

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**

**September 13, 2022
Time – 6:00 P.M.**

MEETING ROOM IS OPEN FOR IN-PERSON ATTENDANCE

Please note that due to continued COVID concerns the Public may 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/86735224790?pwd=MGZySWw5RGdJUnJGZjJDNEpPa0Uxdz09>

Passcode: 694233

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 867 3522 4790

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CALL TO ORDER

President Burkhart called the meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

Led by John Burkhart

ROLL CALL

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

Staff present: Marina West

APPROVAL OF AGENDA

GM West noted the changes in the Agenda that was reposted on Monday, September 12, 2022. Director Dicht made a motion to approve the agenda as revised. Director Chapman seconded the motion. Unanimously approved.

Discussion and Action Items –

- 1. Review Draft Resolution No. 22R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meter Sizes 3/4 –inch to 10-inch**

GM West gave the staff report as presented in the revised agenda packet and a brief Powerpoint presentation explaining the purpose of this charge and methodology for the annual increase absent a new study. In summary, the recommended increase is 3.44%. GM West noted that the reason this item is on agenda for discussion only is to comply with the posting requirements for such and for maximum public transparency.

GM West answered questions of the Board of Directors.

Public Comment: None.

Motion No. 22-035

Director Chapman made a motion to agendize for the October 11, 2022 Regular Board of Directors' Meeting to adopt Resolution No. 22R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meter Size Ranges ¾-inch to 10-inch. Director Dicht seconded the motion.

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

MSC¹ (Chapman/Dicht) unanimously approved.

2. Review Draft Resolution No. 22R-XX 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 revised agenda packet and a brief powerpoint presentation explaining how the fee is calculated and specifically what the fee covers in terms of parts, labor and equipment.

Director McKenzie asked about the customer side responsibility. GM West stated the Agency does install a customer side ball valve and when necessary a pressure regulator. The Agency has an "informal" installation warranty period of 12-months from installation. Thereafter, maintenance is the responsibility of the customer. Director Close-Dees asked for clarification on the cost of materials.

Public Comment: None.

Motion No. 22-036

Director McKenzie made a motion to agendize for the October 11, 2022 Regular Board of Directors' Meeting to adopt Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Size Ranges ¾-inch to 10-inch. Director Dicht seconded the motion.

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

MSC¹ (McKenzie/Dicht) unanimously approved.

3. Authorize Task Order to Provost and Prichard for Engineering Services Related to the Water Meter Replacement Program (DWR Drought Grant)

GM West gave the staff report as outlined in the revised agenda packet and a PowerPoint presentation depicting a meter installation process proposed noting that this program will be funded by a grant from DWR. GM West is asking for authorization to utilize Provost & Prichard in the execution of the meter replacement program. This work would also be funded by the grant. The need for engineering assistance lies in the fact that a full public works bidding document and construction process is required for all projects greater than \$25,000. She introduced Mr. Jeff Davis to the Board of Directors and he provided answers to some of the questions posed by the Board of Directors.

GM West answered questions of the Board of Directors.

Public Comment: None.

Motion No. 22-037

Director Chapman made a motion to authorize General Manager to enter into a Professional Services Agreement with Provost and Prichard for Engineering Services related to the Water Meter Replacement Program (DWR Grant). Director Dicht seconded the motion.

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

MSC¹ (Chapman/Dicht) unanimously approved.

4. Approve "True Bad Debt" Write-off from February 2021 through July 2022 of \$4,859.50

GM West gave the staff report as provided in the revised agenda packet. She first noted that the bad debt amount includes "carry-over" from last fiscal year of \$2,491.22. The bad debt for the period July 2021 to July 2022 was \$2,666.29. While the amount exceeds the budgeted amount it is still a small portion of overall expenses. The staff report outlined the statistics but GM West noted that two (2) accounts represent nearly 50% of the total. Twenty-six of the 34 accounts were below the threshold of \$125 and thus not sent to secured tax lien. Lastly, while the Agency has a robust unsecured lien process an account

has to be sufficiently late to trigger one and the property market was so hot that properties flipped before the bills were 120-days past due.

GM West answered questions of the Board of Directors.

Public Comment: None.

Motion No. 22-038

Director McKenzie made a motion to approve True Bad Debt expenses “write-off” in the amount of \$4,859.50 for account balances which cannot be collected through the secured property lien process and for the period February 25, 2021 through July 18, 2022. Director Dicht seconded the motion.

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

MSC¹ (McKenzie/Dicht) unanimously approved.

5. Dissolve Ad Hoc Committee Formed to Review Water Consumption Trends Following the Adoption of New Customer Classifications and Consumption Tiers.

GM West gave a report on the status of the illegal cannabis and the work of the Ad Hoc Committee on the issue of consumption trends. She showed a powerpoint presentation with photographs of what was found at the sites once the Operation Hammer Strike went into action.

She thanked the Ad Hoc Committee members, Chair Dicht and Director Close-Dees, noting that this was a really tough period of time not knowing what this was going to end up like. Staff really pushed to get the Rules and Regulations changed, get the rate studies completed and getting these accounts switched to agricultural class so that they could be locked off for non-payment as covid prevented discontinuation of service. At this time, all the agriculture accounts are either “gone” or locked off.

She presented a graph showing total production by fiscal year noting where the consumption trends had increased 20% as the cannabis cultivation increased and then how it decreased approximately 12% following the eradications. She noted it is hard to decipher how much of the consumption increase is the changes brought on by the property sales increases and construction of short-term rentals.

Director Dicht gave a lot of credit to GM West for the action taken. He also talked about the greatness of being public agency in that “we” get to be these interested parties, taking on the public interest as directors but the real work that gets done, understanding the

technical side, interfacing with county and law enforcement and moving things forward for the constituents of our district. He called it masterful on the part of the Agency and County. Noting that once the County realized it was a problem they “really got on it”.

Director Close-Dees asked if there were any legal cannabis grows in the area. GM West stated other than personal recreational allowances, no. Director Close-Dees concluded by stating that it GM West was very inspiring and that it was “very impressive and wonderful to witness from a directors’ standpoint.” GM West indicated a long article, “*The reality of legal week in California: Huge illegal grows, violence, worker exploitation and deaths*” was recently published in the LA Times and indicated she would distributed it to the Board. Unfortunately, the article describes the scale of the crisis as immense and unfortunately California has done little to address the crisis.

GM West stated that the cannabis invasion appears to be eradicated and the customer classes / consumption tiers have not been posed any sort of customer pushback, GM West believes the Board of Directors can accept this final report from the Committee (aka staff report) and thus dissolve the Ad Hoc Committee effective immediately.

Public Comment: None.

Motion No. 22-039

Director Dicht made a motion to accept final report and dissolve the Ad Hoc Committee Formed to Review Water Consumption Trends Following the Adoption of New Customer Classifications and Consumption Tiers. Director Close-Dees seconded the motion.

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

MSC¹ (Dicht/Close-Dees) unanimously approved.

6. Consent Items -

- a. Resolution No. 22R-16 Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring the Existence of Local Emergency Conditions and Authorizing Remote Teleconference Meetings of the Board of Directors and its Standing Committees for the Period September 19, 2022 to October 18, 2022, Pursuant to Brown Act Provisions.
- b. Regular Board Meeting Minutes, August 9, 2022
- c. Financial Statements
 1. Balance Sheet – July and August 2022
 2. Budget Status – July and August 2022
- d. Receive and File Disbursements for August 2022

- e. Service Order Report July and August 2022
- f. BDV Production Report for August 2022
- g. Goat Mountain Production Report for August 2022
- h. Receive and File FPREP Special Committee Meeting Minutes of March 23, 2022
- i. Receive and File PLEGS Committee Meeting Minutes of April 19, 2022
- j. Receive and File FPREP Special Committee Meeting Minutes of May 18, 2022
- k. Receive and File PLEGS Special Committee Meeting Minutes of June 23, 2022
- l. Receive and File the Report on Bad Debt from Uncollectable Secured Property Tax Liens for Fiscal Year 2014/15: Total Bad Debt of \$0.00

Recommended Action:

Approve as presented (Item a-l):

Public Comment: None.

Motion No. 22-040

Director Chapman made a motion to accept the Consent Items a to l. Director McKenzie seconded the motion.

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

MSC¹ (Chapman/McKenzie) unanimously approved.

7. Matters Removed from Consent Items

None.

8. Public Comment Period

None.

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

- 1. General Manager Report – none.
- 2. Director Reports

Director McKenzie – Reported on the Mojave Water Agency meeting of August 11, 2022. She gave detailed information on the Classification Study being completed by Koff & Associates. She further reported on the MWA Telecommute policy for staff. Further comment on water banking study, update on the private Well Permitting Process, Delta Conveyance, Drought Messaging Campaign.

Director McKenzie also reported on the BIA Water Conference she attended in August 12, 2022. She focused her report on a presentation called “How Low Can You Go”. It focused on continued to reduce consumption and to increase recycling water.

Director Close-Dees – Reported on the brief MWA meeting she attended on September 8, 2022.

Director Dicht – Reported on the Homestead Valley Community Council meeting in August where he heard a presentation on the RoBott Land project located within the Agency’s Sphere of Influence. He reviewed the timeline and changes to the project.

He also announced the Giant Rock Clean-up on September 24, 2022. The Agency will participate in this event.

Lastly, he invited the other Directors to participate in the Orchid Festival being held on October 1st and 2nd, 2022.

Director Chapman – Reported on the BIA Water Conference he attended August 12, 2022. He highlighted the presentation on the Delta Tunnel project (Delta Conveyance).

Director Chapman further reported on the Association of San Bernardino County Special Districts monthly dinner meeting where the featured speaker discussed “why are endangered species important?” and the answer is because of economics.


He reported on the CSDA Annual Conference he attended in August. He discussed the keynote speaker who highlighted issues of work toxicity and the psychology of working groups. Key phrase, “Ubuntu - I am because we are”. The second keynote speaker, a neuro-biologist, psychologist, dean of students at a university in New York. She spoke of how anxiety can be a good thing. Anxiety is designed to help you respond to outside stressors and the concept of using the anxiety to take action. He also discussed a lecture he attended regarding telework policies and he reviewed a case of “reasonable accommodation”. He reviewed other lectures he attended such as one addressing Board structure, a lecture on rising pension costs, public relations using a portal called “Next Door”, a legislative update, water projects, water conservation in a Mt. Shasta community. Lastly, he discussed the extra ribbons on his name badge: Transparency and Distinct of Distinction awarded the Agency by the CSDA/SDLF.

Lastly, he reported on the September 3, 2022 fireworks event at Homestead Valley Park where he represented the Agency at our "booth".

10. Adjournment

President Burkhart Adjourned the meeting at 8:20 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal