

Bighorn-Desert View Water Agency

Board of Directors

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



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Marina D West, PG, General Manager

A Public Agency

www.bdvwa.org

BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, March 8, 2018 – 10:00 a.m.

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

Discussion and Action Items - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

Workshop

5. **Agency Presentations, including but not limited to:**
 - Discuss November 2018 Election and Public Engagement
 - 2018/19 Board Goals and Objectives
 - Travel Policy
6. **Director Comments**
7. **Public Comments**

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

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

8. 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.bdvw.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

RESOLUTION NO. 13R-16

A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS

WHEREAS, pursuant to Government Code section 53232.1, the Bighorn-Desert View Water Agency ("Agency") may pay compensation to each member ("Director") of the Board of Directors of the Agency ("Board") for attendance at certain occurrences only if the Board has adopted, in a public meeting, a written policy specifying the types of occasions that constitute the performance of official duties for which a Director may receive payment; and

WHEREAS, pursuant to Government Code section 53232, if the Agency is to reimburse Directors for actual and necessary expenses incurred in the performance of official duties, then the Board must adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a Director to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses; and

WHEREAS, the Agency adopts this Policy For Compensation For Performance of Official Duties and Reimbursement of Actual and Necessary Expenses to allow the Agency to pay Directors for attendance at those occasions that constitute the performance of official duties and for reimbursement of their actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the Intent of the Policy is to provide guidance to Directors on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, and to provide guidance to Agency employees on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies;

NOW, Therefore, Be It Resolved By the Board Of Directors of the Bighorn-Desert View Water Agency as follows:

A. Findings

This Policy provides guidance to elected and appointed officials on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured. In addition, this Policy satisfies the requirements of Government Code sections 53232.1 and 53232.2 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This Policy also

provides guidance to employees of the Agency on the use and expenditure of Agency resources, as well as the standard against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies.

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 convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the Agency's behalf, in accordance with this policy for reimbursement of expenses of Board members.

B. Director Compensation

1. Amount of Per Diem Compensation

Directors shall receive a daily meeting stipend in the amount set by the current Ordinance in force for each day of service rendered as a Director. Such compensation is in addition to any reimbursement for meals, lodging, travel and other actual and necessary expenses consistent with this Policy.

2. "Day of Service" and "Authorized Meeting" Defined

For purposes of determining eligibility for compensation of Directors, the term "day of service" is defined as attendance by a Director, in person, at an Authorized Meeting with one or more other persons for the performance of official duties on behalf of the Agency.

All meetings, that fall under Directors' Compensation List, Categories A or B in the attached Exhibit A, are to be recognized as an "Authorized Meeting". Any other seminar, conference, meeting, or public event is to be recognized as an "Authorized Meeting" only if the Board, in open session at a meeting of the Board, approves that event as an "Authorized Meeting" before or after the event occurs.

3. Daily Limits

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

4. Aggregate Limits

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and set by the current Ordinance in force or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

5. Travel Days

Whenever practical and in keeping with established Board policy stating that whenever a particular educational opportunity exists via Webinars or other online course formats, these be considered first as the preferred method of education for Directors.

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved by the Board in advance, Directors shall not count travel to meeting within 125 miles of the Agency's office as a reimbursable per diem travel day.

C. Authorized and Unauthorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Agency business.

Exhibit A is the Agency Director's Compensation List. Expenses incurred in connection with Exhibit A generally constitute authorized expenses, as long as the other requirements of the policy are met. If a meeting, event, or seminar/conference is not specifically defined in Exhibit A then the request for attendance and reimbursement must be presented to the full Board of Directors for approval. Directors are encouraged to obtain approval well in advance of the event to secure the most cost effective accommodations. A Director who chooses to attend a meeting, event, or seminar/conference without prior approval can request retroactive approval and reimbursement. If retroactive approval is denied then all costs shall become the sole responsibility of the individual.

Examples of personal expenses that the Agency will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying an official on Agency-related business. Family

expenses also include expenses of children and pet-related expenses;

4. Entertainment expenses, including theater, movies, sporting events, or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on Agency business.

*Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the Agency **before** the expense is incurred.*

D. Payment of Expenses

To conserve Agency resources and keep expenses within community standards for public officials, expenditures incurred in the performance of official duties should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines.

