



## 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 AGENDA

BOARD MEETING OFFICE  
1720 N. CHEROKEE TR.  
LANDERS, CALIFORNIA 92285

October 11, 2022  
Time – 6:00 P.M.

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

Please note that due to continued COVID concerns 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/86889504328?pwd=ckp2N1FxS0lzTGZkOGtIbytCaklxQT09>

**Passcode: 635535**

**OR**

**TELECONFERENCE LINE THRU ZOOM**

**1-669-900-6833**

**Webinar ID: 868 8950 4328**

**Passcode: 635535**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**Discussion and Action Items** - The Board of Directors and Staff will discuss the following items and the Board will consider taking action, if so inclined. The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

**1. Resolution No. 22R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch**

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

1. Adopt Resolution No. 22R-XX Modifying Basic Facilities Charge (Water Capital Fee) for Water Meter Size Ranges ¾-inch to 10-inch.

**2. Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch**

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

1. Adopt Resolution No. 22R-XX Setting the Service Line Installation fee for water meter size ranges ¾-inch to 10-inch.

**3. 2022 Review: Code Of Conduct for Members of the Agency Board of Directors (Resolution No. 13R-15)**

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

1. Information only. Board to review Code of Conduct and sign receipt documenting the review.

**4. Adopt Resolution 22 R-XX Adopting the Mojave Integrated Regional Water Management Plan as Amended in 2018 to Comply with the 2016 Standards Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)**

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

1. Adopt Resolution No. 22R-XX Adopting the Mojave Integrated Regional Water Management Plan as Amended in 2018 to Comply with the Standards Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop.84).

**5. Authorize Per Diem and Expenses for Directors to Attend Various Educational Events**

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

1. Authorize retroactive payment of per diem and expenses to Director Chapman and Director Dicht for attendance to Community Water Systems Alliance “Larger Water Systems Helping Small Systems” Tour held October 10,2022 estimated at \$200; and

2. Authorize attendance to the Association of California Water Agencies Annual Conference Indian Wells, CA, November 29 thru December 1, 2022 estimated at \$1,225 plus lodging each; and
  3. Authorize attendance to the Special Districts Leadership Foundation Governance Foundations Course on December 6 and 7, 2022 for Director Chapman and Director McKenzie estimated at \$325 each.
- 6. Consent Items** - The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.
- a. Resolution No. 22R-XX 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 October 18, 2022 to November 17, 2022, Pursuant to Brown Act Provisions.
  - b. Regular Board Meeting Minutes, September 13, 2022
  - c. Financial Statements
    1. Quarterly Investment Report for the period ending Q3 2022
  - d. Receive and File Disbursements for September 2022
  - e. BDV Production Report for September 2022
  - f. Goat Mountain Production Report for September 2022
  - g. Receive and File FPREP Committee Minutes for July 2022

Recommended Action:

Approve as presented (Item a-g):

**7. Matters Removed from Consent Items**

**8. Public Comment Period**

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

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

- a. General Manager Report
- b. Director Reports

**10. Adjournment**

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above. As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

**Internet:** Once uploaded, agenda materials can also be viewed at [www.bdvwa.org](http://www.bdvwa.org)

**Public Comments:** You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

#### **Calendar Reminder - Upcoming Director Meetings**

- Mojave Water Agency Board of Directors Meeting – October 13, 2022 at 9:30AM –Director Burkhart.
- ASBCSD Monthly Dinner Meeting – October 17, 2022 6:00pm-Director Dicht
- Homestead Valley Community Council Meeting located (location – Johnson Valley Community Association) – October 17, 2022 at 3:00PM – Director Close-Dees
- Landers Association (location-Belfield Hall)- October 25, 2022 at 3:00pm- Director Burkhart
- Mojave Water Agency Board of Directors Meeting – October 27, 2022 at 9:30AM –Director McKenzie
- Mojave Water Agency Technical Advisory Committee – December 15, 2022 – Director Burkhart

**BIGHORN-DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** October 11, 2022

**To:** Board of Directors

**Budgeted:** Developer Paid Cost

**Budgeted Amount:** N/A – Meter sales are driven by Customer demand

**Cost:** See Text of Resolution

**From:** Marina D. West

**General Counsel Approval:** Obtained

**CEQA Compliance:** N/A

**Subject: Resolution No. 22R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch**

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**SUMMARY**

The Agency contracted with NBS Government Finance to complete a Capacity Fee Study Report with said final report received by the Board of Directors in February 2021. Thereafter, the Basic Facilities Charge (Water Capital Fee), based on meter size, was formally adopted via Resolution 21R-10 on May 11, 2021.

The adopted Capacity Fee Study Report outlines the procedure for annually increasing this fee as follows:

*Annually, the Agency should review the Engineering News Record's Construction Cost Indices and calculate the percentage change in construction costs and apply that change to the capacity fees to ensure they keep pace with cost inflation.*

The adoption of a Basic Facilities Charge (Water Capital Fee) is governed by the Mitigation Fee Act (CA Govt. Code Sec. 66000 et seq.). In accordance with this Act, the Agency, on September 9, 2022, posted and distributed via email, draft Resolution No. 22R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meter Sizes ¾-inch to 10-inch at least 14-days prior to the Board's consideration for adoption. The Board also discussed the draft Resolution in open session at the September 13, 2022 Board of Directors' Regular meeting and received zero public comments.

Staff is recommending that the Resolution be adopted in accordance with the Table of Charges proposed.

**RECOMMENDATION**

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

1. Adopt Resolution No. 22R-XX Modifying Basic Facilities Charge (Water Capital Fee) for Water Meter Size Ranges ¾-inch to 10-inch.

**BACKGROUND/ANALYSIS**

The Agency contracted with NBS Government Finance to complete a Capacity Fee Study Report. The final report was completed and received by the Board of Directors in February 2021. Thereafter, the Basic Facilities Charge (Water Capital Fee), based on meter size, was adopted by Resolution No 21R-10 on May 11, 2021.

The adopted Capacity Fee Study Report outlines the procedure for annually increasing this fee as follows:

*Annually, the Agency should review the Engineering News Record’s Construction Cost Indices and calculate the percentage change in construction costs and apply that change to the capacity fees to ensure they keep pace with cost inflation.*

Included below is the table from the Engineering News Record stating the percentage changes per month over time. The Agency’s consultant, NBS, informed staff that the annual review would be informed by the 5-year average from the Construction Cost Indices. From the Table, the current annualized 5-year average for the period August to August at 3.44% is considered the appropriate percentage to apply. Table 1 in the draft Resolution reflects this proposed increase across all meters size ranges.

The adoption of a Basic Facilities Charge (Water Capacity Fee) is governed by the Mitigation Fee Act (CA Govt. Code Sec. 66000 et seq.). In accordance with this Act, the Agency, on September 9, 2022 posted and distributed via email, draft Resolution No. 22R-XX Modifying Basic Facilities Charge (Water Capital Fee) for Water Meters Sizes ¾-inch to 10-inch at least 14-days prior to the Board’s consideration for adoption. The Board also discussed the draft Resolution in open session at the September 13, 2022 Board of Directors’ Regular meeting and received zero public comments.

Staff is recommending the Resolution be adopted in accordance with the table of charges proposed.

**Engineering News Record’s Construction Cost Indices**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	% CHG
AR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG.	
2009	8,549	8,533	8,534	8,528	8,574	8,578	8,566	8,564	8,586	8,596	8,592	8,641	8,570	
2010	8,660	8,672	8,671	8,677	8,761	8,805	8,844	8,837	8,836	8,921	8,951	8,952	8,799	2.60%
2011	8,938	8,998	9,011	9,027	9,035	9,053	9,080	9,088	9,116	9,147	9,173	9,172	9,070	2.99%
2012	9,176	9,198	9,268	9,273	9,290	9,291	9,324	9,351	9,341	9,376	9,398	9,412	9,308	2.56%
2013	9,437	9,453	9,456	9,484	9,516	9,542	9,552	9,545	9,552	9,689	9,666	9,668	9,547	2.50%
2014	9,664	9,681	9,702	9,750	9,796	9,800	9,835	9,846	9,870	9,886	9,912	9,936	9,806	2.64%
2015	9,972	9,962	9,972	9,992	9,975	10,039	10,037	10,039	10,065	10,128	10,092	10,152	10,035	2.28%
2016	10,132	10,181	10,242	10,279	10,315	10,337	10,379	10,385	10,403	10,434	10,442	10,530	10,338	2.93%
2017	10,542	10,559	10,667	10,678	10,692	10,703	10,789	10,826	10,823	10,817	10,870	10,873	10,737	3.72%
2018	10,878	10,889	10,959	10,971	11,013	11,069	11,116	11,124	11,170	11,183	11,184	11,186	11,062	2.94%
2019	11,206	11,213	11,228	11,228	11,230	11,268	11,293	11,311	11,311	11,326	11,381	11,381	11,281	1.94%
2020	11,392	11,396	11,397	11,412	11,418	11,436	11,439	11,455	11,499	11,539	11,579	11,626	11,466	1.61%
2021	11,628	11,699	11,750	11,849	11,990	11,989	12,112	12,237	12,463	12,464	12,464	12,647	12,133	5.50%
2022	12,556	12,684	12,791	12,899	13,004	13,111	13,168	13,171					12,923	6.11%
10-Year average	2.90%	2.98%	3.07%	2.48%	2.58%	2.58%	2.65%	2.73%	2.93%	2.89%	2.86%	3.00%	3.34%	
5-Year average	2.91%	3.10%	3.14%	3.29%	3.38%	3.44%	3.45%	3.44%	2.86%	2.88%	2.77%	3.07%	3.16%	

Source: [https://www.enr.com/economics/historical\\_indices/construction\\_cost\\_index\\_history?poly\\_enc\\_id=1861F1006934J4F](https://www.enr.com/economics/historical_indices/construction_cost_index_history?poly_enc_id=1861F1006934J4F)

**PRIOR RELEVANT BOARD ACTION(S)**

**09/13/2022 Motion No. 22-035** Motion to agendaize 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.

**5/11/2021 Motion No. 21-027** Motion to adopt Resolution No. 21R-10 rescinding Resolution No. 21R-01 and adopting BFC for water meter size ¾" to 10".

**4/20/2021 Planning/Legislative (PLEGS) Standing Committee** discuss need to rescind Resolution No. 21R-01 Basic Facilities Charge and readopt due to failure to allow 60-days wait period prior to implementation.

**2/09/2021 Motion No. M21-016** Receive and file BDVWA Final Capacity Fee Study Report dated February 3, 2021 and BDVWA Capacity Fee Appendix.

**1/12/2021 Motion No. 21-005** Adopt Resolution No. 21R-01 Capacity fees (Basic Facilities Charge) as presented in the Draft Resolution for meter sizes ¾-inch to 10-inch.

**11/19/2020 Public Workshop No. 3:** Finance Committee Workshop on Water Rate and Capacity Fee (Connection Fee) Study by NBS Government Finance Group.

**11/10/2020 Public Workshop No. 2:** Full Board of Directors Review Proposed Options for Variable and Fixed Charge Increases Planned for the Prop. 218 Process in Preparation for Fiscal Year 2021/2022 Rate Increase.

**10/22/2020 Status Report/Public Workshop No. 1:** Finance Committee Workshop on Water Rate and Capacity Fee (Connection Fee) Study by NBS Government Finance Group.

**4/28/2020 Motion No. 20-035** Motion made to authorize the General Manager to enter into a Professional Services Agreement with NBS Financial Group to conduct a focused rate and fee study for the Agency at a maximum cost of \$39,590.

**7/14/2020 Motion No. M20-051** Motion to adopt Resolution No. 20R-18 Modifying the Basic Facilities Charge and the Service Line Installation Fee for 1-inch Residential Meters.





**RESOLUTION NO. 22R-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE BIGHORN-DESERT VIEW WATER AGENCY  
ADOPTING AN INCREASED BASIC FACILITIES CHARGE (WATER CAPITAL FEE) FOR  
WATER METERS SIZE 3/4-INCH TO 10-INCH**

**WHEREAS**, Bighorn-Desert View Water Agency (“Agency”) is required by law to fix and establish rates, fees and charges which will enable the Agency to cover its debt service payments, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for improvements; and

**WHEREAS**, under California Government Code Section 66000 et seq., the Agency is authorized to adopt water and sewer connection fees; and

**WHEREAS**, California Government Code Section 66013(a) states that “[n]otwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed ...”; and

**WHEREAS**, new customers desiring to connect to the existing system should be responsible for paying an amount equivalent to their proportionate share of those existing water system facilities development costs which support and are necessary for the new customer to receive service; and

**WHEREAS**, on April 28, 2020 the Board of Directors authorized completion of a *Rate and Capacity Fee Study* by an outside financial consulting firm, NBS Government Finance, who has developed a long-term financial model for development of the Capacity Fee or Basic Facilities Charge for new water meters with sizes ranging from ¾-inch to 10-inch based on the value of existing assets and an assessment of future infrastructure needed for the entire distribution system; and

**WHEREAS**, The Agency determined to use an analysis based on the “Combination Approach” <sup>[1]</sup> which requires new customers to pay their fair share of existing system assets and planned assets that have capacity to serve new customers. In their simplest form, capital impact fees are calculated by dividing the costs of infrastructure allocated to future development by the number of units of new development anticipated, further defined as follows:

- The cost of existing assets and planned assets that have capacity to serve new development are those that can reasonably be allocated to future development.
- The number of new units (i.e., growth) are those units projected to occur within the timeframe covered by the capital impact fee analysis.

[1] Method of calculating capital impact fees (also known as System Development Fees, Connection Fees, Capacity Fees) are set forth in the American Water Works Association's *Principles of Water Rates, Fees and Charges* Seventh Edition (2017) pages 311 to 347.

**WHEREAS**, based on the Replacement Cost model calculations a Final Capacity Fee Study Report was presented to Finance Committee on November 19, 2020 and the full Board of Directors on January 12, 2021. The Final Capacity Fee Study was adopted by the Board of Directors on February 9, 2021.

**WHEREAS**, on May 11, 2021, Resolution 21R-10 establishing the new Water Capital Capacity Fees, based on meter size; and

**WHEREAS**, the Final Capacity Fee Study Report directs the Agency to “*annually review the Engineering News Record’s Construction Cost Indices and calculate the percentage change in construction costs and apply that change to the capacity fees to ensure they keep pace with cost inflation*”; and

**WHEREAS**, the current annualized 5-year average for August of 3.44% is considered the appropriate percentage to apply from the Engineering News Record and based on meter size is as shown in Table 1 are made part of this resolution:

**TABLE 1 - WATER CAPITAL FACILITY FEE BASED ON METER SIZE**

Meter Size	Equivalency Factor		Capacity Fee Per Meter Size
	Maximum Continuous Flow (gpm) 1	Equivalency to 1 inch meter	
3/4 inch	30	1.00	<b>\$14,641</b>
1 inch	50	1.00	<b>\$14,641</b>
1.5 inch	100	2.00	<b>\$29,283</b>
2 inch	160	3.20	<b>\$46,852</b>
3 inch	320	6.40	<b>\$93,704</b>
4 inch	500	10.00	<b>\$146,413</b>
6 inch	1,000	20.00	<b>\$292,825</b>
8 inch	2,800	56.00	<b>\$819,912</b>
10 inch	4,200	84.00	<b>\$1,229,867</b>

1. Source: AWWA M1, Table B-2. Assumes displacement meters for 3/4" through 2", Compound Class I for 3" through 6" and Turbine Class II for 8" through 10".

; and

**WHEREAS**, the revenue raised by the increased connection fees will also be used to purchase supplemental water supplies for the Agency and will not exceed the estimated reasonable cost of obtaining such resources and providing the services for which the fees are levied; and

**WHEREAS**, the establishment, modification, structuring, restructuring, and approval of rates and fees is exempt from the requirements of the California Environmental Quality Act as provided by California Public Resources Code Section 21080(b)(8); and

**WHEREAS**, the amount of the fees and charges hereby adopted do not exceed the reasonable anticipated costs for the corresponding services provided by the Agency, and therefore the fees imposed hereby to not qualify as "special taxes" under Government Code Section 50076, and the actions taken herein are exempt from the additional notice and public meeting requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B); and

**WHEREAS**, the fees and charges set forth herein are not levied upon any person as an incident of property ownership, and thus are not subject to the substantive and procedural prerequisites of Article XIID of the California Constitution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bighorn-Desert View Water Agency, after conducting a public hearing duly noticed pursuant to California Government

Code Section 66016, that the public interest and necessity as described in the oral and written testimony and evidence presented during the public hearing on this matter, all of which are incorporated herein by this reference, requires the Board of Directors of the Agency to increase the Water Capital Facility Fee (Basic Facilities Charge) based on meter size be charged by the Agency as shown in Table 1.

**BE IT FURTHER RESOLVED**, the new BASIC FACILITIES CHARGES (otherwise referred to as the “Water Capital Facility Fee”) are hereby adopted in the amounts calculated and presented in foregoing Table 1 of this Resolution and shall be based on meter size required and shall be applicable to all new service line installations to parcels within 700 feet of a mainline\* (not including bulk accounts), subject to further action by the Board of the Agency. (*\*the definition of the mainline per Agency Rules and Regulations for Water Service is “pipelines located in highways, streets, alleys, easements, and right of ways, which are used for the transmission and distribution of water), and*

**BE IT FURTHER RESOLVED**, that such new BASIC FACILITIES CHARGES shall go into effect sixty (60) days from the date this Resolution is adopted as shown below and, thereafter, this Resolution shall supersede any and all prior resolutions inconsistent with the terms hereof.

