2018	35,000	5,550
2019	37,000	3,800
2020	39,000	1,950
	\$237,000	\$49,650

There are two ways to reduce the debt obligation, either pay off the debt early or refinance the debt.

The current balance in unrestricted reserves is approximately \$325,000. Staff does not recommend using unrestricted reserves for this purpose as that money is being set aside for necessary system repairs, refurbishments and to prepare for unforeseen emergencies.

As to the Bighorn Mountains General Obligation bond Staff understands that the interest rate could be reduced from 5% to 3% through refinancing which would save approximately \$40,000 over the remaining duration of the loan. However, initial research reveals that the fees to conduct a bond refinancing far exceed any savings gained by the reduced interest rate.

**PRIOR RELEVANT BOARD ACTION(S)**

None

## AGENDA ITEM # 3

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

**Meeting Date:** March 19, 2014

**To:** Financial/PR/Education/Personnel Comm.  
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:** Consider Application for General Services Administration (GSA) State and Federal Surplus Property Program

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### **SUMMARY**

General Services Administration (GSA) offers an opportunity for entities like Bighorn-Desert View Water Agency to participate in auctions of government surplus goods and property. This could provide an opportunity for BDVWA to acquire goods and property at a low price.

In order to be eligible for participation the Board must pass a resolution to appoint representatives that are allowed to participate in the auction. The representatives agree to pay for the goods purchased on the auction.

Items on the auction range from new surplus to outdated and unwanted items – these items could be as small as stationary to a large piece of heavy equipment. These items are usually deeply discounted. The challenges with the auction are many times items will be purchased sight unseen; items will need to be transported from place of purchase and items may not be in good repair.

### **RECOMMENDATION**

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

### **BACKGROUND/ANALYSIS**

Not further analysis provided.

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

2/10/2012: Board Workshop Minutes – Operations and Maintenance: Evaluate purchasing power and other benefits of membership in CSDA, ACWA, etc.



**STATE OF CALIFORNIA  
NEW APPLICATION FOR ELIGIBILITY  
STATE & FEDERAL SURPLUS PROPERTY PROGRAM**

In completing this form please print or type information.

A. Name of Organization Bighorn Desert View Water Agency Telephone 760-364-2315  
 Address 622 S Jemez Tr city Yucca Valley county San Bernardino zip 92284  
 E-Mail Address bdvwa4@mindspring.com Fax Number 760 364-3412

1. Application is being made as a (please check one) (a) Public agency  or (b) qualified nonprofit and tax-exempt organization . Check all spaces that apply and provide all requested data.

B. PUBLIC AGENCY: Check either state  or local

- Conservation
- Economic Development
- Education
- Grade Level \_\_\_\_\_  
(Preschool, K-12, college)
- Enrollment \_\_\_\_\_
- No. of faculty \_\_\_\_\_
- No. of days in school year \_\_\_\_\_
- Parks & Recreation
- Public Health
- Public Safety
- Two or more of above
- Other (specify) Water Agency

NONPROFIT AGENCY OR ORGANIZATION:

- Education
- Grade Level \_\_\_\_\_  
(Preschool, K-12, college)
- School for the mentally or physically handicapped
- Enrollment \_\_\_\_\_
- No. of faculty \_\_\_\_\_
- No. of days in school year \_\_\_\_\_
- No. of school sites \_\_\_\_\_
- Educational radio or television station
- Museum
- Library
- Medical Institution
- Hospital
- Health center
- Clinic
- Other (specify) \_\_\_\_\_

1. Are the applicant's services available to the public at large? No. If only a specified group of people is served, please indicate who comprises this group. \_\_\_\_\_

2. Checklist of signed and completed documents submitted with this application:

- SASP Form No. 202 "Resolution," properly signed and approved by the Governing Board designating representatives, including their signatures, authorized to bind the applicant organization to service fees submitted by the State of California.
- SASP Form No. 203, nondiscrimination compliance assurance.
- Certification Regarding Debarment, Suspension, Ineligibility, & Voluntary Exclusion as required by the General Services Administration of the U.S. Government.
- Other statements or documentation required, as may be specified.

Printed Name and Title of Administrator or Director: Marina West - General Manager

Date: 4/29/2013 Signature of Administrator or Director: \_\_\_\_\_

**FOR STATE SURPLUS AGENCY USE ONLY**

Application approved \_\_\_\_\_ Application disapproved \_\_\_\_\_

Comments or additional information: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Donee Number: \_\_\_\_\_ Billing Code: \_\_\_\_\_

**ASSURANCE OF COMPLIANCE WITH GSA REGULATIONS UNDER TITLE VI OF  
THE CIVIL RIGHTS ACT OF 1964, SECTION 606 OF TITLE VI OF THE FEDERAL  
PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED,  
SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED,  
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED  
AND SECTION 303 OF THE AGE DISCRIMINATION ACT OF 1975**

Bighorn Desert View Water Agency, (hereinafter called the "donee"),  
(Name of donee organization)

**HEREBY AGREES THAT the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.**

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Date \_\_\_\_\_ Donee Organization \_\_\_\_\_

BY \_\_\_\_\_  
(President/Chairman of the Board  
or comparable authorized official)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Donee Mailing Address

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND  
VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS**

This certification is required by the General Services Administration regulations implementing Executive Order 12549-41 CFR 105-68 – for all lower tier transactions meeting the requirements stated at 41 CFR 105-68.110.

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department of agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage section of rule implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitation for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under CFR part 9, subpart 9.4, debarred, suspended, in eligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF DONEE APPLICANT

Bighorn Desert View Water Agency

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Marina West - General Manager

SIGNATURE

DATE

**STATE OF CALIFORNIA  
NEW APPLICATION FOR ELIGIBILITY  
STATE & FEDERAL SURPLUS PROPERTY PROGRAM**

Pursuant to Federal Regulation 28 C.F.R. §§ 42.401 - 42.415, a recipient is mandated to report to the Federal Government the racial and national origins of all persons within your service area. You are therefore asked to supply the Office of Fleet and Asset Management with the race and national origins of individuals you serve in your service area (It may be helpful to refer to the US Census to determine the racial makeup of your service area at [www.factfinder.census.gov/](http://www.factfinder.census.gov/)). This form must be completed and returned with the rest of the eligibility packet in order to qualify for the Federal Surplus Property Program. Your answers on this form in no way affect your eligibility; however, not returning the form will delay the processing of your application.

<b>American Indian or Alaskan Native</b> % <u>1.18</u>	Persons having origins in any of the tribal people of North America, and who maintain cultural identification through tribal affiliation or community recognition.
<b>Asian / Pacific Islander</b> % <u>2.01</u>	Persons having origins in any of the original peoples of the far east, Southeast Asia, Pacific islands, or the Indian Subcontinent. This includes China, Japan, Korea, The Philippines, and Samoa.
<b>Black</b> % <u>2.85</u>	Persons having origins in any of the black racial groups of Africa.
<b>Hispanic</b> % <u>9.77</u>	Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
<b>White</b> % <u>84.19</u>	Person having origins in any of the original people of Europe, North Africa, or the Middle East.
<b>Other</b> % _____	(Specify) _____

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## TERMS AND CONDITIONS

### A. THE DONEE CERTIFIES THAT:

- (1) It is a public agency; or an approved nonprofit organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended.
- (2) The property is needed and will be used by the recipient for carrying out for the residents of a given political area one or more public purposes, or, if an approved nonprofit tax-exempt organization or §(a) business, the property is needed for and will be used by the recipient for educational or public health purposes, or for programs for older individuals, or for business purposes. The property is not acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the State Agency for Surplus Property, hereafter referred to "the SASP".
- (3) Funds are available to pay any and all costs and charges incidental to the receipt of surplus property, that the property is not being acquired for any other use(s) or purpose(s), is not for sale. Fee schedule is available upon request from the California SASP.
- (4) Any transaction shall be subject to the nondiscrimination regulations governing the donation of federal surplus personal property issued under Title VI of the Civil Rights Act of 1964, (41 USC 2000d-2000d-4a), as amended; Section 504 of the Rehabilitation Act of 1973 (29 USC 794), as amended; Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688), as amended; and Section 303 of the Age Discrimination Act of 1975 (42 USC 6101-6107).
- (5) If the Donee is designated by the Federal Small Business Administration 8a Program as a socially and economically disadvantaged small business and the SASP has determined the Donee is eligible to receive federal surplus personal property as a donation, the Donee certifies that the property acquired is needed and will be used solely for the conduct of the Donee's business enterprise; and the Donee certifies to A. (3), A. (4), and A. (5) above.

