



# 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**

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

**MEETING ROOM IS OPEN FOR IN-PERSON ATTENDANCE  
PUBLIC WISHING TO PARTICIPATE REMOTELY**

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

<https://us02web.zoom.us/j/87592709343?pwd=d1JZVjVWb09CTWhpcHNWbk1iaWZDUT09>

**Passcode: 546439**

**OR**

**TELECONFERENCE LINE THRU ZOO**

**1-669-900-6833**

**Webinar ID: 875 9270 9343**

**Passcode: 546439**

**----- NOTE -----**

**Director Burkhart will attend via teleconference  
from the location identified as  
5083 Lazy Lane, Johnson Valley, CA 92285**

### **CALL TO ORDER**

President Burkhart attending remotely. Vice President McKenzie called the meeting to order at 6:00 pm.

### **PLEDGE OF ALLEGIANCE**

Led By JoMarie McKenzie

### **ROLL CALL**

Directors present: John R. Burkhart – teleconference from the location shown above  
JoMarie McKenzie  
Megan Close-Dees  
Craig Dicht  
David Chapman

Staff present: Marina West

Public Present: 0 member(s) of the public indicated they were participating via teleconference. 0 members of the public were present in the meeting room. Mr. Christopher Brown, CPA, CGMA, Fedak & Brown, LLP attended to present the audited financial statements.

**APPROVAL OF AGENDA**

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

**Discussion and Action Items –**

**1. An Oath of Office will be Administered to Newly Appointed Agency Directors Burkhart, Chapman, Dicht and McKenzie**

GM West administered the Oath of Office to the directors appointed in lieu of election.

Public Comment: None.

**No Motion**

No Action Taken – Informational / Ceremonial Only - Formal Oath of Office Certified Prior to December 2, 2022.

**2. Presentation of the Agency Financial Audit for Fiscal Year 2021-2022 by the Independent Certified Public Accounting Firm of Fedak & Brown, LLP**

GM West thanked Ms. Rosa Carrick, Accounting Technician, for her contributions to the annual audit process. She then introduced Mr. Christopher Brown, Fedak & Brown, LLP, the Agency’s auditor who gave their presentation on the audit findings for Fiscal Year 2021/22.

GM West stated that Director Dicht had submitted several questions on the audit. MR. Brown and GM West reviewed and provided responses to those questions. Additional questions were asked during the meeting.

Mr. Brown answered specific questions related to pension liability, testing protocols, risks, prior period adjustment related to GASB 87-Leases, pending GASB statements applicable to future audits, capital assets and disposal of such and defining “fair value” methods for investments.

Public Comment: None

**Motion No. 22-046**

Director Chapman made a motion to received and file the Agency Financial Audit for fiscal year 2021/22 completed by Fedak & Brown, LLP. 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.**

Board adjourned to break at 7:18 pm ---- Meeting resumed at 7:22 pm

**3. Adoption Resolution No. 22R-21 Acknowledging the Retirement of Jim Ventura from the Mojave Water Agency Board of Directors – Division II**

GM West introduced the draft Resolution of appreciation for Mr. Jim Ventura and asked if the Board had any input, changes or corrections to the draft Resolution prior to finalizing.

Public Comment: None

**Motion No. 22-047**

Director Chapman made a motion to adopt Resolution No. 22R-21 Proclaiming Appreciation and Acknowledging the Accomplishments of Jim Ventura upon his retirement from the Mojave Water Agency Board of Directors – Division II. Director Dicht seconded the motion.

Burkhart	Absent from vote
McKenzie	Y
Close-Dees	Y
Dicht	Y
David Chapman	Y

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

**4. Discuss Process for a Review of the Work Performed by the Agency's General Counsel Appointed by the Board of Directors (Requested by Director Dicht)**

GM West introduced the item for discussion noting that Director Dicht had inquired about an annual review process for General Counsel. GM West noted that the Board of Directors has never completed evaluations of work performance for General Counsel. She noted that while services received have been more than satisfactory, she is working to reduce the number of billable hours. She further commented that Mr. Kennedy has been heavily involved as he is new to the Agency and staff has him reviewing existing policies and boilerplate contracts, which were developed by prior counsel. In addition, he has also been involved with grant funding agreements and the Bureau of Land Management Right-of-Way Lease issues which are "not routine".

Director Close-Dees suggested a review of legal billing detail might be warranted. Director Chapman desired to know if Mr. Kennedy is working to reduce costs, is he responsive to requests. Additional discussion ensued between directors and GM. Possibly have Mr. Kennedy attend the next Workshop to review with the Board of Directors a summary of the work he has done on our behalf.

**No Motion**

Information and Discussion Purposes Only – Board provided direction to staff.

**5. Board to Discuss Formation of an Ad Hoc Committee to Develop a “Management Succession Plan and Organizational Structure” in Accordance with Resolution No. 20R-08 Policy for Establishing Standing Committees, Other Appointments and Authorizing Creation of Ad Hoc Committees**

Director McKenzie noted that she believes it could take some time to deal with succession planning.

GM West gave the staff report noting that the Finance/Personnel Committee (FPREP) had agendized this issue for discussion at the November meeting. GM West informed the Committee that she preferred an Ad Hoc Committee approach for working on this issue. The Ad Hoc Committee would work with the GM to develop details for a strategy and bring that back to the Board for further consideration. GM West did not believe the Committee level was appropriate due to issues of employee confidentiality.

There was discussion amongst the directors about the process for moving forward once the current GM retires, currently scheduled for late 2025.

Director Chapman suggested this subject be differed until January 2023.

**6. Consent Items**

- a. Regular Board Meeting Minutes, October 11, 2022.
- b. Financial Statements
  - 1. Balance Sheet – September and October 2022
  - 2. Budget Status – September and October 2022
- c. Receive and File Disbursements for October and November 2022
- d. Service Order Report through October 2022
- e. BDV Production Report for October and November 2022
- f. Goat Mountain Production Report for October and November 2022
- g. Receive and File PLEGS Standing Committee Minutes for August 16, 2022
- h. Receive and File Notice Inviting Bids for Public Works Contract No. PWC22-01 Replacement Production Well for Goat Mountain System

Recommended Action:

Approve as presented (Item a-h):

**Motion No. 22-048**

Director Chapman made a motion to approve consent items a – h as presented. Director Close-Dees seconded the motion.

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

**MSC<sup>1</sup> (Chapman/Close-Dees) 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 – Board will return to the “regular” Brown Act rules in January as AB 361 expires. Therefore, should a Director need to participate from a remote location they just need to inform the General Manager who will provide further direction. At this time, GM intends to open the meetings on Zoom but wonders if this remains a necessity into the future. She asked the Directors about their preferences with consensus to continue the Zoom platform.

2. Director Reports -

Director Close-Dees reported on the Homestead Valley Community Council meeting she attended on October 17, 2022. She also mentioned the bi-annual required driver training she attended on-line.

Director Close-Dees reported on the Association of California Water Agencies (ACWA) Conference she attended from November 29 to December 1, 2022. She noted the “roundtable” discussions were very interactive and informative. One was on Accessory Dwelling Units (ADU’s) and one on drought and climate change messaging. She noted her observations over the course of her life living in the Palm Springs area. She also discussed the Safe and Affordable Funding for Equity and Resilience (SAFER) program, Chromium 6, PFAS and associated compliance periods. One other topic she mentioned was the presentation on the water generator, which condenses water from the atmospheric humidity. Lastly a presentation on the endangered Steelhead trout.

Director McKenzie reported on the ACWA Conference she attended from November 29 to December 1, 2022. She also discussed the “water generator” presentation and the issue of plastic waste from bottled water. Another presentation was on “room for water” where stream and/or river waters are slowed for better percolation or directed to an area for allowed flooding for percolation. She attended a “roundtable” on cultivating a diverse workforce, mentoring, flex schedules, and teleworking. One point made at the roundtable was “I’m looking for attitude as much as skill set”.

She also reported on bi-annual required driver training course she attended on-line. She also reported on the Governance Training she attended in December, which is required for the renewal of the Agency’s District of Distinction accreditation from the CA Special Districts Association.

Director Chapman reported on the reported on the ACWA Conference he attended from November 29 to December 1, 2022. He summarized several sessions he attended during the conference including updates from the federal and state entities on water supply issues on the Colorado River and Sacramento Delta.

He also reported on the Governance Training he attended in December, which is required for the renewal of the Agency’s District of Distinction accreditation from the CA Special Districts Association. He summarized the concept of Unity not Uniformity.

Director Dicht reported on the reported on the Association of San Bernardino County Special Districts (ASBCSD) dinner and lecture he attending on October 17, 2022 which summarized the Brown Act and the general parameters of AB 2449. He also discussed the parameters of SB 1100, AB 2647 concerning information published after agenda posting, and SB 1439 regarding political contributions.

He further reported on the ACWA Conference he attended from November 29 to December 1, 2022. He noted that he attended the first day where various ACWA Committees held meetings.

**10. Adjournment**

Vice President McKenzie Adjourned the meeting at 9:40 pm.

Approved by:

  
Megan Close-Dees, Secretary of the Board

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



**Official Seal**