**BE IT FURTHER RESOLVED**, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this Resolution and as otherwise required in order to comply with applicable law.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 11<sup>th</sup> day of October 2022.

By \_\_\_\_\_  
John Burkhart, President of the Board

ATTEST,

\_\_\_\_\_  
Megan Close-Dees, Board Secretary

**Official Seal**

**BIGHORN-DESERT VIEW WATER AGENCY STANDING COMMITTEE  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** October 11, 2022

**To:** Board of Directors

**Budgeted:** Developer Paid Costs

**Budgeted Amount:** N/A

**Cost:** TBD by Board Action

**Funding Source:** New Meter Sales

**From:** Marina D. West

**General Counsel Approval:** Obtained

**CEQA Compliance:** N/A

**Subject: Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch**

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**SUMMARY**

Annually staff evaluates the estimated cost to install a service line and meter to a parcel. Due to the rapid rise in costs over the last 12-months, staff has calculated a Service Line Installation fee of \$2,200 and continues to recommend that requests for meters larger than 1-inch be charged based on the actual time and materials with a deposit charged at the time of application.

The adoption of a Service Line Installation fee is governed by the Mitigation Fee Act (CA Govt. Code Sec. 66000 et seq.). In accordance with this Act, the Agency, on September 9, 2022, posted and distributed via email, draft Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Sizes ¾-inch to 10-inch at least 14-days prior to the Board’s consideration for adoption. The Board also discussed the draft Resolution in open session at the September 13, 2022 Board of Directors’ Regular meeting and received zero public comments.

Staff is recommending that the Board adopt Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch.

**RECOMMENDATION**

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

1. Adopt Resolution No. 22R-XX Setting the Service Line Installation fee for water meter size ranges ¾-inch to 10-inch.

**BACKGROUND/ANALYSIS**

Staff has evaluated the actual cost of service line installations over the prior year and finds the average cost of materials has increased significantly. Staff is therefore recommending the service line installation cost for ¾-inch and 1-inch meters be set at \$2,200.

The resolution for service line installation has never considered the cost of meters larger than 1-inch as such a request has never been made. Nevertheless, the Water Capacity Fee Study, adopted by the Board includes meter sizes up to 10-inch and thus an installation cost should also be set for such meters. At this

time, staff is recommending that for any request for a meter greater than 1-inch that the Agency use the actual cost of installation. In such cases, staff would prepare a cost estimate at the time of request and the customer would be required to place a cash deposit on file. At the conclusion of the installation, the customer would be presented with a refund or a bill depending on the actual calculated cost.

The adoption of a Service Line Installation fee is governed by the Mitigation Fee Act (CA Govt. Code Sec. 66000 et seq.). In accordance with this Act, the Agency, on September 9, 2022, posted and distributed via email, draft Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Sizes ¾-inch to 10-inch at least 14-days prior to the Board's consideration for adoption. The Board also discussed the draft Resolution in open session at the September 13, 2022 Board of Directors' Regular meeting and received zero public comments.

Staff is recommending that the Board adopt Resolution No. 22R-XX Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch.

**PRIOR RELEVANT BOARD ACTION(S)**

**09/13/2022 Motion No. M22-036** 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.

**03/09/2021 Motion No. M21-018** Motion to Resolution No. 21R-05 Setting the Service Line Installation Fee for Water Meter Size Ranges from 3/4-inch to 10-inch

**2/09/2021 Motion No. M21-016** Receive and file BDVWA Final Capacity Fee Study Report dated February 3, 2021 and BDVWA Capacity Fee Appendix.

**02/09/2021 Motion No. M21-009** Motion to agendize Resolution No. 21R-XX 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.

**7/14/2020 Motion No. M20-051** Motion to adopt Resolution No. 20R-18 Modifying the Basic Facilities Charge and the Service Line Installation Fee for 1-inch Residential Meters.

**7/26/2016 Motion No. M16-034** Adoption of Resolution No. 16R-09 – Adjusting the Basic Service Charge and Water Consumption Charges thru Prop. 218 process.

**10/28/2008 Resolution No. 08R-10** Modifying Basic Facilities Charge and Service-line Installation Charge.

**RESOLUTION NO. 22R-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE BIGHORN-DESERT VIEW WATER AGENCY  
SETTING THE SERVICE LINE INSTALLATION FEE FOR  
WATER METER SIZE RANGES SIZE 3/4-INCH TO 10-INCH**

**WHEREAS**, Bighorn-Desert View Water Agency (“Agency”) is required by law to fix and establish rates, fees and charges which will enable the Agency to cover its debt service payments, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for improvements; and

**WHEREAS**, under California Government Code Section 66000 et seq., the Agency is authorized to adopt water and sewer connection fees; and

**WHEREAS**, California Government Code Section 66013(a) states that “[n]otwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed

**WHEREAS**, on April 28, 2020 the Board of Directors authorized completion of a *Rate and Capacity Fee Study* by an outside financial consulting firm, NBS Government Finance, who has developed a long-term financial model for development of the Capacity Fee or Basic Facilities Charge for new water meters with sizes ranging from ¾-inch to 10-inch based on the value of existing assets and an assessment of future infrastructure needed for the entire distribution system; and

**WHEREAS**, by Resolution No. 21R-05 adopted by the Board of Directors on March 9, 2021 the Board set a flat fee of \$1,475.00 per Service Line and 1-inch meter installation; and

**WHEREAS**, annually the actual cost incurred to install a service line for a 1-inch meter is reviewed and in August 2022 it was determined that the average cost is \$2,200 per Service Line and 1-inch meter installation; and

**WHEREAS**, the cost to install service lines greater than 1-inch cannot reasonably be calculated and therefore should be based on actual time and materials costs incurred with a customer deposit required in advance.

**WHEREAS**, the establishment, modification, structuring, restructuring, and approval of rates and fees is exempt from the requirements of the California Environmental Quality Act as provided by California Public Resources Code Section 21080(b)(8); and

**WHEREAS**, the amount of the fees and charges hereby adopted do not exceed the reasonable anticipated costs for the corresponding services provided by the Agency, and

therefore the fees imposed hereby to not qualify as “special taxes” under Government Code Section 50076, and the actions taken herein are exempt from the additional notice and public meeting requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B); and

**WHEREAS**, the fees and charges set forth herein are not levied upon any person as an incident of property ownership, and thus are not subject to the substantive and procedural prerequisites of Article XIID of the California Constitution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bighorn-Desert View Water Agency, after conducting a public hearing duly noticed pursuant to California Government Code Section 66016, that the public interest and necessity as described in the oral and written testimony and evidence presented during the public hearing on this matter, all of which are incorporated herein by this reference, requires the Board of Directors of the Agency to adopt the following Service Line Installation fees, which includes the water meter be charged by the Agency, as follows:

Meter Size Requested	Service Line Installation Fee
¾-inch or 1-inch	\$2,200
1 ½-inch to 10-inch	Actual Cost Time and Materials – Customer Deposit Required in Advance

**BE IT FURTHER RESOLVED**, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this Resolution and as otherwise required in order to comply with applicable law.

**BE IT FURTHER RESOLVED** that, pursuant to Government Code Section 66017, this Resolution shall become effective sixty (60) days following adoption thereof and, thereafter, shall supersede any and all prior resolution.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 11<sup>th</sup> day of October, 2022.

By \_\_\_\_\_  
John Burkhart, President of the Board

ATTEST,

\_\_\_\_\_  
Megan Close-Dees, Board Secretary

**Official Seal**



**BIGHORN DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** October 11, 2022

**To:** Board of Directors

**Budgeted:** N/A

**Funding Source:** N/A

**Cost:** N/A

**From:** Marina West

**General Counsel Approval:** Obtained on original Resolution

**CEQA Compliance:** N/A

**Subject: 2022 Review: Code of Conduct for Members of the Agency Board of Directors  
(Resolution No. 13R-15)**

---

**SUMMARY**

In order to assist in the governance of the behavior between and among members of the Board, Staff and Public the Board of Directors have approved Resolution No. 13R-15 A Code of Conduct for the Members of the Board of Directors.

Administratively the Board of Directors shall review the Code of Conduct annually. This annual review assists the Board of Directors in maintaining their required annual training as part of the District of Distinction and Transparency Certificate of Excellence.

There are no recommended changes to the Code therefore, Resolution No. 13R-15 remains in full effect.

**RECOMMENDATION**

Information only. Board to review Code of Conduct and sign receipt documenting the review.

**BACKGROUND/ANALYSIS**

No further information provided.

