



# BIGHORN-DESERT VIEW WATER AGENCY

## BOARD OF DIRECTORS' REGULAR MEETING AGENDA

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

May 26, 2009  
TUESDAY  
6:00 P.M.

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL
- APPROVAL OF THE AGENDA

**Public Participation**-Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment please state your name and have your information prepared. Due to time constraints a three minute time limit may be imposed. 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, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

1. **PUBLIC PARTICIPATION**- Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.
2. **CLOSED SESSION**
  - **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case)
3. **CLOSED SESSION REPORT**
4. **DISCUSSION AND ACTION ITEMS**- The following items will be discussed by the Board of Directors and Staff, and the Board will consider taking action, if so inclined.
  - a. **RESOLUTION NO. 09R-XX EMPLOYEE HANDBOOK**- Board to consider approval of Resolution 09R-XX 2009 Employee Handbook update and rescinding Ordinance No. 05O-03 2005 Employee Handbook.
  - b. **REGIONAL LEGISLATIVE ALLIANCE PRESENTATION BY MIKE STEVENS OF MOJAVE WATER AGENCY** – Board to receive presentation via DVD regarding the Regional Legislative Alliance.
  - c. **FY2009/2010 BUDGET REVIEW** – Board to receive presentation regarding FY2009/2010 revenue and expense projections. Information and discussion only.

- d. **LEVY AND COLLECTION OF TAXES WITHIN IMPROVEMENT DISTRICT NO 1 FOR FISCAL YEAR 2008/2009-** Committee to review and discuss background for the levy and collection of the taxes within the Improvement District No. 1 for Fiscal Year 2009/2010 and make a recommendation to the full Board as to the appropriate assessed valuation.
- e. **AMES VALLEY MONITORING PROGRAM REPORT 2008** – Board to receive and file the calendar year 2008 Ames Valley Monitoring Program report.
- f. **AUTHORIZE ATTENDANCE AT THE 2009 SAN BERNARDINO COUNTY WATER CONFERENCE AUGUST 20, 2009** – Board to consider authorizing Director attendance to 2009 San Bernardino County Water Conference August 20, 2009 at a cost of approximately \$250 per director.

**5. DISBURSEMENTS APRIL 2009**

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 an item be held for discussion or further action.

- a. Financial Statements April 2009
- b. Minutes of the March 18, 2009 Special Meeting
- c. Minutes of the March 24, 2009 Regular Meeting
- d. Consumption & Billing Comparison Report April 2009
- e. Production Report April 2009
- f. Service Order Report April 2009

**7. MATTERS REMOVED FROM CONSENT ITEMS-**

8. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE FINANCE/PUBLIC RELATIONS & EDUCATION/PERSONNEL COMMITTEE MEETING** - none
9. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE PLANNING & ENGINEERING/LEGISLATIVE/GRANT/SECURITY COMMITTEE MEETING-** No May 2009 meeting held.

**10. DIRECTORS' REPORTS/COMMENTS**

**11. GENERAL MANAGER'S REPORT (ORAL)**

**12. COMMUNICATION AND INFORMATION ITEMS**

- a. Letter from District Attorney dated May 4, 2009

**13. ITEMS FOR NEXT AGENDA**

**14. ADJOURNMENT**

**Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Bighorn-Desert View Water Agency office at 622 S. Jemez Tr., Yucca Valley, CA during normal business hours.**

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE  
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** May 13, 2009

**To:** Financial/PR/Education/Personnel Comm.  
Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost:** N/A

**Funding Source:** N/A

**From:** Marina D. West

**General Counsel Approval:** Obtained

**CEQA Compliance:** N/A

**Subject:** Employee Handbook Update

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**SUMMARY**

In 2007, Agency special counsel for labor and employment matters recommended the Employee Handbook be updated to comply with current procedures and legal requirements applicable to the Agency. Staff has completed the update, received approval from legal counsel and is bringing the document before the Personnel Committee for explanation of changes and to clarify any questions or concerns.

**RECOMMENDATION**

Agendize for the January 27 Board Meeting:

1. Rescind Ordinance No. 050-02 Adopting the Employee Handbook for the Purposes of Establishing the Rules and Procedures for the Conduct of Personnel/Human Resource Matters and Authorizing the Modification thereof by Resolution of the Board of Directors of the Bighorn Desert View Water Agency
2. Adopt Resolution 09R-XX Adopting the Employee Handbook for the Purposes of Establishing the Rules and Procedures for the Conduct of Personnel/Human Resource Matters and Authorizing the Modification thereof by Resolution of the Board of Directors of the Bighorn Desert View Water Agency.

**BACKGROUND/ANALYSIS**

In 2007, Agency special counsel for labor and employment matters recommended the Employee Handbook be updated to comply with current procedures and legal requirements applicable to the Agency. Staff has completed the update, received approval from legal counsel and is bringing the document before the Personnel Committee for explanation of changes and to clarify any questions or concerns.

The Employee Handbook contains Appendix A Job Classifications. Since there is one vacant position at this time, the Executive Secretary/Personnel Administration job description is proposed for adoption in this update. Staff will bring the other job descriptions to the Board as they are finalized.

Appendix B in the Employee Handbook update is the current range and step scale last approved by the Board in January 2008.

Appendix C in the Employee Handbook update is the proposed organizational chart for the Agency.

Agency attorney for labor and employment matters will be available via conference call to review the handbook changes and answer any questions the Committee may have pertaining to the Employee Handbook update. If satisfactory, then the matter will be brought before the full board for consideration and adoption.

#### **PRIOR RELEVANT BOARD ACTION(S)**

1/22/08 Resolution No. 08R-01A Authorizing a Cost of Living Percentage Adjustment to the Range and Step Scale Employee Handbook.

12/20/05 Ordinance No. 05O-02 Adopting the Employee Handbook for the Purposes of Establishing the Rules and Procedures for the Conduct of Personnel/Human Resource Matters and Authorizing the Modification thereof by Resolution of the Board of Directors of the Bighorn Desert View Water Agency

Recommended by Committee

DRAFT #1  
APRIL 8, 2009

# Bighorn-Desert View Water Agency



## EMPLOYEE HANDBOOK

Adopted \_\_\_\_\_, 2009

Deleted: December 20, 2005

# BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

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# BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

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## APPENDIX B RANGE AND STEP SCHEDULE

## APPENDIX C Organizational Chart

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## ARTICLE 1.0 GENERAL STATEMENTS

### 1.1 SHORT TITLE

This Resolution shall be known as "The Bighorn-Desert View Water Agency Employee Handbook".

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### 1.2 WORDS AND PHRASES

For the purpose of this Resolution, all words used herein in the present tense shall include the future; all words used in the plural shall include the singular; all words used in the singular shall include the plural; and all words used in the masculine gender shall include the feminine.

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### 1.3 SEPARABILITY

If any section, article, clause, or phrase of this Resolution is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Resolution.

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### 1.4 EFFECTIVE DATE

This Resolution shall become effective upon the date of its adoption and supersede all other Resolutions, or Policies or Ordinances in conflict there within.

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### 1.5 SUBSEQUENT REVISIONS

That the Board of Directors of the Agency may, by Resolution duly passed upon the affirmative vote of the majority of the members of the Board of Directors, modify and amend the Employee Handbook at any time and from time to time.

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## ARTICLE 2.0 INTRODUCTORY POLICIES

### 2.1 INTRODUCTORY STATEMENT

This Employee Handbook sets forth the terms and conditions of the "at will" employment of all full and part-time employees. Individual written employment contracts may supersede some of the provisions of this handbook. This handbook is designed to familiarize you with our major policies. Your supervisor or manager can answer any questions you may have.

**Deleted:** Welcome! As an employee of the Bighorn-Desert View Water Agency, you will find your employment to be both rewarding and challenging. Because the quality of our employees is the key to our success, we carefully select our new employees. In turn, we expect employees to contribute to the success of the Agency.

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### 2.2 INTEGRATION CLAUSE AND THE RIGHT TO REVISE

The Agency reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document. All amendments become effective immediately upon their adoption by the Agency Board of Directors. Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook. This handbook contains the terms and conditions of your "at will" employment. Nothing in this employee handbook, or any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

### 2.3 EQUAL EMPLOYMENT OPPORTUNITY

This Agency is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. Agency policy prohibits unlawful discrimination based on race, color, creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, gender identity or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful. The Agency is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Agency and prohibits unlawful discrimination by any employee of the Agency, including supervisors and co-workers.

If you believe you have been subjected to any form of unlawful discrimination, you should provide a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The Agency will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation.

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If the Agency determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination, whatever action is taken will be made known to you and the Agency will take appropriate action to remedy any loss to

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you as a result of the discrimination. The Agency will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your co-workers.

## 2.4 UNLAWFUL HARASSMENT

1. Policy Statement. The Agency strictly prohibits unlawful harassment. This includes harassment on the basis of sex, sexual orientation, race, color, ancestry, religious creed, disability, medical condition, age (over 40), marital status, gender identity or any other protected class under applicable law.
2. Application.
  - A. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.
  - B. This policy applies to all officers and employees of the Agency, including, but not limited to, full- and part-time employees, per diem employees, temporary employees, and persons working under contract for the Agency.
3. Harassment Defined.
  - A. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:
    - (1) Submission to the offensive conduct is an explicit or implicit term or condition of employment;
    - (2) Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
    - (3) The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
  - B. Examples of what may constitute prohibited harassment include, but are not limited to, the following:
    - (1) Kidding or joking about sex or membership in one of the protected classifications;
    - (2) Hugs, pats, and similar physical contact;

**Deleted:** The Agency is committed to providing a work environment free of unlawful harassment. Agency policy prohibits sexual harassment and harassment because of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The Agency's anti-harassment policy applies to all persons involved in the operation of the Agency and prohibits unlawful harassment by any employee of the Agency, including supervisors and co-workers.¶

¶ Prohibited unlawful harassment because of sex, race, ancestry, religion, physical or mental disability, medical condition, marital status, age or any other protected basis includes, but is not limited to, the following behavior:¶

¶ <#>Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;¶

¶ <#>Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;¶

¶ <#>Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;¶

¶ <#>Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors;¶

¶ <#>Retaliation for having reported or threatened to report harassment.¶

¶ If you believe that you have been unlawfully harassed, provide a written complaint to your own or any other Agency supervisor, General Manager or the President of the Board of Directors of the Agency as soon as possible after the incident. Your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the General Manager, investigative officer, or the president of the Agency. The Agency will immediately undertake effective, thorough a ... [1]

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- (3) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- (4) Cartoons, posters, e-mails and other materials referring to sex or membership in one of the protected classifications;
- (5) Threats intended to induce sexual favors;
- (6) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- (7) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- (8) Prolonged staring or leering at a person;
- (9) Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, disability, medical condition, age (over 40), marital status, sexual orientation, gender identity or any other protected classification under applicable law.

4. Procedure.

A. Internal Reporting Procedure

- (1) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors, or others should immediately notify his or her supervisor or, in the alternative, the General Manager, depending on which individual the employee feels most comfortable in contacting.
- (2) Additionally, supervisors who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

B. External Reporting Procedure

- (1) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors, or others may file a complaint with the California Department of Fair Employment & Housing or the Fair Employment & Housing Commission ("DFEH"). The phone number for DFEH is located in the phone book under government agencies.

5. Investigation.

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A. Upon the filing of a complaint with the Agency, the complainant will be provided with a copy of this policy. The General Manager is the person designated by the Agency to investigate complaints of harassment. The General Manager may, however, delegate the investigation at his/her discretion. In the event the harassment complaint is against the General Manager, an investigator shall be appointed by the Board of Directors and the Board will assume the role of the General Manager throughout the process.

B. Charges filed with the DFEH are investigated by the DFEH.

6. Internal Documentation Procedure.

A. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the General Manager.

B. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation. Upon completion of the investigation, the results shall be given to the complainant, the alleged harasser, and the General Manager.

C. Based on the report and any other relevant information, the General Manager shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the General Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any, occurred; and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the General Manager.

7. Confidentiality. All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

8. Remedies.

A. Disciplinary Action.

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- (1) If the General Manager determines that the complaint of harassment is founded, the General Manager shall take immediate and appropriate disciplinary action consistent with the requirements of law and any personnel rules or regulations pertaining to employee discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.
- (2) Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the Agency's operations.

B. In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If not settled, DFEH may issue a determination on the merits of the case.

- (1) Where a case is not settled and the DFEH finds a violation to exist, it can prosecute the charging party's case before the Fair Employment & Housing Commission ("FEHC"). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job; award of a job applied for; back pay; front pay; attorneys' fees; and under appropriate circumstances, actual damages and/or administrative fines.
- (2) In the alternative, DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

9. Retaliation. Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by the Agency, DFEH, or FEHC is strictly prohibited by the Agency and state regulations. It may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.

10. Employee Obligation.

- A. Employees are not only encouraged to report instances of harassment, they are obligated to report instances of harassment.
- B. Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:
  - (1) Coming forward with evidence, both favorable and unfavorable to a person accused of harassment; and

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(2) Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a Agency investigation of alleged harassment.

C. Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including, termination of employment.

## ARTICLE 3.0 EMPLOYMENT POLICIES AND PRACTICES

### 3.1 AT-WILL EMPLOYMENT

Bighorn-Desert View Water Agency personnel are employed on an at-will basis, (only employees hired prior to December 20, 2005 are not "at will"). Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or the Agency. Nothing in this handbook shall limit the right to terminate at-will employment, with or without cause, or prior notice. No individual Board member, manager, supervisor, or employee of the Agency has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the General Manager of the Bighorn-Desert View Water Agency has the authority to make any such agreement, which is binding only if it is in writing and approved by the Board of Directors.

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### 3.2 NEW HIRES

After an offer of employment has been made and prior to the commencement of employment duties, each applicant for any position with the Agency must be examined by a medical doctor, designated by the Agency, to determine the applicant's ability to perform the physical activity requirements of the job. Additionally the Agency will require you to pass a drug screening test at the time of your physical examination if you are in a "safety-sensitive" position.

Upon successful completion of the required physical examination the supervisor of each new hire employee will administer an orientation process. The orientation process is the familiarization of the new hire employee with the Agency's practices, policies, and benefit plan. It includes their initial safety training, initial job training, the completion of required forms and documents, and any other job related information. A checklist of the topics covered in the orientation process must be completed by the new hire employee, signed by the employee and their supervisor, and will be maintained as part of the employee's personnel records.

The first ninety (90) days of continuous employment at the Agency is considered a training period. During the training period training employees do not accrue and are not eligible for benefits described in this handbook, unless required by law. During this time you will learn your responsibilities, get acquainted with fellow employees and determine whether you are happy with your job. Also, during this time, your supervisor will closely monitor your performance. Upon completion of the training period, the General Manager will review your performance. Completion of the training period does not entitle you to remain employed by the Agency for any defined period of time as employment is "at will". Both you and the Agency are free, at any time, to end the employment relationship. After completion of the training period, eligible employees will receive the benefits described in this handbook.

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### 3.3 REGULAR EMPLOYEES

Employees who have completed their training period shall be known as "regular" employees. Such employees may be either full-time or part-time. The distinction between full-time and part-time depends upon the number of hours that an employee works.

### 3.4 FULL-TIME EMPLOYEES

Regular full-time employees are those normally scheduled to work 40 hours per week. Following the completion of the training period, regular full-time employees are eligible for the employee benefits described in this handbook.

### 3.5 PART-TIME EMPLOYEES

Regular part-time such employees may be assigned a work schedule in advance or may work on an as-needed basis. Regular part-time employees are eligible for employee benefits only as expressly provided for in this handbook.

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### 3.6 TEMPORARY EMPLOYEES

Temporary employees are those employed for short-term assignments. Temporary employees are not eligible for employee benefits except where mandated by applicable law. The physical examination for temporary employees may be waived by the General Manager.

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### 3.7 JOB DUTIES

During the training period, your supervisor will explain your job responsibilities and the performance standards expected of you. (See Exhibit A- Job Classification Schedule). Be aware that, within the parameters of your job class, your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to the operation of your department or the Agency. Your cooperation and assistance in performing such additional work is expected. The Agency reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

### 3.8 WORK SCHEDULES

The Agency's office is normally open for business between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Your supervisor will assign your work schedule. All employees are expected to be ready to work at the start of their scheduled shifts. If for some reason you are unable to be at work when your shift begins, you are required to notify your supervisor at least one half hour before your scheduled reporting time, failure

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to do so may result in disciplinary action by the Agency. Exchanging work schedules with other employees is discouraged. However, if it is necessary to exchange schedules, notify your supervisor, who may authorize an exchange if possible.

### 3.9 MEAL AND REST PERIODS

Employees are provided with a meal period, to be taken approximately in the middle of the workday. Employees are allowed ten minute rest periods for every four hours of work or major portion thereof. Your supervisor will schedule your meal and rest periods.

### 3.10 PERSONNEL RECORDS

You have a right to inspect your personnel file, as provided by law, in the presence of an Agency representative at a mutually convenient time. You may add your version of any disputed item to the file. The Agency will restrict disclosure of your personnel file to authorized individuals within the Agency (i.e., employee, employee supervisor, or General Manager). Any request for information from personnel files must be directed to the General Manager. Only the General Manager or his/her designee is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be restricted to cooperation with authorized law enforcement or local, state or federal agencies conducting official investigations.

### 3.11 EMPLOYEE REFERENCES

All requests for references must be directed to the General Manager or his/her designee. No other manager, supervisor or employee is authorized to release references for current or former employees. The Agency's policy as to references for employees who have left the Agency is to disclose only the dates of employment and the title of the last position held. If you authorize disclosure in writing, the Agency will also provide a prospective employer with the information on the amount of salary or wage you last earned.

### 3.12 PERFORMANCE EVALUATIONS

Employees will receive periodic performance reviews. The review will be conducted by your supervisor who will discuss it with you. Your first performance evaluation will be after completion of your training period. After that review, performance evaluations will be conducted annually, on or about the anniversary date of your employment with the Agency. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems. Performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, initiative, work attitude and attitude toward others. The performance evaluation should help you become aware of your progress, areas for improvement and objectives or goals for future work performance.

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Positive performance evaluations do not guarantee increases in salary. Salary increases are solely within the discretion of the Agency, and depend upon many factors in addition to performance. After the review you will be required to sign the evaluation report simply to acknowledge that it has been presented to you and discussed with you by your supervisor, and that you are aware of its contents. Promotions are solely within the discretion of the Agency.

### 3.13 GRIEVANCE PROCEDURE

The purpose of the grievance procedure is to provide a means by which employee grievances may be considered, discussed and resolved at the closest possible level to the point of origin. A grievance is any dispute concerning the interpretation or application of the rules or regulations governing personnel practices or working conditions, or of the practical consequences of a decision on wages, hours, and other terms and conditions of employment. Grievances shall be waived for all purposes if not presented to the supervisor within ten working days from the date the aggrieved employee knew, or by reasonable diligence could have known, of the occurrence of the act or omission on which the grievance is based. Grievances shall be presented in accordance with the procedures set forth below. The time period for review of the grievance may be extended at any level of the procedure by mutual written consent of both parties.

**INFORMAL PROCEDURE:** An employee with a grievance shall first discuss it with their immediate supervisor without delay. If the problem is not answered to their satisfaction, they shall have the right to discuss it with the supervisor's immediate superior. Every effort shall be made to resolve the problem in this manner.

**FORMAL PROCEDURE:** If informal efforts have not been successful in resolving an employee's problem, they may avail themselves of this formal procedure by submitting their appeal in writing within five working days of the final answer given in the informal procedure. The written appeal shall include a detailed nature of the grievance and their expectations for resolution. The procedure is as follows:

- **FIRST LEVEL OF APPEAL:** The written appeal shall be submitted to the employee's immediate supervisor who shall hold a meeting within five working days and shall render a decision and comments in writing within five working days of the meeting.
- **GENERAL MANAGER REVIEW:** If the employee does not agree with the decision, or if no answer has been received within six working days, he/she may forward the original appeal in writing to the General Manager. Failure of the employee to take further action within ten working days after receipt of the first level decision, or within a total of ten working days if no decision is rendered, will bar further consideration. The General Manager shall discuss the grievance with the employee and with other appropriate persons, if any. The General Manager shall render his/her decision regarding the original appeal and comments in

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writing and return them to the employee within ten working days after receiving the written appeal. The only appeals that can go beyond the General Manager level are appeals from actions where "punitive discipline" was imposed. "Punitive discipline" is defined as termination, suspension without pay of three (3) days or more or demotion. (For employees hired prior to December 20, 2005, "major disciplinary actions," including "punitive discipline," shall be administered as set forth in Section 3.17 and the grievance procedure shall not apply to such actions.) Performance appraisals shall not be appealed beyond the General Manager level.

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- **BOARD REVIEW:** If the employee does not agree with the decision made at the General Manager level where punitive discipline was imposed the employee may within five working days, present their appeal in writing to the General Manager requesting a hearing before the Board. All evidence and supporting documents must be submitted with the appeal letter. At the employee's request, this hearing may be in either open or closed session. The decision of the Board of Directors shall be final and binding on all parties.

The grievance is considered resolved at any step in the procedure when the employee is satisfied that the problem has been resolved.

Throughout the duration of the grievance process the employee shall remain in their current classification at their current rate of compensation whether placed on leave status or not. The grievance procedure is the right of every regular employee and no punitive action of any kind shall be assessed against any regular employee for legally and professionally utilizing the grievance process.

### 3.14 EMPLOYMENT OF RELATIVES

The Agency will not hire relatives where actual or potential problems may arise regarding supervision, security, safety or morale, or where potential conflicts of interest exist. "Relatives" are defined to include spouses, registered domestic partners, children, siblings, parents, in-laws and step-relatives. If two employees marry, become registered domestic partners, or become related, causing actual or potential problems such as those described above, only one of the employees will be retained with the Agency unless reasonable accommodations can be made to eliminate the actual or potential problems. The employees will have 30 days to decide which relative will stay with the Agency. If this decision is not made in the time allowed, the General Manager of the Agency will make the decision, taking the employment history and job performance of both employees into account.

### 3.15 CONFLICTS OF INTEREST

Situations of actual or potential conflict of interest are to be avoided by all employees. Personal or romantic involvement with a competitor, supplier or subordinate employee of the Agency, which impairs an employee's ability to exercise good judgment on behalf of

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the Agency, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his/her immediate supervisor, or any other appropriate supervisor, for a determination as to whether a potential or actual conflict exists. If an actual or potential conflict is determined, the Agency may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

### 3.16 REDUCTIONS IN FORCE

Under some circumstances, the Agency may need to restructure or reduce its work force. If it becomes necessary to restructure our operations or reduce the number of employees, the Agency will attempt to provide reasonable advance notice, if possible, so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

The Agency will abide by any and all labor laws relative to reductions in force. In determining which employees will be subject to layoff, the Agency will take into account, among other things, operation requirements, the skill, productivity, ability and past performance of those involved and also, where feasible, the employee's length of service.

### 3.17 TERMINATION AND PROGRESSIVE DISCIPLINE

Violation of Agency policies and/or rules may result in disciplinary action. The Agency may follow a system of progressive discipline which may, but need not, include verbal warnings, written warnings, suspension, and/or termination. All disciplinary action taken shall be recorded in the employee's personnel file.

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For employees hired prior to December 20, 2005, the following disciplinary process will apply to "major disciplinary actions" (defined as terminations, demotions or suspensions without pay:

1. Prior to imposing a major disciplinary action, the employee shall be provided with a notice of proposed disciplinary action which shall include the documents upon which the disciplinary action is based. The notice shall indicate that the employee shall have up to seven (7) calendar days to schedule a "Skelly" hearing with the General Manager. Following the Skelly hearing, or seven (7) days if the employee does not choose to schedule one, the General Manager shall issue the employee a notice of disciplinary action. If the disciplinary action is a termination, demotion or suspension without pay for five (5) days or more, the employee shall have seven (7) calendar days

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to file an appeal. The appeal shall be in writing and delivered to the General Manager. Following receipt of the appeal, a hearing shall be scheduled before the Board of Directors, or its designee(s). Failure to file a request for appeal within the time specified shall be deemed a waiver of all appeal rights. Appeal hearings need not be conducted in strict conformity with the Rules of Evidence as applied in a court of law, but all parties shall observe the substance of the Rules of Evidence, to the end that the matter may be fully heard and determined upon evidentiary matter which reasonable people rely on in the conduct of serious business affairs. Following the hearing, the Board or its designee(s) shall issue a written decision upholding, reducing or rejecting the discipline imposed. (If the Board delegates the hearing to a designee(s), the decision shall be advisory only.) The decision of the Board will be final and binding on all parties. The hearing shall be held in Closed Session unless the employee requests otherwise.

2. In cases of suspensions without pay of four (4) days or less, the employee shall be entitled to notice of the suspension and a Skelly hearing with the General Manager either prior to, during or within seven (7) days following the suspension without pay. The decision of the General Manager following the Skelly hearing shall be final and binding and the employee shall have no further appeal rights.

### 3.18 VOLUNTARY TERMINATION

Any employee may voluntarily terminate their employment with the Agency at their convenience. All Agency owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon termination of employment. A Property Return Agreement must be completed and signed by each new employee during the orientation process as Agency equipment is issued.

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**ARTICLE 4.0 SALARY AND WAGE ADJUSTMENTS****4.1 SALARY RANGE AND STEP SCHEDULE**

The Board shall adopt a Salary Range and Step Schedule for all positions which shall be identified in Appendix "B" attached.

**4.2 SALARY ADJUSTMENTS**

All merit salary adjustments shall be made by the General Manager with the aid of the employee's performance review on or about the employee's annual anniversary date. Merit salary adjustments are granted only after a satisfactory period of service, and are not to be considered an automatic annual salary increase.

The Range and Step Salary Schedule, attached as Exhibit B, is adopted by the Board of Directors setting forth the salary alignment for regular hourly employees. Each range in the Range and Step Salary Schedule shall have a corresponding job classification description which is attached as Exhibit A - Job Classification Schedule.

**4.3 OTHER SALARY ADJUSTMENTS**

The Board, at its discretion, may grant a percentage cost of living adjustment to the Range and Step Exhibit B each year to be effective on or about January 1. The cost of living index and the overall financial condition of the Agency shall be considered when determining any adjustment.

**4.4 OVERTIME**

As necessary, employees may be required to work overtime. For purposes of determining which hours constitute forty (40) hours in a workweek for overtime eligibility, only actual hours worked, the three (3) hour facility inspection pay, paid holidays, pre-approved vacation and reasonable sick leave will be counted. The Agency will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor. The Agency provides compensation for all overtime hours worked by hourly employees in accordance with state and federal law as follows:

- a. All hours worked in excess of 40 hours in one workweek will be treated as overtime. A workday begins at midnight and ends 24 hours later. A workweek begins each Friday at midnight.
- b. Compensation for hours in excess of 40 for the workweek shall be paid at a rate of 1½ times the employee's regular rate of pay.

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**Deleted:** In a given workday or workweek

**Deleted:** 8 hours in one workday or

**Deleted:** , or in excess of 8 for the workday and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek,

**Deleted:** <#>Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay; and¶

¶ Overtime compensation for hours worked in excess of eight hours per day or forty hours per week shall apply in all cases provided that the employee worked the entire standard work week or was on paid Agency authorized leave (for example-vacation) for the days not worked during the standard work week in question. ¶

¶ To be eligible for Holiday Overtime pay, you must be regularly scheduled to work on the day on which the Holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor. If you are required to work on a paid scheduled holiday you will receive double the regular rate of pay.

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#### 4.5 OPERATIONS STANDBY

**THREE HOUR FACILITY INSPECTION:** The employee on-call shall perform the normal three hour facility inspections on Saturday, Sunday, and all Agency authorized Holidays as required. The "three hour facility inspection" is defined as the daily duties in which the Agency facilities are inspected and production data recorded. Three hours are allotted to perform these duties, and employees will be paid a minimum of three (3) hours.

**Deleted:** and will be compensated per sections 4.4

**ON CALL TIME:** Answer information only calls, carry the pager for the entire shift, and be available for any emergency call-out that may arise during the hours of their on-call shift.

**CALL OUT TIME:** Call-out time refers to the time an employee is called out after regular working hours when that employee has on-call duty. Call-out time does not include the time required to make the three hour facility inspection each day, information only calls or carrying the pager for the entire shift. Call-out time shall be compensated at overtime rates for actual time worked with a minimum of one hour compensation.

Employees on stand-by duty on Monday, Tuesday, Wednesday, Thursday or Friday will be paid one (1) hour of their base pay rate for each day of service. Employees on stand-by duty on Saturday, or Sunday, or Agency authorized Holidays will be paid three (3) hours of their base pay rate.

In addition to the hours paid in the preceding paragraph the employee called out during their on call shift will be paid one and one half (1½) times that employee's regular hourly rate for duties that fall outside of the three hour facility inspection time frame.

#### 4.6 COMPENSATORY TIME

An employee may elect compensatory time in lieu of overtime. Those employees eligible for compensatory time may accrue such time to a maximum of forty (40) hours. Compensatory time shall be calculated at one and one-half (1½) times the number of hours worked over forty (40) hours in a workweek. Compensatory time must be reported on the employee's time card and submitted to the payroll department. (Compensatory time must be elected by the employee prior to performing the work.) Compensatory time used shall also be reported on the employee's time card and submitted to the payroll department. Unused compensatory time shall be paid at termination.

**Deleted:** Holiday overtime compensation shall apply when an on-call shift includes an Agency authorized Holiday and when the call-out occurs outside of the three hour facility shift.¶

**Deleted:** scheduled hours during the established work day

**Deleted:** Employees shall use their compensatory time within the same pay period or it shall be paid at then end of the pay period.

#### 4.7 PAYMENT OF WAGES

All employees of the Agency are paid every other Thursday for work performed during the previous two-week pay period. If a regular payday falls on a holiday, every effort will be made to pay the employees on the preceding workday. Paychecks are normally

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## BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

available by 4:00 p.m. at the Jemez office. If there is an error on your check, please report it immediately to your supervisor and it will be corrected within four working days. All payroll deductions shall be in accordance with applicable laws.

### 4.8 ADVANCES

The Agency does not permit advances against unearned wages or against unaccrued vacation.

### 4.9 SPECIAL ASSIGNMENT COMPENSATION

Special Assignment Compensation is a concept which allows for increases in pay beyond that which is normally allowed when duties performed support such additional pay for special periods of time. The General Manager may grant the Special Assignment Compensation for duties assigned an employee at a rate of compensation at the bottom of range for the new position or five percent (5%) of the employee's pay in their regular position, whichever is greater, of the employee's based pay rate when duties assigned are above and beyond the normal classification of an employee and under other circumstances as determined by the General Manager.

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## ARTICLE 5.0 STANDARDS OF CONDUCT

## 5.1 PROHIBITED CONDUCT

The following conduct is prohibited and will not be tolerated by the Agency. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the Agency's operations also may be prohibited.