### B. The Donee agrees to the following federal conditions:

- (1) All items of property, other than items with a unit acquisition cost of \$5,000 or more and passenger motor vehicles, regardless of acquisition cost, shall be placed in use for the purpose(s) for which acquired within one year of receipt, and shall be placed in continuous use for one year from the date the property was placed in use. In the event the Donee does not so place the property in use, or in continuous use, the Donee shall immediately notify the SASP and, at the Donee's expense, make the property available for transfer or other disposal as directed by the SASP.
- (2) Special handling or use limitations as are imposed by the Federal General Services Administration (GSA) on any item(s) of property under which the item(s) are being allocated to the Donee.
- (3) In the event the Donee does not so use the property as required by C. (1) and C. (2), above, at the option of the GSA title and right to the possession of such property shall revert to the United States of America and, upon demand, the Donee shall release such property to such person as the GSA or its designee shall direct.

### C. The Donee agrees to the following conditions applicable to items with a unit acquisition cost of \$5,000 or more and passenger motor vehicles, except vessels of 50 feet or more in length and aircraft, regardless of acquisition cost:

- (1) The property shall be placed in use within one year of receipt and shall be used only for the purpose(s) for which acquired and for no other purpose(s).
- (2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for 18 months from the date the property is placed in use, except for such item(s) of major equipment for which the SASP designates a further period of restriction.
- (3) In the event the property is not so used as required by C. (1) and C. (2), above, at the option of the SASP title and right to the possession of such property shall revert to the State of California, and the Donee shall release such property to such person, as the SASP shall direct.

### D. The Donee agrees to the following terms, reservations and restrictions:

- (1) From the date the Donee receives the property and throughout the time period(s) imposed by B. or C. above (as applicable) remain in effect, the Donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property or remove it permanently for use outside the State of California without the prior approval of the GSA or the SASP. The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when the GSA or the SASP authorizes such action, shall be remitted promptly by the Donee to the GSA or the SASP, as applicable. If a Donee takes action in ignoring or disregarding the foregoing restrictions after the date the Donee receives the property and before expiration of the time periods imposed by C. or D. as applicable at the option of the GSA or the SASP, the Donee shall pay to the GSA or the SASP any proceeds derived from the disposal, and/or the fair market or fair rental value of the property at the time of such unauthorized disposal as determined by the GSA or the SASP as applicable.
- (2) If at any time from the date the Donee receives the property and throughout the time periods imposed by B. or C. above (as applicable) the Donee determines that some or all of the property is no longer suitable, usable, or further needed for the purpose(s) for which it was acquired, the Donee shall promptly notify the SASP and shall, as directed by the SASP, return the property to the SASP, or release the property to another Donee or another state agency or a department or agency of the United States, or sell or otherwise dispose of the property. The Donee shall remit the proceeds from any sale promptly to the SASP.
- (3) The Donee shall make reports to the SASP which shall state the use, condition and location of the property, and shall report on other pertinent matters as may be required from time to time by the SASP.
- (4) At the option of the SASP, the Donee may abrogate the conditions set forth in B, above, and the terms, reservations and restrictions pertaining thereto in D by payment of an amount determined by the SASP.

### E. The Donee agrees to the following conditions applicable to all items of property:

- (1) The property acquired by the Donee is on an "as is," "where is" basis without warranty of any kind.
- (2) If the Donee carries insurance against damages to or loss of property because of fire or other hazards, and damage to, loss or destruction of donated property with unexpired terms, conditions, reservations or restrictions occurs, the SASP will be entitled to reimbursement from the Donee out of the insurance proceeds in an amount equal to the unamortized portion of the fair value of the lost, damaged or destroyed property.

Terms, conditions, reservations and restrictions set forth in the Conditional Transfer Document executed by the authorized Donee representative are applicable to the donation of aircraft and vessels of 50 feet or more in length having an acquisition cost of \$5,000 or more, regardless of the purpose for which acquired.

Jns?

# Rules and Regulations

Federal Register

Vol. 72, No. 22

Friday, February 2, 2007

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## NATIONAL SCIENCE FOUNDATION

### 2 CFR Chapter XXV

#### 45 CFR Parts 620 and 689

[Docket Number: NSF-2006-OGC-0106]

RIN 3145AA47

#### National Science Foundation Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

**ACTION:** Final rule.

**SUMMARY:** The National Science Foundation (NSF) is issuing a new part 2520 on nonprocurement debarment and suspension in title 2 of the Code of Federal Regulations (CFR). This new part is NSF's implementation of the Office of Management and Budget's (OMB) guidance provided at 2 CFR part 180. In light of the new part 2520, NSF removes 45 CFR part 620, the part containing its implementation of the government-wide common rule on nonprocurement debarment and suspension. The new part in 2 CFR serves the same purpose as the common rule, but in a simpler way. NSF also is amending a provision in its research misconduct rule (45 CFR part 689) to update the reference to NSF's nonprocurement debarment and suspension regulations. This final rule is part of OMB's initiative to streamline and consolidate all federal regulations on nonprocurement debarment and suspension. It is an administrative simplification that makes no substantive change in NSF policy or procedures for nonprocurement debarment and suspension.

**DATES:** This final rule is effective February 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Gold, Assistant General Counsel, Office of the General Counsel, National

Science Foundation, telephone (703) 292-8060 and e-mail [egold@nsf.gov](mailto:egold@nsf.gov).

**SUPPLEMENTARY INFORMATION:** On May 11, 2004, OMB established title 2 of the CFR with two subtitles (69 FR 26275). Subtitle A, "Government-wide Grants and Agreements," contains OMB policy guidance to Federal agencies on grants and agreements. Subtitle B, "Federal Agency Regulations for Grants and Agreements," contains Federal agencies' regulations implementing the OMB guidance, as it applies to grants and other financial assistance agreements and nonprocurement transactions.

On August 31, 2005, OMB published interim final guidance for government-wide nonprocurement debarment and suspension in the *Federal Register* (70 FR 51863). The guidance is located in title 2 of the CFR as new subtitle A, chapter 1, part 180. The interim final guidance updated previous OMB guidance that was issued pursuant to Executive Order 12549, "Debarment and Suspension" (February 18, 1996), which gave government-wide effect to each agency's nonprocurement debarment and suspension actions. Section 6 of the Executive order authorized OMB to issue guidance to Executive agencies on nonprocurement debarment and suspension, including provisions prescribing government-wide criteria and minimum due process procedures. Section 3 directed Executive agencies to issue regulations implementing the Executive order that are consistent with the OMB guidelines. The interim final guidance at 2 CFR part 180 conforms the OMB guidance with the Federal agencies' November 26, 2003, update to the common rule on nonprocurement debarment and suspension (see 70 FR 51864). On November 15, 2006, OMB published a final rule adopting the interim final guidance with changes (71 FR 66431).

In accordance with OMB's guidance, this final rule places NSF's nonprocurement debarment regulations in subtitle B of title 2 of the CFR, along with other agencies' nonprocurement debarment and suspension rules. The new CFR part 2520 adopts the OMB guidelines with the same additions and clarifications that NSF made to the common rule on nonprocurement suspension and debarment in November 2003 [68 FR 66633]. The substance of NSF's nonprocurement debarment and suspension regulations is unchanged. In

light of the new part 2520, NSF is removing 45 CFR part 620, which is the current location for NSF's nonprocurement debarment and suspension regulations. NSF is also amending a provision in its research misconduct rule (45 CFR part 689) to update the reference to NSF's nonprocurement debarment and suspension regulations.

#### Executive Order 12866

OMB has determined this rule to be nonsignificant.

#### Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

#### Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year.

#### Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

#### Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### List of Subjects

##### 2 CFR Part 2520

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

##### 45 CFR Part 620

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

##### 45 CFR Part 689

Research misconduct.

■ Accordingly, under the authority of 42 U.S.C. 1870, NSF amends the Code of Federal Regulations, Title 2, Subtitle B, and Title 45, Chapter VI, as follows:

**Title 2—Grants and Agreements**

■ 1. Add Chapter XXV, consisting of Part 2520 to Subtitle B to read as follows:

**Chapter XXV—NATIONAL SCIENCE FOUNDATION**

**PART 2520—NONPROCUREMENT DEBARMENT AND SUSPENSION**

SEC.

2520.10 What does this part do?

2520.20 Does this part apply to me?

2520.30 What policies and procedures must I follow?

**Subpart A—General**

2520.137 Who in NSF may grant an exception to let an excluded person participate in a covered transaction?

**Subpart B—Covered Transactions**

2520.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

**Subpart C—Responsibilities of Participants Regarding Transactions**

2520.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

**Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions**

2520.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

**Subparts E–I [Reserved]**

**Authority:** 42 U.S.C. 1870(a); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

**§ 2520.10 What does this part do?**

This part adopts the Office of Management and Budget (OMB) guidance in Subparts A through I of 2 CFR part 180, as supplemented by this part, as the NSF policies and procedures for nonprocurement debarment and suspension. It thereby gives regulatory effect for NSF to the OMB guidance as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, “Debarment and Suspension” (3 CFR 1986 Comp., p. 189), Executive Order 12689, “Debarment and Suspension” (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Public Law 103–355, 108 Stat. 3327).

**§ 2520.20 Does this part apply to me?**

This part and, through this part, pertinent portions of the OMB guidance

in Subparts A through I of 2 CFR Part 180 (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a “covered transaction” (see Subpart B of 2 CFR part 180 and the definition of “nonprocurement transaction” at 2 CFR 180.970).

(b) Respondent in an NSF suspension or debarment action.

(c) NSF debarment or suspension official.

(d) NSF grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

**§ 2520.30 What policies and procedures must I follow?**

The NSF policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB guidance in Subparts A through I of 2 CFR Part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (i.e., 2 CFR 180.220) as supplemented by section 220 in this part (i.e., § 2520.220). For any section of OMB guidance in Subparts A through I of 2 CFR 180 that has no corresponding section in this part, NSF policies and procedures are those in the OMB guidance.

**Subpart A—General**

**§ 2520.137 Who in NSF may grant an exception to let an excluded person participate in a covered transaction?**

The NSF Director and the Deputy Director have the authority to grant an exception to let an excluded person participate in a covered transaction.

**Subpart B—Covered Transactions**

**§ 2520.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?**

Although the OMB guidance at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in the Appendix to 2 CFR part 180), NSF does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

**Subpart C—Responsibilities of Participants Regarding Transactions**

**§ 2520.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?**

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with Subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

**Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions**

**§ 2520.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?**

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant’s compliance with subpart C of 2 CFR part 180, as supplemented by Subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

**Subparts E–I [Reserved]**

**Title 45—Public Welfare**

**CHAPTER VI—NATIONAL SCIENCE FOUNDATION**

**PART 620—[REMOVED]**

■ 2. Under the authority of 42 U.S.C. 1870(a); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235) part 620 is removed.

**PART 689—[AMENDED]**

■ 3. The authority citation for part 689 continues to read as follows:

**Authority:** 42 U.S.C. 1870(a).

■ 4. Section 689.8 is amended by revising paragraph (b) to read as follows:

**§ 689.8 Interim Administrative Actions**

\* \* \* \* \*

(b) When suspension is determined to be appropriate, the case will be referred to the suspending official pursuant to 2 CFR Part 180, and the suspension procedures of 2 CFR Part 180 will be followed, but the suspending official will be either the Deputy Director or an official designated by the Deputy Director.

■ 5. Section 689.9 is amended by revising paragraph (c)(1) introductory text to read as follows:

**§ 689.9 Dispositions**

(c) \* \* \*

(1) In cases in which debarment is considered by OIG to be an appropriate disposition, the case will be referred to the debarring official pursuant to 2 CFR part 180 and the procedures of 2 CFR part 180 will be followed, but:

\* \* \* \* \*

Lawrence Rudolph,  
General Counsel.

[FR Doc. E7-1419 Filed 2-1-07; 8:45 am]

BILLING CODE 7555-01-P

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****7 CFR Part 301**

[Docket No. APHIS-2006-0131]

**Emerald Ash Borer; Quarantined Areas; MI**

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the emerald ash borer regulations by adding areas in Michigan to the list of areas quarantined because of emerald ash borer. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the emerald ash borer from infested areas in the State of Michigan into noninfested areas of the United States.

**DATES:** Effective on February 2, 2007, we are adopting as a final rule the interim rule published at 71 FR 57871-57873 on October 2, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah McPartlan, Operations Officer, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-4387.

**SUPPLEMENTARY INFORMATION:****Background**

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive wood-boring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash

trees after it bores beneath their bark and disrupts their vascular tissues.

The EAB regulations in 7 CFR 301.53-1 through 301.53-9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB to noninfested areas of the United States. Portions of the States of Indiana, Michigan, and Ohio are already designated as quarantined areas.

In an interim rule<sup>1</sup> effective September 25, 2006, and published in the Federal Register on October 2, 2006 (71 FR 57871-57873, Docket No. APHIS-2006-0131), we amended the EAB regulations in § 301.53-3(c) by designating the entire Lower Peninsula of Michigan as a quarantined area. That action was necessary to prevent the artificial spread of the EAB from infested areas in the State of Michigan into noninfested areas of the United States.

Comments on the interim rule were required to be received on or before December 1, 2006. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 71 FR 57871-57873 on October 2, 2006.

