



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**

**March 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/89493358443?pwd=R1NZdjZkUHYzZFJ6Z1JYN3lhN2pGdz09>

Passcode: 186094

Or Dial:

1-669-900-6833

Webinar ID: 894 9335 8443

Passcode: 186094

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 6:02 pm

PLEDGE OF ALLEGIANCE

Led by Sharon Conkle.

ROLL CALL

Directors present: John R. Burkhart
 Michael McBride
 JoMarie McKenzie – via teleconference
 Megan Close-Dees
 Craig Dicht

Staff present: Marina West

Public Present: 4 member(s) of the public indicated they were participating via teleconference and 3 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. Director Dicht seconded the motion. Unanimously approved.

Discussion and Action Items –

1. March 9, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 3)

GM West provided a PowerPoint presentation which outlined one-half of the environmental conditions evaluated as part of the Mitigated Negative Declaration document. The schedule was discussed with includes one additional public workshop to be held on April 13, 2021. The public comment period closes on April 20, 2021. Thereafter, all comments will be reviewed and a response generated and incorporated into the document prior to the Board of Directors consideration of its adoption following a Public Hearing on May 11, 2021. Thereafter, staff will seek grant funding for the project.

Public Comment:

No Action Required: Information and discussion purposes only.

2. Review Draft Resolution No. 21R-05 Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch

GM West gave the staff report as included in the Agenda packet noting staff is not proposing any adjustment to the installation fee and that any meter larger than 1-inch be charged actual time and materials.

Motion No. 21-018

Vice President McBride made a motion to Resolution No. 21R-05 Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch. Director Close-Dees seconded the motion.

Public Comment:

Ms. Van Patter asked a question for clarification regarding Basic Facility Charges and Service Line Installation Fees.

Director Close-Dees asked for clarification on the fee as well.

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y

MSC¹ (McBride/Close-Dees) unanimously approved.

3. Basic Facilities Charge Variance Proposal

GM West gave the staff report as outlined in the Agenda packet. Staff is asking if the Board wants to consider a variance process for three specific customers who had been quoted an installation price prior to the rate change but had not yet submitted an application. GM West introduced Ms. Kelly Van Patter who participated in person. One other customer, Ms. Pew, was unable to attend but is asking the Board to grant her the prior charge.

GM West clarified that she is not requesting the Board reduce the fee but wondered if these persons could be accommodated via a payment plan. The staff report laid out the parameters for such a program. She asked the Board of Directors for their input on how to proceed.

Public Comment and discussion:

Ms. Van Patter spoke on her behalf about her plans to build her own, small, "off grid" home, she would like a reduced fee not a loan. She mentioned that our buy-in rates are as high as Park City, Utah.

Directors made various inquiries about the facts surrounding the timing of Ms. Van Patter's new meter installation request.

GM West commented on behalf of Ms. Pew who is asking the Board to honor the Basic Facilities Charge in place prior to January 12, 2021.

GM West answered questions of the Board on how the fee was calculated and how it compares to other surrounding entities. Directors continued their discussion asking questions of the applicant. She stated she is not asking for a reduction in the price and whether or not the Board would reduce the fee given the unfortunate timing.

Director Dicht's mention the chatter on Facebook regarding the fee when it was advertised around the Agency. Director Burkhart expressed concern about staff time in following a payment plan. Director Close-Dees discussed the Facebook posts as well as discussions she had with a property owner.

Ms. Van Patter reiterated that she is not wanting a payment plan but is really seeking a reduction in price.

Mrs. Burkhart noted that the Agency can't treat one customer different from another citing the "gift of public funds". She doesn't believe the rate can be adjusted for just one customer.

No motion was made to proceed.

Board adjourned to Break at 7:21 pm ---- Board returned from Break at 7:28 pm

4. Public Hearing: Ordinance 21O-01 – An Ordinance of the Board of Directors of Bighorn-Desert View Water Agency Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto

Board considers taking the following action(s):

1. Verbal staff report;
2. Receive questions from the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion; and
7. Board to Consider the following proposed actions:
 - (a) Adopt Ordinance 21O-01 Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto; or
 - (b) Amend Ordinance 21O-01 Providing for Lower Compensation of the Board of Directors and Establishing Procedures Related Thereto; or
 - (c) Defer action until a later date; or
 - (d) Decline to adopt Ordinance 21O-01 Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto.

GM West gave the staff report noting that the current per diem is \$147.74 and with the allowable 5% increase the rate would go to \$155.13. She further stated that the Ordinance has been published twice prior to the meeting as required on February 24, 2021 and March 3, 2021. She also noted that a director is not obligated to accept the increase but next year the Board cannot ask for 10% if it did not increase it in 2021.

Questions and comments were received from the Board and answered.

President Burkhart opened the Public Hearing at 7:33 pm.

Public Comment: none

President Burkhart closed the Public Hearing at 7:34 pm.

Motion No. 21-019

Director Dicht made a motion to Adopt Ordinance 21O-01 Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto. Vice President McBride seconded the motion.

Roll Call Vote:

Burkhart	Y
McBride	Y
McKenzie	N
Close-Dees	Y
Dicht	Y

MSC¹ (Dicht/McBride) unanimously approved.

5. Ordinance 210-02 Agency Proposed Rules and Regulations for Water Service to Include Language Defining Customer Class for Billing Purposes

That the Board consider taking the following action(s):

1. Review staff report, and note any letters received;
2. Receive questions for the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion and Board discussion of public comments received;
7. Board to consider adopting Ordinance No. 210-02 – Agency Rules and Regulations for Water Service; and
8. Roll call vote.

GM West provided a PowerPoint presentation outlining the definitions of the various customer classes identified in the Rate and Fee Study completed by NBS Government Finance and received by the Board on February 9, 2021. If the new rate and fee structure is adopted by the Board at the April 13, 2021 Public Hearing then these classes establish the rules by which staff applies the rates to the property.

Board began discussion amongst themselves and asked questions of staff.

President Burkhart opened the Public Hearing at 7:45 pm.

Public Comment: none

President Burkhart closed the Public Hearing at 7:46 pm.

Motion No. 21-020

Vice President McBride made a motion to adopt Ordinance 21O-02 Agency Proposed Rules and Regulations for Water Service to Include Language Defining Customer Class for Billing Purposes. Secretary McKenzie seconded the motion.

Burkhart	Y
McBride	Y
McKenzie	Y
Close-Dees	Y
Dicht	Abstain – as a new member his has insufficient information to make an informed decision.

MSC¹ (McBride/McKenzie) unanimously approved.

6. Consent Items

- a. Regular Board Meeting Minutes for February 9, 2021
- b. Special Board Meeting Minutes for February 23, 2021
- c. Special Board Meeting Minutes for September 26, 2020
- d. Receive and File PLEGS Committee Meeting Minutes for October 20, 2020
- e. Receive and File Special FPREP Committee Meeting Minutes for November 19, 2020
- f. Financial Statements February 2021
 1. Balance Sheet
 2. Budget Sheet
- g. Receive and File Disbursements for February 2021
- h. Service Order Report for January and February 2021
- i. BDV Production Report for February 2021
- j. Goat Mountain Production Report for February 2021
- k. Authorize Director McKenzie Attendance to Inland Empire Water/Wastewater Leadership Virtual Summit March 1, 2021 (Retroactive) and Director Dicht Attendance to CA Special Districts Leadership Foundation Governance Foundations Course (March 24-25, 2021) at an Estimated Cost Not to Exceed \$625
- l. Receive and File *Nunc Pro Tunc* Judgement Bighorn-Desert View Water Agency vs. John B. Perry and William R. Hipsher dated October 23, 2020
- m. Consider Adoption of Resolution 21R-06 Authorizing Investment of Monies into the Local Agency Investment Fund (LAIF)
- n. Consider Adoption of Resolution 21R-07 Establishing Banking Policy with Pacific Western Bank

Recommended Action:

Approve as presented (Item a-n):

Director Dicht's requested Item M be pulled for further consideration.

Motion No. 21-021

Vice President McBride made a motion to adopt the consent calendar excepting item M. Director Dicht seconded the motion.

Public Comment: none

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y

MSC¹ (McBride/Dicht) unanimously approved.

7. Matters Removed from Consent Items

Item M was pulled by Director Dicht's for further information. GM West explained this is an administrative function simply addressing the authorized signatory.

Vice President McBride's motion, Dicht's second to adopt Consider Adoption of Resolution 21R-06 Authorizing Investment of Monies into the Local Agency Investment Fund (LAIF).

8. Public Comment Period

None.

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

1. General Manager Report – GM West invited all to attend her virtual lecture on Friday, March 12, 2021
2. Director Reports
Director McKenzie reported on two events: The first being the Inland Empire Water/Wastewater Leadership Virtual Summit she attended virtually on March 1, 2021. The second report summarized Harassment training she attended on-line.
3. President Report – None.

10. Adjournment

President Burkhart adjourned the meeting at 7:10 pm.

Approved by:



JoMarie McKenzie, Secretary of the Board

MSC¹ – Motion made, seconded and carried

Official Seal

