



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**

**August 8, 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/82398063071?pwd=SWNLM2g1MUJ6Q1kwSGMyaE1lVXhUQT09>

Passcode: 512861

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 823 9806 3071

Passcode: 512861

--- NOTE ----

**Director Dicht will attend via teleconference
From the location identified as
16 N. Martindale Ave., Ventnor City, New Jersey, 08406**

CALL TO ORDER

President Burkhart called the meeting to order at 6:02 pm.

PLEDGE OF ALLEGIANCE

Led by Terry Burkhart.

ROLL CALL

Directors present:

John R. Burkhart

JoMarie McKenzie

Megan Close-Dees

Craig Dicht – Participating from posted remote location

David Chapman

Staff present:

Marina West

Mr. Steven Kennedy – General Counsel

Public Present: Following Roll Call, 1 member(s) of the public indicated they were participating via teleconference. 5 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 Chapman seconded the motion. Unanimously approved.

Discussion and Action Items –

1. 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 (Continued from April 11, 2023)

GM West gave the staff report and Powerpoint presentation. She then reintroduced Mr. Britton to the Board.

Mr. Britton addressed the Board on his request. He stated that he does not disagree with the Powerpoint presentation. However, he thought that it is within the Board's right to put the meter where it is. Mentions the age of the patent and that Southern California Edison does not honor these patents. He provided some measurements, verbally, of the distances of meters around him. Second request is to let the meter be closer to the road like other meters, which are closer to the "road". He feels the Board should consider the inconsistencies amongst the various meters. His meter is 25-feet back from the road, unlocked gate and fence does not enclose the property. He quoted \$800 for a licensed contractor to move the meter. He discussed that the fence could be moved.

Director Chapman asked about Mr. Britton's suggestion of moving the fence in the manner as requested by staff and the final configuration of such. Mr. Britton described how it could be moved to allow access to the meter.

Director McKenzie asked if anyone spoke to him about the fence before it was erected. Mr. Britton answered her by stating that flags were positioned on the property and he doesn't recall being told not to erect a fence. The flags were to keep contractors off the undisturbed

Director Chapman asked staff if the "amended fence location" would be acceptable. GM West said the Agency would be satisfied with that correction.

Director Close-Dees asked staff if the fence is in fact within the easement as well as the water meter. GM West responded in the affirmative. She also asked Mr. Britton if the relocated fence design, which allows access to the meter, was ok with him. He responded that he is willing to do that if the Board desires. He inquired if the Board did do any research as he felt they had not. Several directors responded that they did, in fact, do research and visit the site.

Director McKenzie commented that she looked at other properties where the fences are further back on from the road. Also noting that newer fences are being installed out of

the easement. Mr. Britton stated that they have apparently accepted the fact to put the fence some 35-feet into their property lines and something about the easement line.

Director Close-Dees stated that a fence is being constructed on her property and they made sure the water meter was outside the new fencing.

Mr. Britton asked what the cost would be if he was allowed to move the meter. He also wanted to know if his contractor could do the work.

President Burkhart reviewed the staff recommendation to deny the applicant because it is Agency policy and if approved the Agency then every property owner who wants their fence out would go against this policy which has been in place for years and years.

Director Close-Dees felt it was less complicated to stick to the rules and not grant a variance.

GM West was asked to clarify the cost estimate. She stated that allowing his contractor to do the work would really depend on the decision made tonight. She briefly described some of the steps that would be taken with a number of unknowns and reviewed the process of reviewing his contractors design work noting it is an interactive process. There was additional discussion regarding this issue. General Counsel Kennedy interjected that he recommends a motion for the Board of Directors accept the staff recommendation and to conduct a roll call vote.

Director Dicht mentioned the issue of prescriptive easements. By the precedence of the meter being there for so long that it is prescriptive in nature as well. He stated his meter is similarly set back. He also mentioned that he has several of his neighbors' meters in his easement and they are set back. No special treatment for him. He thinks it is a larger disservice to the Agency. He appreciates the opportunity to research this issue. He believed the Landers Lane meter is being or was moved. He inquired if this request is extraordinary enough to warrant a variance. He doesn't think it rises to that level.

Public comment: None.

Motion No. 23-026

Director Chapman made a motion to decline the request for a variance by owner of Parcel No. 0630-051-36 to relocate the water meter service within the utility easement so as not to be obstructed by a fence the owner recently installed which now blocks access to the meter. Director McKenzie seconded the motion.

Burkhart	Y
McKenzie	Y
Close-Dees	Y

Dicht Y
David Chapman Y

MSC¹ (Chapman/McKenzie) unanimously approved.

2. Resolution No. 23R-15 Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-071-29 to the Bighorn-Desert View Water Agency

GM West gave the staff report and Powerpoint presentation.

