



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' MEETING MINUTES

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

**April 28, 2020
Time – 6:00 P.M.**

CALL TO ORDER

Meeting convened by President Corl-Lorono at 6:05 p.m.

PLEDGE OF ALLEGIANCE

Led by John Burkhart

ROLL CALL

Directors present: Judy Corl-Lorono
 John R. Burkhart
 J. Larry Coulombe – via teleconference
 Michael McBride
 JoMarie McKenzie

Staff present: Marina West

Public Present: 1 member of the public indicated they were participating via teleconference. 0 member of the public were present in the meeting room.

APPROVAL OF AGENDA

Director Burkhart made a motion to approve the agenda as presented. Director McBride seconded the motion.

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

MSC¹ – (Burkhart/McBride) motion approved

Discussion and Action Items

1. Receive and File Governor Newsom’s Executive Order N-29-20 Authorizing the Agency to Hold its Public Meetings via Teleconference During the Period of Emergency Declaration Due to Coronavirus (COVID-19)

General Manager West gave the staff report noting Governor Newsom issued a second COVID-19 related Executive Order which did not require any physical presence in a boardroom.

Public Comment: none

Motion No. 20-026

Director McBride made a motion to Receive and File Governor Newsom’s Executive Order N-29-20 Authorizing the Agency to Hold its Public Meetings via Teleconference During the Period of Emergency Declaration Due to Coronavirus (COVID-19). Director Burkhart seconded the motion.

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

MSC¹ – (McBride/Burkhart) motion approved

2. Selection Election – Board to Choose a Candidate to Fill the Regular Special District Member of the Local Agency Formation Commission (LAFCO) San Bernardino, California
General Manager West introduced the ballot process and turned the meeting back to the Board.

Public Comment: none.

Motion No. 20-027

(After brief Board discussion) Director McBride made a motion to elected Kimberly Cox to fill the Regular Special District Member seat of the Local Agency Formation Commission (LAFCO) San Bernardino, CA. Director Burkhart seconded the motion. This action was completed by Roll Call Vote.

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

MSC¹ – (McBride/Burkhart) 5/0 motion approved

3. Receive and File Judgement for Declaratory and Injunctive Relief After Trial; Case No. CIVDS 1715442; Bighorn-Desert View Water Agency v. John B. Perry and William R. Hipsher

General Manager West informed the Board that the Judgement is complete but there are some typos that need to be fixed. Special Counsel Ward reported the court is not accepting this type of filing but it will be submitted in the future. GM West further reported that the Agency submitted a claim for some of our fees to be paid. This amounted to \$2000.30. Again due to COVID-19, this request is still awaiting review by the Judge. It is not guaranteed. Lastly, GM West stated that she had scheduled a meeting, postponed due to COVID-19, with 3rd District Supervisor Rowe to discuss enforcement of the Judgement as Mr. Hipsher never stopped working in the easement. Last time the site was checked, Mr. Perry had opened the gate but not removed it.

Public Comment: none.

Motion No. 20-028

(After brief Board discussion). Director McBride made a motion to receive and file Judgement for Declaratory and Injunctive Relief After Trial; Case No. CIVDS 1715442; Bighorn-Desert View Water Agency v. John B. Perry and William R. Hipsher. Director McKenzie seconded the motion.

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

MSC¹ – (McBride/McKenzie) 5/0 motion approved

4. Resolution No. 20R-09 Approving the Adoption of the Public Agencies Pension Rate Stabilization Program (PRSP) and Approve PRSP Investment Strategy Increasing the Current Fiscal Year Budget by \$50,000 for Initial Funding of Program and Authorize Execution of Agreement for Administrative Services with Public Agency Retirement Trust (PARS) to Enroll in Section 115 Pension Rate Stabilization Program (PRSP)

General Manager West gave the staff report as provided in the agenda packet noting that staff's recommendation for a funding strategy was reviewed by the Finance Committee and moved to the full Board with their recommendation.

Public Comment: none.

Motion No. 20-029

(After brief Board discussion). Director McBride made a motion to adopt Resolution No. 20R-09 Adoption of the Public Agencies Pension Rate Stabilization Program (PRSP) and Approve PRSP Investment Strategy Increasing the Current Fiscal Year Budget by \$50,000 for Initial

Funding of Program and Authorize Execution of Agreement for Administrative Services with Public Agency Retirement Trust (PARS) to Enroll in Section 115 Pension Rate Stabilization Program (PRSP). Director McKenzie seconded the motion.

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

MSC¹ – (McBride/McKenzie) 5/0 motion approved

- 5. Consider Calendar Year 2020 Social Security Cost-of-Living Adjustment and Recommendation for Fiscal Year 2020/21 for All Regular Staff and General Manager**
General Manager West gave the staff report as provided in the agenda packet.

Public Comment: none.

Motion No. 20-030

Director McBride stated he thinks 3.0% is the appropriate amount of Cost-of-Living (COLA) adjustment for staff with a 1.5% COLA for the General Manager. Director McKenzie stated that in Governor Newsom’s State of the State Address (January 2020) that California’s will be getting a decrease in salary of over 3.2%. She further discussed that staff gets benefits that other private companies do not pay. She believes it should be no greater than 1.6%.

Director McBride made a motion to approve a Cost-of-Living Adjustment for regular staff in the amount of 3.0% and the General Manager 1.6%. Director Coulombe seconded the motion. Director McBride asked for a Roll Call Vote. Director Burkhart began was discussing an alternative approach but a motion was on the floor. Through the motion West was directed to return to the Board with the Resolution authorizing the COLA percentage adjustment to the Range and Step Scale (3.0% all staff/1.6% general manager) and amending the Appendix C of the Employee Handbook as referenced and setting the effective date of any such adjustment.

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

MSC¹ – (McBride/Coulombe) 3/2 motion approved

- 6. Resolution No. 20R-10 Agency Drug and Alcohol Testing Program for Safety-Sensitive Employees Updated in Accordance with the 2020 Department of Transportation and Federal Highway Administration Regulations**

General Manager West gave the staff report as was provided in the agenda packet noting it has been reviewed by the Finance Committee. She noted this is a compulsory change that the Board needs to incorporate into the Drug and Alcohol Testing Policy. She further noted that all affected employees have registered and signed the Addendum prior to the incorporation into the formal policy.

Public Comment: none.

Motion No. 20-031

Director McBride made a motion to adopt Resolution No. 20R-10 adopting a Drug and Alcohol Testing Program for Safety-Sensitive Employees Updated in Accordance with the 2020 Department of Transportation and Federal Highway Administration Regulations. Director Burkhart seconded the motion.

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

MSC¹ – (McBride/Burkhart) 5/0 motion approved

7. Resolution No. 20R-11 Adopting the Employee Handbook for the Purposes of Establishing the Rules and Procedures for the Conduct of Personnel/Human Resources Matters – One Amendment CalPERS Statutory Reportable Compensation: Uniform Allowance Defined

General Manager West gave the staff report as was provided in the agenda packet noting that this has been reviewed by the Finance Committee, that this is a compulsory deduction/benefit that the Agency just became aware of and that this action will complete the requirement to have a written policy regarding the CalPERS Uniform Allowance.

Public Comment: none.

Motion No. 20-032

(After brief Board discussion). Director Burkhart made a motion to adopt Resolution No. 20R-11 Adopting the Employee Handbook for the Purposes of Establishing the Rules and Procedures for the Conduct of Personnel/Human Resources Matters – One Amendment CalPERS Statutory Reportable Compensation: Uniform Allowance Defined. Director McKenzie seconded the motion.

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

MSC¹ – (Burkhart/McKenzie) 5/0 motion approved

8. Consider Initiating Procedure to Implement a Cost-of-Living Adjustment (COLA) to the Board of Directors Per Diem Effective no sooner than July 1, 2020

General Manager West gave the staff report as was provided in the agenda packet. She noted that a request is always made of the Board prior to scheduling the Public Hearing and posting the Ordinance due to the high cost of publishing the Ordinance.

Public Comment: none.

Motion No. 20-033

(After brief Board discussion). Director Burkhart made a motion to proceed with the process to implement a 5% Cost-of-Living Adjustment (COLA) for the full Board. Director Coulombe seconded the motion. Director McBride asked for a Roll Call vote.

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

MSC¹ – (Burkhart/Coulombe) 5/0 motion approved

9. Resolution No. 20R-12 Fixing the Time and Place for Regular Board Meetings as the Second Tuesday of the Month

General Manager West gave the staff report as provided in the agenda packet. Moving the regular meeting would move the workload to earlier in the month so as to not interfere with the billing tasks as currently the two overlap. She also indicated that the Engineering/Legislative Committee actively participates in the concurrently running Mojave Water Agency Legal, Legislative and Public Information Committee (LLPI) and it is likely MWA will move their regularly scheduled LLPI meeting to the fourth Tuesday starting June 2020 which would be in direct conflict with the regularly scheduled Board meeting. This change in and of itself would have eventually led to a request to move our regular meeting away for the fourth Tuesday anyhow. The schedule would begin in June 2020.

Public Comment: none.

Motion No. 20-034

(After brief Board discussion). Director McBride made a motion to adopt Resolution No. 20R-12 fixing the time and place for regular Board meetings as the second Tuesday of the month. Director Coulombe seconded the motion.

Corl-Lorono	Y
Burkhart	Y

Coulombe Y
McBride Y
McKenzie Y

MSC¹ – (McBride/Coulombe) 5/0 motion approved

- 10. Authorize General Manager to Enter into a Professional Services Agreement with NBS to Conduct a Focused Rate and Fee Study for the Agency at a Maximum Cost of \$39,590**
General Manager West gave the staff report as provide in the agenda packet.

Public Comment: none.

Motion No. 20-035

(After brief Board discussion). Director McBride made a motion to authorize the General Manager to enter into a Professional Services Agreement with NBS to conduct a focused rate and fee study for the Agency at a maximum cost of \$39,590. Director McKenzie seconded the motion.

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

MSC¹ – (McBride/McKenzie) 5/0 motion approved

11. Consent Items –

- a. Regular Board Meeting Minutes for March 24, 2020
- b. Financial Statements for March 2020
 1. Balance Sheet
 2. Budget Status
- c. Receive and File Disbursements March 2020
- d. Quarterly Investment Report on Cash Balance Distributions for Local Agency Investment Fund and/or Pacific Western Bank as of December 31, 2019.
- e. Service Order Report February 2020
- f. BDV Production Report March 2020
- g. Goat Mtn. Production Report March 2020

Recommended Action:

Approve as presented (Items a-g):

No public comment

Motion No. 20-036

Following a brief question from Director Burkhart regarding production at Well 10. Director McBride made a motion to accept the consent calendar items a-g as presented. Director Burkhart seconded the motion.

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

MSC¹ – (McBride/Burkhart) unanimously approved

12. Matters Removed from Consent Items

None

13. Public Comment Period

No comments were received from the public.

14. Verbal Reports - Including Reports on Courses/Conferences/Meetings.

General Manager Report - none

Director Reports –

Director McBride asked about the Tank Re-coating Project and the Well 10 status.

President Report

President Corl-Lorono reported on the public comments she made during the Zoom teleconference of the State Water Board Public Hearing April 27, 2020 on the *“White Paper on Economic Feasibility Analysis of Consideration of a Hexavalent Chromium MCL”*.

15. Adjournment- President Corl-Lorono adjourned the meeting at 7:38 p.m.

Approved by:



J. Larry Coulombe, Secretary of the Board

MSC¹ – Motion made, seconded and carried.



Official Seal