



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' SPECIAL MEETING MINUTES

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

June 27, 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/84082172459?pwd=Z0x5ODh6bXBWQ2hFWVNLUK11M2FmQT09>

Passcode: 345303

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 840 8217 2459

Passcode: 345303

CALL TO ORDER

President Burkhart called the meeting to order at 6:03 pm.

PLEDGE OF ALLEGIANCE

Led by Ms. Conkle.

ROLL CALL

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

Staff present: Marina West

Public Present: Following Roll Call, 1 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 Close-Dees made a motion to approve the agenda as presented. Director McKenzie seconded the motion. Unanimously approved.

Discussion and Action Items -

1. Closed Session –

June 27, 2023 SPECIAL Board of Directors Meeting Minutes

Approved July 11, 2023

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Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2)
One Potential Case

Public Comment: None

--- Adjourned to Closed Session 6:06 pm ---

--- Reconvened from Closed Session at 6:55 pm ---

2. **Closed Session Report –**
No Reportable Action.
3. **Adopt Resolutions Recommending Changes to Certain User Fees and Charges for Specific Individualized Services**

GM West gave the staff report as provided in the Agenda packet as well as a Powerpoint presentation where she outlined all the proposed fee changes. GM West noted that the Finance Committee reviewed all the fees at their May 17, 2023 meeting and that the resolutions, were reposted on May 26, 2023 in conformance with the Mitigated Fee Act. She clarified that Resolution No 23R-09, addressing customer deposits, increased the construction meter deposit. This resolution carries forward the other customer classification deposits but the wording was clarified and the table outlining the deposits was added. She suggests that next year the Agency adopt a comprehensive “Master Fee Schedule” that addresses all Agency fees. The use of individual resolutions through the years is making the update process cumbersome.

Director Chapman asked about timing on the Master Fee Schedule proposal and if it would be commensurate with the start of the Fiscal Year. GM West responded that it could be started early enough in the year to be effective approximately July 1. Dir. Close-Dees asked why two times the highest bill for certain deposits. GM West answered the question. Dir. Close-Dees asked about why someone would terminate their meter and could they get a well permit or access to hauled water. GM West responded to the question.

Public Comment:

Ms. Conkle asked if deposits are refunded when the account is closed. GM West responded in the affirmative, the bill is calculated and deposit applied.

Motion No. 23-019

Director Chapman made a motion to Adopt Resolution No. 23R-08 Establishing a Schedule of Certain Fees and Charges for Specified Services; and Adopt Resolution No. 23R-09 Establishing a Schedule of Guaranteed Deposits for All Customer Classifications Served;

and Adopt Resolution No. 23R-10 Establishing a Termination Fee for Customers Who Voluntarily Terminate an Existing Water Service Connection. Director Dicht seconded the motion.

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

MSC¹ (Chapman/Dicht) approved.

4. Authorize New Organizational Chart Creating Two New Job Positions with Associated Job Descriptions for Assistant General Manager and Water Distribution Supervisor; and Updated Job Descriptions for Existing Classifications for the Water Distribution Operator Series and Accounting Technician/Customer Service Representative Series; and Amending the Range and Step Scale by Resolution 23R-11; and Authorizing a Fiscal Year 2023/24 Budget Adjustment of \$140,000 for the Position of Assistant General Manager

GM West gave the staff report as provided in the Agenda Packet as well as a Powerpoint presentation.

She noted that the Ad Hoc Committee has been working on the job description for the Assistant General Manager position while the Finance/Personnel Committee reviewed the Water Distribution Supervisor position. Since the Employee Handbook Appendix B is being amended GM West sought review by special counsel Liebert Cassidy Whitmore (LCW) for all job descriptions as they haven't been reviewed since last adopted in 2012. GM West noted one necessary change to the Water Distribution Operator Series. Assuming the Water Distribution Supervisor would be approved, for this position series, the employee will be supervised by the Water Distribution Supervisor not the Assistant General Manager. The Assistant General Manager will supervise the Accounting Technician/Customer Service Representative position series. Staff may make additional minor edits to the job description following the Ad Hoc's scheduled meeting on June 29 to review the Recruitment Brochure.

GM West noted that the Board of Directors is authorizing three items by motion only and they are not tied to an annual action of the Board of Directors. However, since the California Code of Regulations Section 570.5 and the California Public Employees Retirement System (CalPERS) require that, annually, the Board adopt a "Publically Available Pay Schedule" this action has been by Resolution annually.

President Burkhart noted that the AGM job description is more focused on work history rather than education.

Director Dicht commented on the Assistant General Manager job description and the manner in which the description has been changed through time. This had to do with advancement. Director McKenzie suggested the advancement could be removed. The point being there is no clear promise for advancement. Director McKenzie suggested that perhaps the recruited AGM would not want to become GM.

Public Comment:

None.

Motion No. 23-020

Director Dicht made a motion to Authorizing and Amending Appendix D - Agency Organizational Chart adding Assistant General Manager and Water Distribution Supervisor and removing part-time Grant Manager incorporated by reference to the Employee Handbook effectively increasing staff count by one (1) position, Assistant General Manager, and affirming total authorized full-time employee count of nine (9); and Authorizing and Amending Appendix B Job Descriptions to add Assistant General Manager and Water Distribution Supervisor and to Update Existing Classifications for the Water Distribution Operator Series and Accounting Technician/Customer Service Representative Series which are incorporated by reference to the Employee Handbook; and Adopt Resolution No. 23R-11 Authorizing and Amending Appendix C – Range and Step Scale incorporated by reference to the Employee Handbook; and Authorize adjustment to Fiscal Year 2023/24 Budget Line Item 01-01-560030 of \$140,000 commensurate with the Top of Range for Assistant General Manager position.

