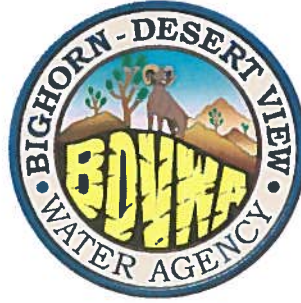


Bighorn-Desert View Water Agency

Board of Directors

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

Marina D West, P.G., General Manager



A Public Agency

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

760/364-2315 Phone
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Planning/Legislative/Engineering Grant & Security Standing Committee Meeting Agenda April 21, 2015 – 9:15 a.m.

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285

COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda

Discussion and Action Items - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

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

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

5. **Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee**
Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.
6. **Relocation of Waterline Interfering with CalTrans Improvements on Hwy. 247 at Napa Road**
7. **CSA 70/W-1 Reorganization Update**
8. **MWA Integrated Regional Water Management Plan Small Water Systems Project Update**
9. **Capital Improvement Projects Draft Budget**
10. **Consent Items** -The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.
 - a. Regular PLEGS Committee Meeting Report, February 17, 2015

11. **Public Comment Period**

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

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

12. **Verbal Reports**

- a. Committee Members' Comments/Report
- b. General Manager Report

13. **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.bdvwva.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



Legal, Legislative and Public Information Committee

AGENDA

Mojave Water Agency

Board Room

**13846 Conference Center
Drive**

Apple Valley, CA 92307

April 21, 2015

09:30 a.m.

-
- 1. Approve Agenda**

 - 2. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of March 17, 2015**

 # Meeting Summary

 - 3. Update by State Advocate of Issues at the State Level (teleconference)**

 # State Report

 - 4. Update by Federal Advocate of Issues at the Federal Level (teleconference)**

 # Federal Report

 - 5. Public Information Update**

 - 6. General Manager's Report**

7. Public Participation

8. Comments/Discussion Items for Next or Future Agendas

9. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.

Please visit our Facebook page at <http://www.facebook.com/mojavewater>



LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

MEETING SUMMARY March 17, 2015

CALL TO ORDER:

Chairperson Doug Shumway called the meeting to order at 9:30 a.m.

ATTENDANCE:

- ✚ Committee – Chairperson Doug Shumway, Director Kimberly Cox, and Director Carl Coleman
- ✚ Absent – None
- ✚ Staff – General Manager Kirby Brill, Community Liaison Officer Yvonne Hester, and Public Information Specialist Gloria Golike
- ✚ Consultants – State Advocates Ed Manning and Carolyn Jensen, KP Public Affairs and Federal Advocates Letitia White, Alex Shockey, Drew Tatum, and Jean Dutton, Innovative Federal Strategies LLC joined by teleconference
- ✚ Others – Four visitors were in the audience and five were online

1. **Approve Agenda**

The agenda was agreed upon as presented.

2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of February 17, 2015**

The meeting summary was agreed upon as presented.

3. **Update by State Advocate of Issues at the State Level**

Mr. Manning gave a brief update on the drought situation. He mentioned SB 385, which is authored by Hueso on the topic of drinking water standards and Chromium 6 issues. Discussion followed and the Committee agreed to have a letter sent in support of the bill.

He also spoke on pending legislation of the State Water Project. Mr. Brill mentioned that Mr. Timothy Hanes, a State Water Project contractor who is an energy expert, will be presenting at the board meeting on April 23. He will speak on the operation of the State Water Project and AB 32, which includes the possibility of costs increasing per acre-foot.

Ms. Jensen provided an update on Safe Drinking Water issues and also on concerns that have recently emerged.

4. **Update by Federal Advocate of Issues at the Federal Level**

Ms. White introduced Mr. Drew Tatum and Ms. Jean Dutton to the team. They both gave a brief bio about themselves.

Ms. Dutton spoke about the budget and she gave a brief update on the drought.

Ms. White mentioned that they will be coming for a visit at the board meeting on April 9.

5. **Public Information Update**

Ms. Hester gave a PowerPoint presentation on events and activities in March and April. She mentioned that staff from several departments are involved in the events, it is not just the Public Information Department.

6. **General Manager's Report**

Mr. Brill mentioned the growing awareness about water in the community and the fact that individuals are going to be looking to the Agency for answers and direction.

7. **Public Participation**

None.

8. **Comments/Discussion Items for Next or Future Agendas**

Director Coleman briefed the Committee and audience on a statement that was made at the California Public Utilities Commission Hearing on the sale of the Apple Valley Ranchos Water Company. The Agency is checking into this issue.

9. **Adjournment**

Chairperson Shumway adjourned the meeting at 10:20 a.m.

Submitted by: _____
Gloria Golike
Public Information Specialist

Attachments on-file:
Item No. 5 - Public Information Report - PowerPoint
Sign-in sheet

KP

**PUBLIC
AFFAIRS**

TO: Legal, Legislative and Public Information Committee

**FROM: Ed Manning
Carolyn Jensen**

RE: KP Public Affairs Agenda

1. Legislative Update:

- A. SB 385 (Hueso) - Chromium 6 Drinking Water Standard Implementation
- B. Groundwater "Clean-Up" Legislation

2. Drought Related Activity Update:

- A. Governor Brown Executive Order: Mandatory 25% Water Conservation Order
- B. SWRCB Mandatory Conservation Regulatory Framework

4/15/15

Innovative Federal Strategies LLC

Comprehensive Government Relations

MEMORANDUM

To: Mojave Water Agency Legal, Legislative and Public Information Committee

From: Letitia White

Date: March 31, 2015

Re: March Monthly Legislative Update

After failing to reach an agreement before the February 27th deadline, Congress gave themselves an additional week to solve the Homeland Security funding fight. Ultimately the House passed the “clean” Senate version of the bill, which didn’t include controversial immigration provisions but funds the Department through the remainder of the fiscal year. Partisanship continued over Speaker John Boehner’s invitation to have Benjamin Netanyahu, the Prime Minister of Israel, address a joint meeting of Congress so close to his election. The House was out for one week in the middle of the month before returning to tackle their budget resolution in Committee and on the floor. There was a glimmer of bipartisanship at the end of the month when Democrats and Republicans in the House came together to pass a permanent “Doc fix” bill dealing with Medicare reimbursements to doctors, but the Senate failed to act on the legislation before leaving town. The Senate followed the same timeline on their own budget resolution. Progress on other legislation in the Senate came to a halt earlier in the month when Democrats pulled their support for a human trafficking bill over objections to abortion language that passed unanimously out of committee. In response, Majority Leader Mitch McConnell pulled a vote to confirm Loretta Lynch as the next Attorney General from the floor until an agreement can be reached on the pending trafficking bill. Both Chambers are finished with their work for the month, with a two week district/state work period on the schedule for Easter.

Budget Battles Consume Most of the Month

The House and Senate have completed consideration of their own FY16 Budget resolutions with the House finishing on Wednesday night and the Senate wrapping up in the early hours of Friday morning. Both chambers have spent the better part of two weeks on the non-binding resolutions that give appropriators the framework they need for topline appropriations numbers in their annual bills. The bills also contain reconciliation instructions that will give Republicans an opportunity to make changes to the Affordable Care Act with a simple majority, which might be necessary if the Supreme Court rules that federal subsidies are not available for individuals who have enrolled in the federal exchange on HealthCare.gov. It is important to note that any measure passed under reconciliation would still go to the President for his signature, but it will give Republican Senators the opportunity to vote on the Affordable Care Act in a policy bill—an opportunity they didn’t have when Democrats controlled the Senate. Now that the House and Senate have passed their own measures, a conference committee will be formed to iron out the differences in the two budget bills.

Innovative Federal Strategies LLC

The Senate was the last to finish their budget resolution, spending more than 12 hours considering amendments from noon on Thursday to around 2 am on Friday morning. The annual budget resolution is a time where Senators can introduce amendments related to virtually any topic in order to get votes on the record on topics like the minimum wage, immigration, healthcare, and other topics that find their way into campaign advertisements during the next election cycle. Senate Republicans worked hard to fend off efforts to change the overall levels set in the budget so they are close to the House numbers when working with the House to reconcile their differences. Those efforts included rebuffing potential party nominees to be the next President when they offered amendments that would have raised defense spending even higher than the Committee agreed to in its blueprint. The Senate plan was amended in committee to raise the limit on war related funds to \$96 billion, providing additional resources for the Pentagon without proposing to break the \$523 billion statutory cap on base discretionary defense spending created by the 2011 budget law. The Senate resolution also sets a cap of \$493.5 billion in non-defense discretionary spending in fiscal 2016, similarly reflecting statutory cap levels. The measure passed through the Senate Budget Committee a week earlier along party lines. There were efforts at the committee level and on the floor to extend the Ryan-Murray deal that increased spending over the last two years on both the defense and domestic sides.

