

Bighorn-Desert View Water Agency



Board of Directors

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

Marina D West, PG, General Manager

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A Public Agency

www.bdvwa.org

Board of Directors' Regular Meeting Minutes

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, April 25, 2017 – 6:00 p.m.

Call to Order

Meeting convened by Board President Michael McBride at 6:00 p.m.

Pledge of Allegiance

Led by Sharon Conkle

Roll Call

Directors Present: Michael McBride
Judy Corl-Lorono
Terry Burkhart
J. Dennis Staley
J. Larry Coulombe

Staff Present: Marina West
Michelle Corbin

Approval of Agenda

Motion to approve the agenda.

MSC¹ (Staley/Burkhart) unanimously approved.

Board to Confirm Director for President of the Board of Directors during Remaining Term of 2017

General Manager West reviewed with the Board the purpose and guidelines of the action.

Public comments: No public comments.

Motion No. 17-017

(After brief Board discussion), Director Corl-Lorono made a motion to appoint Director McBride to serve as Board President for the remaining term of 2017. Director Staley seconded the motion.

MSC¹ (Corl-Lorono/Staley) unanimously approved.

McBride: Y
Corl-Lorono: Y
Burkhart: Y
Staley: Y
Coulombe: Y

Board to Appoint a Vice President

General Manager West reviewed with the Board the guidelines in selecting a new Board Vice President.

Public comments: No public comments.

Motion No. 17-018

(After brief Board discussion), Director Burkhart made a motion to appoint Director Staley to serve as Board Vice President for the remaining term of 2017. Director Corl-Lorono seconded the motion.

MSC¹ (Burkhart/Corl-Lorono) unanimously approved.

McBride: Y
Corl-Lorono: Y
Burkhart: Y
Staley: Y
Coulombe: Y

Discussion and Receive/ File Opinion Letter from Legal Counsel Regarding Application of Standby Charges to Bighorn Mountains and Desert View Service Territories Following Repeal of Initiatives Q S and T in 2003. – Discussion item only.

General Manager West reported the results of staff and legal counsel's research on the standby charge affected by Measures Q S and T in 1998. Measure S reduced the standby charge to \$0.00 (zero) and although the measure was repealed in 2003 the Board had never reintroduced a resolution to once again resume the standby charge. Staff located memos from Agency legal counsel written in 2002 and 2003 that appear to contradict one another on the legality of how to apply the 2003 repeal to the standby process moving forward. What the Agency now knows is that nothing was brought to the Board after the repeal of Measure S for further discussion.

Agency Attorney, Dave Wysocki has researched the implications of the time lapse between today and 2003 and has determined too many years have gone by to reinstate the standby charge reduced to \$0.00 (zero) in 1998 and repealed in 2003.

Should the Board wish to once again invoke a standby, the Agency would be required to follow the Proposition 218 process beginning with an engineering study. The most difficult hurdle to cross on implementing a new standby is the Proposition 218 rule requiring the standby to receive a favorable fifty percent plus one vote from the affected land owners. West feels the property owners in question would not vote in favor of implementing this tax onto their vacant lands.

Public comment:

Anonymous commented on the handling of the rates and charges by the Board during the 1990's.

Anonymous stated with "Q,S and T you had a former Board Member who was out for revenge and he had a big mouth and he convinced people that they could essentially could get free water and nobody had enough brains to think "how you gonna run the water district without any of those fees". So there wasn't enough of us who saw what was going to happen and to vote against it and he was running for re-election.

Agency Meeting Agenda Preparation Policy

General Manager West reported Agenda Preparation Policy was discussed and moved forward at the April 18, 2017 Planning/Legislative/Engineering Grant and Security Standing Committee Meeting. The Committee discussed the "courtesy" posting locations for all Agency agendas and other required postings. The official posting site will remain at the Agency Administrative Office at 622 Jemez Trail, Yucca Valley. The "courtesy" posting sites are as follows:

- 1720 North Cherokee Trail- Agency Board Room
- Johnson Valley Well 10 – Bulk Hauling Station
- Landers Community Association- Belfield Hall
- Landers Post Office – MBTA Bus Stop
- C and J Feed Store - Community Bulletin Board

There are no other changes to the Agency Meeting Agenda Preparation Policy.

No public comment.

Motion No. 17-019

(After brief Board discussion), Director Burkhart made a motion to Adopt Resolution 17R-11 Establishing an Agency Meeting Agenda Preparation Policy. Director Staley seconded the motion.

MSC¹ (Burkhart/Staley) unanimously approved.

- McBride: Y
- Corl-Lorono: Y
- Burkhart: Y
- Staley: Y
- Coulombe: Y

Public Hearing: Ordinance 17O-02 – An Ordinance of the Board of Directors of Bighorn-Desert View Water Agency Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto -

General Manager West reported the Board instructed staff to proceed with the five percent (5%) Per Diem increase at the February 28, 2017 Board Meeting. The Agency posted the pending ordinance in the Hi-Desert Star as required.

Public comments:

Anonymous asked how compensation for Board members at Bighorn-Desert View Water Agency compared to other local water agencies.

Motion No. 17-020

(After brief Board discussion), Director Burkhart made a motion to adopt Ordinance 17O-02 Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto. Director Staley seconded the motion.

Roll Call Vote:

- Ayes: Burkhart, Staley, McBride, Coulombe, Corl-Lorono
- Nayes: None
- Abstain: None
- Absent: None

MSC¹ (Burkhart/Staley) unanimously approved.

Discuss General Manager's Employment Contract Including Compensation and Other Provisions.

General Manager West reviewed the actions taken at the February 28, 2017 Special and Regular Board Meetings. During the February 28, 2017 Regular Meeting the Board and General Manager West discussed changes to the General Manager Contract.

The proposed amended contract reflects items negotiated at the February meeting. These items include a salary increase, a renewed five-year contract term, a reduction of the car allowance to zero and the elimination of the automatic COLA.

Public comment:

Anonymous asked if the compensation for General Manager of Bighorn-Desert View Water Agency was "in line" with compensation paid to similar positions at other local agencies.

Motion No. 17-021

(After brief Board discussion), Director Corl-Lorono made a motion to amend General Manager Employment Contract provisions including compensation, terms of employment and other benefit provisions. Director Staley seconded the motion.

Roll Call Vote:

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

MSC¹ (Corl-Lorono/Staley) unanimously approved.

McBride:	Y
Corl-Lorono:	Y
Burkhart:	Y
Staley:	Y
Coulombe:	Y

Consent Items – The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.

- a. Financial Statements March 2017
 1. Balance Sheet
 2. Budget Status
- b. Receive and File Disbursements March 2017
- c. Unrestricted and Restricted Goat Mtn. Cash Account Summary
- d. Service Order Report, March 2017
- e. Production Report, March 2017
- f. Goat Mtn. Production Report March 2017
- g. Regular Board Meeting Minutes, March 28, 2017
- h. Approval of Agency Bad Debt Expense "Write-Off" for Commercial Bulk Hauler Ed DeMarie in the amount of \$4504.95 (pre-13R-04).
- i. Receive and file final correspondence from County of San Bernardino Special Districts Department Concluding Dissolution of CSA 70W-1 (Goat Mountain).

No Public comment.

Motion No. 17-022

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

MSC¹ (Corl-Lorono/Burkhart) unanimously approved.

McBride: Y
Corl-Lorono: Y
Burkhart: Y
Staley: Y
Coulombe: Y

Matters Removed From Consent Calendar – Items h and i.

Director Staley requested further information on Item H - Approval of Agency Bad Debt Expense "Write-Off" for Commercial Bulk Hauler Ed DeMarie in the amount of \$4504.95 (pre-13R-04) and Item I – Receive and file final correspondence from County of San Bernardino Special Districts Department Concluding Dissolution of CSA 70W-1 (Goat Mountain).

GM West explained the Commercial Bulk Hauler, Ed DeMarie whom left a debt after his account was locked off for non-payment could not be located. The Agency did attempt to sue Mr. DeMarie and were not able to serve court documents. The Agency has since taken steps to help prevent this from happening again such as an increase of the deposit equaling two times the average monthly water bill of each new commercial water hauler.

GM West also explained the final correspondence from the County of San Bernardino Special Districts wrapping up the annexation and dissolution of CSA 70W-1, now known as the Goat Mountain Territory.

Motion No. 17-023

Director Corl-Lorono made a motion to approve consent items h and i . The motion was seconded by Director Burkhart.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved.

McBride: Y
Corl-Lorono: Y
Burkhart: Y
Staley: Y
Coulombe: Y

Public Comment Period

John Burkhart of Johnson Valley announced the passing of local water hauler, Mr. Garry Lindt.

Verbal Reports

General Manager West reported the Homestead Park will "most likely" move the Third of July Fireworks event to another date later in the year.

Director Burkhart reported on the Technical Advisory Council Meeting she attended April 6, 2017. Items discussed included the "Hide and Seek River" presented by Tony Winkle at the January 2017 TAC meeting.

Vice President Staley reported on the Homestead Valley Community Council Meeting he attended April 17, 2017. Discussion items included off-road trails, the Poker Run and the disposal of old tires.

Director Corl-Lorono reported on the Municipal Advisory Council Meeting she attended April 10, 2017. Director Corl-Lorono also reported on the Alliance for Water Awareness and Conservation (AWAC) Meeting held April 19, 2017.

Director Coulombe reported on the Morongo Basin Conservation Association Landscape Tour.

Adjournment – President Michael McBride adjourned the meeting at 7:20 p.m.

Approved by:



Judy Corl-Lorono, Secretary of the Board

MSC¹ – Motion made, seconded, and carried.