Done in Washington, DC, this 29th day of January 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7-1720 Filed 2-1-07; 8:45 am]

BILLING CODE 3410-34-P

<sup>1</sup> To view the interim rule, go to <http://www.regulations.gov>, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS-2006-0131, then click "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

**NUCLEAR REGULATORY COMMISSION****10 CFR Part 73**

RIN A104

**Relief From Fingerprinting and Criminal History Records Checks**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC or Commission) is issuing new regulations to relieve certain categories of individuals from the requirement to undergo fingerprinting, identification, and criminal history records checks under section 149 of the Atomic Energy Act of 1954, as amended, (AEA) before being permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant such checks.

**DATES:** This final rule is effective on February 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jared K. Heck, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1623, e-mail [jkh3@nrc.gov](mailto:jkh3@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Need for Rule
- III. Analysis of Rule
- IV. Basis for Immediate Effectiveness and Dispensing With Notice and Comment
- V. Voluntary Consensus Standards
- VI. Finding of No Significant Impact: Availability
- VII. Paperwork Reduction Act Statement
- VIII. Regulatory Analysis
- IX. Backfit Analysis
- X. Congressional Review Act

**I. Background**

On August 8, 2005, Congress enacted legislation that authorized the Commission to impose new requirements governing unescorted access to certain radioactive material and other property subject to regulation by the Commission. Specifically, section 652 of the Energy Policy Act of 2005, Pub. L. 109-58, which amended AEA section 149, requires the Commission to ensure that "any individual" who is permitted unescorted access to "radioactive material or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and

Stop



## AGENDA ITEM # 6

## Bighorn-Desert View Water Agency

### Board of Directors

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



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

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

Marina D West, P.G., General Manager

A Public Agency

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

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

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

**COMMITTEE MEMBERS: Director Larson & President McBride**

### CALL TO ORDER

Director Larson called the meeting to order at 4:01 p.m.

### PLEDGE OF ALLEGIANCE

Led by Seth Shteir

### ROLL CALL

Directors: David Larson  
Michael McBride

Staff: Marina West

### APPROVAL OF THE AGENDA

Director Larson and Director McBride approved the agenda as presented.

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

Seth Shteir of the National Parks Conservation Association gave a presentation of their view of the Cadiz Water Project.

No public comment.

The Committee directed staff to invite Mr. Shteir to the next regularly scheduled Board of Directors meeting to give his presentation. The Committee also suggested a

representative from the Cadiz Valley Water Conservation, Recovery and Storage Project be invited to speak as well.

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

General Manager West reported the Agency's Drug and Alcohol Policy meets current standards but should be updated as it was implemented as a Board "policy" in lieu of a "resolution". West reported the draft version is much shorter but has all the necessary content. West is recommending the Board eventually rescind the current policy and incorporate it into the next Employee Handbook update.

No public comment.

The Committee directed staff to bring the Drug and Alcohol Policy to the full Board of Directors for appropriate adoption.

**METHODOLOGIES FOR COLLECTING BULK WATER ACCOUNT DELINQUENT BILLS**

General Manager West reported that recently a Board member had questioned "write-offs to bad debt" as it relates to bulk water accounts. West is recommending the Agency require bulk account holders to provide the Assessor's Parcel Number of the home which water is being served, when opening up a new account. This information will assist the Agency with the collection of bad debt in the form of a property lien in the future.

No public comment.

The Committee directed staff to bring to the full Board for further discussion.

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

General Manager West announced the receipt of the Certificate of Achievement for Excellence in Financial Reporting. West thanked staff member Gayla Blanton for her contributions towards helping the Agency secure the award for the second year in a row.

Anonymous asked for a copy of the certificate or press release.

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

General Manager West gave a brief update. Senate Bill No. SB246 is still on track and the next Committee hearing date is scheduled for August 2013 in Sacramento.

No public comment.

**CONSENT ITEMS**

- a. Special FPREP Meeting Report, May 8, 2013

No public comment.

Director Larson and Director McBride approved the report.

**PUBLIC COMMENT PERIOD**

No public comment.

**VERBAL REPORTS**

**COMMITTEE MEMBERS' COMMENTS/REPORTS**

Director McBride requested an update on the Ames/Reche Recharge and Recovery Program.

**GENERAL MANAGER'S REPORT**

No report.

**ITEMS FOR NEXT AGENDA**

Employee Handbook, if necessary.

**ADJOURNMENT** - Director Larson adjourned the meeting at 5:08 p.m.

Pending Committee Approval