



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

NOTE DATE AND TIME



September 1, 2023
Time – 4:00 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/81644438949?pwd=VEVtV3c0bE4raFFpU3gzRml5UTBPdz09>

Passcode: 392015

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 816 4443 8949

Passcode: 392015

CALL TO ORDER

President Burkhart called the meeting to order at 4:02pm.

PLEDGE OF ALLEGIANCE

Led by John Burkhart.

ROLL CALL

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

Staff present: Marina West
Mr. Steven Kennedy – General Counsel

Public Present: Following Roll Call, 0 member(s) of the public indicated they were participating via teleconference. 0 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 Close-Dees seconded the motion. Unanimously approved.

Discussion and Action Items -

1. Closed Session - Board adjourned to Closed Session at 4:05 pm.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
One potential case

2. Closed Session Report - Board reconvened from Closed Session at 4:44 pm.

The Board reviewed a Claim for damages that was presented on behalf of Cari McCormick and determined that it failed to substantially comply with the requirements of the California Tort Claims Act, Government Code Section 900 et seq. (“the Act”), for all of the reasons set forth in the Agency’s initial Notice of Insufficiency dated August 11, 2023, including but not limited to the statutory provisions of Government Code Section 910 which mandate that the Claim specifically identify the acts or omissions of the Agency - including the date of such acts or omissions of the Agency - causing alleged injury, damage, or loss to a particularly-named individual or entity that is the subject of the Claim. In fact, even assuming *arguendo* that all of the allegations set forth in the Claim are true, the Claim does not assert any (1) wrongful acts committed by the Agency, (2) grounds for any monetary relief that would be recoverable against the Agency, or (3) to whom the Agency would owe such relief. Nevertheless, without waiving any rights, remedies, or defenses available to the Agency under the law, including but not limited to those related to the insufficiency of the Claim under the Act as set forth above, the Board voted unanimously to reject the Claim and instructed its General Counsel to provide written notice thereof to Claimant’s legal counsel.

3. Public Comment Period

None.

4. Adjournment

President Burkhart adjourned the meeting at 4:47 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal