

Bighorn-Desert View Water Agency

Board of Directors

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Marina D West, P.G., General Manager



A Public Agency

Agency Office

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Yucca Valley, CA 92284-1440

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www.bdvwa.org

Planning/Legislative/Engineering Grant & Security Standing Committee Regular Meeting Agenda

Tuesday, February 16, 2016 – 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. Review Draft Board Handbook

Staff is seeking input on the Board Handbook prior to it going to the full Board of Directors for adoption.

7. 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, October 20, 2015

8. 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.

9. Verbal Reports

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

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.

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

February 16, 2016

09:30 a.m.

-
- 1. Approve Agenda**
 - 2. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of January 19, 2016**
 -  Meeting Summary
 - 3. Update by State Advocate of Issues at the State Level (teleconference) * State Water Action Plan Update**
 -  State Report
 -  Water Action Plan
 - 4. Update by Federal Advocate of Issues at the Federal Level (teleconference)**
 -  Federal Report
 -  Federal Letter

 [Federal Matrix](#)

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 January 19, 2016

CALL TO ORDER:

Chairperson Doug Shumway called the meeting to order at 9:31 a.m.

ATTENDANCE:

- ↓ Committee – Chairperson Doug Shumway, Director Kimberly Cox, and Director Richard Hall
- ↓ Absent – None
- ↓ Staff – 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, Drew Tatum, and Jean Denton, Innovative Federal Strategies LLC joined by teleconference
- ↓ Others – Five guests were in the audience and four 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 November 20, 2015**

The meeting summary was agreed upon as presented.

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

Ms. Jensen gave a brief legislative update. She spoke about a few of the legislative deadlines, changes in the committees, and she gave a preview of 2016 water issues.

She also gave an overview concerning Governor Brown's 2016-2017 state budget proposal, an update on a few 2016 ballot initiatives, and she mentioned a couple State Water Board updates.

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

Ms. White reported briefly on projects in the grant program including the Western Drought, Water Smart programs, and Title XVI authorization.

Mr. Tatum spoke on additional funding for the grant programs. He also mentioned the Waters of the United States rule.

Ms. White mentioned that the President's budget should be briefed to congress on February 9.

5. **Public Information Update**

Ms. Hester gave a PowerPoint presentation providing an update on recent activities and also an overview of the upcoming High Desert Water Summit on April 13, as well as a couple of other meetings.

6. **General Manager's Report**

No report noted.

7. **Public Participation**

Wally Linn of Congressman Cook's office mentioned that he has been directed to attend this committee meeting in the future.

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

None mentioned.

9. **Adjournment**

Chairperson Shumway adjourned the meeting at 10:26 a.m.

Submitted by: _____
Gloria Golike
Public Information Specialist

Attachments on-file:

Item No. 5 - Public Information Report - PowerPoint
Sign-in sheet



**PUBLIC
AFFAIRS**

TO: Legal, Legislative and Public Information Committee
FROM: Ed Manning and Carolyn Jensen
RE: KP Public Affairs Agenda

1. Legislative Update:

- A. Legislative calendar
- B. AB 1713 (Eggman) Peripheral Canal
- C. AB 1755 (Dodd) Open and Transparent Water Data Act
- D. Water Markets

2. State Water Resources Control Board:

- A. Extended Emergency Regulations For Urban Water Conservation Approved

3. 2016 Ballot Initiatives Update:

- A. The Water Supply Reliability and Drought Protection act of 2016

02/11/16



Media Contacts:

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Steve Lyle, California Department of Food and Agriculture

(916) 654-0462, Steve.Lyle@cdfa.ca.gov

January 14, 2016

State Water Action Plan Updated to Reflect Two Years of Progress

Efforts to Achieve Sustainable Water Resources Tracked and Detailed

SACRAMENTO, Calif. – The Natural Resources Agency, Department of Food and Agriculture and the California Environmental Protection Agency today announced an updated California Water Action Plan that incorporates two years of significant progress toward sustainable water management and an implementation report that tracks and details that progress.

The Administration's water policy goals and priorities remain unchanged and the California Water Action Plan continues to focus on sustaining supplies of water for people and the environment and resolving the state's most critical water resource problems. The plan sets forth 10 overarching actions that guide the efforts to create more resilient, reliable water systems and to restore damaged and destroyed ecosystems:

1. Make conservation a California way of life;
2. Increase regional self-reliance and integrated water management across all levels of government;
3. Achieve the co-equal goals for the Delta;
4. Protect and restore important ecosystems;
5. Manage and prepare for dry periods;
6. Expand water storage capacity and improve groundwater management;
7. Provide safe water for all communities;
8. Increase flood protection;
9. Increase operational and regulatory efficiency;
10. Identify sustainable and integrated financing opportunities.

"The Water Action Plan lays out an integrated set of strategies recognizing there is no one answer to our water challenges," said Food and Agriculture Secretary Karen Ross. "It serves as a catalyst for collaboration across government at the state, federal, and local levels to help us build resiliency and flexibility to manage droughts, floods and adaptation to climate change."

Directed by Gov. Edmund G. Brown Jr. and written by the three agencies with stakeholder input, the California Water Action Plan describes the actions needed to cope with extreme weather, natural disasters, climate change, and future population growth. The Action Plan anchors the Governor's 2016-17 budget proposal released last week, including significant increases in funding for flood protection, wetlands restoration, groundwater management, and restoration of the Salton Sea.

“The Governor’s budget, our emergency drought response, our investment of billions of dollars in bond funds, and the day-to-day work of state agencies – all are guided by the Governor’s Water Action Plan,” said California Secretary for Natural Resources John Laird. “We are well-coordinated and making good progress for the sake of all Californians.”

“The comprehensive actions outlined in the Governor’s plan have already influenced the way Californians are responding to the current drought,” said California Secretary for Environmental Protection, Matthew Rodriguez. “The Plan will continue to help us work with the public to develop near term and long term strategies to secure our water for future generations.”

The update released today also shows considerable progress toward reaching the goals set forth in January 2014. Hundreds of water projects are being planned or implemented by all levels of government and by non-governmental organizations, tribes, farmers and local water agencies. State, regional and local agencies have also increasingly pursued a strategy of making regions more self-reliant by reducing water demand and by developing new or underused water resources locally. That progress includes:

- Funding hundreds of efforts under the \$7.5 billion Proposition 1 water bond to boost storage, restoration, recycling, desalination and other water supply and environmental projects.
- Signing \$1 billion emergency drought legislation.
- Signing California’s historic groundwater management laws to balance pumping and recharge in the aquifers that supply nearly half the state’s water.
- Reducing water use by more than 25 percent collectively across urban California, an unprecedented conservation achievement triggered by the Governor’s mandate.
- Allocating \$230 million in Proposition 84 grant for hundreds of projects that help build regional self-reliance, awards that also leverage hundreds of millions of more dollars in local and federal investment. Nearly \$50 million goes toward 140 projects in disadvantaged communities in 26 regions.
- Issuing \$257 million in grants and low-interest loans to finance water recycling projects that will save 600,000 acre feet of water.
- Removing a dam on the Carmel River to restore more natural flows and open 25 miles of steelhead spawning habitat.
- Investing tens of millions of dollars in coastal, Delta, and mountain meadow restoration projects that will sequester carbon while improving wildlife habitat.
- Awarding \$250 million in Proposition 1E funds for urban flood projects, including those to protect Stockton, Sacramento, and Yuba City.
- Accelerating habitat restoration and eliminating fish passage barriers in the Delta, with a goal of 30,000 acres of restoration underway over the next few years.
- Investing more than \$50 million for farm water efficiency improvement projects.
- Strengthening California’s plan to both provide a more reliable water supply for California and to protect the Sacramento-San Joaquin Delta ecosystem.
- Enacting outdoor landscaping and indoor appliance standards that will permanently reduce the volume of water used in newly-built California yards, parks, landscaping, homes, and commercial buildings.
- Expanding systems to monitor groundwater levels and subsidence, make well drilling records available to the public, and track water use by water right holders.
- Providing millions of dollars for emergency water deliveries, housing and new infrastructure to support communities with dry wells.

- The State took these actions in the face of an historic drought since 2012. Other immediate drought responses included delivering food and emergency water supplies and providing housing and unemployment assistance; rescuing fish from hundreds of drought-stricken streams and striking voluntary agreements with landowners to sustain streamflow; balancing the needs of cities, farms and native fish in the Sacramento-San Joaquin Delta; installing an emergency rock barrier in the Delta to physically repel salinity intrusion; and managing the worst epidemic of tree deaths in modern history.

For more information on the California Water Action Plan visit
http://resources.ca.gov/california_water_action_plan/.

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Innovative Federal Strategies LLC

Comprehensive Government Relations

MEMORANDUM

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

From: Letitia White

Date: January 29, 2016

Re: January Monthly Legislative Update

Republicans Send Election Year Messaging Legislation to the President

January was scheduled to be a short legislative month for Congress since both the Democrats and Republicans schedule their annual “issues conference” at the beginning of the year. House and Senate Republicans huddled in Baltimore on January 13-15 in an effort to lay out an election year legislative strategy. House Democrats held their own retreat in Baltimore on January 27-29, which featured speeches from both President Obama and Vice President Joe Biden. The legislative calendar was further compressed when a blizzard hit the DC area, dropping up to three feet of snow in the surrounding communities.

Already this year, Republicans have used legislation as a means of delivering on campaign promises through budget reconciliation. This process, created through the Congressional Budget Act of 1974, can only occur once during a fiscal year and speeds along the process for enacting tax, spending, and debt reduction legislation by limiting debate and only requiring a simple majority in the Senate for passage. Late last year, the Senate amended a House-passed reconciliation package that took aim at two domestic issues that have divided Republicans and Democrats—Planned Parenthood funding and the Affordable Care Act. The legislation would prohibit federal funding to Planned Parenthood for one year while Congress continues to investigate claims that it has improperly sold fetal tissue from abortions. It would also undo much of the Affordable Care Act, which is the president’s signature domestic accomplishment from his first term. While the House passed the amended legislation, President Obama quickly vetoed it. The House was originally scheduled to vote to override the veto before the end of January, but inclement weather caused them to move votes the final week of the month.

Another mechanism Republicans are using to advance their agenda is through resolutions of disapproval under the Congressional Review Act. The Act allows Congress to take aim at regulations proposed and published in the Federal Register by federal agencies, but it has only successfully been used once because a resolution of disapproval requires the signature of the president or a veto override from Congress if he or she isn’t supportive. While Republicans face an uphill battle, they plan to continue using the process to combat what they call executive overreach. Congress has already sent President Obama several CRA disapproval resolutions related to environmental regulations, and each has been vetoed by the president. For example,

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the Senate passed a resolution of disapproval of the “waters of the United States” regulation finalized by the EPA and Army Corps of Engineers in late 2015. The House took up the measure in January, but it was vetoed by President Obama. The Senate attempted a veto override, but did not have the votes to overcome procedural hurdles. The veto override attempt has been suspended indefinitely. Speaker Paul Ryan (R-WI) has indicated that while neither process has been successful to this point, both serve as a blueprint as to how Republicans would advance legislation if they maintain control of the House and Senate and are successful in winning the White House in 2016.

Both parties are expected to use 2016 to advance legislation that benefits their individual platforms moving into the November election. In addition to the presidential election, all Members of the House and a third of Senators will face voters this fall. Due to the Republican and Democratic conventions that will take place the last two weeks of July, the legislative calendar will be relatively condensed for the remainder of the year. After passing a two-year budget deal, Republicans have indicated that they once again plan to introduce, markup, and debate the twelve individual appropriations bills before the end of the fiscal year. Since appropriations bills are typically debated under an open rule in the House, it gives Republicans and Democrats the best opportunity to force votes on controversial amendments that can be used on the campaign trail later in the year.

President Obama Announces New Gun Measures

In January President Obama and CNN held a town hall on guns in America after he announced that he would be directing federal agencies to implement new measures regarding gun control policies. He hopes that these actions will stop future gun related tragedies in the United States. The president reiterated his frustrations with Congress who he said has not done enough to combat gun violence during his seven years in office. The newly announced measures include:

- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is expanding the background check and licensing requirement for any individuals in the business of selling firearms.
- ATF is finalizing a regulatory rule that requires background checks for people trying to buy some weapons and other items through a trust, corporation, or other legal entity.
- The FBI is overhauling the background check system, including hiring an additional 230 examiners and other staff to help process background checks.
- ATF has established an Internet Investigation Center to track illegal online firearms trafficking and is dedicating \$4 million and additional personnel to enhance the National Integrated Ballistics Information Network.
- ATF is finalizing a rule to ensure that dealers who ship firearms notify law enforcement if their guns are lost or stolen in transit.
- The Social Security Administration has indicated that it will begin the rulemaking process to include information in the background check system about beneficiaries who are prohibited from possessing a firearm for mental health reasons.
- The Department of Health and Human Services is finalizing a rule to remove unnecessary legal barriers preventing States from reporting relevant information about people prohibited from possessing a gun for specific mental health reasons.

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- Additionally, the president will call on Congress to provide additional funding for AFT agents and investigators to help enforce gun laws and for investments in access to mental health care in his FY17 budget.

At the town hall, President Obama heard from supporters and opponents of his actions in a civilized exchange on an issue that often sharply divides. But while Obama respectfully conversed with those who questioned him in person, he did not spare his foes in the gun rights debate, accusing them of spouting "imaginary fiction" about his motives and evoking the partisanship that typically encompasses the issues. In the end, President Obama called on citizens to come together on a limited set of measures to reduce thousands of gun deaths and regular mass shootings, striking a theme of unity and national possibility.

The fight over gun control in American is expected to turn into a debate at the Capitol during this election year. Senate Democrats are already looking to reintroduce a measure that would repeal legislation granting gun manufactures immunity from legal liability—a measure that Democratic presidential candidate Senator Bernie Sanders says he will cosponsor. Republicans in Congress and on the campaign trail have called the president's latest action an overreach of his authority and have promised to challenge it. While the debate is unlikely to be resolved through the legislative process, House Republicans may authorize another lawsuit challenging the actions in court.

Outlook for February

The Appropriations Committees in the House and Senate will see a flurry of activity during the month of February after the President's Budget is released on February 9. Committees will begin scheduling hearings to receive testimony from the agencies on their budget requests for fiscal year 2017. Early in the month, the House has rescheduled votes on legislation that were cancelled at the end of January due to the snow. Included are votes on Iran sanctions and a vote to override the president's veto of the budget reconciliation legislation. The Senate will resume consideration of the wide-ranging energy policy bill.

Congress of the United States
Washington, DC 20515

January 29, 2016

The Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW, Room 6612
Washington, DC 20240

Re: Western drought funding in the Consolidated Appropriations Act, 2016

Dear Secretary Jewell:

We are writing to express our strong support for the use of western drought money included in the Consolidated Appropriations Act, 2016 (P.L. 114-113) on projects that will make water available now through the next three years to alleviate the impact of the extraordinary drought on local communities in California and other western states. The only water supplies that can be developed this quickly are through projects that improve water efficiency in the urban and agricultural sectors and through water recycling and desalination.

In May, 2015 your office announced the availability of \$50 million for California and 11 other western states from funding made available in the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-245) for drought relief. Of that funding, \$14 million was allocated to support the Bureau of Reclamation's Title XVI (recycled water and desalination) and WaterSMART (water efficiency) projects. Now that the amount of discretionary western drought money available to the Department has been doubled for this year, we would like to see a significant additional investment made in these two critical Bureau water supply programs.

Water recycling and water efficiency projects are a good investment for this federal money because they support the mitigation of both the short and long-term effects of the current and potential future droughts in the western United States. While Members of Congress continue to discuss ways that we can help the western United States through legislative action, we hope your office will use its discretionary spending authority provided through the Consolidated Appropriations Act, 2016 to address the immediate drought conditions.

Both the Title XVI and WaterSMART programs represent a good partnership between the federal and local governments—as both require a cost-sharing contribution of non-federal money. Providing additional funding for these programs at the federal level has the potential to more than double the local investment in water conservation and recycling programs. Last year's investment of an additional \$14 million in these programs was matched by \$14 to \$28 million of non-federal money into projects that

Congress of the United States
Washington, DC 20515

mitigate both short and long term drought effects. In addition to bringing federal and local money together, these programs have a positive impact on the interest rate local agencies are able to secure if they are financing projects through the bond market. In return, those savings are passed along to ratepayers.

While there is no one project or program that will provide a solution to the drought, the Bureau's Title XVI and WaterSMART programs have proven that there is capacity to conserve water as well as to create additional water supply in the middle of a drought. Furthermore, the recipients of federal funds through these grant programs, including agencies within our Congressional districts, have proven to be good stewards of federal funding and model project partners for the Bureau of Reclamation.

As both the House and Senate Appropriations Committees noted in their respective committee reports, it is incumbent on the Bureau of Reclamation to lead the way in increasing the water that is available from year to year and to incentivize more efficient use of the water that is available. Additionally, the only way to mitigate the effects of future droughts is through a strategy of providing a combination of additional storage, improved conveyance, and increased efficiencies in the uses of water both for agriculture and potable purposes. We believe both programs are vital to the western states as a way to achieve these goals.

We look forward to continuing to work with you as we seek to mitigate drought impacts on our state and throughout the western United States.

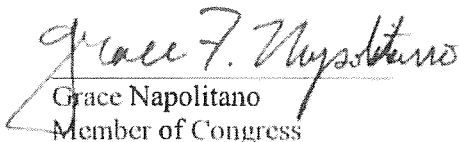
Sincerely,



Pete Aguilar
Member of Congress



Paul Cook
Member of Congress



Grace Napolitano
Member of Congress



Ed Royce
Member of Congress



Norma Torres
Member of Congress



Judy Chu
Member of Congress

Federal Legislation of Significance

Bill Number	Sponsor	Title and/or Summary	Summary/Status
H.R.2029	House and Senate Appropriations Committees	Consolidated Appropriations Act, 2016	<p>The Consolidated Appropriations Act contains just north of \$23 million for Title XVI in FY2016. Additionally, the package contains \$100 million in Western Drought Money.</p> <p>The Consolidated Appropriations Act funds all federal agencies through the end of the Fiscal Year, which runs through September 30, 2016.</p> <p>IFS is spearheading an effort with Members of Congress to ask that the Department of the Interior devote money allocated to “western drought relief” for Title XVI and WaterSMART projects. The following Members of Congress signed on to the letter: Aguilar, Cook, Chu, Napolitano, Royce, and Torres. A copy of the letter is attached to the monthly report.</p>
H.R. ____ / S. ____	Rep. Mike Simpson / Sen. Lamar Alexander	FY 17 Energy and Water Development and Related Agencies	<p>The President’s budget request to Congress is set to be released on February 9, 2016. We will have a better idea of funding levels and our requests to Congress for the year once the budget has been released. We anticipate that the Appropriations Subcommittees will start holding hearings with Cabinet Secretaries as early as late February to testify regarding their requests for the year.</p>
S.1894 / possible amendment in the form of a “discussion draft”	Sen. Dianne Feinstein	Feinstein introduced legislation in the final days of the month to combat drought in California. Specifically, it contains a title on recycled water. It also removed the requirement for Congress to authorize Title XVI projects.	<p>First Legislative Committee Hearing was held in early October. Staff from the Senate Energy and Natural Resources Committee and the House Natural Resources Committee are attempting to preconference a bill with compromise language between the Senate and House drought bills, but proposals are not being traded back and forth. Additionally, a compromise bill is expected to be West-wide, not just include California.</p> <p>Feinstein introduced an updated bill in the form of a discussion draft in January after House Republicans attempted to add their own version of a compromise bill at the end of the year. Feinstein has also indicated she would like the bill to proceed through regular order rather than introducing a bill that has been pre-conferenced will little opportunity for amendment.</p> <p>Feinstein said that she has continued to work with local, state, and federal partners to create her new discussion draft, though California Republicans in the House have said they were not involved in the latest discussions.</p> <p>Passed the House.</p>
H.R.2898	Rep. David Valadao	Western Drought Legislation introduced by	

		California House Republicans that would ease environmental regulations provide for easier permitting for water storage projects	First Legislative Committee Hearing was held in early October. Staff from the Senate Energy and Natural Resources Committee and the House Natural Resources Committee are attempting to preconference a bill with compromise language between the Senate and House drought bills, but proposals are not being traded back and forth. Additionally, a compromise bill is expected to be West-wide, not just include California.
S.J.Res.22	Sen. Joni Ernst	Congressional Resolution of Disapproval of the “waters of the United States” regulation introduced by the EPA and Army Corps of Engineers	<p>The Senate has passed the resolution of disapproval of the “waters of the United States” regulation finalized by the EPA and Army Corps of Engineers. The House took up the measure in January, but it was vetoed by President Obama. The Senate attempted a veto override, but did not have the votes to overcome procedural hurdles. The veto override attempt has been suspended indefinitely.</p> <p>The regulation is currently on hold nationwide as the courts hear arguments from states challenging the rule.</p>
S.2012	Sen. Lisa Murkowski	Energy Policy Modernization Act of 2015	The Senate is considering its first broad energy reform policy bill in eight years. The bill includes a number of policy priorities from both Republicans and Democrats and came as a result of months of negotiations, meetings outreach and other activities aimed at a truly bipartisan bill. The bill instead on fossil fuels and infrastructure: natural gas pipeline permitting, authorizing the main federal conservation fund, job training, updating the grid, as well as a push on energy efficiency.

AGENDA ITEM # 6

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

Meeting Date: February 16, 2016

To: PLEGS Standing Committee of the
Board of Directors

Budgeted: N/A
Budgeted Amount: N/A
Cost: N/A

From: Michelle Corbin

General Counsel Approval: Obtained
CEQA Compliance: N/A

Subject: Draft Board of Directors Handbook

SUMMARY

Staff has developed a Directors Handbook at the request of the Board. The objective of the handbook is to provide a comprehensive “desktop” reference for Board members. The handbook will aid newly elected member of the Board as well as serve as an ongoing reference for seasoned Directors.

RECOMMENDATION

Staff is seeking input on the Board Handbook prior to it going to the full Board of Directors for adoption.

BACKGROUND/ANALYSIS

The Board and general counsel asked staff to develop a Board of Directors Handbook to offer guidance to the Agency elected officials and staff covering specific rolls and duties in Agency operations. Staff searched through Board of Director Handbooks from the Mojave Water Agency and the Special Districts Risk Management Authority for ideas on content. General Counsel has already reviewed the handbook and all corrections have been incorporated in this draft.

Some of the guidelines found within the handbook include:

- Conduct and Ethics.
- Interaction with Staff and the division of responsibilities.
- General Board of Directors Meeting procedures and definitions of meetings/meeting content.
- Powers and Duties of an individual Board Member.

If the Committee finds the handbook meets their approval then the handbook can be moved to the full Board for further consideration and possible adoption by Resolution.

PRIOR RELEVANT BOARD ACTION(S)

None.

Bighorn-Desert View Water Agency Board of Directors Handbook



The policy of Bighorn-Desert View Water Agency, is to maintain the highest ethical standards for its Board members. Agency transparency is key in maintaining public trust.

The objectives of this handbook are to provide guidance in operating procedures, ethics, duties' and responsibilities of the Board of Directors.

Adopted
XX, XX 2016





Table of Contents

AGENCY BACKGROUND	4
ORGANIZATIONAL CHART	5
MISSION STATEMENT, VISION STATEMENT, VALUES AND INTEGRITY	6
MAJOR MILESTONES	7
RECENT ACCOMPLISHMENTS	8
MAJOR FACILITIES & DEPARTMENT OVERVIEW	9

"WHEN THE
WELL IS DRY WE
KNOW THE
VALUE OF
WATER"
BENJAMIN
FRANKLIN

BOARD OF DIRECTORS ROLE & RESPONSIBILITIES	10
ORIENTATION	11
COMPENSATION AND EXPENSE REIMBURSEMENT	12
FAIR POLITICAL PRACTICE COMMISSION FORMS	13

RESPONSIBILITIES	16
CONTINUING EDUCATION	17

POWERS AND DUTIES	19
BOARD OF DIRECTORS	20
OFFICERS	21

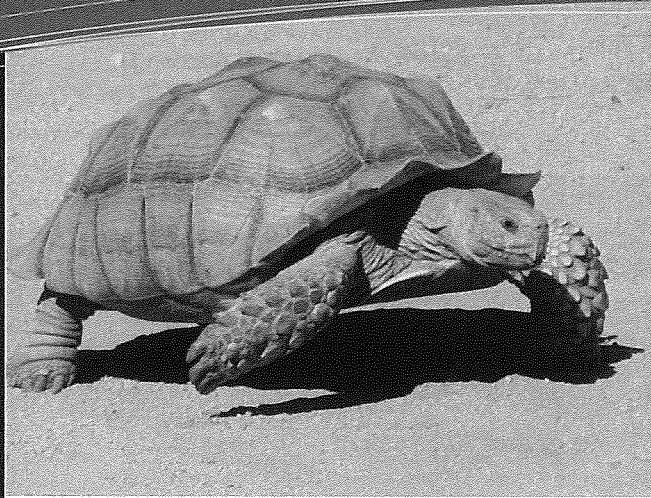
DEFINITIONS	23
NUMBER OF BOARD MEMBERS & QUALIFICATIONS	24
ELECTIONS & TERM OF OFFICE	25
VACANCIES AND ATTENDANCE	26
TERMINOLOGY	27

CONDUCT AND ETHICS	31
FAIR AND EQUAL TREATMENT	32
USE OF AGENCY PROPERTY & RESOURCES	33
CONFLICT OF INTEREST	34
SOLICITING POLITICAL CONTRIBUTIONS	36
INCOMPATIBLE OFFICES	36
WHISTLE BLOWER PROTECTION	37
VIOLATION OF ETHICS POLICY	39

INTERACTION WITH STAFF	40
GENERAL	41
DIVISION OF RESPONSIBILITIES	42
GENERAL MANAGER PERFORMANCE EVALUATION	44

MEETINGS	45
GENERAL	46
BROWN ACT	46
VOTING	46
PROCEDURES (GENERAL)	46
DEFINITIONS OF MEETINGS	47

Agency Background



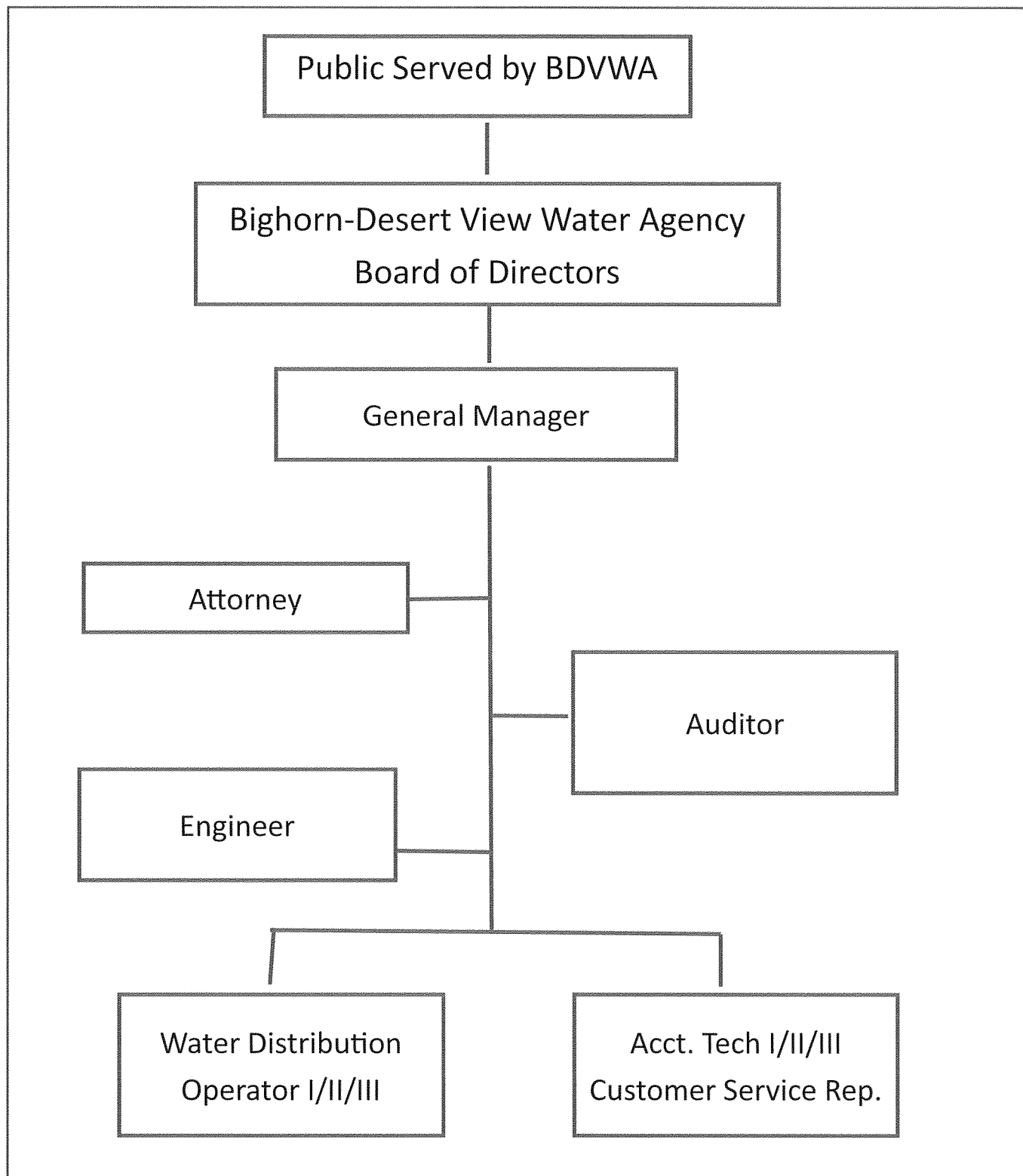
The Bighorn-Desert View Water Agency is located in the southwest desert within San Bernardino County and encompasses 54-square miles serving the High Desert communities of Flamingo Heights, Johnson Valley and Landers.

The Agency consists of approximately 2200 active residential and commercial metered service accounts as well as 100 bulk meter accounts, via five water-hauling stations.

The Agency operates 9 deep wells and 13 above-ground reservoirs; maintains 519 fire hydrants and 160 miles of water mainlines.

The Agency has access to the State Water Project from the Mojave Water Agency via the Morongo Basin Pipeline (MBP). Water obtained through the MBP is recharged at the Ames/Reche Groundwater Recharge site operated and maintained by the Mojave Water Agency.

Organizational Chart



Mission Statement, Vision Statement, Values & Integrity

Mission Statement

To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate.

Our Vision

To demonstrate accountability by taking economically responsible action today to secure our water supply for tomorrow.

Our Values

We pledge to use all available resources for maintaining our existing facilities as well as plan, design, finance and construct our future infrastructure for benefit to our customers in our service area.

Our Integrity

Staff and Board are committed to a comprehensive evaluation of the most important issues while establishing a record of fairness to all customers and consideration for protecting our desert environment.

Major Milestones

1990	Consolidation of Bighorn Mountain Water Agency and Desert View County Water District.
1991	Ames Valley Groundwater Basin Monitoring Program and stipulated judgment naming Hi Desert Water District
2013	SB 246 Modernization of Bighorn-Desert View Water Agency Law.
2014	Stipulated and amended and restated judgment for the Ames/Reche Groundwater Storage and Recovery Program enjoining Hi Desert Water Districts, County of San Bernardino Special Districts Water Zones W-1 (Landers) and W-4 (Pioneertown).
2015	Completion of the Dissolution of County San Bernardino Special Districts Zone W-1 and Annexation into Bighorn-Desert View Water District.
2015	2015 Recipient of the Association of California Water Agencies Clair A. Hill Award for Excellence.

Recent Accomplishments

Recent 2014 and 2015 accomplishment include, but are not limited to the following:

- Adopted balance budgets.
- Completed motions and filings for the Amended and Restated Judgement for the Ames Valley Water Basin with the Riverside County Court on behalf of project participants on September 17, 2014. In summary the judgement caps annual production and provides a facility of recharge of the State Water Project through the Mojave Pipeline. The judgement also allows inter-agency water transfers.
- Awarded 2015 Clair A. Hill Award of Water Agency Excellence by the California Association of Water Agencies for the Ames/Reche Groundwater Storage and Recovery Program.
- Completed and adopted a Hazard Mitigation Plan that which qualifies the Agency for grants to complete projects which results in a reduction of hazard vulnerability.
- Preventative maintenance in 2014-2015 included testing and refurbishment of several pressure reducing stations (PRV's), exercising approximately 1/3 of the pipeline isolation valves, continued replacement of air-vacuum valves, routine dead-end flushing, as well as repairing of 17 service line leaks and replacement of 49 service lines.
- Completed computer server hardware and software upgrades including purchase and implementation of new financial and billing software.
- Awarded Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.
- Awarded the 2-year Certificate of Excellence in District Transparency from the Special District Risk Management Authority (SDRMA).

Major Facilities

Well 10 Bulk Hauling Station which includes production well, reservoir and booster station.

Ames Reche Recharge and Recovery Project—Managed by the Mojave Water Agency.

Bighorn-Desert View Water System (System No. 36 10 009)

Improvement District Goat Mountain Water System (System No. 36 10 060)

Department Overview/Function

Administration handles the Agency's finances, billing, customer service, record keeping and retains all Board actions.

Operations and Maintenance department handles day-to-day routine plus emergency operations and maintenance of the water systems.

Board of Directors Role & Responsibilities



Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California, and to comply with the applicable laws regulating their conduct including conflict of interest, financial disclosure and open government meeting laws. Rules and responsibilities begin once the elected officials are sworn into office. Brown Act obligations begin once elected officials are elected even before their term of office commences.

Board of Directors Policy Handbook

Orientation

New Board members are welcome to tour the Agency facilities with the General Manager. New Board members should also feel free to contact the General Manager regarding any questions or concerns they may have.

Authority of the Board

The Board of Directors shall act only at regular, regularly adjourned, special meetings or emergency meetings as provided by the Brown Act.

Individual Directors shall have no power to act for Bighorn-Desert View Water Agency, or the Board, or to direct the staff except as authorized by the Board, and only the General Manager has the power to direct staff.

The Board sets the policy for the Agency. The General Manager also has the power to set the agenda for the Board based on the workload.

The General Manager serves at the pleasure of the Board and shall:

- Have full charge and control of the maintenance, operation and construction of the waterworks of the Agency.
- Have full power and authority to employ and discharge any employee or assistant, and to direct staff.
- Prescribe the duties of employees and assistants.
- Fix and alter the compensation of employees and assistants subject to approval by the Board of Directors.
- Perform other duties imposed by the Board of Directors.
- Report to the Board of Directors in accordance with Rules and Regulations adopted by the Board.

The Board will provide policy direction to the General Manager on matters within the authority of the Board by a majority vote of the Board members present during duly-convened Board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other staff. Members of the Board will refrain from making requests directly to Agency staff (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding Agency operations from the General Manager.

Board of Directors Policy Handbook

Compensation & Expense Reimbursement

The reimbursement of Directors shall be made in accordance with the following provisions:

Directors shall be reimbursed by Bighorn-Desert View Water Agency for reasonable expenses, including travel, lodging and meals incurred when attending trips of official business of the Agency when so authorized by the Board. Directors shall submit to the Agency's accounting department on said form their expense reports no later than thirty days prior to the next regular Board meeting of the following month. All receipts documenting each expense will accompany the expense reports.

The amount of mileage reimbursement will be consistent with Board Policy. All Board members should keep travel, meals and lodging costs within reasonable constraints, keeping in mind that these expenses require use of public monies. Emphasis should be placed on keeping costs to acceptable practices.

Directors and/or consultants who bring personal guests to dinners, etc. are responsible to make payments for those guests in advance of the event.

In connection with all issues arising out of compensation and expenses, it is appropriate that elected Directors pose this series of questions:

- Does the law allow me to use public resources in this manner?
- How does this particular expenditure benefit the public's interest as opposed to my own personal interest?
- How would I feel if a particular expenditure were reported in the local newspaper?
- How would my next-door neighbor feel about my spending his or her rate payer money this way?

Reference: Policy for Reimbursement of Actual and Necessary Expenses for Board Members

Fair Political Practice Commission Forms (Agency Maintained)

It is important to note that the Agency must permit any member of the public to inspect and/or be provided a copy of any FPPC form filed by any Board member or staff member upon completion of an Agency Public Information Request Form.

Form 700 (Statement of Economic Interest)

Form 700 is a public document that must be filed with the Agency staff each year by April 1. Form 700 provides a mechanism for the Board member to mandatorily report investments, business positions in business entities, real property and income from sources that are located or doing business within the Agency's jurisdiction for the prior calendar year. Gifts of any type, regardless of source, are reportable regardless of jurisdiction. Specifics as to the types of expenses that must be disclosed on each statement are included with each Form 700. Form 700 are provided to each Board member by Agency staff as soon as the most updated version is available from the FPPC, which is generally by no later than the end of January. Form 700 and all statements are also available by accessing the Fair Political Practices Commission (FPPC) website at www.fppc.ca.gov.

Form 806

The Form 806 is a public document outlining Public Official Appointments. This form is completed annually by the Agency staff following reorganization of the Board of Directors.

Board of Directors Policy Handbook

Fair Political Practice Commission Forms

Form 470 (Officeholder and Candidate Campaign Statement)

The individual Director, not Agency staff, is responsible for filing forms associated with campaigns.

The reporting period for Form 470 is January 1 through December 31 of the prior year. Form 470 must be filed by July 31 each year, but must not be filed or executed prior to the closing date of June 30. Form 470 is for use by officeholders and candidates who:

- Do not have a controlled committee.
- Do not anticipate receiving contributions totaling \$1,000 or more during the calendar year.
- Do not anticipate spending \$1,000 or more during the calendar year.

Form 470 is generally routed directly to the officeholder at their home address; however, Agency staff will assist Board members with locating the appropriate forms, if needed.

Form 470 Supplement (Officeholder and Candidate Campaign Statement)

Individual Directors', not Agency staff, are responsible for filing forms associated with campaigns.

The supplement to Form 470 is used when the officeholder or candidate has filed Form 470 in connection with an election and subsequent to that filing receives contributions (including monetary and non-monetary contributions, loans and the candidate's personal funds) totaling \$1,000 or more prior to the election.

Notification via the Form 470 supplement must be sent within 48 hours of receiving contributions totaling \$1,000 or more or when making expenditures totaling \$1,000 or more. Notification must include the name and address of the candidate, the elective office and the date of election for which the Form 470 was filed and the date contributions or expenditures totaling \$1,000 or more were received or made.

Fair Political Practice Commission Forms

Form 460 (Recipient Committee Statement)

All filing requirements for Form 470 as identified above apply to Form 460 as well. Form 460 is for use by officeholders and candidates who:

- Have a controlled committee or who have raised or spent \$1,000 or more, or who anticipate raising \$1,000 or more during the calendar year.

Late filing of any FPPC form following the deadline date is subject to a daily fine. Responsibility for timely filing is the responsibility of the filing party, not the Agency. Elected Officials are solely responsible for completing and filing the campaign-related FPPC Forms 460 and 470. Assistance can be sought from the FPPC staff.

Please see the FPPC website at www.fpc.ca.gov/ for additional information.

Responsibilities



The primary responsibilities of the Board of Directors include:

- Defining Agency Goals and Objectives
- Establish Agency Policies
- Act as Custodian of Agency Property & Resources
- Communicate with the General Public
- Employ the General Manager, who shall implement the Goals, Plans & Policies Established by the BOD
- Appointment of the Agency Legal Counsel, Auditor, Engineer & Treasurer.

Policies that supplement obligations of the Agency as set forth in the Bighorn Act are established by ordinances, resolutions or motions passed by the Board of Directors.

Board of Directors Policy Handbook

Continuing Education

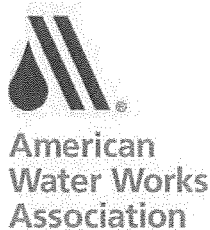
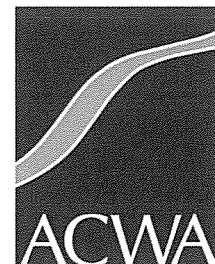
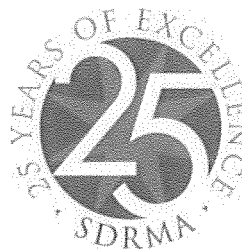
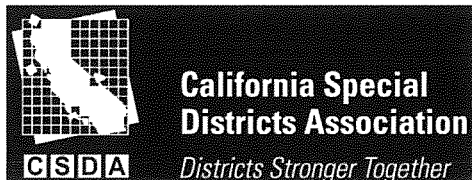
Continuing education for the Board of Directors is anticipated and encouraged so that all Board members are up-to-date on the many changes and challenges that consistently occur within the water industry.

Conventions and seminars loaded with educational opportunity are held throughout the year, including those scheduled through the California Special Districts Association. Designated Agency staff will handle arrangements for registration, air travel and lodging, etc.

Details regarding reimbursable expenses are addressed in the most recent Board of Directors Expense Reimbursement Policy.

Reasonable expenses incurred in association with attendance at seminars, retreats and conferences will be reimbursed upon completion of the expense reimbursement form which is available through the Agency's accounting department.

Examples of California and National Organizations include:



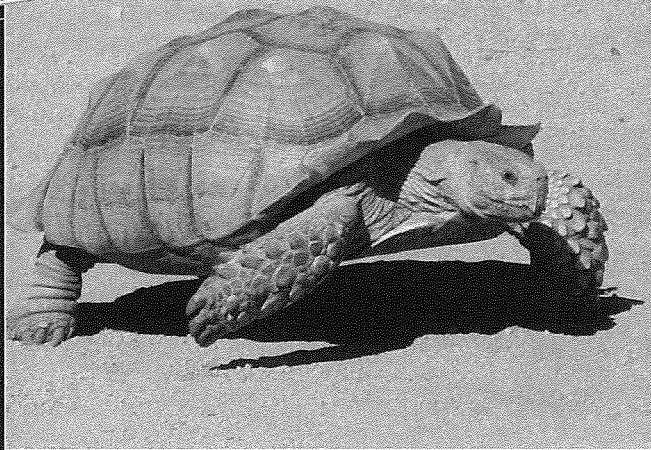
Directors are encouraged to notify the GM of events they wish to attend as soon as possible so that Board approval if required, can be agendized and registration/reservations can be made in a timely manner to obtain the lowest cost possible.

Continuing Education

Compulsory Safety and Ethics Courses:

- Ethics (Bi-Annually or as otherwise required by law)
- Sexual Harassment (Bi-Annually or as otherwise required by law)
- Defensive Driving (Bi-Annually or as otherwise required by law)

Powers And Duties



Board of Directors Policy Handbook

Board of Directors

The Board of Directors shall have and exercise all powers and responsibilities of the Bighorn-Desert View Water Agency as directed by State law. The Board shall have the following powers and duties.

- To establish and enforce all policies, rules and regulations necessary for the administration, governance, protection and maintenance of the Bighorn-Desert View Water Agency facilities.
- To appoint a General Manager who will be responsible for the management of all operations and affairs of the Agency. To define the qualifications, powers, and duties of such appointee, and evaluate performance.
- In compliance with all applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the Agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the Agency and the improvement district. Revenues will also provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions and enlargements, pay the interest on any debt and provide a sinking or other fund for the payment of the principle of such debt when it becomes due. *See also Section 22 of the BDVWA Act for Bonded Indebtedness.*
- By a majority vote of the Board of Directors, the Board shall appoint an attorney, chief engineer, general manager and auditor. As well as define their duties, and fix their compensation.
- A member of the Board shall not serve as the appointed attorney, chief engineer, general manager, or auditor.
- The Board of Directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the Board.

Note: The Bighorn-Desert Water Agency Act lists additional “Powers and Duties” of the Directors. Directors are encouraged to look over the Act. A full copy may be requested.

(See Appendix A)

Board of Directors Policy Handbook

Officers

The officers of the Board of Directors, as dictated by the Bighorn-Desert View Act, shall consist of a President, Vice President and Secretary.

President

In January of even years the Board of Directors shall elect one of the Directors to act as Board President. If at any time the Board President shall be unable to serve in that capacity, the Vice President shall act in his or her place. If the Vice President shall also be unable to act, the Board may appoint another member of the Board to do so, and such person shall be vested temporarily with all the authority and responsibility of the office of Board President.

The Board President, or member of the Board acting as such as above noted, shall:

- Preside over all meetings of the Board.
- Appoint members to serve on all standing and ad hoc committees of the Board.
- Sign as Board President on the Agency's behalf all instruments in which he/she has been specifically authorized to sign.
- Have general responsibility for making sure a General Manager or equal is in place during the President's term of office subject to the advise and control of the full Board.

Vice President

The Vice President shall, in the event of death, absence, or other disability of the Board President, fulfill the duties of the President, and exercise all the powers and perform all of the duties herein given to the Board President.

Secretary

The Secretary shall, in the event of death, absence or other disability of the Board President and Vice President, fulfill the duties of the President, and exercise all the powers and perform all of the duties herein given to the President.

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Definitions



Board of Directors Policy Handbook

Number of Board Members and Qualifications

As prescribed by the Bighorn-Desert View Water Agency Act, the Board of Directors shall consist of five (5) members. Each Director must live within the Agency boundaries and be a registered voter.

Board of Directors Policy Handbook

Elections and Term of Office

A Director shall be elected for a term of four years, or until his or her successor is qualified and elected. The election of a Director shall be consolidated with the county-wide election and shall be held in each odd-numbered year.

An assigned Agency staff member will be available to provide and assist with Candidate Filing Documents. Candidates should be prepared to fill out the California Forms 700, 501, 410 and 470 as well as the Declaration of Candidacy Form, Ballot Designation Worksheet and the Candidate Statement Form (statement optional).

Information is also available the San Bernardino County Elections Office at
777 E. Rialto Avenue
San Bernardino, California, 92415
Phone number 909-387-8300
Email communications@sbcountyelections.com

Board of Directors Policy Handbook

Attendance and Vacancies

Board members are expected to carry out their responsibilities to the best of their abilities. In order to accomplish this goal, members should be present for scheduled meetings or events whenever possible. The failure of a Director to attend three (3) consecutive regular monthly meetings of the Board (provided such meetings shall occur in a period of not less than three (3) successive months), except when prevented by sickness or physical disability, or except when absent from the State with prior consent of the Board, as provided by Government Code, Section 1770, shall cause such director's remaining term in office to be considered vacant. Also, a Director may resign from the Board.

Government Code Section 1780 gives the Board 60-Days to fill the Board vacancy. In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the Bighorn-Desert View Water Agency Board of Directors, after discussion and consideration, shall, when deemed appropriate, do the following:

- Direct staff to call for an election; or
- Determine to fill the vacancy by appointment; or
- Do nothing, thereby leaving the decision to San Bernardino County Board of Supervisors, either to appoint or to order the Agency to call an election, within ninety (90) days of the notice of resignation or determination of vacancy.

Board of Directors Policy Handbook

Terminology

Agenda: Formal document disclosing all matters to be discussed or considered by the Board at a scheduled meeting. In accordance with the “Brown Act” agendas must be posted no later than 72 hours prior to the beginning of a meeting.

Agenda item staff report: This relates to a report prepared by Agency staff for meeting agenda packets that provides detail regarding an agenda item, including staff’s recommendation, background information and fiscal impact.

Motion: A formal motion for action made by a Board member at any Board meeting. A motion initiates action on a subject on the agenda. Another member of the Board must offer a second to that motion for action to continue. Actions taken by motion are considered minute actions unless the motion is made to approve an ordinance or resolution.

Ordinance: A formal rule or law made by the Board of Directors.

Resolution: A formal action by a Board member for adoption of a policy or other action not intended to be a rule or law.

The following are water-related terms which may be useful in dealing with day-to-day matters involving the Agency:

Acre-foot: The volume of water necessary to cover one acre to a depth of one foot. An acre-foot is equal to 43,560 cubic feet or 325,851 gallons.

Adjudication: A judicial process to determine the extent and priority of the rights of all persons to use water in a defined water system.

Aquifer: An underground geological formation or structure that stores and/or transmits water.

Conjunctive Use: The planned use of both groundwater and surface water in an overall management system to optimize total water resources.

Terminology

Conservation: The management of water resources so as to eliminate waste or maximize efficiency of use.

Consumptive use: A use that makes water unavailable for other uses, usually by permanently removing it from local surface or groundwater storage as the result of evaporation and/or transpiration.

Discharge: The volume of water that passes a given location within a given period of time.

Evaporation: The process of liquid water becoming water vapor including vaporization from water surfaces and land surfaces but not from leaf surfaces.

Excess capacity: Unused capacity to deliver water in a system of pipelines, canals and reservoirs.

Export: The conveyance of water outside the service territory of the Agency.

Groundwater: The supply of fresh water found beneath the Earth's surface, usually in aquifers, which supplies wells and/or springs.

Groundwater basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir.

Groundwater table: The upper surface of the zone of saturation.

Imported Water: The importation of water from another public agency for use within the Agency's service territory.

Terminology

Infiltration: Flow of water through the ground surface into the subsurface.

Injection well: A well used for injecting water or other fluid into a groundwater aquifer.

Monitoring well: A non-pumping well used for drawing water quality samples or measuring water levels.

Percolation: The downward movement of water through the soil to the ground water table.

Permeability: The ability of a material to transmit water through its pores when subjected to pressure.

Potable water: Water of a quality suitable for drinking.

Riparian: Of, or pertaining to, rivers and their banks.

Safe Yield: The amount of water that can be pumped from the aquifer without overdrafting (over using or exhausting) the aquifer.

Stream flow: The discharge that occurs in a natural channel.

Subsidence: Downward movement of the land surface associated with groundwater pumping, especially where such pumping exceeds safe yield and the water table has dropped.

Terminology

Subsurface water: All water below the land surface including groundwater.

Transpiration: Water used by plants.

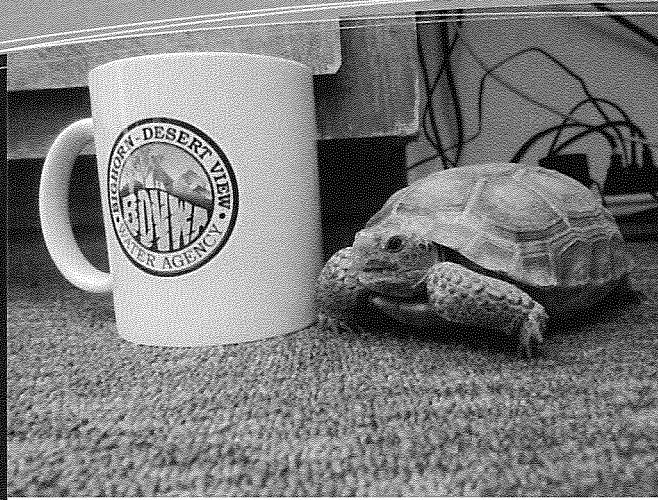
Water demand: The amount of water used over a period of time.

Water quality: The physical, chemical and biological characteristics of water and how they relate to a particular beneficial use.

Water transfer: A legal change in a water right reflecting some combination of a change of ownership, point of diversion and place of use.

Watershed: That surface area that contributes to the drainage or catchment area above a specific point on a stream, river or land surface.

Conduct and Ethics



Board of Directors Policy Handbook

Fair and Equal Treatment/ Personnel Policies Relating to the Board of Directors

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability (please see “Establishing a Policy for Mandatory Training for Board Members” in the appendix). A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group.

Incompatible Employment

Pursuant to the provision of Government Code, Section 53227, an employee of Big-horn-Desert View Water Agency may not be sworn into office as an elected or appointed member of the Agency’s Board of Directors unless he/she resigns as an employee. If the employee does not resign, the employment shall automatically terminate upon his/her being sworn into office.

Board of Directors Policy Handbook

Use of Agency Property/Resources & Confidentiality

Use of Agency Property and Resources

Except as specifically authorized, a Board member will not use or permit the use of Agency-owned vehicles, equipment, telephones, materials or property for personal benefit, use or profit. A Board member will not ask or require an Agency employee to perform services for the personal benefit, use or profit of a Board member or employee.

Use of Confidential Information

A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit any of the following:

- Making a confidential inquiry or complaint to the Agency General Counsel, or to or to a District Attorney or Grand Jury concerning a perceived violation of law, including disclosing facts to Agency General Counsel or to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Agency, an elected official or employee.
- Expressing an opinion concerning the propriety or legality of actions taken by the Agency in closed session, including disclosure of the nature and extent of the alleged illegal action.

Prior to disclosing confidential information pursuant to either items above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director who willfully and knowingly discloses for financial gain confidential information received by him/her in the course of his/her official duties may be guilty of a misdemeanor under Government Code Section 1098.

Board of Directors Policy Handbook

Conflict of Interest

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use their official position to influence a decision of the Board, if the Board member has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000 and following relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public, for instance:

- Business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations.
- Real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations.
- A source of income of the Director in the amount specified in FPPC regulations within 12 months before the Board decision.
- A source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision.
- A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director or by a business entity or trust in which the Director or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a 10 percent interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required by the Fair Political Practices Act and FPPC regulations.

Board of Directors Policy Handbook

Conflict of Interest

If a member of the Board believes that he/she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Agency's General Manager and the Agency's Legal Counsel of the potential conflict of interest so that a determination can be made whether it is a disqualifying conflict of interest.
- If it is not possible for the Director to discuss the potential conflict with the General Manager and the Agency's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting so that there can be a determination as to whether it is a disqualifying conflict of interest.
- Upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded.

A Board member will not recommend the employment of a relative by the Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the Agency.

A Board member who knowingly asks for, accepts or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.

Board of Directors Policy Handbook

Soliciting Political Contributions & Incompatible Offices

Soliciting Political Contributions

Board members are prohibited from soliciting political funds or contributions at Agency facilities or from Agency employees. A Board member will not accept, solicit or direct a political contribution from (a) Agency employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the Agency. A Director will not use the Agency's seal, trademark, stationery or other indicia of the Agency's identity or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law.

Incompatible Offices

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use their official position to influence a decision of the Board, if the Board member has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000 and following relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public.

Board of Directors Policy Handbook

Whistle Blower Protection & Directors' Legal Liabilities

Whistle Blower Protection

The General Manager has primary responsibility for:

- Ensuring compliance with the Agency's Personnel Policies and Procedures, and ensuring that agency employees do not engage in improper activities.
- Investigating allegations of improper activities.
- Taking appropriate corrective and disciplinary actions.

The Board has a duty to ensure that the General Manager is operating the agency according to law and the policies approved by the Board. Board members are encouraged to fulfill their obligation to the public and the agency by disclosing to the General Manager, to the extent not expressly prohibited by law improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activity, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that demonstrates a perceived illegal activity or which could pose risk to the agency. As to agency employees, the matter is to first be brought to the attention of the employee's supervisor or to the General Manager. Should the matter not be resolved after following this chain of command, the employee may then address the matter with the Board President.

Board of Directors Policy Handbook

Whistle Blower Protection & Directors' Legal Liabilities

Examples or reportable actions:

- A work-related violation by a Board member or Agency employee of any law or regulation.
- Gross waste of Agency funds.
- Gross abuse of authority.
- A specified and substantial danger to public health or safety due to an act or omission of an Agency official or employee.
- Use of an Agency office or position or of Agency resources for personal gain.
- A conflict of interest of an Agency Board member or Agency employee.

A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against an Agency Board member or Agency employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

Directors' Legal Liabilities

A Director may be personally criminally and civilly liable for any violation of the Conflict of Interest laws, the Fair Political Practices Act and Regulations, failure to timely and completely file all required FPPC Forms, interfering with the employee management responsibilities of the General Manager or for violating the Brown Act.

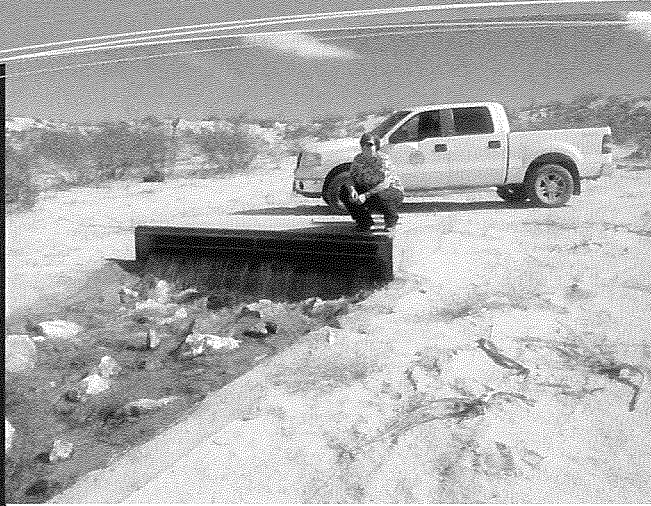
Board of Directors Policy Handbook

Violation of Ethics Policy

A perceived violation of the ethics policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to:

- Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy;
- Injunctive relief;
- Censure;
- Discipline;
- Referral of the violation to the District Attorney and/or the Grand Jury.

Interaction With Staff



The Board of Directors will deal with the administrative services of the Agency through the General Manager. The General Manager is the Board's link to operational achievement and conduct. All authority and accountability of staff is considered the authority and accountability of the General Manager.

Board of Directors Policy Handbook

Division of Responsibilities

The Board of Directors is responsible for setting Agency policy since each individual Director is accountable to the public as an elected official. The Board appoints the General Manager and defines the duties of his position. The Board is not to instruct management on the implementation of Agency policies.

The Board of Directors is responsible for:

- Establishing policies, i.e. programs, at public meetings.
- Appointing a General Manager, who will be responsible for the management of all operations and affairs of the Agency.
- Delegating certain powers to the General Manager in the operation of Agency affairs.

The General Manager is responsible for:

- Recommending policies to the Board of Directors.
- Recommending programs to the Board of Directors for implementation of Agency policies.
- Carrying out policies and projects approved by the Board of Directors.
- Responding to the Board of Directors on the status of projects.
- Helping to orientate new Board members to Agency departments and facilities.

Additionally, Directors are to refrain from having open discussions regarding the Agency's operations or topics of a potentially sensitive nature with any staff member other than the General Manager. Since doing so could undermine management, jeopardize the organization's credibility or even put the Agency at risk legally.

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General Manager Performance Evaluation

Meetings



Board of Directors Policy Handbook

General

All meetings of the Board, whether regular, special or adjourned, shall be open to the public, except for closed or executive sessions authorized by law. Members of the public may address the Board on matters of interest to the public if such matters are within the subject matter jurisdiction of the Board, and provided further that no action shall be taken by the Board on any item arising out of such speeches unless the matter already appears on the agenda for that meeting. The Board may adopt reasonable regulations which limit the total amount of time allotted for each speaker and in total.

Brown Act

The Ralph M. Brown Act (G.C. 54950) is essentially known as the “Open and Public Meeting” Act. The Act was established to ensure that all meetings of legislative bodies are open so that the public has an opportunity to participate in the decision-making process.

Voting

Directors shall have one (1) vote each at any meeting of the Board of Directors on any item. There shall be no voting by proxy.

Procedures (general)

Agendas for all meetings of the Board of Directors and standing committees shall be posted in accordance with the Brown Act. Additionally, the entire agenda packet for these meetings will be available for public review at the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, California. The packet is also available on the agency web site at www.bdvwa.org

Board of Directors Policy Handbook

Definitions of Meetings

Regular Meeting: Regular meetings of the Board of Directors shall be in accordance with the adopted Board Policy. The Board may, from time to time, change the day of the month and/or the time of such regular meetings as dictated by holiday schedules or changing circumstances and in accordance with Section 54954 of the California Government Code. Agendas shall be posted as required by law. The agenda for a regular meeting or standing committee must be posted at least 72 hours prior to the date and time the meeting commences.

Adjourned Meeting: A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment. If no time is stated, the meeting is continued to the hour for regular meetings. Less than a quorum may so adjourn a meeting, and if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. A copy of the order of adjournment must be posted within 24 hours after the adjournment at or near the door of the place where the meeting was held. If a meeting is adjourned for less than five calendar days, no new agenda need be posted as long as a new item of business is not introduced.

Special Meeting: A special meeting of the Board of Directors may be called by the Board President, General Manager or at the written request of three Directors. Notice of such special meeting shall be delivered personally, by email or fax, or by mail to each member of the Board, and said notice shall be received at least 24 before the meeting. Written notice may be dispensed with in the case of Directors who are actually present at the meeting when it convenes or who, at or prior to the time of the meeting, files a written waiver of notice with the Secretary of the Board. Public notice shall be given as required by law, except for emergency meetings held in compliance with California Government Code Section 54956.5. This notice shall state the time and place of the special meeting and the business for which the special meeting has been called, and no business other than that stated in the notice shall be transacted at such special meeting.

Board of Directors Policy Handbook

Definitions of Meetings

Emergency Meeting: A public agency can hold an emergency meeting when prompt action is needed due to the actual or threatened disruption of public facilities. An emergency situation exists if the legislative body determines a work stoppage, crippling disaster, or other activity that would severely impair public health, safety or both. Emergency meetings do not need to adhere to the 24-hour notice or posting requirement for special meetings.

Closed Session Meetings: Part or all of a regular or special meeting may be closed to the public under specified conditions as noted below. However, notice and posting of the meeting is still required even if no action is contemplated.

Following are the topics that may be discussed in closed session. Additional details may be found by referring to the Brown Act (G.C. 54950):

- Personnel
- Pending litigation
- Existing litigation
- Threatened or anticipated litigation against the local agency
- Potential litigation initiated by the local agency
- Real estate negotiations
- Labor negotiations

Standing Committee Meeting: A standing committee of the governing body is one that has a continuing subject matter and/or that has a schedule fixed by formal action of the governing body. All standing committees serve only in an advisory capacity to the Board of Directors and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors. Standing committees are comprised of two members of the Board, appointed annually by the Board President with Board consensus. Standing committees currently in place at the agency include:

- Finance/Public Relations/Education and Personnel Standing Committee
- Planning/Legislative/Engineering Grant and Security Standing Committee

Board of Directors Policy Handbook

Definitions of Meetings

- Financial/Personnel/Public Relations & Education Committee: This committee addresses financial management of the agency. This includes the preparation of an annual budget, periodic reviews of agency revenues, agency investments, expenditures and audit. The personnel portion of the committee concerns itself with the functions, activities, compensation and welfare of agency staff and works directly with the General Manager on personnel related matters. The committee also assures information relative to the affairs of the agency is accurately and appropriately communicated to the public.
- Planning & Legislative/Engineering/Grant and Security Committee: This committee addresses planning and engineering and shall be concerned with, but not limited to, the study and development of agency operational goals, including planning/engineering reviews and proposals for capital improvement projects as well as the development and periodic review of the Agency's general plan, master plan and safety/security plans.

The legislative portion of the committee shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an affect on the agency. It shall monitor and review legislation or potential legislation which may also affect the agency.

This committee shall review existing ordinances, resolutions and/or agency policies, except those pertaining specifically to personnel matters as well as work with the General Manager in efforts to obtain/secure grants. The committee shall monitor and review grant legislation or potential grant legislation which may affect the agency and monitor and review progress of grant funded projects.

The committees referenced above will remain in existence until discharged by majority vote of the Board of Directors. Committee members shall serve a term of one year, or until such time as successors are appointed. Directors appointed to one of these committees are required to attend the regularly scheduled meetings. In the event a committee member is absent from a meeting the alternate member appointed by the Board President shall participate in the meeting.

Board of Directors Policy Handbook

Definitions of Meetings

Ad Hoc Committee Meeting: An ad hoc committee is made up solely of members of the Board of Directors, constitutes less than a quorum of the legislative body, and is not considered a legislative body subject to the Brown Act. An ad hoc committee is established to deal with a single and specific subject on a short-term basis, and once the issue for which the committee was established has been resolved, the committee will cease to exist. All ad hoc committees serve only in an advisory capacity and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors.

The Board President shall, with Board consensus, appoint such an ad hoc committees as may be deemed necessary by the General Manager, Board President or the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Quorum: A majority of the members of the Board shall constitute a quorum for the transactions of business at any duly convened meeting of the Board or a standing committee.

Actions/Minutes: The appointed agency staff shall cause to be kept at the principal office of the agency a complete record of minutes for all meetings of the Board of Directors and all committees of the Board. Minutes shall identify the meeting date, time and place, whether regular, special, etc. and a brief detail of the actions taking place at the meeting.

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Resolutions & Policies



Board of Directors Policy Handbook

Appendix A Agency Enabling Act

Appendix B Resolution Declaring Intention of the Agency to Comply with all Provisions of the Ralph M. Brown Act

Appendix C Resolution Declaring the Code of Conduct for Members of the Agency Board of Directors

Appendix D Resolution Establishing Mandatory Training for Board Members

Appendix E Resolution Amending the Agency's Conflict of Interest

Appendix F Resolution Fixing a Time and Place for Regular Board Meetings and Designating the Official Mailing Address for BDVWA

Appendix G Resolution Establishing Standing Committees and Authorizing the Creation of Ad Hoc Committees

Appendix H Resolution Establishing an Agency Meeting and Agenda Preparation Policy

Appendix I Resolution Establishing a Policy for Reimbursement of Actual and Necessary Expenses for Board Members

Appendix J Ordinance Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto

Appendix K Resolution Authorizing Agency Director Credit Cards and Setting Guidelines for the Use of the Same

Appendix L Resolution Establishing the Format for Recordation of Minutes at Meetings of the Agency

Board of Directors Policy Handbook

Enabling Act, Policies and Resolutions

Agency Enabling Act 2013

AGENDA ITEM # 7

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



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

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

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, October 20, 2015 - 9:15 a.m.

Committee Members: Director Corl-Lorono & Director Burkhart

Call to Order

Director Corl-Lorono called the meeting to order at 9:15 a.m.

Pledge of Allegiance

Led by Larry Coulombe

Roll Call

Directors: Director Corl-Lorono
Director Staley
(Director Burkhart absent with prior notice)

Staff: Marina West
Michelle Corbin

Approval of the Agenda

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

Caltrans Water Line Relocation Update

General Manager West reported that the work being performed by Caltrans has come to an end in the Landers area. The next phase is located in Johnson Valley. West stated the Agency expended about \$6,000 in staff time and professional services.

No public comment.

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

Carolyn Jensen of KP Public Affairs gave a brief update on Assembly Bill 647, a water storage bill as well as Assembly Bill 954, a wastewater program for the disadvantaged. Ms. Jensen also covered Senate Bills 163 a bill that denies recycled water to go into the ocean and Senate Bill 552 a controversial mandatory consolidation bill. Lastly Ms. Jensen spoke about the State Water Resources Control Boards mandatory water conservation requirements.

Leticia White of Innovative Federal Strategies briefly covered Senator Feinstein and Senator Cooks draft bills. Ms. White also gave an update on the appropriations bills, Title XVI funding and the Smart Water Grant.

No public comment.

Ames/Reche Storage and Recovery Program Update

Anna Garcia, Principal Hydrogeologist of Mojave Water Agency presented an overview of the Ames/Reche Basin conditions. Ms. Garcia spoke about the Ames/Reche agreement, the management area, the area production wells and monitoring wells, water quality and water levels.

Ms. Garcia reviewed the baseline amounts allowed and the amounts received by the partners of the latest agreement.

General Manager West discussed the water testing schedule and the impact of local storms to the aquifer.

Public comment:

Anonymous commented on El Nino and its impact on the area.

Break at 10:29 a.m. – Back to order at 10:47 a.m.

IRWMP Grant Status Update

General Manager West gave the staff report. West reviewed the four grant applications which include planning grants to integrate the Goat Mountain system with the Bighorn system, the Lookout Pipeline and an intertie with the Hi Desert Water District system for emergency purposes.

The construction grant is for transfer switches and emergency generators to operate facilities if there were to be a power outage.

General Manager Muzik of Hi Desert Water gave an update on their waste water project.

No public comment.

Consent Items

- a. Regular PLEGS Meeting Report, June 16, 2015

No public comment.

Director Staley and Director Corl-Lorono approved the report.

Public Participation

No public comment.

Verbal Reports

No Committee Member Reports

General Manager Report

General Manager West discussed and presented photos of rain damage to the water system during a recent storm. GM West also reported the Agency will soon receive a weather station from Mojave Water Agency. Lastly GM West reported on the status of Well 10 in Johnson Valley.

Adjournment - Director Corl-Lorono adjourned the meeting at 11:06 a.m.