



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 AGENDA

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

September 12, 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/84363346157?pwd=Q0k0Mkg2WG1hR2VTZGMvYmVHdnJ6UT09>

Passcode: 744010

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 843 6334 6157

Passcode: 744010

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

Discussion and Action Items - The Board of Directors and Staff will discuss the following items and the Board will consider taking action, if so inclined. The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

- 2023 Review: Code of Conduct for Members of the Agency Board of Directors (Resolution No. 13R-15)**

Information Only. Board to review Code of Conduct and sign receipt documenting the review.

2. Approve “True Bad Debt” Write-off from July 2022 through June 2023 of \$1,509.80

The Board considers taking the following action(s):

1. Approve true Bad Debt expenses “write-off” in the amount of \$1,509.80 for account balances which cannot be collected through the secured property lien process for the period July 2022 through June 2023 of \$1,509.80.

3. Receive and File Report on Bad Debt from Uncollectable Secured Property Tax Liens for FY2015/16

That the Board considers taking the following action(s):

1. Receive and File the report of Bad Debt from uncollectable secured property tax liens for Fiscal Year 2015/16 and authorize expense “write-off” in the amount of \$242.72 for the Fiscal Year 2022/23 audit.

4. Resolution No. 23R-XX Establishing the Agency’s Banking Policy

The Board considers taking the following action(s):

1. Adopt Resolution No. 23R-XX Establishing the Agency’s Banking Policy.

5. Authorize Issuance of Professional Services Agreement with NV5 for As-Needed Engineering Services

The Board considers taking the following action(s):

1. Authorize issuance of Professional Services Agreement with NV5 for As-needed” engineering services for Fiscal Year 2023-24.

6. Consent Items - The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.

- a. Board of Directors’ Meeting Minutes, August 8, 2023
- b. Board of Directors’ Meeting Minutes, Special Meeting, September 1, 2023
- c. Financial Statements
 1. Balance Sheet – July 2023
 2. Budget Status – July 2023
- d. Receive and File Disbursements for August 2023
- e. BDV Production Report for August 2023

- f. Goat Mountain Production Reports for August 2023
- g. Service Order Report for July 2023
- h. Authorize Per Diem and Expenses for Directors to Attend Various Educational Events.
- i. Receive and File Planning/ Engineering (PLEGs) Standing Committee Meeting Minutes for June 20, 2023

Recommended Action:
Approve as presented.

7. Matters Removed from Consent Items

8. Public Comment Period

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

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

- 1. General Manager Report
- 2. Director Reports

10. Adjournment

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above. As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary

aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

Calendar Reminder - Upcoming Director Meetings

- Mojave Water Agency Board of Directors Meeting – Second and Fourth Thursday every month (regular schedule)
- Morongo Basin Pipeline Commission Meeting – Quarterly – March, June, September and December (check MWA website for location)
- ASBCSD Monthly Dinner Meeting – third Monday (regular schedule)
- Homestead Valley Community Council Meeting - Third Monday (regular schedule location rotates to various Community Centers)
- Landers Association Monthly Meeting – Third Saturday (regular schedule)

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: September 12, 2023

To: Board of Directors

Budgeted: N/A

Funding Source: N/A

Cost: N/A

From: Marina West

General Counsel Approval: Obtained on original Resolution

CEQA Compliance: N/A

**Subject: 2023 Review: Code of Conduct for Members of the Agency Board of Directors
(Resolution No. 13R-15)**

SUMMARY

In order to assist in the governance of the behavior between and among members of the Board, Staff and Public the Board of Directors have approved Resolution No. 13R-15 A Code of Conduct for the Members of the Board of Directors.

Administratively the Board of Directors shall review the Code of Conduct annually. This annual review assists the Board of Directors in maintaining their required annual training as part of the District of Distinction and Transparency Certificate of Excellence.

There are no recommended changes to the Code therefore, Resolution No. 13R-15 remains in full effect.

RECOMMENDATION

Information only. Board to review Code of Conduct and sign receipt documenting the review.

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

11/19/2013 Motion 13-082 Resolution No. 13R-15 A Code of Conduct for the Members of the Agency Board of Directors

RESOLUTION NO.13R-15

A CODE OF CONDUCT FOR THE MEMBERS OF THE AGENCY BOARD OF DIRECTORS

WHEREAS, The members of the Board of Directors of the Bighorn-Desert View Water Agency are committed to providing excellence in legislative leadership that results in the provision of the highest quality of service to its constituents. In order to assist in the governance of the behavior between and among members of the Board, Staff and Public the following rules shall be observed. This policy becomes effective immediately upon adoption.

WHEREAS, this Resolution rescinds Policy No. 10P-03 Code of Ethics in its entirety.

NOW THEREFORE, the Code of Conduct for the Bighorn-Desert View Water Agency Board of Directors is as follows:

1. The Board of Directors shall be the governing body of the Bighorn-Desert View Water Agency. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. The Board of Directors shall adopt an annual budget and shall set an annual appropriations limit. The needs of the Agency's constituents should be the priority of the Board of Directors.
2. The General Manager shall have full charge and control of the maintenance, operation and construction of the waterworks of the Agency. The General Manager shall also have full power and authority to employ and discharge all employees and assistants at pleasure; prescribe the duties of employees and assistants; fix and alter compensation of employees and assistants subject to the approval by the board; perform other duties imposed by the Board of Directors. The General Manager shall report to the Board of Directors in accordance with rules and regulations adopted by the Board of Directors.
3. Except as specifically authorized, a Board member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the

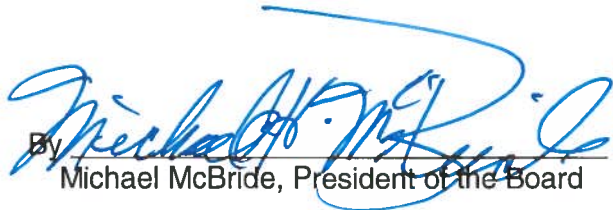
Agency's behalf, in accordance with the Agency policy(s) for reimbursement of actual and necessary expenses of Board members.

4. Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
5. Directors should thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Responsiveness, attentive listening, and communication are encouraged.
6. Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest per applicable regulations. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making process.
7. The dignity, style, values, and opinions of each Director should be respected. Directors should at all times conduct themselves with courtesy to each other, to staff, and to members of the public.
8. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocs based on personalities rather than issues should be avoided.
9. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.
10. In seeking clarification on informational items, Directors may directly approach the General Manager to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
11. In handling complaints from Agency customers, residents or property owners, such complaints should be referred directly to the General Manager.
12. In handling items related to water problems (leaks, etc.), concerns for safety or hazards should be reported to the General Manager or to the Agency office.
13. In seeking clarification for policy-related concerns, especially those involving personnel, legal action or financial matters, said concerns should be referred directly to the General Manager.
14. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their

questions through the appropriate channels and to the responsible management personnel.

15. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and Agency projects can be discussed comfortably and openly.
16. Directors do not represent any fractional segment of the community, but are, rather, a part of the body, which represents and acts for the community as a whole.
17. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
18. Directors are responsible for monitoring the Agency's progress in attaining its goals and objectives, while pursuing its mission.
19. The Board of Directors is the unit of authority within the Agency. Apart from their normal function as a part of this unity, Directors have no individual authority. As individuals, Directors may not commit the Agency to any policy, act or, expenditure.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 19th day of November 2013.


By Michael McBride, President of the Board

ATTEST:



Terry Burkhart, Secretary

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: September 12, 2023

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$1,500

Cost: \$1,509.80

From: Rosie Carrick
Marina West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Approve “True Bad Debt” Write-off from July 2022 through June 2023 of \$1,509.80

SUMMARY

The “true bad debt” being presented for “write-off” from July 2022 to June 2023 is \$1,509.80. For comparison, the amount sent to the 2023 Secured Tax Roll was \$46,813.70.

RECOMMENDATION

The Board considers taking the following action(s):

1. Approve true bad debt expenses “write-off” in the amount of \$1,509.80 for account balances which cannot be collected through the secured property lien process for the period July 2022 through June 2023.

BACKGROUND/ANALYSIS

Each year the Agency budgets for “true bad debt” for unpaid water bills that cannot be collected for one of the following reasons:

- They cannot be tied to a property for a secured property lien (eg. property ownership changed without our knowledge and without an unsecured lien on the property); and/or
- The amount remaining on the account is less than \$25, and written off per Agency policy (Resolution 13R-05); and/or
- The customer did not pay their final bill and by that time, it is too late to put an unsecured lien on property.
- The person is deceased or had obtained bankruptcy judgment relieving them of past water account debt.

The secured tax lien process internally begins May of each year, at that time the “true bad debt” accounts are segregated from those that will be processed further. These are scheduled to be received by the Board of Directors following completion of the secured lien process and the fiscal year-end audit (est. Sept).

Therefore, the total true bad debt to be received and filed is \$1,509.80.

At the close of Fiscal Year 2022/23, a total of \$1,509.80 was determined to be the “true bad debt” amount. The amount does exceed the budget line item of \$1,500 for FY2022/23 but still a very small percentage of overall expenses and far less than the amount sent to secured lien, which the Agency expects to eventually collect over time.