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

MSC¹ (Dicht/Chapman) approved.

5. Consent Items -

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

- g. Posting of Notice of Intent to Consider Adoption of Resolution No. 23R-XX Establishing Water Standby Assessments for Improvement District Goat Mountain for Fiscal Year 2023-24 (Tax Year 2023).
- h. Adopt Resolution No. 23R-12 Establishing the Agency’s Investment Policy.
- i. Authorize General Manager to Execute County of San Bernardino Auditor-Controller/Treasurer/Tax Collector Agreement for Collection of Special Taxes, Fees and Assessments Fiscal Year 2023-24.
- j. Authorize Attendance at So. Cal Water Conference (August 11, 2023), Ontario, CA.
- k. Authorize Director Attendance/Participation in Agency Sponsored Public Relations Events and Associated Planning Meetings:
 - 1. Water Education Festival (May 31, 2023 – Retroactive Approval); and
 - 2. National Public Lands Day – Giant Rock Clean-Up (September 23, 2023); and
 - 3. Gubler Orchid Festival (October 7-8, 2023).
- l. Retroactively Authorize Director McKenzie’s attendance at the CA Special Districts Association/Special Districts Leadership Foundation Workshop: *So, You Want to Be a General Manager?*, (June 25, 2023), Olympic Valley, CA.
- m. Authorize Director Attendance at California Special Districts Association (CSDA) Annual Conference (August 28-31), Monterey, CA.

Recommended Action:

Approve as presented (Item a-m):

Motion No. 23-021

Director McKenzie made a motion to adopt Consent Calendar items a to m. Director Dicht seconded the motion.

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

MSC¹ (McKenzie/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 – None.

2. Director Reports –

Director Chapman reported on a vendor he met at a conference who is a Supervisory Control and Data Acquisition system (SCADA) sales person. This vendor sells hardware to a SCADA integrator to program these systems.

Director Dicht reported on the Water Education Festival at La Contenta Middle School that he participated in on May 31, 2023. He indicated it was a fun event teaching 8th graders about “where our water comes from”. He reviewed the features of the lesson and things that were learned along the way.

Director Dicht also completed the Anti-Harassment training required by directors every two years. He noted the investigative step of the webinar which he appreciated.

Director Dicht also reported on his attendance at the County of San Bernardino Special District’s June monthly meeting where Chairwoman Dawn Rowe spoke. He noted that she clearly lives in the desert and understands rural issues and can advocate on their behalf. He recalled learning that it’s our local taxes that fund roads in our area but when a traffic accident occurs locally it is our local funds/resources responding to incidents that may not involve local residents at all but are paid by local resident property taxes. He also noted a briefing on the current legal argument, Pico v. City of Santa Monica before the CA Supreme Court regarding re-districting and the Voters Rights Act. That the plaintiff may have to prove discrimination.

Director Dicht reported on the Joshua Basin Water District Board of Director’s meeting he attended on June 21, 2023. He noted that JBWD assesses nearly \$1.2M for stand-by revenue under a complicated formula. He noted that changing a stand-by formula couldn’t be done without due process under Prop. 218.

Director Close-Dees reported on Association of California Water Agencies (ACWA) annual conference in Monterey, CA, May 8-11, 2023. One of the more interesting seminars was on the mandate for entities to achieve zero emissions vehicle fleets. She noted that this is not a mandate; it is an “encouragement” that entities do this. In another seminar on emergency response during floods. The take-away from this is that everyone works together across entities. She learned that the Federal Emergency Management Agency (FEMA) never controls an incident. All they do is provide financial assistance and there is a cap on assistance. The last seminar, “First kill all the lawyers”, she attended was on the subject of water rights in California, the history, the layers of rights and the contentious litigation that has occurred over time. One idea pitched was that judges for water rights cases should be educated in water and not generalists because the issue is so complicated.

She reported on the Homestead Valley Community Council meeting in May attended noting speakers were Chairwoman Rowe and representatives from County of San Bernardino Fire Department. She noted Chairwoman Rowe discussed an update to zoning and more on short-term rentals; the Night Sky Ordinance is now in play for commercial properties.

She further reported on the Landers Association meeting she attended in May. At this meeting, the applicant for the Lonely Dove Motel expansion introduced his project. This project would include a restaurant that would be open to the public. The Landers Association Trading Post and Thrift Store is doing well.

Director Close-Dees reported on her attendance at the Water Education Festival where she felt the procedure improved throughout the day with several improvements from last year. She gave credit to Director Dicht for his leadership at the event.

Lastly, she attended the County of San Bernardino Special Districts monthly dinner meeting in June sponsored by the Hi-Desert Water District. She noted the California Special Districts (CSDA) representative spoke. She summarized some of the statistics on the County operation provided by Chairwoman Rowe. Another theme she discussed is finding common ground to solve issues in the County.

Director McKenzie reported on Landers Association May meeting. She noted several events, issues and upgrades before the Association.

She reported on the ASBCSD dinner meeting in June. She added to the discussion on Pico v. Santa Monica. An outstanding question is: If the case is won by City of Santa Monica, could those that did re-district go back to at-large elections? She noted additional comments by Chairwoman Rowe regarding road districts, non-dedicated roads and complaints she now regularly hears from new residents.

She reported on the seminar, "So, You Want to Be a General Manager?", that she attended on June 25, 2023. She discussed the make-up of the attendees noting that some of the attendees are currently Assistant General Manager's but they do not want to become General Manager's because they "don't want to deal with the Board". She summarized many of the comments and suggestions made during the seminar.

9. Adjournment

President Burkhart adjourned the meeting at 8:30 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal