



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**

**February 9, 2021
Time – 6:00 P.M.**

**PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
TELECONFERENCE LINE THRU ZOOM 669-900-6833
OR**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89376376070?pwd=K0VjK25MUjEQ0dkdXek9panFUUzYrdz09>

Passcode: 211960

Or Dial:

1-669-900-6833

Webinar ID: 893 7637 6070

Passcode: 211960

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

Meeting convened by President Burkhart at 6:00 pm.

PLEDGE OF ALLEGIANCE

Led by David Chapman

ROLL CALL

Directors present: John R. Burkhart
 Michael McBride
 JoMarie McKenzie
 Megan Close-Dees
 Vacant Director Seat

Staff present: Marina West

Public Present: 3 member(s) of the public indicated they were participating via teleconference and 5 members of the public were present in the meeting room.

APPROVAL OF AGENDA

Vice President McBride made a motion to approve the agenda as presented. Secretary McKenzie seconded the motion. Unanimously approved.

Discussion and Action Items -

1. Resolution of Appreciation: Judy Corl-Lorono for Service to the Bighorn-Desert View Water Agency

GM West gave the staff report on the draft resolution of appreciation noting the many years of service provided by Judy Corl-Lorono since her election of 2007. She asked for feedback on the resolution's wording and recommended the Board proceed with its adoption.

Directors expressed their appreciation for Ms. Corl-Lorono's service to the Board and communities served by the Agency.

Motion No. 21-009

Vice President McBride made a motion to adopt Resolution No. 21R-02 in appreciation of Judy Corl-Lorono for Service to the Bighorn-Desert View Water Agency. President Burkhart seconded the motion.

Public Comment: none

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Vacant Director Seat	N/A

MSC¹ (McBride/Burkhart) unanimously approved.

2. Resolution of Appreciation: J. Larry Coulombe for Service to the Bighorn-Desert View Water Agency

GM West gave the staff report on the draft resolution of appreciation noting that Mr. Coulombe has served as both an elected and an appointed member of the Board since 2009. She asked for feedback on the resolution's wording and recommended the Board proceed with its adoption.

Motion No. 21-010

Vice President McBride made a motion to adopt Resolution No. 21R-03 in appreciation of J. Larry Coulombe for Service to the Bighorn-Desert View Water Agency. Director Close-Dees seconded the motion.

Public Comment: One member of the community thanked Ms. Corl-Lorono and Mr. Coulombe for their many years of service to the community.

McBride Y
Burkhart Y
McKenzie Y
Close-Dees Y
Vacant Director Seat N/A

MSC¹ (McBride/Close-Dees) unanimously approved.

3. Review Draft Resolution No. 21R-05 Setting the Service Line Installation Fee for Water Meter Size Ranges from ¾-inch to 10-inch

GM West gave the staff report as presented in the agenda packet. Staff has determined that the average cost for a service line installation serving a ¾-inch or 1-inch meter is \$1,475. This cost remains unchanged from the prior year. Furthermore, the Basic Facilities Charge (e.g. Capacity Fee) adopted by the Board in January 2021 set the fee for installation of meters larger than 1-inch. Staff is recommending that the cost to install any service line and meter larger than 1-inch be based on the actual time and materials cost. Lastly, the action tonight is to notify the public of the Board's intent to consider the draft resolution concerning the water service line and meter installation fees by agendizing the matter for formal consideration at the March 9, 2021 regular meeting thus meeting the requirements of the Mitigated Fee Act.

Secretary McKenzie asked for clarification on the procedure for setting costs on meters larger than 1-inch.

Public Comment: none

Motion No. 21-011

Vice President McBride made a motion to agendize *Resolution No. 21R-05 Setting the Service Line Installation Fee for Water Meter Size Ranges from ¾-inch to 10-inch* for consideration and possible adoption at the March 9, 2021 regular meeting. Director Close-Dees seconded the motion.

Burkhart Y
McBride Y
McKenzie Y
Close-Dees Y
Vacant Director Seat N/A

MSC¹ – (McBride/Close-Dees) motion approved

4. Discuss Definition of “Customer Classes” Under New Rate and Fee Alternatives Selected by the Board of Directors

GM West gave the staff report as provided in the agenda packet noting this matter has gone before the Finance Committee on January 20, 2021 for public input and discussion. Several modifications of the proposed descriptions were developed from that meeting. Staff is seeking additional board and public input on the changes proposed via Ordinance to the Agency Rules and Regulations for Water Service. The customer class definitions are directly related to the proposed rate and fee structure under formal consideration by the public at this time (e.g. Prop. 218 processes) and are not currently defined in the existing Ordinance.

The Board, staff and members of the Public discussed the following topics:

- Requirement that once a Customer Class has been assigned it should not be allowed to change for at least 12-months and the change in consumptive use must be verified.
 - Customer must complete new application and pay applicable fees to set-up a new customer class.
- How do we determine a “business = commercial” status vs. residential? Discussion included examples include “cottage” industry, “short-term” vacation rental or simply commercial vacation rental, home based businesses, etc. The following were the issues:
 - There was strong argument that vacation rentals should be commercial class. However, staff argued this would be difficult to verify and implement. And, aren’t rented properties the same thing or those that rent a room in someone else’s home? Aren’t these “for profit businesses” as well?
 - The question was posed about a residential property using part of the land for a small, locally distributed crop. There was a suggestion that consumption use patterns could be a mechanism for determining such or a site audit.
 - The question was posed, what do other entities do about vacation rentals, cottage industries?
 - There was discussion that the classification will be based on the water use questionnaire required upon signed application for water service. This would be a “going-forward” application of the standards.

Public Comment: Comments received were incorporated into the bullet points above.

Information item only.

5. **Authorize Filing of Initial Study / Mitigated Negative Declaration for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant)**

GM West gave a brief staff report as the full IS/MND is presented in the agenda packet. GM West provided an overview of the projects evaluated in the Initial Study/Mitigated Negative Declaration. All capital improvement projects identified in the document are expected to be of no or insignificant environmental impact through the implementation of mitigation measures during construction. This action, to authorize filing of the IS/MND, is the first step in the process defined under the CA Environmental Quality Act (CEQA). Following action tonight, the document will be formally circulated for public review and comment. At the regular meeting of the Board on May 11, 2021 a Public Hearing will be conducted to review all public comments received and to determine appropriate action to be taken by the Board. Specifically, the Agency would be seeking to adopt the Initial Study/Mitigated Negative Declaration for Potable Water System Improvements and Consolidation of Water Systems so that the Agency can begin to investigate and apply for funding to construct the projects.

Vice President McBride inquired about how long a CEQA document is effective given that the Bureau of Land Management has taken a lot of time to process our requests in the past.

Secretary McKenzie asked about the cost to utilize the Verizon/Frontier easement across the wash.

Public Comment:

A member of the public asked about the 2015 annexation of Improvement District Goat Mountain and the Local Area Formation Commissions requirements on administering the finances separately. GM West responded that it was exactly the opposite, LAFCO did not require the finances to remain separate but what is separate is the Division of Drinking Water will continue to view them as two separate and distinct water systems (i.e. distinct permit numbers) and the physical connection will eliminate this and fully combine the systems.

Motion No. 21-012

Vice President McBride made a motion to authorize filing of Initial Study/ Mitigated Negative Declaration – February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant No. D17-02022). Director Close-Dees seconded the motion.

Burkhart Y
McBride Y
McKenzie Y
Close-Dees Y
Vacant Director Seat N/A

MSC¹ – (McBride/Close-Dees) motion approved

6. Authorize Filing of Categorical Exemption for a Public Hearing on April 13, 2021 at 6:00pm during which the Board of Directors Will Consider Adopting Water Rates, Fees and Charges; and Receive and File Final Water Rate Study Report February 2021 with Proposition 218 Public Hearing Notice

GM West gave a brief staff report as outlined in the agenda packet noting this is an additional opportunity for the Board to reach out to the public regarding the upcoming public hearing to consider adopting new water rates, fees and charges via the public notification procedures outlined in the CA Environmental Quality Act (CEQA). She further noted the actual "Prop. 218 Notice" is also attached to the staff report as well as the final Water Rate Study report from NBS.

Public Comment: none

Motion No. 21-013

Vice President McBride made a motion to authorize filing of Categorical Exemption for a Public Hearing on April 13, 2021 at 6:00 pm during which the Board of Directors Will Consider Adopting Water Rates, Fees and Charges; and Receive and file final Water Rate Study Report February 2021 along with the Proposition 218 Public Hearing Notice to be distributed in accordance with Article XIII C and D of the California Constitution. Secretary McKenzie seconded the motion.

Burkhart Y
McBride Y
McKenzie Y
Close-Dees Y
Vacant Director Seat N/A

MSC¹ – (McBride/McKenzie) motion approved

7. Resolution No. 21R-04 Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-071-12 to the Bighorn-Desert View Water Agency

GM West gave the staff report as outlined in the Agenda Packet. She noted the applicant is available via teleconference to answer any questions for the Board. She continued to define the project noting the applicant purchased the property with the understanding that it did have access to the water system. However, upon inquiry with the Agency the applicant was informed the property lies just outside and would need to be annexed. The Local Area Formation Commission has already deemed this area to be within the Agency's Sphere of Influence and discussions have been initiated with LAFCO regarding this parcel. LAFCO desires the Agency adopt the resolution with consideration of all applicable attachments which have been included in the agenda packet.

