



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**

**April 11, 2023
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/89107515974?pwd=SlVuVk4wbDJvY3BpcGxta2tHQiFrQT09>

Passcode: 252761

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 891 0751 5974

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CALL TO ORDER

President Burkhart called the meeting to order at 6pm.

PLEDGE OF ALLEGIANCE

Led by JoMarie McKenzie

ROLL CALL

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

Staff present: Marina West

Public Present: 2 member(s) of the public indicated they were participating via teleconference. 2 members of the public were present in the meeting room.

APPROVAL OF AGENDA

Director McKenzie made a motion to approve the agenda as presented. Director Chapman seconded the motion. Unanimously approved.

Discussion and Action Items -

- 1. Presentation of Two-Year Special District Leadership Foundation – Transparency Certificate of Excellence and District of Distinction Accreditation by Mr. Chris Palmer, Senior Public Affairs Field Coordinator, CA Special Districts Association**
GM West introduced Mr. Chris Palmer who attended via Zoom.

Mr. Palmer noted he is representing the Special Districts Leadership Foundation to present the recognition awards for governance Best Practice. As to the Transparency in Governance award, there are only 150 Special Districts of the more than 2,000 Special Districts in California. Mr. Palmer summarized the factors considered in the award such as audited financial statements, training, public outreach, website standards, etc.

The second award, District of Distinction, meaning the Agency has gone “above and beyond” noting that it has only been received by 40 of the 2,000 Special Districts in California. Mr. Palmer summarized the factors required to receive this award which includes 3-years of clean audits, additional training for Board and key staff, sound policies concerning governance especially surrounding Board conduct, district finances, transparency and fiscal reserves. Mr. Palmer congratulated the Board of Directors.

President Burkhart thanked Mr. Palmer for presenting the awards.

Director Dicht thanked Mr. Palmer / CSDA noting that he appreciated the governance training that he completed upon joining the Board and for all the other resources CSDA provides to members.

GM West showed a Powerpoint slide with the award logos on the homepage of the Agency website.

No Motion

No Action Taken –Ceremonial Only

- 2. Request by Owner of Parcel No. 0630-051-36 to Relocate Water Meter Service within the Utility Easement so as not to be Obstructed by a Fence the Owner Recently Installed Which Now Blocks the Meter**

GM West introduced the matter as a request for a variance from Agency Rules and Regulations for Water Service. On December 19, 2022, the Agency sent the first letter directing the customer to move the fence. He had installed a fence so as to put the water meter, shutoff valve and portion of the service line on the private property side of the fence. This notice is standard Agency procedure. GM West showed a copy of the customer provided August 15, 2019 Land Survey which clearly indicates the 33-foot utility easement around the perimeter of the property. The survey doesn't show the location of the meter but the customer stated that it is about 25-feet so very close to the edge of

the easement. She also showed a Google Earth image for more context. The image shows that the developed portion of the easement is on the south properties which makes it appear that his meter is farther into the property. GM West mentioned the claims in Mr. Britton's letter about other meters. She noted that the reason nearby meters appear closer to the fence line is because they are set at the edge of the easement for the south side parcels.

GM West introduced Mr. Britton, property owner and asked him to proceed with his presentation to the Board of Directors. Mr. Britton addressed the Board of Directors. He stated that he didn't install a fence around the property but he did install a fence on the road to stop people from driving wherever they want. The fence is not all the way around the property and he does not intend to "lock" the gate(s). He stated he didn't install the fence maliciously he just wanted the fence out on his property edge, not 25-feet back where the meter is. He noted that the fence installer, Mr. Mike Price, works at Hi-Desert Water District and that he didn't say anything about the fence installation. On the screen, he pointed to several meters at other locations "across the road" (on Ira Avenue) that he "surveyed" stating that they are "averaging 6.75-feet". He believes the original installation, not that it isn't within the 33-foot easement, but he believes "they lobbed it way back on the property" and was set back too far. In closing, he would like to leave the fence as it is, it's one-sided and we can walk around it or he would like to move the meter out in front of the fence so "it matches my other neighbors".

Director McKenzie asked, Is the meter currently inside the easement? Mr. Britton responded, I assume so, "I understand its 33-feet from the middle of the road". I think it is ok where it is at, he told Vice President McKenzie, but stated "it also puts me at a disadvantage because it was lobbed way back there and it's still within the easement to be in front of my fence, it would match the other guys (neighbors) and I feel like I would be treated more fairly". He further discussed the location of the road, the fence and the meter.

