



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

October 10, 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/88584888395?pwd=UFo4MmltWms1RlhqOTNkSS9lVnpxZz09>

Passcode: 965050

OR

TELECONFERENCE LINE THRU ZOOM

1-669-900-6833

Webinar ID: 885 8488 8395

Passcode: 965050

CALL TO ORDER

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

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

Public Present: Following Roll Call, 2 member(s) of the Monument ROW team 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 Close-Dees seconded the motion. Unanimously approved.

Discussion and Action Items -

- 1. Authorize Issuance of Professional Services Agreement to Monument Right-of-Way for Pipeline Improvement and Consolidation Project Right-of-Way Acquisition Services for an estimated cost of \$458,075.**

GM West gave the staff report as presented in the Agenda packet as well as a brief PowerPoint presentation. Afterwards, GM West asked the Monument Right-of-Way team to introduce themselves to the Board of Directors.

Mr. Mendoza and Ms. Borbe introduced themselves as the project team assigned to this project as well as the plan for successful acquisition of the necessary properties.

Director Burkhart asked questions of the Monument team regarding how valuation is achieved and “unresponsive” owners. Ms. Borbe summarized how the process of “waiver valuation” is used under the Uniform Act for ROW valued less than \$10,000. As to the “unresponsive” owner, she responded with some of the various mechanisms they use to find them. Mr. Mendoza also provided input to the issue noting that Monument has resources throughout the state and subscriptions to services where they can be found. Director Chapman further inquired about the owner that refuses to accept the offer and how that is handled. Mr. Mendoza noted that Nossaman has been retained as legal advisor/counsel to this project should the Agency have to pursue a “taking”. Director McKenzie further inquired about eminent domain for “unresponsive” owners. Mr. Mendoza further discussed some of the tools that can be used prior to full eminent domain proceedings. Director Dicht inquired about the process of presenting an offer to the owner. Ms. Borbe responded that they develop a standard format proposal which has been successful on other projects. Director Dicht inquired further about the “check in hand” process. Ms. Borbe answered that the initial offer is that which was developed before approaching the property owners and that the Board of Directors will be approving such prior to circulation. Director Dicht further inquired on how the cost proposal was developed. Mr. Mendoza responded on the regulations and guidelines that must be followed in order to acquire rights-of-way. Knowing the tasks at hand, Monument ROW, developed their cost proposal based on work hours predicted to complete each type of private property transaction.

Public comment: None.

Motion No. 23-036

Director Chapman made a motion to authorize issuance of Professional Service Agreement to Monument Right-of-Way for the Pipeline Improvement and Consolidation Project Right-of-Way Acquisition Services at an initial contract cost of \$458,075. Director Dicht seconded the motion.

Burkhart	Y
McKenzie	Y

Close-Dees Y
Dicht Y
David Chapman Y

MSC¹ (Chapman/Dicht) unanimously approved.

2. Review Draft Resolution No. 23R-18 Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meter Sizes 3/4 –inch to 10-inch

GM West gave the staff report as presented in the Agenda packet.

Directors asked questions about the resolution, use of the funds generated from the fee and more specifically the difference between Basic Facilities Charge and the Service Line Installation charge. GM West answered the questions of the Board of Directors stating that the wording of the resolution has been modified for clarification and the Agency does not segregate the BFC fees because there is no policy to do so. She noted that several auditors have asked and she had been advised that it is an Agency policy that would direct usage of those funds. Lastly, she explained the BFC is for “buying-in” to the existing system infrastructure and is separate from the Service Line Installation fee which is authorized under a separate resolution.

Public comment: None.

Motion No. 23-037

Director Chapman made a motion to agendaize for the November 14, 2023 Regular Board of Directors’ Meeting to adopt Resolution No. 23R-XX Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meter Size Ranges ¾-inch to 10-inch. Director Dicht seconded the motion.

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

MSC¹ (Chapman/Dicht) unanimously approved.

3. Consent Items -

- a. Board of Directors’ Meeting Minutes, September 12, 2023
- b. Financial Statements
 - 1. Balance Sheet – August 2023
 - 2. Budget Status – August 2023
- c. Receive and File Disbursements for September 2023
- d. BDV Production Report for August 2023
- e. Goat Mountain Production Reports for August 2023
- f. Service Order Report for August 2023

- g. Receive and File the annual disclosure of reimbursements for fiscal year 2022/23
- h. Receive and File Finance (FPREP) Standing Committee Meeting Minutes for July 18, 2023

Recommended Action:
Approve as presented.

Public comment: None.

Motion No. 23-038

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

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

MSC¹ (Close-Dees/McKenzie) unanimously approved.

4. Matters Removed from Consent Items

None.

5. Public Comment Period

None.

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

1. General Manager Report – GM West introduced Mr. Daniel Best who has been offered and has accepted a position with the Agency as its new Assistant General Manager. She also showed a Video link Giant Rock Clean-up.

2. Director Reports

Director McKenzie attended the Landers Community Association monthly general membership meeting she attended. She reported on the San Bernardino Association of Special Districts dinner (ASBCSD) meeting sponsored by the Mojave Water Agency on September 18th. The topic was the “faces of fentanyl” and representatives from the County of Riverside gave the presentation. Lastly, she participated in the Orchid Festival event on October 7th and 8th.

Director Close-Dees reported on the September 18th ASBCSD meeting and summarized portions of the presentation on “faces of fentanyl” public service

announcements the County of Riverside created. Lastly, she participated in the Orchid Festival event on October 7th and 8th. Lastly, she participated in the Orchid Festival event on October 8th.

Director Chapman reported on the September 18th ASBCSD meeting and summarized portions of the presentation on “faces of fentanyl” public service announcements the County of Riverside created. He further summarized the focused outreach portion of the campaign.

Director Dicht reported on the Giant Rock Clean-up event where he worked both Friday and Saturday, September 22nd and 23rd. He thanked the Landers Association for their donation for the “elephant snot” that is used to soften the paint on the rock face. He was sad to report that the graffiti had returned after all the work done last year. Lastly, he participated in the Orchid Festival event on October 7th and 8th.

7. Adjournment

President Burkhart adjourned the meeting at 7:30 pm.

Approved by:


Megan Close-Dees, Secretary of the Board

MSC¹ – Motion made, seconded and carried



Official Seal