Below is a summary of the accounts requested for write-off:

- Total number of accounts..... 21
- Number of accounts under \$25..... 6
- Number of accounts between \$25 and \$125..... 11
- Number of accounts exceeding \$125..... 4

With respect to the four (4) accounts shown above with a balance exceeding \$125:

1. One account had a balance of \$245.53; this account was sold to a new owner one week prior to our recordation of an unsecured lien.
2. Another account was a bulk account that failed to pay their final bill of \$164.75, with no deposit on file.
3. The third account failed to pay their final bill of \$158.40 and the deposit did not cover the entire bill.
4. The last account unfortunately flipped owners before staff could place an unsecure lien on property, the final bill of \$139.21 was not paid.

Therefore, these four accounts represent \$707.89 or approximately 47% of the total bad debt.

Staff is bringing this report to the full Board for a motion to approve in accordance with Agency policy outlined in Resolution No. 13R-05.

PRIOR RELEVANT BOARD ACTION(S)

9/13/2022 Motion No. 22-038 motion to approve True Bad Debt expenses “write-off” in the amount of \$4,859.50 for account balances which cannot be collected through the secured property lien process and for the period February 25, 2021 through July 18, 2022.

09/14/2021 Motion No. 21-054 Motion made to approve the “true bad debt” write-off of \$1,216.19 for fiscal year 2020/21 through February 24, 2021.

08/25/2020 Motion No. 20-056 Motion made to approve the “true bad debt” write-off of \$1,888.50 for fiscal year 2019/20.

07/23/2019 Motion No. 19-034 Motion to Approval of Bad Debt expenses “write-off” in the amount of \$1,951.16 for account balances which cannot be collected thru the property lien process.

06/26/2018 Motion No. 18-031 Motion to vote for approval of Bad Debt expenses “write-off” in the amount of \$1,207.57 for account balances which cannot be collected as a property the period August 2015 to present.

3/26/2013 Motion No. 13-020 Motion to adopt Resolution No. 13R-05 Establishing a Policy for the Approval of the Expense of Bad Debt.

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
AGENDA ITEM SUBMITTAL**

Meeting Date: September 12, 2023

To: Board of Directors

Budgeted: Yes, \$1,500

Funding Source: 01-00-139900 (Allowance for Bad Debt)

Cost: \$242.72 – No outstanding receivables for FY2015/16

From: Rosie Carrick
Marina West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Receive and File Report on Bad Debt from Uncollectable Secured Property Tax Liens for FY2015/16

SUMMARY

The remaining uncollected bad debt for secured property tax liens posted in Fiscal Year 2015/16 is \$242.72, which is lower than the budgeted estimate of \$1,500.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Receive and File the report of Bad Debt from uncollectable secured property tax liens for Fiscal Year 2015/16 and authorize expense “write-off” in the amount of \$242.72 for the Fiscal Year 2022/23 audit.

BACKGROUND/ANALYSIS

Each May/June the Agency summarizes the report of Bad Debt expenses owed for the prior year period and prepares for the submission of a collections report to the County of San Bernardino for inclusion on the secured tax rolls. The “lien receivable” for any given fiscal year is then managed for a total of seven (7) tax cycles. Thereafter, the remaining balance is written-off as bad debt on the general ledger. However, the secured lien remains on the property and the Agency could still receive the funds in future years or it could actually be lost. If disbursements are distributed, then those funds would be applied to the current year as non-operating income.

In Fiscal Year 2015/16 the amount sent to the tax roll was \$43,270. As of June 30, 2023, \$43,027.28 has been collected from the County of San Bernardino Tax Collector. The balance remaining is \$242.72 to be written-off as bad debt since this is the 7th cycle.

Staff is now requesting the Board acknowledge and authorize bad debt expense “write-off” on June 30, 2023 in the amount of \$242.72 for the fiscal year lien period of 2015/16.

PRIOR RELEVANT BOARD ACTION(S)

Annual Action

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: September 12, 2023

To: Board of Directors

Budgeted: N/A

Funding Source: N/A

Cost: N/A

From: Marina West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Resolution No. 23R-XX Bighorn-Desert View Water Agency Banking Policy

SUMMARY

Recently the Agency opened several new accounts with various banking and investment institutions in the past several months. Research indicated the Agency does not have a written policy for managing banking and investment accounts.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Adopt Resolution No. 23R-XX A Resolution Adopting a Banking Policy.

BACKGROUND/ANALYSIS

Up until recently, the Agency had two banking institutions: Pacific Western Bank and Local Agency Investment Fund (LAIF). Due to market instability and the failure of several “regional” banks in March 2023, the high cash balance held by Pacific Western Bank and fact that Pacific Western Bank appeared to be headed for failure staff opened two new accounts and moved cash out of Pacific Western Bank.

Staff opened an account with Five Star Bank and with the California Cooperative Liquid Assets Security System (CLASS). Neither of these banks required any kind of approval by the governing body (ie. Resolution or minute action) nor “wet” signatures of Agency Directors. In contrast, Pacific Western Bank and LAIF do require a resolution from the Board of Directors outlining authorized signatories and/or transaction requirements. Therefore, whenever there is a change in directorship, these resolutions are updated.

Staff researched Agency records to determine if there is any existing guidance for banking. The only policy that discusses banking is the Purchasing Policy (Resolution No. 17R-06) which has a section on “signatory authority”. However, this policy is not focused on banking in any other way.

Staff drafted the attached Banking Policy as a Resolution and following input from the Finance Committee on July 18, 2023 is bringing the policy forward to the Board of Directors for consideration and possible adoption.

PRIOR RELEVANT BOARD ACTION(S)

07/18/2023 Finance Committee – review and input on draft Banking Policy.

RESOLUTION NO. 23R-XX

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ADOPTING A BANKING POLICY**

WHEREAS, the Board of Directors has determined it to be in the best interest of the Bighorn-Desert View Water Agency to establish accounts with various banking institutions; and

WHEREAS, it is in the best interests of this Agency that it maintain limits, restrictions and procedures in a banking authority policy; and

WHEREAS, the guidelines set forth within the Banking Policy are not intended to address every issue, exception, or contingency may arise in the course of banking activities; and

WHEREAS, the basic standard that should always prevail is to exercise good judgement in the use and stewardship of Agency resources; and

WHEREAS, the Board desires to adopt a banking policy for the purpose of both routine financial as well as investment activities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Agency do hereby adopt the following:

Exhibit "A" – Bighorn-Desert View Water Agency Banking Policy

BE IT FURTHER RESOLVED, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this Banking Policy and as otherwise required in order to comply with applicable law.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 12th day of September 2023.

By _____
John Burkhart, President of the Board

Attest,

By _____
Megan Close-Dees, Secretary of the Board

Official Seal



Bighorn-Desert View Water Agency Banking Policy

Resolution 23R-XX Exhibit "A"

Bighorn-Desert View
Water Agency

622 S. Jemez Trail, Yucca
Valley CA 92284

760-364-2315

www.bdvwa.org

Resolution 23R-XX Exhibit "A"

1.0 Purpose:

1.1

Stewardship of Agency financial resources is critical to the health of its operations. There exists a difference between general banking and investment banking. Banking involves the day-to-day transactions of receiving payments (revenue) and paying invoices (expenses). The type of investments available to the Agency are guided by a separate policy. However, investments, transfers of funds from one banking institution to another. Furthermore, investments may include purposeful movement of monies with the intention of earning returns. However, the consideration to *Safety, Liquidity and Yield* framework should always be considered in banking and investment activities.

The purpose of this policy is to establish uniform procedures for banking. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of banking activities. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of agency resources.

2.0 Definitions:

2.1 “General Manager,” unless otherwise specified in this policy, shall be deemed to include the General Manager and his/her designee.

3.0 Responsibilities

Unless authority from the Board of Directors is required by a financial institution or another Agency policy, the General Manager is authorized to negotiate and execute contracts for all banking services including investment accounts such as the Local Area Investment Fund (LAIF), Certificates of Deposit, Money Market accounts, and the like.

4.0 Signatory Authority

4.1 Physical Checks: All physical checks require two (2) “wet” signatures of the Board of Directors. In addition, each invoice shall be presented with the physical check for acknowledgement by those providing the “wet” signature on the check. This is an internal Agency policy and not one overseen by any banking institution.

4.2 Electronic and/or Automated Clearinghouse (ACH): Where the General Manager has determined it to be in the best interest of the Agency, or where required by other entities, to pay invoices electronically then two “wet” (2) signatures from the Board of Directors

shall be required on the invoice or related documentation in support of the payment. Such signature will constitute the authority for the General Manager to execute such payments. This excludes payroll obligations described in section 4.3 herein.

4.3 Payroll: Payroll checks are executed using an electronic signature created from two (2) “wet” signatures of the Board of Directors. All other routine payroll obligations shall be transacted by the General Manager without the obligation of further approval by signature of the Board of Directors This includes all necessary payments related to payroll including but not limited to payments for federal withholding tax, state withholding tax, pension, ancillary benefits, and garnishments via ACH as is required by the specific authority.

4.4 Wire Transfers: Where the General Manager has determined it to be in the best interest of the Agency, or where required by the banking institution, deposits and withdrawals from investment accounts will be made by “wire transfer”.

“Wire transfers” would typically be utilized for transfers related to an investment opportunity (ie. seeking interest earnings on reserve funds) and typically are not related to a specific invoice for documentation. Such transactions, could also be performed using ACH methodology.

Documentation related to wire transfers or “investment related” ACH transactions shall be counter-signed by one (1) signature of the Board of Directors. The General Manager will strive to obtain the signature or a verbal concurrence in advance of the transaction. In a case where the General Manager deems it to be urgent to move the funds without a signature the a signature shall be obtained post-transaction as soon as possible.

5.0 Reporting

All disbursements, physical checks and/or electronic payments, are presented to the Board of Directors in an agendized meeting as soon as possible following bank reconciliation for transparency to the public-at-large. This is known as the monthly disbursements report.

Investment reports are presented quarterly but all investment account balances are shown on the Balance Sheet report are routinely presented to the Board of Directors.

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: September 12, 2023

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$60,000

Cost: As-Needed within Budget

From: Marina West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Authorize Issuance of Professional Services Agreement with NV5 for General Engineering Services for Fiscal Year 2023-24

SUMMARY

The Agency has been working with NV5, more specifically, Mr. James Owens, on development of the Agency's "master plan" for water system improvements. The latest project completed is a Preliminary Engineering Report (PER) funded by a State Water Resources Control Board planning grant. This effort led to the submission of a construction funding agreement to advance many of the projects envisioned in the PER.

As the Agency advances the design and construction of the various components of the project known as "Potable Water System Improvements" consultation with NV5 on various aspects will be necessary going forward due to their in-depth familiarity with the projects.

This Task Order is for general engineering services, questions and inquiries regarding project specifics and does not preclude NV5 from being selected for additional work as staff intends to solicit proposals for the design of project components.

The general on-call engineering services are budgeted under the Operations Department and not necessarily subject to reimbursement by any existing grant.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Authorize issuance of Professional Services Agreement with NV5 for "as-needed" engineering support services for Fiscal Year 2023-24.

BACKGROUND/ANALYSIS

Since 2015, NV5 has assisted the Agency with engineering related projects and was also the engineer of record for the Proposition 1 Planning Grant which developed the Preliminary Engineering Report (PER) for future capital improvements (ie. Master Plan). Mr. James Owens, PE, has spent a significant amount of time understanding the needs of the water system and is responsible for the "conceptual design" of all the PER projects.

A majority of the projects outlined in the PER were subsequently funded by more than one construction grant and staff is moving ahead with implementation.

At this time, staff needs the services of NV5 to assist staff with the advancement of the project into the right of way, design and construction phases to inform new consultants of the existing work products produced in the PER which are germane to the other phases.

Staff has drafted a Professional Services Agreement for as-needed engineering services utilizing NV5's fee schedule. Staff intends to utilize the "engineering expense budget" for services unless they can be tied to one of the grants.

PRIOR RELEVANT BOARD ACTION(S)

7/13/2021 Motion No. 21-045 Motion to authorize execution of Task Order No. 9, an amendment to the existing NV5 Master Services Agreement, for engineering and hydrogeological services for the Goat Mountain Replacement Well, destruction of Goat Mountain Well 2 and up to three additional borings/monitoring wells as provided in the proposal dated May 24, 2021.

03/22/2019 Annual Board Workshop: Engineer Mr. James Owens from NV5 presented projects outlined in the draft preliminary engineering report (Prop. 1 Planning Grant)

02/26/2019 Motion No. 19-008 Authorize General Manager to issue New Task Order to the Master Agreement with NV5 to perform Scope of Services dated February 21, 2019 in connection with the Master Services Agreement integral to the Proposition 1 Planning Grant (Agreement No. 17-02022/3610009-002P); and Acknowledge that all invoiced costs associated with the execution of the Scope of Services to be paid by the Agency and submitted for reimbursed to the CA Department of Finance.

03/01/2016 Motion No. 16-010 Motion to authorize General Manager to execute Task Order No. 3 with NV5 for evaluation of well and pump efficiencies and to prepare Capital Improvement Plan in an amount not to exceed \$39,156.

NV5 Summary of Fees for Calendar 2023

- i. Associate (James Owens) - \$198
- ii. Hydrogeologist (Pat Dunn) - \$167
- iii. Field Geologist (TBD) - \$146
- iv. Assistant Engineer (Ivana Mai, Zach Stock) - \$121
- v. Senior Engineer (Shen Huang, Steven Granados) - \$153