**PRIOR RELEVANT BOARD ACTION(S)**

**11/19/2013 Motion 13-082** Resolution No. 13R-15 A Code of Conduct for the Members of the Agency Board of Directors



**RESOLUTION NO.13R-15**

**A CODE OF CONDUCT FOR THE  
MEMBERS OF THE AGENCY BOARD OF DIRECTORS**

**WHEREAS**, The members of the Board of Directors of the Bighorn-Desert View Water Agency are committed to providing excellence in legislative leadership that results in the provision of the highest quality of service to its constituents. In order to assist in the governance of the behavior between and among members of the Board, Staff and Public the following rules shall be observed. This policy becomes effective immediately upon adoption.

**WHEREAS**, this Resolution rescinds Policy No. 10P-03 Code of Ethics in its entirety.

**NOW THEREFORE**, the Code of Conduct for the Bighorn-Desert View Water Agency Board of Directors is as follows:

1. The Board of Directors shall be the governing body of the Bighorn-Desert View Water Agency. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. The Board of Directors shall adopt an annual budget and shall set an annual appropriations limit. The needs of the Agency's constituents should be the priority of the Board of Directors.
2. The General Manager shall have full charge and control of the maintenance, operation and construction of the waterworks of the Agency. The General Manager shall also have full power and authority to employ and discharge all employees and assistants at pleasure; prescribe the duties of employees and assistants; fix and alter compensation of employees and assistants subject to the approval by the board; perform other duties imposed by the Board of Directors. The General Manager shall report to the Board of Directors in accordance with rules and regulations adopted by the Board of Directors.
3. Except as specifically authorized, a Board member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the

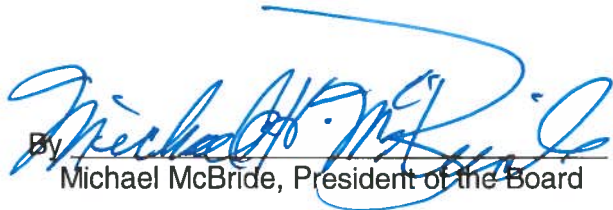
Agency's behalf, in accordance with the Agency policy(s) for reimbursement of actual and necessary expenses of Board members.

4. Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
5. Directors should thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Responsiveness, attentive listening, and communication are encouraged.
6. Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest per applicable regulations. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making process.
7. The dignity, style, values, and opinions of each Director should be respected. Directors should at all times conduct themselves with courtesy to each other, to staff, and to members of the public.
8. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocs based on personalities rather than issues should be avoided.
9. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.
10. In seeking clarification on informational items, Directors may directly approach the General Manager to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
11. In handling complaints from Agency customers, residents or property owners, such complaints should be referred directly to the General Manager.
12. In handling items related to water problems (leaks, etc.), concerns for safety or hazards should be reported to the General Manager or to the Agency office.
13. In seeking clarification for policy-related concerns, especially those involving personnel, legal action or financial matters, said concerns should be referred directly to the General Manager.
14. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their

questions through the appropriate channels and to the responsible management personnel.

15. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and Agency projects can be discussed comfortably and openly.
16. Directors do not represent any fractional segment of the community, but are, rather, a part of the body, which represents and acts for the community as a whole.
17. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
18. Directors are responsible for monitoring the Agency's progress in attaining its goals and objectives, while pursuing its mission.
19. The Board of Directors is the unit of authority within the Agency. Apart from their normal function as a part of this unity, Directors have no individual authority. As individuals, Directors may not commit the Agency to any policy, act or, expenditure.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 19th day of November 2013.

  
By Michael McBride, President of the Board

ATTEST:

  
Terry Burkhart, Secretary



**BIGHORN-DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** October 11, 2022

**To:** Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost:** \$0

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject: Adopt Resolution 22R-XX Adopting the Mojave Integrated Regional Water Management Plan as Amended in 2018 to Comply with the 2016 Standards Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)**

---

**SUMMARY**

The Mojave Water Agency (MWA) finalized and adopted a 2014 Integrated Regional Water Management Plan (IRWMP). Subsequently the Agency authorized Resolution No. 14R-12 which identified the 2014 IRWMP as being “adopted” by BDVWA pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84).

MWA completed an update to the IRWMP in 2018 to comply with the 2016 Standards/Guidelines but an Agency resolution adopting that version was never requested of the project partners.

In order to BDVWA to receive any future funding for any project identified in the IRWMP it must have formally adopted the 2018 plan update as well as the original 2014 Plan.

Staff recommends the Board approve Resolution No. 22R-XX Adopting the 2018 Updated 2014 Mojave Integrated Regional Water Management Plan pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

**RECOMMENDATION**

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

1. Adopt Resolution No. 22R-XX Adopting the Mojave Integrated Regional Water Management Plan as Amended in 2018 to Comply with the Standards Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84).

**BACKGROUND/ANALYSIS**

The Mojave Integrated Regional Water Management Plan (IRWM Plan, Plan) is a product of a long-term collaborative stakeholder process that begun with the development of the first IRWM Plan adopted in

2005. Then in 2014, IRWM Plan updated and expanded upon the original IRWM Plan, the progress towards meeting IRWM Plan goals, identified current regional water resource management needs and issues, and evaluated new strategies and projects for addressing the Region's challenges.

Bighorn-Desert View Water Agency was an active stakeholder in the development of the 2014 Mojave Water Agency Integrated Regional Water Management Plan (IRWMP) and the plan includes a number of proposed projects to meet our long-term goals.

Pursuant to 2016 Standards and Guidelines for IRWM Plans, the Mojave Water Agency completed an update to the 2014 IRWM Plan in 2018. Again, the Agency was an active stakeholder with numerous projects revised or introduced as a result of the implementation of our 2017 Planning Grant.

The plan document was finalized and approved by the CA Department of Water Resources in November 2018. Due to the size of the documents (nearly 80 pages), staff has attached only the cover page and table of contents to this report. The entire document can be obtained through the MWA web link: [https://www.mojavewater.org/wp-content/uploads/2022/06/MWA-IRWM-2018-Addendum\\_Final-Draft.pdf](https://www.mojavewater.org/wp-content/uploads/2022/06/MWA-IRWM-2018-Addendum_Final-Draft.pdf) . The 2014 IRWM Plan can be found at this link: [https://www.mojavewater.org/wp-content/uploads/2022/06/mojave\\_irwm-plan\\_final\\_62614.pdf](https://www.mojavewater.org/wp-content/uploads/2022/06/mojave_irwm-plan_final_62614.pdf) .

The request to adopt the amended IRWM Plan came about during the review of our grant application for Prop.1/Round 2 Funds for our second Emergency Intertie with Hi Desert Water District. Apparently, the project partners were not prompted in 2018 to submit new resolutions adopting the plan.

In order for BDVWA projects to be recognized for funding at any time in the future they must be identified in an adopted IRWMP. Therefore, the Board should adopt Resolution No. 22R-XX Adopting the Mojave Integrated Regional Water Management Plan as Amended in 2018 to Comply with the Standards Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84) to formalize the adoption of the IRWMP for BDVWA.

#### **PRIOR RELEVANT BOARD ACTION(S)**

**07/22/2014 Motion No. 14-037** Motion to adopt Resolution No. 14R-12 Adopting the Mojave Water Agency Integrated Regional Water Management Plan Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84).



**RESOLUTION NUMBER 22R-XX  
RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY  
ADOPTING THE MOJAVE INTEGRATED REGIONAL WATER MANAGEMENT  
PLAN AS AMENDED IN 2018 TO COMPLY WITH THE 2016 STANDARDS  
PURSUANT TO THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL,  
RIVER AND COASTAL PROTECTION BOND ACT OF 2006  
(PROPOSITION 84)**

**WHEREAS**, a Regional Water Management Group (RWMG) was formed in 2013 for the purpose of preparing an update to, and implementing, the Mojave Integrated Regional Water Management (IRWM) Plan; and

**WHEREAS**, the RWMG consists of five local organizations, formed via Memorandum of Understanding between the Mojave Water Agency (MWA), Mojave Desert Resource Conservation District, Victor Valley Wastewater Reclamation Authority, Morongo Basin Pipeline Commission and the Technical Advisory Committee to the MWA; and

**WHEREAS**, the Mojave IRWM Plan was updated during 2013 and 2014, taking into account Proposition 84 guidelines and legislation, relevant sections of the California Water Code, watershed and resources data within and adjacent to the Mojave Region, proposed projects and priorities of stakeholders interested in the Mojave Region, and strategies to implement the IRWM Plan; and

**WHEREAS**, the Mojave Water Agency following thorough public review and input formally adopted the June 2014 Mojave IWRM Plan on June 26, 2014 via its Resolution No. 988-14; and

**WHEREAS**, the Bighorn-Desert View Water Agency is located within the Mojave IRWM Region, and staff has participated in the development of, and included projects in, the Mojave IRWM Plan; and

**WHEREAS**, the June 2014 Mojave IRWM Plan was adopted by the Bighorn-Desert View Water Agency via Resolution No. 14R-12; and

**WHEREAS**, in 2018 the Mojave Water Agency completed an amendment to the IRWM Plan to comply with the 2016 standards pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control; and

**WHEREAS**, the Final Draft Mojave IRWM Plan as amended in 2018 to comply with the 2016 standards was completed by the RWMG and released to the public for review and input in June 2018 and finalized after the formal review period; and

**WHEREAS**, the Department of Water Resources made the final determination that the 2018 amended IRWM Plan is consistent with the Guidelines and therefore approved the updated Mojave IRWM Plan on November 8, 2018.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW DOES HEREBY RESOLVE**, that the Mojave IRWM Plan as amended in 2018 to comply with the 2016 standards pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control is hereby adopted.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Bighorn-Desert View Water Agency this 11<sup>th</sup> day of October 2022.

By \_\_\_\_\_  
John Burkhart, President of the Board

ATTEST,

\_\_\_\_\_  
Megan Close-Dees, Board Secretary

**Official Seal**

## **Kennedy/Jenks Consultants**

2775 North Ventura Road, Suite 100  
Oxnard, California 93036  
805-973-5700  
FAX: 805-973-1440

### **Mojave Region 2014 Integrated Regional Water Management Plan 2018 Amendments**

25 May 2018

Prepared for

**Mojave Water Agency**  
13846 Conference Center Drive  
Apple Valley, CA 92307

K/J Project No. 1844204\*00

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ES-1 Updated IRWM Plan Standards

**List of Attachments**

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- A DWR Plan Review Tool (excel spreadsheet)
- B DWR Confirmation Letter of 2014 IRWMP Consistency with Proposition 84 IRWM Guidelines
- C 2014 Mojave Region IRWM Plan (adopted)
- D Mojave Region Technical Advisory Committee Support Letter for the 2014 IRWM Plan 2018 Amendments
- E Incorporation of Stormwater Resources Plan

## **Table of Contents (cont'd)**

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### **Acronym List**

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SB	Senate Bill
CARB	California Air Resources Board
DAC	Disadvantaged Community
DWR	Department of Water Resources
GHG	greenhouse gas
GL	Guidelines
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
GWMP	Groundwater Management Plan
IRWM	Integrated Regional Water Management
IRWMP	Integrated Regional Water Management Plan
MWA	Mojave Water Agency
RMS	Resource Management Strategy
RWVG	Regional Water Management Group
SWP	State Water Project
SLR	sea level rise
SWRP	stormwater resources plan
SGMA	Sustainable Groundwater Management Act
TMDL	Total Maximum Daily Load

## Executive Summary

The Regional Water Management Group (RWMG) for the Mojave Integrated Regional Water Management Plan (IRWMP, Plan) is required to amend its adopted 2014 IRWMP (referred to herein as the 2014 IRWMP) to meet the new standards provided in the California Department of Water Resources (DWR's) Proposition 1 2016 IRWM Guidelines. In September 2014 DWR deemed the IRWMP consistent with the Proposition 84 IRWM Grant Program Guidelines, as documented in the confirmation letter provided in Attachment B.

The Mojave RWMG intends to update the document approximately every five years (the first Plan was developed in 2008), and therefore the current Plan is not due for a full and complete update until 2019/2020. For the Mojave IRWM Region to be eligible for Proposition 1 IRWM funding, the IRWMP must meet the new updated Guidelines in time for the first round of Proposition 1 Implementation funding, anticipated in late 2018. Therefore, the RWMG has decided to amend the existing Plan to meet the new Guidelines; with a full update to be undertaken in the future.

IRWM Plan Standards are used to describe the required contents of an IRWM Plan and can be used as criteria in Implementation Grant applications. The Proposition 1 2016 IRWM Guidelines include updates to 10 of the 16 IRWM Plan Standards, as shown in the table below. Each of these Standards is discussed in this Amendment to show how the 2014 IRWMP meets the new element(s) of these Standards (new elements are shown in *Blue italics*). Additional explanation or edited IRWMP text is provided, if necessary, to update the Plan to fully meet the new requirements. The remaining 6 of the 16 IRWM Plan Standards have not changed since the Proposition 84 IRWM Guidelines and therefore they are not re-addressed within this Amendment.

**TABLE ES-1 UPDATED IRWM PLAN STANDARDS**

<b>IRWM Plan Standard</b>	<b>Standards Affected by the 2016 Proposition 1 IRWM Guidelines</b>
Governance	X
Region Description	X
Objectives	X
Resource Management Strategies	X
Integration	
Project Review Process	X
Impact and Benefit	
Plan Performance and Monitoring	X
Data Management	
Finance	
Technical Analysis	
Relation to Local Water Planning	X
Relation to Local Land Use Planning	X
Stakeholder Involvement	X
Coordination	
Climate Change	X

Where changes to the adopted 2014 IRWMP were necessary, actual text from the 2014 IRWMP section is shown in italics in this amendment document with changes shown in “track changes”; new text is in red underline and deleted text is in red ~~strikeout~~. References to the 2014 Plan sections are also provided for additional clarification. It is recommended that this Amendment be reviewed with the 2014 IRWMP (see Attachment C), as sections throughout the IRWMP are being modified per this Amendment.

The complete DWR Plan Review Tool (an excel spreadsheet) is provided as Attachment A.

This is not a full update of the 2014 IRWM Plan and per the governance structure of the RWMG, the RWMG is not required to formally adopt the Amendment. Rather, when the plan undergoes a full and complete update, re-adoption will occur. The Mojave IRWMP governance requires amendments be approved by vote of the RWMG and the Technical Advisory Committee and evidence of this vote is provided in Attachment D.





**BIGHORN DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** October 11, 2022

**To:** Board of Directors

**Budgeted:** Yes

**Budgeted Amount:** Director Budget

**Cost:** Varies

**From:** Marina D. West

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject: Authorize Per Diem and Expenses for Directors to Attend Various Educational Events**

---

**SUMMARY**

Staff is seeking approval for Director attendance to several upcoming events and retroactive approval for one past event attended by Director Chapman and Director Dicht.

**RECOMMENDATION**

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

1. Authorize retroactive payment of per diem and expenses to Director Chapman and Director Dicht for attendance to Community Water Systems Alliance “Larger Water Systems Helping Small Systems” Tour held October 10, 2022 estimated at \$200; and
2. Authorize attendance to the Association of California Water Agencies Annual Conference, Indian Wells, CA, November 29 thru December 1, 2022 estimated at \$1,225 plus lodging each; and
3. Authorize attendance to the Special Districts Leadership Foundation Governance Foundations Course on December 6 and 7, 2022 for Director Chapman and Director McKenzie estimated at \$325 each.

**BACKGROUND/ANALYSIS**

Staff is seeking approval for Director attendance to several upcoming events and one past event for Director Chapman and Director Dicht.

Director Chapman and Director Dicht attended the October 10<sup>th</sup> Community Water Systems Alliance “Larger Water Systems Helping Small Systems” Tour. In order to qualify for per diem or expenses, the Board of Directors needs to retroactively approve his attendance. The estimated cost is less than \$200.

Director McKenzie has expressed interest in attending the Association of California Water Agencies Annual Conference which is being held in Indian Wells this year between November 29<sup>th</sup> and December 1<sup>st</sup>. The estimated cost is \$1,225 plus lodging, if desired. The Board’s authorization to attend would be granted to any interested Director.

Director Chapman and Director McKenzie are due for the Special Districts Leadership Foundation Governance Foundations Course being held virtually on December 6 and 7, 2022. This course is required to maintain the Agency’s award of District of Distinction. The cost is estimated at \$325 per director.

**PRIOR RELEVANT BOARD ACTION(S)**

None





## Community Water Systems Alliance

### Fall Tour itinerary: Larger systems helping small systems

<b>Trip Description</b>	The tour will be a one day trip featuring stops at South Mesa Water Company, Mojave Water Agency, Twentynine Palms Water District, and Coachella Valley Water District. Transportation will be provided as well as pastries & coffee, snacks, lunch and an optional dinner
<b>Trip Goals</b>	To highlight the work that large systems are doing to support smaller, disadvantaged communities and to ensure their access to clean, safe, affordable water.
<b>Trip Length</b>	1 day
<b>Departure Date</b>	October 10, 2022
<b>Departure Time</b>	8:00 AM
<b>Ground Transportation</b>	TCS Charters
<b>Main Contact Name/Phone</b>	Yasmeen Nubani: (714) 604-7398
<b>Return Date</b>	October 10, 2022
<b>Return Time</b>	6:00 PM



Day 1	Time	Location	Description	Estimated length
Briefing & Pastries	8:00 am	Coachella Valley Water District- Steve Robbins Administration Building	coffee & pastries, transportation rendezvous, introductions by CVWD Director Estrada & project update	45 minutes
Tour Stop	10:00 am	Twentynine Palms Water District	Tour of the Fluoride treatment laboratory & ways they are reducing the cost of treatment for small water systems	1 hour
Tour Stop	11:45 am	Jubilee Mutual Water Company	Recharge basin construction; consolidation of Gordon Acres Mutual Water Company	30 minutes
Tour Shop & Lunch	1:00 pm	Catered at Mojave Water Agency Operations Center	Small water system program; State Water Project and basin recharge program	1 hour 15 minutes
Tour Stop	3:45 pm	South Mesa Water Company	Best practices for Consolidation (mobile homes); Spreading basin, pipeline project, new well	1 hour
Debrief	6:00 pm	Coachella Valley Water District		15 minutes
Dinner	6:30 pm	Cuistot OR Oceana Restaurant	French or Seafood	

★ Agenda items marked with this symbol will be recorded and available for on-demand access after the live event.  
 Note: Tuesday Committee meetings will not be recorded or available on-demand.

**ACWA JPIA - MONDAY, NOV 28**

- 8:30 - 10:00 AM**
  - ACWA JPIA Program Committee
- 10:15 - 11:15 AM**
  - ACWA JPIA Executive Committee
- 1:30 - 4:00 PM**
  - ACWA JPIA Board of Directors
- 4:00 - 5:00 PM**
  - ACWA JPIA Town Hall
- 5:00 - 6:00 PM**
  - ACWA JPIA Reception

**TUESDAY, NOV 29**

- 7:00 AM - 6:00 PM**
  - Registration
- 8:00 AM - 9:45 AM**
  - Agriculture Committee
- 8:30 AM - Noon**
  - ACWA JPIA Seminars
- 10:00 - 11:45 AM**
  - Groundwater Committee
  - Energy Committee
- 11:00 AM - Noon**
  - Outreach Task Force
- Noon - 2:00 PM**
  - Committee Lunch Break
- 1:00 - 2:45 PM**
  - Finance Committee
  - Water Management Committee
- 1:00 - 3:00 PM**
  - ACWA JPIA: Sexual Harassment Prevention for Board Members & Managers (AB 1825)
- 3:00 - 4:45 PM**
  - Communications Committee
  - Federal Affairs Committee
  - Legal Affairs Committee
  - Local Government Committee
  - Membership Committee
  - Water Quality Committee
- 5:00 - 6:30 PM**
  - Welcome Reception in the Exhibit Hall

**WEDNESDAY, NOV 30**

- 7:30 AM - 5 PM**
  - Registration
- 8:00 - 9:45 AM**
  - Opening Breakfast *(Ticket Required)* ★
- 8:30 AM - 6:00 PM**
  - Connect in the Exhibit Hall
- 10:15 - 11:15 AM**
  - Attorneys Program ★
  - Finance Program ★
  - Region Forum ★
  - Statewide Forum ★
  - Water Industry Trends Program ★
  - Roundtable Talk
- 11:30 AM - 1:30 PM**
  - Connect in the Exhibit Hall
  - Networking Lunch *(Ticket Required)*
- 12:30 PM - 1:30 PM**
  - General Session
- 1:45 - 2:45 PM**
  - Attorney Program ★
  - Communications Committee Program ★
  - Finance Program ★
  - Federal Forum ★
  - Water Industry Trends Program ★
  - Roundtable Talk
- 3:30 - 4:45 PM**
  - Regions 1-10 Membership Meetings
- 5:00 - 6:00 PM**
  - ACWA Outreach Reception in the Exhibit Hall
- 6:00 - 7:00 PM**
  - Women in Water Hosted Reception
  - CalDesal Hosted Mixer

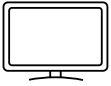
**THURSDAY, DEC 1**

- 7:30 AM - Noon**
  - Registration
- 8:00 AM - 9:30 AM**
  - Exhibitor Demonstrations
  - Networking Continental Breakfast in the Exhibit Hall *(Ticket Required)*
- 8:30 - 10:45 AM**
  - Ethics Training (AB 1234) - *Limited Seating*
- 9:30 AM - 10:00 AM**
  - Prize Drawings in the Exhibit Hall
- 10:15 - 11:45 AM**
  - Attorney Program ★
  - Finance Program ★
  - Region Forum ★
  - Statewide Forum ★
  - Water Industry Trends Program ★
  - Roundtable Talk
- Noon - 2:00 PM**
  - General Session Luncheon *(Ticket Required)* ★
- 2:15 - 3:15 PM**
  - Innovation Forum ★
  - Region Forum ★
  - Water Industry Trends Program 1 ★
  - Water Industry Trends Program 2 ★
- 3:30 - 4:30 PM**
  - Closing Reception

*Last modified: October 4, 2022*

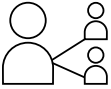
*Registration required to attend any part of ACWA's Fall Conference & Exhibition, including Tuesday, Nov. 29 complimentary committee meetings. See [www.acwa.com](http://www.acwa.com) for health & safety attendance requirements.*

## REGISTRATION, MEALS AND HOTEL INFORMATION SHEET



### REGISTER ONLINE

Register online by **November 11, 2022** at [www.acwa.com](http://www.acwa.com) to take advantage of the advance pricing.



### REGISTER ON SOMEONE'S BEHALF

Select from a list of people affiliated with your company in your account. If the registrant is not listed, you will need to create a Portal profile for the registrant through the ACWA website before registering.

**GROUP SAVINGS!** Register 5 individuals from the same organization, receive a 6th registration free!  
(Subject to [terms and conditions](#).) Contact Teresa Taylor at [TeresaT@acwa.com](mailto:TeresaT@acwa.com) for more information before registering.

REGISTRATION OPTIONS <i>Advantage pricing applies to ACWA public agency members, associates &amp; affiliates. Standard pricing applies to non-members of ACWA.</i>	ADVANCE DEADLINE: 11/11/22		ONSITE	
	ADVANTAGE	STANDARD	ADVANTAGE	STANDARD
<b>Full Conference Registration &amp; Meals Package</b> Includes access to all conference programs, meal functions, Exhibit Hall and access to On-Demand Designated Conference Recordings after the live conference.	\$775	N/A	N/A	N/A
<b>Full Conference Registration Only (meals sold separately)</b> On-Demand Designated Conference Recordings NOT included but may be purchased separately.	\$620	\$930	\$650	\$975
<b>Tuesday Committee Meetings Only</b> (complimentary - must register to attend)	\$0	\$0	\$0	\$0
<b>One-Day Conference Registration (meals sold separately)</b> <b>Wednesday, Nov. 30:</b> Includes access to Welcome Reception in the Exhibit Hall on Tuesday night, access to the Exhibit Hall and all conference programs on Wednesday only. <b>Thursday, Dec. 1:</b> Includes access to the Exhibit Hall, all conference programs and the Closing Reception on Thursday only.	\$370	\$555	\$390	\$585
<b>Guest Conference Registration (meals sold separately)</b> Guest registration is not available to anyone with a professional reason to attend.	\$75	\$75	\$75	\$75
<b>VIRTUAL OPTION: On-Demand Designated Conference Recordings Only</b> Includes on-demand access to all designated recorded sessions after the live conference.	\$220	\$330	\$220	\$330
MEAL FUNCTIONS	ADVANCE		ONSITE	
Wednesday Opening Breakfast - November 30	\$50		\$55	
Wednesday Networking Luncheon - November 30	\$50		\$55	
Thursday Continental Breakfast in Exhibit Hall - December 1	\$40		\$45	
Thursday Luncheon - December 1	\$55		\$60	

### HOTEL INFORMATION

You must be registered for the ACWA conference in order to receive hotel reservation information and conference special room rate. **Conference special rate is available September 2 - November 7**, based on availability.

#### HOTEL & ROOM RATES

Renaissance Esmeralda Resort & Spa Indian Wells  
\$199 per night (plus applicable state, local taxes & fees, and \$10 discounted Resort fee)

Hyatt Regency Indian Wells Resort & Spa  
\$199 per night (plus applicable state, local taxes & fees, and \$10 discounted Resort fee)

#### HEALTH & SAFETY

Please check [ACWA's conference page HERE](#) for current health & safety mandates.

#### IMPORTANT DATES

**The conference hotel room block opens on September 2.**

**Deadline for group rate is November 7, 2022**

For those **registering for conference prior to September 2**, information on how to reserve your hotel room will be provided via e-mail on September 2.

For those registering for conference from **September 2 to November 7**, your **confirmation e-mail** will include the information on how to reserve your hotel room and an opportunity to receive a conference special hotel rate.

**RESOLUTION NO. 22R-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THAT LOCAL EMERGENCY CONDITIONS PERSIST, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS' STANDING COMMITTEES FOR THE PERIOD OCTOBER 18, 2022 TO NOVEMBER 17, 2022, PURSUANT TO BROWN ACT PROVISIONS**

**WHEREAS**, the Bighorn-Desert View Water Agency (the "Agency") is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

**WHEREAS**, all meetings of the Agency's Board of Directors (the "Board") and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

**WHEREAS**, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition for application of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code Section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Agency's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

**WHEREAS**, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Board previously adopted Resolution No. 22R-16, finding that the requisite conditions exist for the Board and its standing committees to conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and

**WHEREAS**, as a condition of extending the use of the provisions set forth in Government Code Section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists within the Agency, and the Board has done so; and

**WHEREAS**, emergency conditions persist within the Agency, specifically COVID-19 and its Delta variant, remain highly contagious and, therefore, a threat to the health, safety, and well-being of the Agency's employees, directors, vendors, contractors, customers, visitors, and residents; and

**WHEREAS**, directions from the San Bernardino County Department of Public Health and regulations from the State of California impose various social distancing restrictions and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

**WHEREAS**, the Board does hereby find that a state of emergency continues to exist within the Agency's service area as a result of the continuing presence of COVID-19, which has caused, and will continue to cause, conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the Agency that are likely to be beyond the control of services, personnel, equipment, and facilities of the Agency, and the Board desires to re-affirm that a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency persisting, the Board does hereby find that the Board and all standing committees thereof shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

**WHEREAS**, the Agency will continue to provide proper notice to the public regarding all Board and standing committee meetings in accordance with Government Code Section 54953(e)(2) and shall continue to provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.



Section 2. Affirmation that Local Emergency Persists. The Board hereby considers the conditions of the state of emergency within the Agency and proclaims that a local emergency persists throughout the Agency as a result of the continuing presence of COVID-19, which continues to cause conditions of imminent risk to attendees of the Agency's Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders and guidance, and that continuing to conduct the Agency's Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The Agency's General Manager, or his or her delegee, and the Board and standing committees of the Agency are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect October 18<sup>th</sup> and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

PASSED AND ADOPTED by the Board of Directors of the Bighorn-Desert View Water Agency this 11<sup>th</sup> day of October, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By \_\_\_\_\_  
John Burkhart, President of the Board

ATTEST:

\_\_\_\_\_  
Megan Close-Dees, Secretary

**Official Seal**





# 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=MGZySWw5RGdJUnJGZjJDNEp0UkdzOQ==>

Passcode: 694233

OR

**TELECONFERENCE LINE THRU ZOOM**

1-669-900-6833

Webinar ID: 867 3522 4790

Passcode: 694233

### 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 agendaize 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

**MSC<sup>1</sup> (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 agendaize 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

**MSC<sup>1</sup> (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

**MSC<sup>1</sup> (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

**MSC<sup>1</sup> (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 weed 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

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

## 6. Consent Items -

- a. Resolution No. 22R-XX 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

**MSC<sup>1</sup> (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 1<sup>st</sup> and 2<sup>nd</sup>, 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 Distict 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:

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Megan Close-Dees, Secretary of the Board

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

**Official Seal**

## BIGHORN-DESERT VIEW WATER AGENCY

To: BOARD OF DIRECTORS  
 From: ROSA CARRICK  
 September 30, 2022 Calendar Year 2022 - Q3 - UNAUDITED



## CASH BALANCE DISTRIBUTION PER ADOPTED FINANCIAL RESERVE POLICY (Resolution No. 21R-25)

LOCAL AGENCY INVESTMENT FUND, PACIFIC WESTERN BANK and PARS 115 INVESTMENT TRUST

## GL ACCOUNT NO.

1	01-00-132000	PARS 115 TRUST (as of 8/31/2022)	\$	236,026
	01-00-131250	PACIFIC WESTERN BANK	\$	3,099,786
	01-00-131251	PACWEST CD (Maturity 9/8/23)	\$	1,000,000
2	01-00-133030	LAIF CASH ACCOUNT BALANCE	\$	538,606
			TOTAL CASH	\$ 4,874,418

## CASH BALANCE DISTRIBUTION - exact

3	01-00-211020	TAX LIABILITY - Co SanBernardino Overpayment	\$	24,339
	01-00-226000	CUSTOMER DEPOSITS (actual quarterly balance)	\$	179,215
	01-00-229100	COMPENSATED ABSENCES (est. from FY20/21 Audit)	\$	114,981
	01-00-310005	ID GM RESTRICTED FUND (actual quarterly balance)	\$	217,300
	Fund Goal	OPERATING RESERVE (est. 180 days from FY2021/22 budget)	\$	860,000
	Fund Goal	CAPITAL RESERVE (est. 6% of total assets on 6/30/21)	\$	708,000
4	Fund Goal	RESERVE FOR GRANT FUNDED CAPITAL PROJECTS (5% of expected)	\$	25,000
	Fund Goal	RATE STABILIZATION RESERVE (est. 25% of FY21/22 Op. Revenue)	\$	472,000
	Fund Goal	EMERGENCY CONTINGENCY FUND (target)	\$	1,000,000
			UNENCUMBERED CASH (All Investments)	\$ 1,273,583
			TOTAL CASH	\$ 4,874,418
	01-00-143011	INVENTORY - VALUE of WATER IN STORAGE at AMES/RECHE	\$	356,030

Date Printed: 10/5/2022

O://OPEN SHARE/BANK and LAIF/LAIF PWB CASH BALANCES

## FOOTNOTES

- 1 PARS Balance thru August 2022 (Statement Lag Time)
- 2 Statement does not reflect Q3/2022 LAIF Interest Paid 10/15/2022
- 3 County overpaid BDVWA \$130,183.35 in Unitary Tax Allocations over a ten year period. CoSB approved a 5-year payback plan which began in FY2018/19.
- 4 Current Awarded Grant total is \$500,000 for GM Replacement Well



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**Bighorn Desert View Water Agency**  
**Check Register**

**Check Date Range:** 9/1/2022 thru 9/30/2022

<b>Ck Date</b>	<b>Ck No</b>	<b>Payable To</b>	<b>Void</b>	<b>Check Amt</b>
9/1/2022	0	IRS PAYROLL		3,677.87
9/1/2022	0	EDD PAYROLL		1,228.27
9/1/2022	0	CALPERS		4,950.13
9/1/2022	31632	PAYROLL		143.26
9/1/2022	31633	PAYROLL		143.26
9/1/2022	31634	PAYROLL		2,127.16
9/1/2022	31635	PAYROLL		1,532.71
9/1/2022	31636	PAYROLL		1,556.57
9/1/2022	31637	PAYROLL		4,786.82
9/1/2022	31638	PAYROLL		2,392.01
9/1/2022	31639	PAYROLL		1,586.11
9/1/2022	31640	PAYROLL		1,657.23
9/1/2022	31641	PAYROLL		3,224.99
9/7/2022	0	SOUTHERN CALIFORNIA EDISON COMP		10,633.16
9/7/2022	0	AMERICAN FIDELITY ASSURANCE COMPANY		1,119.85
9/7/2022	0	CARDMEMBER SERVICES		3,121.71
9/12/2022	31657	BEYOND SOFTWARE SOLUTIONS		1,504.80
9/12/2022	31658	HASA, INC.		1,567.03
9/12/2022	31659	JOHN'S GARAGE,LLC		648.20
9/12/2022	31660	PARKER'S BUILDING SUPPLY - US LBM, LLC		59.19
9/12/2022	31661	Yucca Valley Sunset Rotary Club		100.00
9/12/2022	31662	SBRK FINANCE HOLDING, INC.		451.00
9/12/2022	31663	SDRMA		16,171.01
9/12/2022	31664	STAPLES, INC.		332.50
9/12/2022	31665	THE ALLIANCE FOR COMMUNITY SOLUTIONS, LTD.		750.00
9/12/2022	31666	UNDERGROUND SERVICE ALERT OF SO CAL		62.50
9/13/2022	31675	CUSTOMER REFUND		4.91
9/13/2022	31676	CUSTOMER REFUND		25.83
9/13/2022	31677	CUSTOMER REFUND		6.33
9/13/2022	31678	CUSTOMER REFUND		34.49
9/13/2022	31679	CUSTOMER REFUND		29.10
9/13/2022	31680	CUSTOMER REFUND		11.09

Page 54 of 63  
**Bighorn Desert View Water Agency**  
**Check Register**

**Check Date Range:** 9/1/2022 thru 9/30/2022

<b>Ck Date</b>	<b>Ck No</b>	<b>Payable To</b>	<b>Void</b>	<b>Check Amt</b>
9/13/2022	31681	CUSTOMER REFUND		1.32
9/15/2022	0	IRS PAYROLL		3,461.15
9/15/2022	0	EDD PAYROLL		1,110.75
9/15/2022	0	CALPERS		4,950.13
9/15/2022	31667	PAYROLL		1,797.67
9/15/2022	31668	PAYROLL		1,477.71
9/15/2022	31669	PAYROLL		1,556.57
9/15/2022	31670	PAYROLL		4,731.82
9/15/2022	31671	PAYROLL		1,620.04
9/15/2022	31672	PAYROLL		2,130.19
9/15/2022	31673	PAYROLL		2,420.86
9/15/2022	31674	PAYROLL		2,475.26
9/20/2022	31682	CUSTOMER REFUND		54.18
9/20/2022	31683	CUSTOMER REFUND		12.56
9/20/2022	31684	CUSTOMER REFUND		85.67
9/20/2022	31685	CUSTOMER REFUND		247.91
9/20/2022	31686	CUSTOMER REFUND		83.66
9/20/2022	31687	CUSTOMER REFUND		116.51
9/20/2022	31688	CUSTOMER REFUND		86.19
9/20/2022	31689	CUSTOMER REFUND		186.19
9/20/2022	31690	CUSTOMER REFUND		201.37
9/23/2022	0	IRS PAYROLL		435.15
9/23/2022	0	EDD PAYROLL		7.88
9/26/2022	31696	BRUNICK, McELHANEY & KENNEDY PROF LAW CORP		2,482.50
9/26/2022	31697	CLINICAL LABORATORY OF SB, INC.		731.00
9/26/2022	31698	JEFF DROZD		400.00
9/26/2022	31699	FEDAK & BROWN LLP		7,324.00
9/26/2022	31700	INLAND WATER WORKS SUPPLY CO		2,912.61
9/26/2022	31701	JOHN'S GARAGE,LLC		2,134.16
9/26/2022	31702	NV5 , INC		5,645.50
9/26/2022	31703	PARKER'S BUILDING SUPPLY - US LBM, LLC		31.08
9/26/2022	31704	QUILL		94.80

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**Bighorn Desert View Water Agency**  
**Check Register**

**Check Date Range:** 9/1/2022 thru 9/30/2022

<b>Ck Date</b>	<b>Ck No</b>	<b>Payable To</b>	<b>Void</b>	<b>Check Amt</b>
9/27/2022	0	AT&T MOBILITY		311.17
9/27/2022	0	CINTAS CORPORATION #150		341.44
9/27/2022	0	SOUTHERN CALIFORNIA EDISON COMP		10,617.17
9/27/2022	0	AMERICAN FIDELITY ASSURANCE COMPANY		1,119.85
9/27/2022	0	CARDMEMBER SERVICES		7,534.43
9/27/2022	0	BLUEFIN PAYMENT SYSTEMS		833.88
9/27/2022	0	SPRINGBROOK ACH		122.92
9/29/2022	0	IRS PAYROLL		3,773.83
9/29/2022	0	EDD PAYROLL		1,253.87
9/29/2022	0	CALPERS		4,956.61
9/29/2022	31691	PAYROLL		143.26
9/29/2022	31692	PAYROLL		985.97
9/29/2022	31693	PAYROLL		143.26
9/29/2022	31694	PAYROLL		390.79
9/29/2022	31695	PAYROLL		474.67
9/29/2022	31705	PAYROLL		2,039.74
9/29/2022	31706	PAYROLL		1,583.30
9/29/2022	31707	PAYROLL		1,592.75
9/29/2022	31708	PAYROLL		4,957.31
9/29/2022	31709	PAYROLL		2,657.86
9/29/2022	31710	PAYROLL		1,793.83
9/29/2022	31711	PAYROLL		1,836.39
9/29/2022	31712	PAYROLL		3,220.05
9/30/2022	31713	FREEWAY TOYOTA OF HANFORD		31,288.55
			<b>Total</b>	<b>200,618.38</b>







DATE: 10/5/2022  
 TO: Board of Directors  
 FROM: Laun Hanson  
 RE: Bighorn-Desert View Production SEPTEMBER 2022

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>GPM from</u> <u>Hour Meter</u>	<u>GPM</u> <u>Flowmeter</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well 2	Well is "inactive"					
Well 3	208,920	1,562,722	151	166	172.8	4.80
Well 4	Well is "inactive"					
Well 6	105,110	786,223	103	80	127.3	2.41
Well 7	149,150	1,115,642	124	136	149.6	3.42
Well 8	506,000	3,784,880	363	380	173.8	11.62
Well 9	637,700	4,769,996	430	440	185	14.64
Well 10	33,870	253,348	77	92	54.6	0.78
<b>Total</b>	1,640,750	12,272,810			863.1	37.67

\* C-Booster Station Rebuilt and back on-line. Reduced motor size from 40HP to 15 HP and flow reduced from approx. 310 gpm to approx. 175 gpm. (flow shown is average for the month).

<b>A Boosters</b>	105,490	789,065	137	150	95.7	
<b>C Boosters</b>	164,700	1,231,956	175	175	117.0	
<b>Total</b>	270,190	2,021,021				





DATE: 10/5/2022  
 TO: Board of Directors  
 FROM: Laun Hanson  
 RE: Goat Mountain Production SEPTEMBER 2022

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>GPM from</u> <u>Hour Meter</u>	<u>GPM from</u> <u>Flowmeter</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well GMW1	243,090	1,818,313	188	220	160.8	5.58
Well GMW3	301,900	2,258,212	291	320	129.3	6.93
<b>Total</b>	544,990	4,076,525			290.1	12.51
GM booster	206,400	1,543,872	244	222	105.5	





# 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."*

## Finance/Public Relations/Education and Personnel Standing Committee

### SPECIAL Meeting Minutes

Committee Members: Director McKenzie & Director Dicht

BOARD MEETING OFFICE  
1720 N. CHEROKEE TR.  
LANDERS, CALIFORNIA 92284

July 19, 2022  
Time – 4:00 P.M.

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

OR

Join Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89439510666?pwd=WjdxY1NITEZQYTc3b2E0bkx4NFovQT09>

Passcode: 732027

Or

Dial: 1-669-900-6833

Webinar ID: 894 3951 0666

Passcode: 732027

#### CALL TO ORDER

Chair McKenzie called the meeting to order at 4:01 pm.

#### PLEDGE OF ALLEGIANCE

Led by Chair McKenzie.

#### ROLL CALL

Directors Present: Chair McKenzie  
Director Dicht

Staff Present: Marina West

One (1) member of the Board attending the meeting as an observer. Zero (0) public attended the meeting in person. Zero (0) public attended via Zoom.

#### APPROVAL OF AGENDA

##### Discussion and Action Items -

##### 1. Discuss Public Relations Events Schedule for 2022

The Committee discussed public relations opportunities in 2022. The first is the Giant Rock Clean-up. Agency intends to bring a water buffalo and EZ-Up for event from 9 to 12pm on Saturday, September 24<sup>th</sup>.

GM West noted that the Committee could decide to add other events in the future but cautioned that there is really no staff “hired” to execute public relations events. Other possible outreach events include the Belfield Park Trash/Tire Day’s and Labor Day Fireworks at Belfield Park.

Director Dicht’s stated that he is willing to “lead” the Orchid Festival but has some reservations about Director’s operating the event. Possible incentive would be for them to receive Per Diem approved as well. GM West stated that staff will set-up and take down the tent. GM West agreed to agendize the Per Diem for Directors that participate in events.

**2. Discuss Emergency Response Internal Processes**

GM West gave a PowerPoint presentation on the internal emergency response preparations. Chairwoman McKenzie asked if “staff knows what to do” in an emergency. GM West gave some examples of response actions. Chairwoman McKenzie suggested that the public be provided more of an insight into how we will respond or how can we respond. For instance, the Agency could convey to the public that the Agency has completed training and possess equipment and mutual aid agreements in place to assist in emergency response. Director Dicht’s had some reservations about how to convey such information.

Committee felt it would be of value to produce such a newsletter with a goal to bring a draft to the next FPREP meeting. Chairwoman McKenzie would like to inquire of the remaining Board members about any messaging they might suggest for the memo box on each monthly bill. This recommendation could be brought to the August 2022 regular Board meeting.

**3. Update Drought Messaging Campaign – Multi-Agency Outreach**

GM West discussed the area partnership for coordinated drought messaging campaign to be conducted via radio ads. The program is funded by a Mojave Water Agency grant. GM West answered questions of the Committee.

**4. Consent Items –**

- a. FPREP Committee Meeting Minutes May 18, 2022
- b. PARS Investment Statement April 2022 and May 2022

Recommended Action:

Approve as presented (Items a-b):

Committee approved the Consent Items as presented.

**5. Public Comment Period**

None.

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

- 1. Committee Members’ Comments/Reports - None

July 19, 2022 FPREP Committee Meeting Minutes

Posted July 15, 2022 Approved September 21, 2022



2. General Manager's Report – GM West reported that the system samples obtained on Saturday, during the second round, were all absent. There will be a notification to customers but the emergency is over.

**7. Adjournment**

Chair McKenzie adjourned the meeting at 5:19 pm.

Approved by:



JoMarie McKenzie, Committee Chair



Official Seal