



# 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

June 8, 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/85756069656?pwd=Q211bEs5OXNtRXhvd1phalg0Uy9hdz09>

Passcode: 865287

Or Dial:

1-669-900-6833

Webinar ID: 857 5606 9656

Passcode: 865287

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 John Burkhart.

### ROLL CALL

Directors present:

John R. Burkhart  
Michael McBride – Via Teleconference  
JoMarie McKenzie  
Megan Close-Dees  
Craig Dicht

Staff present:

Marina West  
Cindy Byerrum, CPA – Eide Bailly Agency Financial Consultant

Public Present: 2 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

Secretary McKenzie made a motion to approve the agenda as presented. Director Close-Dees seconded the motion. Unanimously approved.

June 8, 2021 Board of Directors Meeting Minutes

Approved July 13, 2021

Page 1 of 8

**Discussion and Action Items -**

**1. Authorize Additional Discretionary Payment to CA Public Employees' Retirement System (CalPERS) in an Amount Between \$50,000 and \$214,868 or as directed by the Board to reduce the total Unfunded Accrued Liability**

GM West began by noting that the Finance Committee discussed the original recommendation of a \$50,000 payment to CalPERS Unfunded Accrued Liability (UAL) at the May 19<sup>th</sup> meeting. The recommendation was to consider a higher payment towards the UAL. GM West introduced the Agency's financial consultant, Cindy Byerrum, CPA. to present the staff report as provided in the agenda packet.

Ms. Byerrum explained the purpose of the UAL and the goal for CalPERS to have all entities "catch-up" on the UAL within 23 years. She said the interest charged on the total is 7%. Therefore, paying UAL ahead of the scheduled term saves the Agency in interest that would otherwise be paid. She explained that even paying the entire UAL would not erase it, as from year to year there can be gains and losses. She encouraged the Board to consider Additional Discretionary Payments (ADP) and to fund the PARS Trust for future annual (regular) costs.

Director Dicht clarified that if the whole "base" is paid then it will never reoccur on the schedule. Director McBride stated that he believes it should be paid in full at this time for the maximum savings. Ms. Byerrum and Ms. West were not necessarily asking that the total be paid now even though there is a healthy cash reserve. Ms. Byerrum suggested that if the Board wanted to pay off the entire total she would rather see the Agency put that money into the PARS Trust. Director McKenzie stated she thought knocking off the one base would be a benefit.

**Motion No. 21-031**

Vice President McBride made a motion to authorize additional discretionary payment to CA public employees' retirement system (CalPERS) in the amount of \$214,868 to pay the entire base to reduce the total unfunded accrued liability. Secretary McKenzie seconded the motion.

**Public Comment:**

One member of the public asked if the Governor continued the Executive Order due to COVID would the Agency experience revenue problems from unpaid bills and the less water consumed due to the drought declaration.

McBride	Y
Burkhart	Y
McKenzie	Y

Close-Dees Y

Dicht Y

MSC<sup>1</sup> (McBride/McKenzie) unanimously approved.

**2. Resolution No. 21R-12 Establishing a Schedule of Guarantee Deposits for All Customer Classifications Served (*Residential, 1-inch Bulk Hauling and 2-Inch Bulk Hauling, Agricultural, Commercial/Institutional/Industrial/Non-Agricultural, Fire Service and [Temporary] Construction*)**

GM West gave the staff report as provided in the agenda packet stating that the Resolution simply states the deposits required for the various account classifications now approved and sets a deposit for the "Agricultural" class which didn't exist previously. No other changes to deposits are recommended. Lastly, she noted that the item was reviewed by the Finance Committee on May 19<sup>th</sup> and following the recommendation to proceed to the full Board for consideration and adoption the draft Resolution was posted and distributed in accordance with the provisions of the Mitigated Fee Act.

Director McKenzie inquired about the need to clarify some of the language in the resolution. She asked about the cash pay station mechanism at JV Well. GM West explained how the process works today to avoid selling water to properties outside the boundaries as well as controlling how much they can purchase per month or dispense per day.

Director Close-Dees asked about the bulk water haulers and the use of the 1-inch vs. 2-inch meters. GM West explained that 2-inch meters are for large haulers who deliver to individual customers while the 1-inch meters are for individuals to haul their own water.

**Motion No. 21-032**

Director Dicht made a motion to adopt Resolution No. 21R-12 establishing a schedule of guarantee deposits for all customer classifications served (*Residential, 1-inch Bulk Hauling and 2-Inch Bulk Hauling, Agricultural, Commercial/Institutional/Industrial/Non-Agricultural, Fire Service and [Temporary] Construction*) with minor amendments to text as noted. Director Close-Dees seconded the motion.

**Public Comment:**

A member of the public asked if bulk hauling water is where someone re-sells that water to others. GM West indicated that some meters are for individual use and there are commercial bulk haulers that deliver to a customer base.

A member of the public asked if these properties have tanks on-site to store the water.

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

**MSC<sup>1</sup> (Dicht/Close-Dees) unanimously approved.**

**3. Resolution No. 21R-13 Establishing Certain Fees and Charges (*Public Information Request “Paper” Copy Charge, Backflow Installation Notification Fee, Backflow Test Reminder Letter Fee, Release of Unsecured Lien for Delinquent Water Charges, Notary Public Fee for Non-Agency Documents*)**

GM West gave the staff report as provided in the agenda packet stating that the Resolution adds a fee for processing a letter requiring a backflow device be installed. This fee did not previously exist and staff is having to send out reminder letters following the first “free” notification of the requirement. She further noted that the item was reviewed by the Finance Committee on May 19<sup>th</sup> and following the recommendation to proceed to the full Board for consideration and adoption the draft Resolution was posted and distributed in accordance with the provisions of the Mitigated Fee Act.

Director McKenzie asked for clarification on the procedure for notifying a customer of the requirement to install the backflow device. Noting the customer is given one “free” notification and it is when staff has to follow-up with additional notifications that a fee should be collected.

**Motion No. 21-033**

Secretary McKenzie made a motion to adopt Resolution No. 21R-13 establishing certain fees and Charges (*Public Information Request “Paper” Copy Charge, Backflow Installation Notification Fee, Backflow Test Reminder Letter Fee, Release of Unsecured Lien for Delinquent Water Charges, Notary Public Fee for Non-Agency Documents*). Director Dicht seconded the motion.

**Public Comment:**

An anonymous customer asked why are backflow devices installed/for what purpose. GM West answered stating the device protects the water system from a perceived hazard on the property that could be “pushed back” into the water system.

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

**MSC<sup>1</sup> (McKenzie/Dicht) unanimously approved.**

4. **California Special Districts Association (CSDA) Board of Directors Election Ballot – Term 2022 -2024; Seat A - Southern Network**

GM West gave an overview of the Ballot candidates and a review of how the Board has voted in the past.

**Motion No. 21-034**

Director McBride made a motion to nominate Jo Mackenzie to the CSDA Seat A Southern Network for the Term 2022-2024. Director Close-Dees seconded the motion.

**Public Comment:**

A member of the Public asked for clarification on whether this is a position on the BDVWA board or not. It was clarified that it is an Association that the Agency belongs to in connection with the Special Districts Risk Management Authority.

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

**MSC<sup>1</sup> (McBride/Close-Dees) unanimously approved.**

5. **Consent Items –**

- a. Regular Board Meeting Minutes for May 11, 2021
- b. Financial Statements May 2021
  1. Balance Sheet
  2. Budget Sheet
- c. Receive and File Disbursements for May 2021
- d. Service Order Report for May 2021
- e. BDV Production Report for May 2021
- f. Goat Mountain Production Report for May 2021
- g. General Counsel David L. Wysocki - Retirement Letter
- h. Authorize Execution of County of San Bernardino Auditor-Controller-Treasurer-Tax Collector Agreement for Collection of Special Taxes, Fees, and Assessments for Fiscal Year 2021-22

**Recommended Action:**

Approve as presented (Item a-h): Item G was pulled from the Consent Calendar.

**Motion No. 21-035**

Director Dicht made a motion to adopt the consent calendar excepting item G. Director McKenzie seconded the motion.

Public Comment: none

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

**MSC<sup>1</sup> (Dicht/McKenzie) unanimously approved.**

## 6. Matters Removed from Consent Items

**Item G.** General Counsel David L. Wysocki - Retirement Letter. President Burkhart provided some general background on the prior process for selecting general counsel. GM West noted that our new special counsel, Liebert, Cassidy, Whitmore, can provide general counsel services on a limited term basis while the Board seeks a new general counsel.

### **Motion No. 21-036**

Director Dicht made a motion to receive and file the resignation letter from General Counsel Wysocki effective August 1, 2021. Director McKenzie seconded the motion.

Public Comment: none

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

**MSC<sup>1</sup> (Dicht/McKenzie) unanimously approved.**

## 7. Public Comment Period

Patricia Domay submitted a "list" of pot farms within close distance and within a half-mile of her property. Director Burkhart asked clarifying questions about the list. She further noted issues with smell, dogs, RV living, etc. She has called and complained to the County Code Enforcement as well. She said that the list was forwarded to Sgt. Debevec of the Marijuana Enforcement Team today.

An anonymous member of the public discussed the finding of dead coyotes with no visible wounds.

Director McBride made additional comments that BDVWA does not have the tools to take action against these properties.

Director McKenzie believes that properties should be confiscated if they allow their property to be used in this manner.

GM West gave a brief update on the current status of cannabis grows and what the Mojave Water Agency Technical Advisory Committee Ad Hoc has recently learned.

Ms. Domay thanked the Agency for efforts to date.

An anonymous member of the public discussed the “grows” surrounding her property of P. Brady which was shut off but then the next day they had water delivered.

Erick Sundstrom indicated an appreciation for action taken to date, especially using Article 4.9 on required permits. He further indicated that if we enforce “4.9” we have taken a XX. He understands there might be “end arounds” through hauling, etc. He further wants to continue to interface on Public Information Requests to get information.

Ms. Domay noted that 1 plant at maturity is worth \$2,500 so the money is a driver of this process.

Continued discussion between members of the Board and the public.

**8. Verbal Reports - Including Reports on Courses/Conferences/Meetings.**

1. General Manager Report - None

2. Director Reports

Director McKenzie reported on the 2-day Virtual CA Special Districts Association Legislative Days conference portion related to Federal Emergency Management Agency (FEMA) disaster planning efforts towards community resilience. Regarding the portion related to state issues, she reported on the updates from the state health department where they are looking for COVID in wastewater discharges. She also reported on a discussion regarding forest management and the history of “why” we experienced major fires in CA in 2020.

Director Dicht’s reported on the 2-day Virtual CA Special Districts Association Legislative Days conference portion related to wildfires and forestry management. He mentioned disappointment in lack of focus on the subject of water for fighting fires. This was not discussed. He noted that partnership development and resiliency plans were discussed at great length as well as responses to interruptions in water or other services. He also discussed the CSDA’s advocacy that Special District’s be provided COVID relief funds as they were not directly called out for funding relief as was the case with the state, schools

and county's. Another interesting portion involved a discussion on "getting into the mind of your legislator", how to empathize with your legislator, how legislators work, how they fundraise, participate in events and how they campaign. It was stressed that campaign contributions are not the only thing that drives the mind of a legislator but a more complicated mix of social pressures.

Director Dicht's reported on the Mojave Water Agency meeting he attended May 13<sup>th</sup>. The AGM Febbo reported on State Water Contractors interest in voluntary agreements to resolve environmental issues without litigation on the Delta in exchange for service reliability going forward. They further discussed changing their regular meeting time from mornings to evenings. Ultimately their Board decided to keep it at the same time.

Director Dicht's reported on the Association of San Bernardino County Special District's May meeting he attended virtually. The speaker was Assy. Smith (Apple Valley) co-author of AB 1138 Illegal Cannabis. He reported that he toured the "grows" around the County and he talked about the water use and pesticides that "should be levers" that convince people to take action. The topic of COVID relief funds going to Special Districts was also discussed.

President Burkhart reported on the MWA Technical Advisory Committee meeting he attended on June 3<sup>rd</sup>. He discussed the Groundwater Banking Program status report which included a summary of recharge modeling for recharge/rest/extraction cycles. He further reported on the Household Water Well grant issued to MWA/CA Rural Water Association in the amount of \$1M which will be implemented in the new fiscal year. He reported on the Cannabis update given noting the water demand on a cannabis farm is 1 AF/Acre farmed per Grow Cycle with up to four grow cycles per year. Lastly, he reported on legislation proposed at the state level and funds that are aimed at safe drinking water through future bond propositions. He reviewed several legislative bills by name and briefly described them.

## 9. Adjournment

President Burkhart adjourned the meeting at 8:29 pm.

Approved by:

  
JoMarie McKenzie, Secretary of the Board

MSC<sup>1</sup> – Motion made, seconded and carried

Official Seal