1. Transportation

- a) A request for reimbursement for mileage incurred by a Director is payable by the Agency only if the Director or the Director's driver of the vehicle in which the Director is transported, and for which reimbursement is sought, holds a valid California driver's license during that period in which the claim for reimbursement arises. Reimbursement will not be paid unless the Director or the Director's driver holds a valid California Driver's license. The Director or the Director's driver must satisfy the Agency's automobile liability insurance requirements by completing a California Department of Motor Vehicle form authorizing release of driver information. The form may be obtained through the Board Secretary.
- b) The Agency reimbursement rate for mileage by use of a Director's own vehicle shall be calculated on the total miles driven for Agency purposes at the rate specified by the Internal Revenue Service in Publication 463 or any successor publication in effect at the time of vehicle usage. Mileage will be calculated using a standard trip program on the Internet and shall be verified by the Agency staff.

- c) Travel to meetings, conferences or seminars outside Agency boundaries where air travel is available may be reimbursable through a mileage rate, should the Director choose to drive the Director's own vehicle; however, the total reimbursable amount for mileage may not exceed the cost of round trip "economy" airfare (i.e. least expensive option).
- d) The Agency reimbursement rate for vehicle parking by a Director shall be the actual amount incurred.

2. Lodging

Directors must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Directors at the time of booking. If a government or group rate is not available, the Agency reimbursement rate for Director lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

3. Meals

The Agency reimbursement rate for Director meals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard meal allowance established for Southern California by the Internal Revenue Service in Publication 463 or any successor publication.

4. Other

Agency reimbursement of all other actual and necessary expenses incurred by a Director shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in Publication 463, or any successor publication. All expenses that do not fall within this reimbursement Policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

E. Budget Limits

A pool of funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at major conferences and seminars, to be identified in the budget as "Director Fees". The Intent is that no individual Director receives reimbursement of expenses in excess of one-fifth

of the monies established in this pool account, specific circumstances notwithstanding. Such conferences/seminars may include, but are not limited to ACWA, AWAC, CSDA and Special Districts Institute, or other major events or meetings. If insufficient monies exist in the account to pay for those expenses or if request for payment by the Board of Directors is denied, the Director would then be required to pay for those expenses out of his or her own personal funds.

F. Expense Forms

The Agency shall provide expense report forms to be filed by the Directors for reimbursement for actual and necessary expenses incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet the Policy for expenditure of public resources. Directors shall submit to the Agency's Accounting Department on said form their expense reports for the calendar month no later than (10) days prior to the next regular Board meeting of the following month, and the reports shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Policy set forth herein as relates to Category "A" and Category "B" expenses, then the Agency's General Manager is hereby authorized to approve the reimbursement requests. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis prior to the expense being incurred.

G. Audits of Expense Reports

All expenses are subject to verification that they comply with this Policy.

H. Reports to Board of Directors

Directors shall provide brief reports on meetings attended at the expense of the Agency during the next agendaized meeting of Board. Activities shown on the Directors' Compensation List under Category "A" do not require a report. Activities shown on the Directors' Compensation List under Category "B" shall be made orally or in writing, or orally and by reference to any minutes. All Directors are encouraged to submit written reports to assist in the oral presentations.

I. Compliance with Other Laws

Agency directors, official and employees, as applicable, should keep in mind that some expenditures may be subject to reporting

under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

J. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following: 1) Loss of reimbursement privileges, 2) a demand for restitution to the Agency, 3) the Agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

K. Severability

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

L. Effective Date

This Resolution shall become effective immediately upon adoption.

M. Rescission

Resolution No. 12R-29 is hereby rescinded in its entirety.

EXHIBIT "A"

POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES

DIRECTORS' COMPENSATION LIST

The Following Category "A" Meetings Require No Pre-Approval And No Report Is Required Since Minute Action For These Agency Meetings Meets The Reporting Requirement Through AB 1234.

| Category "A" Activity/Description | Eligibility |
|---|---|
| BDVWA Board of Directors Meetings (Regular, Special or Workshop) | All Directors |
| BDVWA Standing Committee Meetings | Appointed by Board President |
| BDVWA AD Hoc Committee Meetings | Appointed by Board President |
| Morongo Basin Pipeline Commission | Appointed by Board President |
| MWA Technical Advisory Committee | Appointed by Board President |
| Other Water Districts'/Agencies' Board Meetings and Committee Meetings | Assigned Director (rotates, refer to schedule) or as directed by Board President or General Manager |
| Any other agendized, regular, special or emergency, meeting of a governmental entity (e.g. San Bernardino Board of Supervisors, any SB Co. Municipal Advisory Council, Local Area Formation Commission (LAFCO), etc.) | As directed by Board President or General Manager |

The Following Category "B" Meetings Require No Pre-Approval And A Report Is Required

| Category "B" Activity/Description | Eligibility |
|--|------------------------------|
| Meetings with Legislators (State or Federal) | Any Director |
| AB 1234 - Ethics Training (required by law) | Any Director |
| AB 1825 - Harassment Training (required by Board of Directors) | Any Director |
| Mojave Water Agency (MWA) Tours | Any Director |
| Mojave Water Agency (MWA) Seminars | Any Director |
| Single day seminars or meetings with a water emphasis hosted by an entity for which BDVWA is member (ACWA Region 9, AWWA, CSDA, SDRMA, etc.) Category excludes seminars or conferences that extend beyond one day. | Any Director |
| Meetings of the Alliance for Water Awareness and Conservation (AWAC) | Appointed by Board President |
| Meetings of the Homestead Valley Community Council (HVCC) | Appointed by Board President |

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 19th day of November 2013, by the following roll call vote:

AYES: 5 Ayes

NOES: 0 Noes

ABSENT: 0 Absent

By 
Michael McBride, Board President

Attest:


Terry Burkhart, Board Secretary

RESOLUTION NO. 18R-01

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BIGHORN-DESERT VIEW WATER AGENCY
ADOPTING THE DIRECTORS' COMPENSATION LIST**

WHEREAS, the Bighorn-Desert View Water Agency ("Agency") maintains a *Policy for Reimbursement of Actual and Necessary Expenses for Board Members*; and

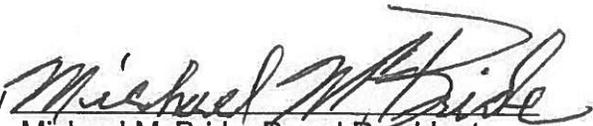
WHEREAS, the adopted *Policy for Reimbursement of Actual and Necessary Expenses for Board Members* provides guidance to Directors on the use and expenditures of Agency resources; and

WHEREAS, in accordance with the adopted *Policy for Reimbursement of Actual and Necessary Expenses for Board Members* the Board must determine a Directors' Compensation List, a list of approved meetings, seminars and workshops allowing for per diem compensation and reimbursement for meals, lodging, travel and other actual and necessary expenses ; and

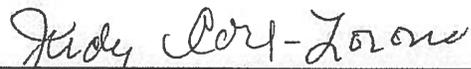
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bighorn-Desert View Water Agency finds that the following Directors' Compensation List reflect the "Authorized Meetings" permissible, relating to the adopted *Policy for Reimbursement of Actual and Necessary Expenses for Board Members*; and

BE IT FURTHER RESOLVED, all meetings, that fall under the Directors' Compensation List, Categories A or B are to be recognized as an "Authorized Meeting". Any other seminar, conference, meeting or public event is to be recognized as an "Authorized Meeting" only if said seminar, conference, meeting or public event becomes authorized under the directives outlined within the adopted *Policy for Reimbursement of Actual and Necessary Expenses for Board Members*.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Bighorn-Desert View Water Agency this 23rd day of January 2018.

By 
Michael McBride, Board President

Attest:


Judy Cori-Lorono, Board Secretary

Directors' Compensation List

The following category "A" meetings require "no report" since minute actions for these district/agency meetings meet the reporting requirement through AB 1234.

| Category "A" Activity/Description | Eligibility |
|---|-----------------------------------|
| BDVWA Board of Directors Meetings (Regular, Special or Workshop) | All Directors |
| BDVWA Standing Committee Meetings | Appointed by Board President |
| BDVWA AD Hoc Committee Meetings | Appointed by Board President |
| Morongo Basin Pipeline Commission | Appointed by Board President |
| Mojave Water Agency Technical Advisory Committee | Appointed by Board President |
| Mojave Water Agency BOD Meetings | Assigned Director (rotates) |
| Other Water District/Agency BOD Meetings and Committee Meetings | Directed by Board President or GM |
| Other Agendized, regular, special or emergency meetings of Government Entities (e.g. San Bernardino Board of Supervisors, Local Area Formation Commission (LAFCO), etc. | Directed by Board President or GM |

The following category "B" meetings require a report.

| Category "B" Activity/Description | Eligibility |
|--|------------------------------|
| Meetings with Legislators (State or Federal) | Approved by BOD |
| AB 1234 Ethics Training and AB 1825 Harassment Training | Any Director—Required by Law |
| Mojave Water Agency Tours and Seminars | Approved by BOD |
| Conferences, Seminars and Workshops | Approved by BOD |
| Association of San Bernardino Special Districts - Monthly Meetings | Assigned Director (rotates) |
| Homestead Valley Community Council (HVCC) Meetings | Assigned Director (rotates) |