Director Close-Dees noted the meter is where it is because it is an older installation and assuming installed before some of the others were placed closer to the road and will be replaced at some point in the future suggesting it could be moved. GM West pointed out some differences of opinion between the Agency and Mr. Britton and that she had not investigated his allegations due to the time involved.

Director Dicht inquired about permitting for the fence and did he get a permit. Mr. Britton stated that the fence did not require a permit due to the height.

GM West noted that once the fences are erected then the Agency has to follow-up with their demand to move the fence from around the meter. Once the fence is up, the Agency only works to regain access.

Mr. Britton made clear to President Burkhart, if the Board denies the request, he will comply. Additional comments and allegations were made regarding the other meters on the street.

As a result of continued questioning from the Board on the easements, GM West stated that the Agency may have to require property boundary surveys for new meters to make it clearer.

Director Chapman noted that if he was told prior to installing the fence. Mr. Britton interrupted and Director Chapman said it was the owner's responsibility to know where the easements are. Mr. Britton said he could do a "pocket" in his fence. Several directors stated the issue was about this fence, not others. Director Chapman asked him to follow the rules. Mr. Britton continued to interject and asked if "we" could just move the meter.

Mr. Britton said he doesn't have a problem installing a "pocket" in his fence. Director Dicht and Director Chapman requested that Mr. Britton comply with the request. To which Mr. Britton responded, "can't we just move the meter for me, it would still be in the easement".

Mr. Britton interjected, something about "its 25-feet back off the road and he (third party?) also wants to move it in the easement it to match his neighbors". Director Dicht read the wording in the Agency Rules and Regulations regarding this subject. Mr. Britton interrupted Director Dicht's statement and asked what the fee is. GM West stated that the fees is estimated at \$3,485 for time, materials and equipment. Mr. Britton interjected that Hi-Desert Water District would move the meter for \$800.

Director Chapman interjected in reply that it doesn't matter and that he needs to work within the rules.

Director Dicht discussed the Agency's financial structure and how we maintain a lowest cost water structure. Mr. Britton said he understands and then requested that he hire his own contractor. Director Chapman noted that the Board is not really in a position to dictate to the staff and that staff has the experience. He is satisfied following staff's recommendation.

Director McKenzie stated she would like to know if the County objects to the fence being placed in the easement. Mr. Britton interjected while GM West answered that the County will tell you that you cannot obstruct the easement but when it comes to enforcement the County will tell you it is a civil matter and must be litigated. Hence, why BDVWA filed such litigation against Mr. Perry and Mr. Hipsher.

Director Close-Dees commented that she is bothered by the inconsistencies with other meter locations. She sees his point, legal issues aside, there is an inconsistency in the

manner in which his meter was placed with respect to where others are on the street. GM West responded that these are his allegations and if the Board desires that she “research to ground” his allegations then she requests the Board continue the matter. GM West pointed back to the Google Earth coverage and the location of the easements.

Director Close-Dees asked where a new meter would be installed today. GM West stated that a brand new meter would be located 33-feet into the property easement. She urged the members to visualize this in an “urban setting”. Director Close-Dees asked about the other meters that apparently were not located that far into the easement. GM West responded that she would have to research it but that the meter on Landers Lane is scheduled for replacement outside the fence. The Agency believes the meter was installed too far into the easement.

GM West again requested that if the Board of Directors needed additional information and answers to Mr. Britton’s allegations be constructed by staff then a continuance is needed.

GM West concluded by stating that she recommends denying the variance and requiring the customer to relocate the fence as directed. General Counsel Kennedy recommends the same. If the Board would ask that Mr. Britton’s allegations be answered then staff would ask for a continuance to research his claim further.

Public Comment: None

Motion No. 23-011

Director Chapman made a motion to continue the item to a future meeting date. Director McKenzie seconded the motion.

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

MSC¹ (Chapman/McKenzie) approved (4/1).

Following the motion and vote, GM West said she doesn’t know when the issue will come back to the Board and will schedule a closed session with legal counsel so the Board can be fully briefed on the issue. She told Mr. Britton that she would let him know what the timing is.

3. Fiscal Year 2023/24 Cost-of-Living Adjustment All Staff and General Manager – Resolution No. 23R-06 Authorizing an 8.7% COLA and Amending Appendix C – Range and Step Scale Incorporated by Reference to the Employee Handbook

GM West gave the staff report as provided in the Agenda packet noting that the Finance Committee and the full Board have reviewed the background information and had recommended the item be moved forward at the March 28, 2023 Special Meeting. GM West asked if there were any questions from the Board.

Public Comment: None

Director Chapman stated that this subject was discussed at Committee and Board level. Director McKenzie asked about it being commensurate with the employee anniversary date. GM West, replied the COLA would be effective with the first full payroll in July 2023 and that this is a budget related item not related to the anniversary date.

Motion No. 23-012

Director Chapman made a motion to Adopt Resolution No. 23R-05 Authorizing an 8.7% Cost-of-Living Adjustment for Non-Exempt Employees and General Manager and Amending Appendix C – Range and Step Scale Incorporated by Reference to the Employee Handbook. Director McKenzie seconded the motion.

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

MSC¹ (Chapman/McKenzie) unanimously approved.

Adjourned to Break at 7:00 pm --- Returned from Break at 7:05 pm

4. Report from the Ad Hoc Committee Formed to Address Succession Planning

GM West stated the Ad Hoc Committee has met on two occasions and has a formal report for the Board to consider and asked that Chairman Dicht provide the report.

Chairman Dicht's reported that the Committee met with Tamara Alaniz, Aquacrat, and General Manager of the Brookside Trails CSD who has sent a proposal to the Agency for recruitment services. The Committee concurs that bringing on an Assistant General Manager in early 2024 and that this person would support the General Manager and pick-up the duties of the Agency and "hopefully" this person would transition to General Manager and Ms. West would use the time between 2024 and late 2025 retirement to manage our grant projects. The Committee thinks this is a better approach than just waiting until the GM is close to retirement. The Committee expects a job description and Organizational Chart would be brought to the June 20 Board of Directors' meeting for consideration of adoption. Chair Dicht's reviewed the aspects of Ms. Alaniz proposal and cost with the full Board. Director McKenzie noted that the Committee will be involved in

the process. Director Dicht noted that there would be additional costs for advertising and that those funds would be added to the FY2023/24 Budget.

Directors asked various questions about the process and timeline.

Director Dicht summarized the motion before the Board of Directors.

Public Comment: None

Motion No. 23-013

Director Close-Dees made a motion to approve the *Ad Hoc Succession Plan* and recruitment strategy for an Assistant General Manager. Director Chapman seconded the motion.

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

MSC¹ (Close-Dees/Chapman) unanimously approved.

5. Consent Items –

- a. Board of Directors’ Special Meeting Minutes, March 28, 2023.
- b. Financial Statements
 - 1. Balance Sheet – February 2023
 - 2. Budget Status – February 2023
- c. Receive and File Disbursements for March 2023
- d. Service Order Report for February 2023
- e. BDV Production Report for February 2023
- f. Goat Mountain Production Report for February 2023

Recommended Action:

Approve as presented (Item a-f):

Public Comment: None

Motion No. 23-014

Director Chapman made a motion to adopt Consent Calendar items a to f. Director Dicht seconded the motion.

Burkhart	Y
McKenzie	Y

Close-Dees Y
Dicht Y
David Chapman Y

MSC¹ (Chapman/Dicht) approved.

6. Matters Removed from Consent Items

None.

7. Public Comment Period

None.

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

1. General Manager Report – GM West noted the upcoming meeting schedule and the Morongo Basin Conservation Association Desert-Wise Landscape Tour on April 23, 2023.

2. Director Reports –


Director Close-Dees: Reported on the Anti-Harassment Training she completed on-line. She noted several things she learned in the training including use of pronouns, protected classes and that a sense of humor can be harassing. The importance of documentation was mentioned as well as being careful in use of slang words.

Director Chapman: Reported on the AWWA CA-NV Conference he attended April 2-5, 2023. He showed several photos from the tours that he took during the conference including the Cuyamaca College Center for Water Studies and their demonstration garden. He also toured a water treatment plant as well.

9. Adjournment

President Burkhart Adjourned the meeting at 8:03 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal