



BIGHORN-DESERT VIEW WATER AGENCY

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

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285**

**October 22, 2019
Time – 5:00 P.M.**

Call to Order

Meeting convened by President Michael McBride at 5:03 p.m

Pledge of Allegiance

Led by Sharon Conkle

Roll Call

Directors Present:

Michael McBride
Judy Corl-Lorono
John R. Burkhart
Jo Marie McKenzie
J. Larry Coulombe

Staff Present:

Marina West
Seth Kish

Approval of Agenda

Vice President Corl-Lorono and Director Coulombe approved the agenda as presented.

MSC¹ Corl-Lorono/Coulombe unanimously approved.

Closed Session

Conference with Legal Counsel Existing Litigation against the Agency:

Name of Case: *Corbin vs. Bighorn-Desert View Water Agency, Superior Court of California, County of San Bernardino, Case No. CIVDS1824784 Pursuant to Government Code Section 54956.9 (d)(1)*

Adjourned Closed Session at 5:06 PM – Reconvened from Closed Session at 5:30 PM

Closed Session Report

The Agency attorney, via teleconference, gave the closed session report. A motion was made by Vice-President Corl-Lorono, which was seconded by Secretary Burkhart, to approve the proposed settlement agreement that is recommended by Special Counsel and the Agency's Liability insurance carrier, Special Districts Risk Management Authority. The Settlement Agreement was approved five (5) to zero (0) and that the General Manager be authorized to sign the agreement on behalf of the Agency.

No Public Comments

Presentation of the Agency Financial Audit for Fiscal Year 2018-2019 by the Independent Certified Public Accounting Firm of Fedak & Brown, LLP.

General Manager West thanked Rosa Carrick and Tracy Beason for their assistance during the audit process. GM West then introduced the auditor, Chris Brown, Fedak & Brown, LLP. Mr. Brown reported the results of the Fiscal Year 2018/2019 audit. Mr. Brown reviewed revenues, expenses and the changes to the Agency's "net position". Mr. Brown concluded stating that they did not identify any material weaknesses in Agency processes and procedures for the fiscal year.

General Manager West commented that the annual budget is constructed very conservatively on the revenue side while not under-budgeting on the expense side. The Agency's goal has always been about 10% revenue exceeding expenses allowing the Agency can build a replacement and refurbishment fund to maintain infrastructure and equipment. GM West also wanted to thank the Board for its support of rate increases that helped bring the Agency to a healthy reserve balance.

No Public Comments

Motion No. 19-044

Vice President Corl-Lorono made a motion to receive and file the Agency Financial Audit for fiscal year 2018-2019 conducted by Fedak & Brown, LLP. Director Burkhart seconded the motion

MSC¹ (Corl-Lorono/Burkhart) unanimously approved

McBride	Y
Corl-Lorono	Y
Burkhart	Y
Coulombe	Y
McKenzie	Y

Adjourned to break at 5:53 PM – Reconvened from break at 6:00 PM

Senate Bill 998 (Dodd) Discontinuation of Residential Water Service: Urban and Community Water Systems

General Manager West gave her report noting that Assembly Bill 685 (2012) made California the first state in the nation to legislatively recognize "the human right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes". Senate Bill 998, discontinuation of residential water service: urban and community water systems, passed as one of many legislative responses to that policy. SB998 (Dodd) provides specific directions on when residential water service can be discontinued for non-payment and also provides specificity on how customers will be notified of delinquencies and pending disconnection (Lock-Off). The law provides for the policy on discontinuation of service policy to be translated into five (5) languages. GM West also discussed the implementation deadline of April 1, 2020 for all suppliers with more than 200 connections. GM West reviewed how the Agency intends to implement SB998 (Dodd).

GM West reviewed needed changes to Rules and Regulations for water service, implementation of an Interactive Voice Response System (IVR) for lock off notifications, changes to the back of the water bill statement and migration from Official Payments to CivicPay/BlueFin for online bill payments and online bill view options. The Agency will schedule a public hearing considering the adoption of the proposed changes to the Rules and Regulations for Water Service. Staff will also present a review of existing and proposed fees.

An anonymous member of the public was wondering how much all of this would cost the Agency to implement these changes. GM West could not quote the exact cost but estimated that the CivicPay set-up and the Interactive Voice Response System would cost \$4,000.00 which includes a bank of 10,000 calls.

An anonymous member of the public asked what language translations are required in order to comply with this bill. GM West explained that the mandatory languages are Spanish, Korean, Chinese, Vietnamese and Tagalog.

Authorize Purchase Order to BESST Inc., a sole source provider, in the Amount of \$51,600 for Dynamic Flow and Water Chemistry Surveys at Well 3 and Well 4 in the Flamingo Heights Area

General Manager West gave her report. The Agency was awarded a \$50,000.00 grant from the 2016 Proposition 1 Integrated Regional Water Management Disadvantaged Community Involvement Program (DACI). The actual acceptance of the grant by the Agency did not occur until January 2019. The Agency will use this grant to study treatment alternatives for elevated uranium measured in wells in the Flamingo Heights area. These uranium levels are below the Maximum Contaminant Level of 20 Pico Curies/Liter (pCi/L) but have been consistently measured above 15 pCi/L. The Agency had conversations with the Division of Drinking Water, the entity that monitors Agency compliance with water quality standards, it was agreed that downhole flow and chemical surveys of the wells would be useful in further understanding the distribution and concentrations of uranium throughout the well column. The Mojave Water Agency staff as well as Dr. John Isbick, USGS Research Hydrologist, also concurred. For instance, if uranium concentrations are limited to a single zone in the well, then that zone could possibly be physically isolated in the well to eliminate or significantly reduce uranium levels. GM West continued, BESST Inc. is a hydrogeological consulting firm and is also a sole source provider exclusively licensed to employ the USGS's dye tracer technology which was patented in 2000 and that BESST has completed over 800 well profiles.

VP Corl-Lorono asked how the dye tracer technology works. GM West will work on getting the answer to VP Corl-Lorono.

Director McKenzie asked if the dye was hazardous. GM West explained that the dye is not hazardous and meets all NSF standards for use in water systems.

No Public Comments

Motion No. 19-045

Vice President Corl-Lorono made a motion to Authorize General Manager to execute a Purchase Order with BESST INC., a sole source provider, in the amount of \$51,600 for dynamic flow and water chemistry surveys at Well 3 and Well 4 in the Flamingo Heights Area. Director McKenzie seconded the motion

MSC¹ (Corl-Lorono/McKenzie) unanimously approved

McBride	Y
Corl-Lorono	Y
Burkhart	Y
Coulombe	Y
McKenzie	Y

Award Destruction of Johnson Valley Monitoring Well No. 1 to Legend Pump & Well Service, Inc. in the Amount of \$17,850

General Manager West gave the report. The Monitoring Well No. 1 in Johnson Valley was constructed in an attempt to find a secondary source of potable water for water hauling. The well was drilled to a depth of 459 feet but was only constructed to a total depth of 355 feet. This well failed to yield any water so the

Agency solicited quotes from two (2) different professional consulting firms to determine what options might be available to try and rehabilitate or deepen this well. One firm was Todd Engineers, did not believe the well production could be improved and their recommendation was to abandon the well. The Agency solicited bids from eight (8) different qualified contractors and a total of three (3) bids were received. The lowest bid was received from Legend Pump & Well Service, Inc. for a total of \$17,850.00.

Director McKenzie asked what is covering the well right now and GM West explained that it currently has a welded cap on it.

Secretary Burkhart asked if the well currently has a fence around it. GM West mentioned that the well does have a fence around it and when the well is destroyed it will be removed.

No Public Comments

Motion No. 19-046

Director Coulombe made a motion to Authorize General Manager to issue a Purchase Order to Legend Well & Pump Service, Inc. in the amount of \$17,850 for the destruction of the Johnson Valley Monitoring Well No. 1. Vice-President Corl-Lorono seconded the motion

MSC¹ (Coulombe/Corl-Lorono) unanimously approved

McBride	Y
Corl-Lorono	Y
Burkhart	Y
Coulombe	Y
McKenzie	Y

Motion No. 19-047

Director McKenzie made a motion to approve consent items a-k. Secretary Burkhart seconded the

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 for September 2019
 1. Balance Sheet
 2. Budget Status
- b. Receive and File Disbursements, September 2019
- c. Service Order Report, September 2019
- d. BDV Production Report, September 2019
- e. Goat Mtn. Production Report, September 2019
- f. October 05, 2019 Special BOD Meeting Minutes
- g. September 24, 2019 Regular BOD Meeting Minutes
- h. August 28, 2019 PLEGS Special Meeting Minutes
- i. September 18, 2019 FPREP Meeting Minutes
- j. Annual Disclosure of Reimbursements per Resolution No.19R-02
- k. Quarterly Investment Report on Cash Balance Distributions for Local Agency Investment Fund and/or Pacific Western Bank

Secretary Burkhart had a question regarding the Service Order Report.

Motion No. 19-048

Vice President Corl-Lorono made a motion to approve consent items a-k. Secretary Burkhart seconded the Motion.

MSC¹ (Corl-Lorono/Burkhart) unanimously approved

McBride	Y
Corl-Lorono	Y
Burkhart	Y
Coulombe	Y
McKenzie	Y

Public Comments

None

Adjourned to break at 7:01 PM – Reconvened from break at 7:11 PM

Verbal Reports

General Manager West noted the November Board Meeting will be rescheduled, the date is to be determined. GM West also informed the Board that she was re-elected as the Chair of the Mojave Water Agency Technical Advisory Committee (TAC) for 2020.

Director Coulombe gave his report for the September 26th CSDA Conference he attended.

Vice-President Corl-Lorono gave her report for the September 26, 2019 CSDA Conference she attended.

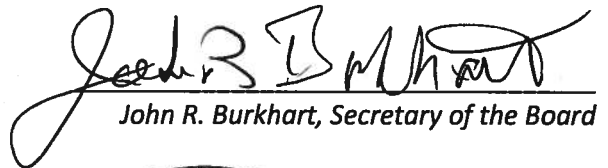
Secretary Burkhart gave his report for the September 26, 2019 CSDA Conference and the Technical Advisory Committee meeting he attended on October 3, 2019

Director McKenzie gave her report for the September 26, 2019 CSDA Conference she attended.

President McBride gave his report for the September 26, 2019 CSDA Conference he attended.

Adjournment – President McBride adjourned the meeting at 9:38 A.M.

Approved by:


 John R. Burkhart, Secretary of the Board

MSC¹ – Motion made, seconded, and carried.

2019 is Last use of sequential page numbering



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