GM West answered questions of the Board of Directors more specifically if the Agency would now receive the 1% General Tax Levy. GM West responded “no” but she will clarify with LAFCO. She believes the County of San Bernardino is unwilling to release those fees.

Public comment: None.

Motion No. 23-027

Director McKenzie made a motion to Adopt Resolution No. 23R-15 A Resolution of application by the Board of Directors of the Bighorn-Desert View Water Agency requesting the Local Agency Formation Commission to initiate proceedings for the annexation of Assessor Parcel Number 0631-071-29 to the Bighorn-Desert View Water Agency. Director Close-Dees seconded the motion.

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

MSC¹ (McKenzie/Close-Dees) unanimously approved.

3. Workshop Presentation - Secured Lien Processes for Delinquent Water Accounts and All Tax Apportionment Processes

No Action – Information and Discussion Purposes Only

GM West gave a Powerpoint presentation and answered questions from the Board of Directors.

Public comment: None.

4. Authorize Issuance of Purchase Order to Zenner USA, Inc. to Procure Water Meters for the “Meter Replacement Program” at a Cost of \$84,380.94

GM West gave the staff report as presented in the Agency Packet. GM West noted that this portion of the project was rebid as the first procurement package failed to specifically indicate the meter lid to be brass rather than plastic and to clarify the warrant on the

meter. The same three vendors submitted bids. Only Zenner USA maintained the exact same price while the other bids changed. This is based on the clarified specification. The engineer, Provost & Pritchard, provided the summary memo and staff concurs with the review and recommendation to award the Purchase Order to Zenner USA.

GM West answered questions of the Board.

Public comment: None.

Motion No. 23-028

Director Chapman made a motion to authorize issuance of a Purchase Order to Zenner USA, Inc. for purchase of water meters for the "Meter Replacement Program" in the amount of \$84,381. Director McKenzie seconded the motion.

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

MSC¹ (Chapman/McKenzie) unanimously approved.

5. Resolution No. 23R-16 Establishing the Agency's Appropriation Limit for Fiscal Year 2023/24 at \$232,523

GM West gave the staff report summarizing that the expected revenue does not exceed the calculated limit which is the desired outcome.

Public comment: None.

Motion No. 23-029

Director Chapman made a motion to Adopt Resolution No. 23R-16 Establishing the Agency's Appropriation Limit for Fiscal Year 2023/24 at \$232,523. Director Close-Dees seconded the motion.

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

MSC¹ (Chapman/Close-Dees) unanimously approved.

6. Consent Items -

- a. Board of Directors' Meeting Minutes, July 11, 2023
- b. Financial Statements

1. Balance Sheet – June 2023 (unaudited)
2. Budget Status – June 2023 (unaudited)
- c. Receive and File Disbursements for July 2023
- d. BDV Production Reports for July 2023
- e. Goat Mountain Production Reports for July 2023
- f. Service Order Report for June 2023
- g. Approve Directors attendance at Mojave Water Agency “Mini-Tour” October 11, 2023 including travel and per diem.
- h. Receive and File Finance (FPREP) Standing Committee Special Meeting Minutes for April 18, 2023
- i. Receive and File Finance (FPREP) Standing Committee Special Meeting Minutes for May 17, 2023

Recommended Action:
Approve as presented.

Public comment: None.

Motion No. 23-030

Director Dicht made a motion to accept the Consent Items a to i, as presented. Director Close-Dees seconded the motion.

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

MSC¹ (Dicht/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 – GM West reported that the MWA Mini-Tour has been rescheduled from Oct. 19 to Oct. 11, 2023. Directors Burkhart, Chapman, Close-Dees and Dicht had reservations and GM West needs to know if they are now unable to attend the new date. She also reminded those members of the Board who want to carpool to the BIA /So. California Water Conference this Friday, August 11th to meet at the office at 5:45am. She also reminded the directors of the CSDA Fall Conference in Monterey and the need to register any interested directors asap. Currently Directors

Close-Dees and McKenzie are registered. Lastly, GM West indicated that the Agency that the auditors are on-site this week to perform their work and directors may be contacted for brief interviews related to the audit.

2. Director Reports

Director McKenzie reported on the Landers Association meeting she recently attended and shared improvements completed at the facility. She reported that a donation was given to the Giant Rock Clean-up and donation to the Labor Day Fireworks, and other association business and community news. She further reported on the July 17th Association of San Bernardino County Special Districts (ASBCSD) where the presentation was on "Emotional Intelligence". She reviewed highlights of the presentation.

Director Close-Dees reported on the Landers Association that she attended. She noted that Director McKenzie gave a very through report of the meeting.

Director Chapman reported on the ASBCSD meeting he attended July 17th where the presentation was on "Emotional Intelligence". He summarized highlights from the meeting.

10. **Adjournment**

President Burkhart adjourned the meeting at 7:54 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal