

Bighorn-Desert View Water Agency



Board of Directors

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

Marina D West, PG, General Manager

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A Public Agency

www.bdvwa.org

**Board of Directors’
Special Meeting Minutes**

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, October 2, 2018 – 5:00 p.m.

Call to Order

Meeting convened by Board President Michael McBride at 5:00 p.m.

Pledge of Allegiance

Led by Mark Johannes

Roll Call

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

Staff Present: Marina West
Seth Kish

Approval of Agenda

Motion to approve the agenda.

MSC¹ Vice President Corl-Lorono/Director Staley unanimously approved.

**Closed Session with Legal Counsel pursuant to Government Code Section 54956.9
Paragraph 1 of subdivision (d) Conference with Legal Counsel – Existing Litigation
Name of Case: Michelle Corbin v. Bighorn Desert View Water Agency; Marina West**

Adjourned to Closed Session at 5:10 p.m. – Reconvened from Closed Session at 5:43 p.m.

Closed Session Report

The Board of Directors' approved the law firm Varner & Brandt to defend lawsuit filed by Michelle Corbin alleging wrongful termination and invasion of privacy.

No Public Comment.

Resolution No. 18R-13 Approving the Employee Handbook for Purposes of Establishing the Rules and Procedures for the Conduct of Personnel / Human Resources Matters and Authorizing the Modification thereof by Resolution

General Manager West gave her staff report to the Board. She mentioned that the proposed changes in the employee handbook are: modernization of the document to current industry standards; various minor edits and corrections thorough the document, added a "Fair Pay Act" polices statement as article 2.4; complete re-write of article 2.5 concerning sexual harassment; inserted a new article 3.19 covering expenses made by employees and reimbursement of those expenses; inserted new article 3.20 covering weapons and anti-violence; inserted a new article covering nonexempt employee communication devices after hours; updated article 5.2 concerning drug and alcohol abuse and the drug testing program that is applicable to all employees; updated language to article 7.4 concerning sick leave; completely rewrote article 7.7 concerning the rights and responsibilities of pregnant employees and lastly removed the appendices from the employee handbook since the appendices are adopted by the Board under different resolutions at different times. They are only referenced in the handbook so that the handbook is a complete document. GM West also mentioned that the update was in 2012. President McBride opened up the floor to anyone who had a question or comment regarding the adoption of the updated employee handbook. Director Staley mentioned that he found some minor spelling and punctuation errors in the handbook, as well as giving his opinion regarding the personal pronouns (I, You, She/He, etc.) used within the handbook. Dir. Staley believes the use of personal pronouns should not be used, and they should be changed. Agency special counsel Nuefeld answered Dir. Staley and told him that he suggests the Agency send him a redlined version of the corrections that need to be done and to approve the resolution under the condition that the changes the Board wants be made. GM West asked if the Board would need to move the resolution to the next Board Meeting for approval. The attorney answered and said that approval under the conditions that the changes are made is an option that he suggests.

No Public Comment.

Motion No. 18-043

Vice President Corl-Lorono made a motion to adopt Resolution No. 18R-13 Approving the Employee Handbook for Purposes of Establishing the Rules and Procedures for the Conduct of Personnel / Human Resources Matters and Authorizing the Modification thereof by Resolution following the correction of minor typographical errors and elimination of personal pronouns (you, she, he, your) in the document. The motion was seconded by Secretary Burkhart.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved

McBride	Yes
Corl-Lorono	Yes
Burkhart	Yes
Coulombe	Yes
Staley	Yes

Resolution No. 18R-14 Adopting a Drug and Alcohol Testing Program for Safety-Sensitive Employees in Accordance with Department of Transportation and Federal Highway Administration Regulations

General Manager West gave her staff report. She mentioned that the Drug and Alcohol Testing Program for Safety Sensitive Employees is focused on those employees that operate vehicles that require a Class A or Class B license. The policy is originally from 1997 and most of the changes that were made to the policy were updates to conform to federal regulations for commercial drivers. Pres. McBride inquired about communication with the Agency and its employees regarding prescription drugs. Pres. McBride also asked why marijuana is on the drug policy if it is legal in California. Agency Special Counsel Newfeld provided a response to all questions asked.

No Public Comment.

Motion No. 18-044

Vice President Corl-Lorono made a motion to adopt Resolution No. No. 18R-14 Adopting a Drug and Alcohol Testing Program for Safety-Sensitive Employees in Accordance with Department of Transportation and Federal Highway Administration Regulations. The motion was seconded by Director Coulombe.

MSC¹ (Corl-Lorono/Coulombe) unanimously approved

McBride	Yes
Corl-Lorono	Yes
Burkhart	Yes
Coulombe	Yes
Staley	Yes

Authorize Purchase of a 90KW Mobile Generator for Emergency Operations from the Lowest Bidder, Bay City Electric Works, Poway, CA in the amount of \$58,468.00 Plus Tax

General Manager West gave her staff report. She explained that this is a mobile unit that can be used at one facility at a time but we can operate any one of our facilities. It would complement our generator set that the Agency purchased last year which is at the office and it run the administration building, shop, and A-booster station. The Agency solicited 3 vendors and received 2 quotes. After speaking with Bay City Electric Works, the Agency can pick up the generator to save on costs. GM West continued, the 90KW generator will run any of the facilities the Agency has that are equipped with transfer switches. This will complete the Agencies plan of having a mobile unit available in case of any emergencies. This will allow the Agency to pump wells, fill tanks, and boost water in the event of an emergency. The Agency will still need to obtain the permit in order to operate with, which will cost the Agency around \$2,500.00. Vice President Corl-Lorono asked if the Agency needed special plugs at each well. GM West explained that the Agency will not be using the connector plugs that were talked about before. Pres. McBride wanted to inform the public that this generator purchase is a promise fulfilled by the Board to be better equipped during an unforeseen emergency so that the Agency can take care of its people.

An anonymous member of the public asked if the permit for the generator was a onetime fee or a recurring fee. GM West answered and told him that for the California Air Resource Board would require a recurring fee.

An anonymous member of the public asked how often the generator at the office runs. GM West answered that for non-emergencies 50 hours per year is allowed.

An anonymous member of the public asked if the generator comes with a warranty. GM West stated it was a 3 year warranty.

Motion No. 18-045

Director Coulombe made a motion to Authorize the General Manager to issue a Purchase Order for the acquisition of a 90 KW Kohler Mobile Generator at a cost of \$58,468.00 plus tax from Bay City Electric Works; and Authorize a capital budget adjustment for the purchase. Director Corl-Lorono seconded the motion.

MSC¹ (Coulombe/Corl-Lorono) unanimously approved.

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

Resolution No. 18R-15 A Resolution of Appreciation for Outstanding Public Service by Beverly Lowry

General Manager West gave her report. Ms. Beverly Lowry has served on the Mojave Water Agency Board for 33 years, this Resolution was drafted to honor her service to our community.

John Burkhart made a comment that Beverly Lowry is a very good lady and she did an awful lot for the Agency and for Mojave.

Motion No. 18-046

Secretary Burkhart made a motion to adopt Resolution 18R-15 of Appreciation for Outstanding Public Service by Beverly Lowry. The motion was seconded by Director Staley.

MSC¹ (Burkhart/Coulombe) unanimously approved.

McBride: Y
Staley : Y
Corl-Lorono: Y
Burkhart: 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 August 2018
 1. Balance Sheet
 2. Budget Status
- b. Receive and File Disbursements August 2018
- c. Cash Balance Distribution August 31, 2018
- d. Service Order Report, August 2018
- e. BH/DV Production Report, August 2018
- f. Goat Mtn. Production Report, August 2018
- g. Receive and File Regular FPREP Committee Meeting Minutes from July 25, 2018

h. Regular Board Meeting Minutes, August 28, 2018

No Public Comment.

Motion No. 18-047

Vice President Corl-Lorono made a motion to approve consent items a - h. The motion was seconded by Director Staley.

MSC¹ (Corl-Lorono/Staley) unanimously approved.

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

Matters Removed From Consent Calendar: None

Verbal Reports

General Manager West gave her report. She wanted to let everyone know that the Agency will have two booths at the Orchid Festival where the Agency will be making wells with children, and handing out all kinds of stuff that Mojave Water Agency donated. GM West also wanted to report on the SP-5 fire tax, and how the Agency will not be able to vote on it.

Director Staley gave his report for the Mojave Water Agency Board Meeting on September 13, 2018.

President McBride gave his report for the Fall CSDA Conference he attended.

Vice President Corl-Lorono gave her report on the Fall CSDA Conference she attended as well as the Association of the San Bernardino County Special Districts Dinner on September 17, 2018.

Director Coulombe gave his report for the Fall CSDA Conference he attended.

Adjournment – President Michael McBride adjourned the meeting at 7:01 p.m.

Approved by:


Terry Burkhart, Secretary of the Board

MSC¹ – Motion made, seconded, and carried.