Difficulty arose out of the House Budget Committee more than it did on the House floor. There were disagreements over the total funding that would be provided for defense spending. After budget hawks rebuffed leadership, the Rules Committee added the additional funding through a self-executing rule on the floor. This procedure allowed the House to attach an additional \$2 billion in funding for the war related funds account, bringing total funding to \$96 billion on top of the statutory \$523 billion cap. The House resolution also holds to the \$493.5 billion cap in non-defense discretionary spending in fiscal 2016.

The President has said he would not support appropriations bills that hold to the caps set in the budget law, leaving hope that there might be a deal later in the year that would provide relief from sequestration on domestic spending. Since before sequestration took effect on March 1, 2013, Congress has modified the discretionary spending caps three years in a row. Even though the Senate didn't agree to an expansion of the Ryan-Murray plan, it could serve as a potential model for such a deal which could include offsetting increased spending with mandatory program cuts and fee increases. Most lawmakers don't see the framework for such a deal emerging until later in the year, but still believe it is a real possibility due to the disdain for the sequester cuts on both sides of the aisle.

Deadline Continues to Loom Over Transportation Fix

Congress loves deadlines and the excitement they bring! Increasingly we've seen lawmakers come up to deadlines, and often give themselves an extension, in order to push through another short funding bill. Funding for the nation's highway and transit programs seems to be heading toward the same path. While funding might not run out until the end of May, lawmakers are going to have to produce a blueprint much sooner if they plan to move it through regular order. The respective committees in the House and Senate have already held hearings on reauthorization, but no clear consensus has emerged. House Transportation Chairman Bill Shuster (R-PA) has continued to insist that his committee would like to push for a multi-year

Innovative Federal Strategies LLC

bill, but the Committee still hasn't put forth a blueprint for consideration at the committee level causing some lawmakers to fear that another short term patch of a year or less might be necessary to keep project funding while Congress continues to debate a long term solution to the Highway Trust Fund, which has required an infusion of money from the federal government as recently as last year in order to meet its obligations. This month we heard from the Chairman of the Senate Environment and Public Works Committee, Jim Inhofe (R-OK), that he would be supportive of raising the gas tax in order for the fund to continue to meet its obligations. Lawmakers are increasingly worried about relying on the gas tax since fuel economy standards have continued to increase coupled with increasing numbers of electric and alternative fuel vehicles on the roads which avoid traditional fuels, and subsequently the tax all together. While talks continue behind closed doors, Chairman Shuster continues to insist that lawmakers need to decide on a path forward after the upcoming two week recess in order to give the legislation time to be considered in the House and Senate. After that, he believes a short term bill might be necessary to prevent a lapse in funding.

Outlook for April

Lawmakers have until April 15th to reach a compromise version of their budget resolutions. With Senators working hard to keep changes in the overall numbers from occurring, we believe it is likely that negotiators will be able to come to an agreement that will appease enough Republicans in both chambers to pass. This will give appropriators the information they need to start working at the subcommittee level to advance bills. We will also be looking for the possibility of a transportation fix emerging at the committee level in advance of the end of May deadline for reauthorization. Spring and summer are important months for transportation projects, and states have already started to cancel projects over fears of funding shortfalls.

AGENDA ITEM # 6

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

Meeting Date: April 21, 2015

To: PLEGS Standing Committee
of the Board of Directors

Budgeted: No
Estimated Cost: \$27,500

From: Marina D. West

General Counsel Approval: N/A
CEQA Compliance: CalTrans Project

Subject: Relocation of Waterline Interfering with CalTrans Improvements on HWY 247 at Napa Road

SUMMARY

Staff will review the CalTrans project and Staff has determined that the best course of action

RECOMMENDATION

Information only.

BACKGROUND/ANALYSIS

In 2010 the Agency was contacted by CalTrans regarding their proposed work within Hwy 247 between Handley Road and El Cortez. The Agency was asked to provide the location of all utilities which intersect with the proposed work. CalTrans was provided with basic map information noting 9 pipeline segments crossing the highway and two areas where pipelines run parallel to highway.

In October 2014, CalTrans mobilized its contractor, Skanska, to begin work on the highway. Within a few weeks the Agency was contacted regarding interference with water lines in the highway within the jurisdiction of Hi Desert Water District. At that time, it became apparent to all that CalTrans had not verified the location of the utilities prior to finalizing the design drawings.

Agency staff met with CalTrans officials and began further research on impacts our waterlines might have on the project. Several areas of concern were identified and staff completed field investigations to determine exact depths and lateral distances from the proposed highway improvements.

Ultimately, staff determined that a 200 foot section of steel water line running adjacent to the highway beginning at Napa Road and headed north should be relocated out of the pavement due to its age and future location under the pavement in the shoulder of the highway.

The section of water line proposed for relocation was probably installed in the 1960's to early 1970's to the existence of the Desert View County Water District. A preliminary title report did not reveal the existence of a permanent easement for the water line and a records search did not reveal any particular permit for the water line at this location. However, staff did discover that in 1979 the Desert View County Water District was directed to relocate two pipeline crossings at Eureka and at the bottom of Whalen's Wash. In both cases, the Agency

had only an encroachment permit which did not provide superior rights to CalTrans. The cost of those two relocations was determined to be the responsibility of the water company. Therefore, staff is pretty confident that the Agency has no prior rights and therefore will not be reimbursed by the State for the relocation work.

Staff has decided that it is in the best interest of the Agency to relocate the line now. If the line were not relocated now then the Agency risks the following:

- Contractor is unable to protect in place and the line is crushed during construction.
- If Contractor were to successfully protect in place the line could still leak in the future thus forcing crews into the highway and under the new pavement increasing costs and work hazard.
- If the line is moved now, CalTrans will expedite the issuance of the encroachment permit. If the line is required to be moved later, for whatever reason, then extra cost and time would be incurred obtaining the permits.

Staff is confident that the line can be relocated using our own forces thus eliminating costs for design, bid, inspection, etc. Staff has drafted a cost estimate of \$27,500 which includes engineered drawings for CalTrans to approve (less effort than pipeline design drawings), labor, supplies, equipment and professional surveying.

Unfortunately there is no mechanism to force CalTrans to share in the cost of relocation but staff feels the best and most cost effective decision is to relocate the water line now while we have the attention of CalTrans to expedite the process of approval.

PRIOR RELEVANT BOARD ACTION(S)

None

AGENDA ITEM # 10

Bighorn-Desert View Water Agency

Board of Directors

Judy Corl-Lorono, President
J. Dennis Staley, Vice President
Terry Burkhart, Secretary
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J. Larry Coulombe, Director



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Planning/Legislative/Engineering Grant & Security Committee Regular Meeting Report

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, February 17, 2015 - 9:15 a.m.

Committee Members: Director Corl-Lorono & Director Burkhart

Call to Order

Director Corl-Lorono called the meeting to order at 9:26 a.m.

Pledge of Allegiance

Led by John Burkhart

Roll Call

Directors: Judy Corl-Lorono
Terry Burkhart

Staff: Marina West
Michelle Corbin

Approval of the Agenda

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

Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

Ed Manning of KP Public Affairs reported on changes to the some of the Policy Committees. Carolyn Jensen reported on funding for California's water infrastructure and how funding will continue, moving forward. Mr. Manning also reported on the drought.

Leticia White of Innovative Federal Strategies reported on Diane Feinstein's progress on a drought relief bill. Ms. White also reported on the reorganization of the Resources Committee and the President's budget.

No public comment.

CSA 70 W-1 Update

General Manager West reported the transition period will begin once the protest ballot procedure is complete. West reviewed the process to date and reviewed the protest procedure.

No public comment.

Consent Items

- a. Special PLEGS Meeting Report, December 17, 2014

No public comment.

Director Burkhart and Director Corl-Lorono approved the report.

Public Participation

No public comment.

Verbal Reports

Committee Member Comments/Reports

No reports.

General Manager Report

No report.

Items for Next Agenda

No items suggested.

Adjournment - Director Corl-Lorono adjourned the meeting at 10:04 a.m.