The applicant placed a cash deposit on file from which staff has "charged" the customer for development of the application package to be submitted to the Local Agency Formation Commission (LAFCO).

The applicant, Ms. Madrigal, addressed the Board asking for them to approve the resolution.

Members of the Board made a few brief comments.

Public Comment: none

Motion No. 21-014

Vice President McBride made a motion to adopt Resolution No. 21R-04 Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-071-12 to the Bighorn-Desert View Water Agency. Secretary McKenzie seconded the motion.

Burkhart	Y
McBride	Y
McKenzie	Y
Close-Dees	Y
Vacant Director Seat	N/A

MSC¹ – (McBride/McKenzie) 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, 2021

GM West gave the staff report as presented in the agenda packet. The current Board per diem is \$147.74. The Board can increase their per diem by no more than 5% annually and can authorize no more than 10 meetings be paid per diem per month. If adopted the new per diem rate would be \$155.13.

Annually staff requests the Board first determine if there is enough interest to initiate the proceedings for increasing Board per diem as the cost to process the Ordinance for the Board's consideration is greater than the actual raise that might be granted to the Board in any given fiscal year. Should the Board to decide to proceed with the process then the Ordinance would be drafted and the public hearing scheduled at a future date such that if adopted the effective date would coincide with the adoption of the fiscal year 2021/22 budget.

Brief comments were made by the Board. President Burkhart indicating the total amount of the increase amounted to about \$8 per meeting and with one to two meetings per month the total outlay was rather small per year. Vice President McBride stated that the Board is trying to attract people to serve.

Public Comment: none

Motion No. 21-015

Vice President McBride made a motion to direct staff to initiate the procedure to implement a Cost-of-Living Adjustment (COLA) to the Board of Directors per diem to be effective no sooner than July 1, 2021. Director Close-Dees seconded the motion.

A roll call vote was requested.

Burkhart	Y
McBride	Y
McKenzie	N
Close-Dees	Y
Vacant Director Seat	N/A

MSC¹ – (McBride/Close-Dees) motion approved

Directors adjourned to a break at 7:28pm – Meeting was called back to order at 7:36 pm

9. Consent Items –

- a. Regular Board Meeting Minutes for January 12, 2021
- b. Receive and File Special FPREP Committee Meeting Minutes for October 22, 2020
- c. Financial Statements January 2021
 1. Balance Sheet

2. Budget Sheet

- d. Receive and File Disbursements for January 2021
- e. BDV Production Report for November 2020 through January 2021
- f. Goat Mountain Production Report for November 2020 through January 2021
- g. BDVWA Final Capacity Fee Study Report February 3, 2021
 - 1. BDVWA Capacity Fee Appendix

Recommended Action:

Approve as presented (Item a-g):

Public Comment: none

Motion No. 21-016

Vice President McBride made a motion to accept the Consent Items as presented. Secretary McKenzie seconded the motion.

Burkhart Y

McBride Y

McKenzie Y

Close-Dees Y

Vacant Director Seat N/A

MSC¹ – (McBride/McKenzie) motion approved

10. Matters Removed from Consent Items

None.

11. Public Comment Period

None.

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

- 1. General Manager Report – GM West reported that she is working with Hi Desert Water District to bring forward some kind of virtual educational event for La Contenta Middle School to replace the in-person Water Education Festival. This grant was provided by Mojave Water Agency.

She further reported that work has begun on the 2021 MBCA Landscape Tour which will also be virtual in 2021.

2. Director Reports -

Vice President McBride reported on Mojave Water Agency meeting he attended on January 28, 2021 where they set the rate for State Water Project water delivered to the recharge basin for Fiscal Year 2021/22 and the on-going discussion about water banking. He noted the MWA cash reserve balance to be \$64M.

Secretary McKenzie – No report provided.

Director Close-Dees reported on the Ethics training she recently completed and noted the importance of ethical behavior of elected officials. She also commented on another webinar focused on “searching for common ground and extreme behaviors”.

3. President Report – President Burkhart reported that he was present for the scheduled Homestead Valley Community Council meeting in January but no one showed up and no cancellation was ever announced.

13. Adjournment

President Burkhart adjourned the meeting at 7:53 pm.

Approved by:



JoMarie McKenzie, Secretary of the Board

MSC¹ – Motion made, seconded and carried

Official Seal

