



# 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 8, 2022  
Time – 6:00 P.M.**

**MEETING ROOM IS OPEN FOR IN-PERSON ATTENDANCE**

Please note that due to continued COVID concerns the Public will be required to wear face coverings at all times while present in the meeting room.

**PUBLIC WISHING TO PARTICIPATE REMOTELY**

**Please click the link below to join the webinar:**

<https://us02web.zoom.us/j/86789406807?pwd=TEI4cDVlS3NjVDhKZUZeUxQdEzZz09>

**Passcode: 034765**

**OR**

**TELECONFERENCE LINE THRU ZOOM**

**1-669-900-6833**

**Webinar ID: 867 8940 6807**

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### CALL TO ORDER

President Burkhart called the meeting to order at 6:01 pm.

### PLEDGE OF ALLEGIANCE

Led by Sharon Conkle.

### ROLL CALL

Directors present:            John R. Burkhart  
   JoMarie McKenzie  
   Megan Close-Dees  
   Craig Dicht  
   David Chapman

Staff present:                    Marina West

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

**APPROVAL OF AGENDA**

Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**1. CLOSED SESSION: PUBLIC EMPLOYMENT**

Title: General Counsel

Pursuant to Government Code Section 54957(b)(1)

The Board to consider choosing an attorney (legal firm) to appoint as General Counsel.

President Burkhart asked for Public Comment on the Closed Session Item.

Public Comment: None

The Board adjourned to Closed Session at 6:05 pm. The Board returned from Closed Session at 7:21 pm.

**2. CLOSED SESSION REPORT**

President Burkhart noted that the Closed session report is that the Board will move on to Item 3 – Appointment of General Counsel.

**3. Appointment of General Counsel**

Board of Directors had no additional comments.

Public Comment:

No Public was present at the end of the Closed Session. No Public was participating via zoom.

**Motion No. 22-006**

Director Chapman made a motion to appoint Mr. Steven Kennedy, Brunick, McElhany and Kennedy, as General Counsel and authorize General Manager to execute contract. Director Dicht seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**4. Consider Initiating Procedure to Implement a Cost-of-Living Adjustment (COLA) to the Board of Directors Per Diem Effective no sooner than July 1, 2022.**

GM West reviewed the process for increasing Board Per Diem noting that historically she desires the Board motion to proceed prior to committing resources to publish the required notice.

GM West answered questions of the Board. Director Dicht noted the Finance Committee is discussing the Cost-of-Living Adjustment for the staff and he noted the increases through the years.

Public Comment:

None

**Motion No. 22-007**

Director Chapman 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, 2022. Director Burkhart seconded the motion.

Burkhart	Y
McKenzie	N
Close-Dees	N
Dicht	N
David Chapman	Y

**MSC<sup>1</sup> (Chapman/Dicht) Motion Failed.**

**5. Amending the Standing Committee, Ad Hoc Committees and other Meeting Assignments for Calendar Year 2022**

GM West introduced the request by noting the Finance/ Public Relations /Education/ Personnel Standing Committee is interested in additional outreach to the community. GM West wanted the Board to consider the value in regular attendance to the Landers Association and perhaps provide regular updates on Board issues. Attendance could put the Agency in a position to be able to participate more in outreach events held at or by the Association.

GM West answered questions of the Board.

Public Comment:

None

**Motion No. 22-008**

Director Dicht made a motion to amend the Standing Committee, Ad Hoc Committee and other Meeting Assignments for calendar year 2022 to include the monthly Landers Association Meetings and Adopt Resolution No. 22R-01 adopting the Directors' Compensation List. Director Close-Dees seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**6. Local Area Formation Commission (LAFCO) Call for Nominations for the Alternate Special District Member Seat**

GM West informed the Board that Director Dicht's is requesting to be nominated to the Alternate Seat on the Local Area Formation Commission (LAFCO). Director Dicht's addressed the Board indicating why he desires to be nominated as the Alternate Member of the Local Area Formation Commission. President Burkhart commended Director Dicht for his interest in serving on the Commission.

Public Comment:  
None

**Motion No. 22-009**

Director Chapman made a motion to adopt Resolution No. R22-02 to nominate Director Dicht's to the Alternate Special District Member seat on the Local Area Formation Commission (LAFCO). Director McKenzie seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**7. Consent Items**

- a. Regular Board Meeting Minutes, January 11, 2022
- b. Special Board Meeting Minutes January 18, 2022
- c. Financial Statements
  - 1. Balance Sheet(s) – January 2022
  - 2. Budget Sheet(s) – January 2022
- d. Receive and File Disbursements for January 2022

- e. Service Order Report thru January 2022
- f. BDV Production Report for January 2022
- g. Goat Mountain Production Report for January 2022
- h. Receive and File FPREP Committee Minutes for November 17, 2021

**Recommended Action:**

Approve as presented (Item a-h) pulling **Item i** for further discussion.

**Public Comment:**

None

**Motion No. 22-010**

Director McKenzie made a motion to accept the Consent Items a to h, as presented. Director Close-Dees seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**8. Matters Removed from Consent Items – Item i**

- i. Approve Director Attendance to CA Special Districts Association Leadership Academy Conference April 3 – 6, 2022 San Diego at an estimated cost per Director of \$2,650.

Director Dicht pulled them item to discuss the CA Special Districts Association Leadership Academy Conference. He felt the Leadership conference he previously attended was very valuable and he is interested in the entire “Academy series”. He stated that if he attends this conference it would be with an eye towards a more formal report to the Board and Public. Director McKenzie provided her input on the value of the CSDA conferences. Director Chapman also commented on the CSDA conference he attended in Monterey, CA last year. President Burkhart noted the importance of Special Districts to communities like the one we serve.

**Motion No. 22-011**

Director Dicht made a motion to accept the Consent Items i as presented. Director McKenzie seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y

Dicht Y  
David Chapman Y

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

**2) Public Comment Period**

None.

**3) Verbal Reports – Including Reports on Courses/Conferences/Meetings.**

- a. General Manager Report - None
- b. Director Reports

Director Close-Dees reported on the Mojave Water Agency Technical Advisory Committee held February 3, 2022 where there was an update on the Cannabis issue and water sustainability. She further discussed the issue of well permitting with the County of San Bernardino.

Director McKenzie reported on the 2022 San Bernardino County Special District's Association monthly meeting on January 24, 2022. The speaker was Mr. Ensen Mason, CoSB Auditor/Tax Collector, who is running for re-election in 2022. She demonstrated the Mytaxcollector.com website showing how your tax dollars are spent and how to get a copy of your tax bill. She noted the software the County uses is outdated and the County is currently seeking a contractor to complete the update.

Director Chapman reported on the Mojave Water Agency Board meeting he attended on January 12, 2022 noting a workshop on the water rate structure. He also discussed MWA's water banking policy.

Director Dicht reported on the Joshua Basin Water District meeting he attended on February 2, 2022 noting they are going to conduct a new rate study. He noted he will keep an eye on this process as it unfolds to better understand how they structure rates.

**4) Adjournment**

President Burkhart Adjourned the meeting at 8:41 pm.

Approved by:

  
Megan Close-Dees, Secretary of the Board

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



**Official Seal**