- a. Failure to uphold the Constitution and laws of the United States and the State of California.
- b. Failure to perform employment duties in accordance with all applicable governing authorities and regulations of the Agency including but not limited to the provisions of this handbook.
- c. Falsification of employment records, employment information or other Agency records.
- d. Theft, deliberate or careless damage of Agency property or the property of any employee or customer.
- e. Removing or borrowing Agency property without prior authorization.
- f. Unauthorized use of Agency equipment, time, materials, or facilities.
- g. Provoking a fight or fighting during working hours or on Agency property.
- h. Participating in horseplay or practical jokes on Agency time or on Agency premises.
- i. Using abusive language at any time on Agency premises or in the performance of employment duties.
- j. Engaging in criminal conduct whether or not related to job performance.
- k. Creating or participating in a disruption of any kind which could result in the impedance of the normal work day routine during working hours on Agency property.
- l. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- m. Failure to be punctual in reporting for work and efficient with the use of their time while on duty. All employees are encouraged to live close to the area and employees having on-call responsibilities are required to live within a thirty (30) minute drive of the Agency office.
- n. Failure to notify a supervisor when unable to report to work.
- o. Unreported absences.
- p. Failure to obtain permission to leave work for any reason during normal working hours.
- q. Failure to provide a physician's certificate when requested or required to do so.
- r. Sleeping or malingering on the job.
- s. Making or accepting personal telephone calls during working hours, except in cases of emergency.
- t. Working overtime without authorization, or refusing to work assigned overtime.
- u. Violation of any safety, health, security or Agency policies, rules or procedures.
- v. Committing a fraudulent act or a breach of trust under any circumstances.

**Deleted:** of three (3) consecutive scheduled workdays

**Deleted:** of more than three minutes in duration

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- w. Unlawful harassment or discrimination.
- x. Discourteous treatment of others.
- y. Violation of Agency rules or policies.

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## 5.2 DRUG AND ALCOHOL ABUSE/DRUG TESTING PROGRAM

The Agency is concerned about the use of alcohol, illegal drugs or controlled substances as it affects the workplace. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety and health and therefore seriously impair the employee's value to the Agency. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Agency to the risks of property loss or damage, or injury to other persons. Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and seriously impair the employee's value to the Agency.

The following rules and standards of conduct apply to all employees either on Agency property or during the work day (including meals and rest periods). The following are strictly prohibited by the Agency:

- a. Possession or use of alcohol, or being under the influence of alcohol while on the job.
- b. Driving an Agency vehicle while under the influence of alcohol.
- c. Distribution, sale or purchase of an illegal or controlled substance while on the job.
- d. Possession or use of an illegal, or controlled substance or being under the influence of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct will not be tolerated. The Agency also may bring the matter to the attention of appropriate law enforcement authorities. Except as prohibited by law, an employee's conviction on a charge of illegal sale or possession of any controlled substance while off Agency property will not be tolerated because such conduct, even though off duty, reflects adversely on the Agency. In addition, the Agency must keep people who sell or possess controlled substances off the Agency's premises in order to keep the controlled substances themselves off the premises.

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Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work. (This does not require disclosure of the reason for taking the drug.) The employee may be required to provide a physician's statement confirming their fitness for duty.

The Agency is required to implement a drug testing program for all of its employees whose job classification requires them to have a commercial drivers license and perform

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safety-sensitive functions regulated by Title 49 of the Code of Federal Regulations. The Agency's Drug and Alcohol Testing Policy is for those safety-sensitive positions.

**Deleted:** Policy Statement No. 97P-07 sets forth t

### 5.3 OFF-DUTY CONDUCT

While the Agency does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Agency's legitimate business interests. For this reason, employees should be aware of the following policies: Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Agency's or their own integrity, reputation or credibility. Illegal off-duty conduct on the part of an employee that adversely affects the Agency's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

**Deleted:** or immoral

While employed by the Agency, employees are expected to devote their energies to their jobs with the Agency. For this reason, second jobs are discouraged. The following types of outside employment are strictly prohibited:

- a. Employment that conflicts with an employee's work schedule, duties and responsibilities;
- b. Employment that creates a conflict of interest or is incompatible with the employee's employment with the employer;
- c. Employment that impairs or has a detrimental effect on the employee's work performance with the Agency;
- d. Employment that requires the employee to conduct work or related activities on the employer's property during the employer's working hours or using the employer's facilities and/or equipment;
- e. Employment that directly or indirectly competes with the business or the interests of the employer.

### 5.4 PUNCTUALITY AND ATTENDANCE

As an employee of the Agency, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, your workload must be performed by others, just as you must assume the workload of others who are absent.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Agency business. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must call your supervisor at least one half hour before the time you are scheduled to begin working for that day. In all cases of absence or tardiness, employees must provide their supervisor with an

**Deleted:** Employees who wish to engage in outside employment that may create a real or apparent conflict of interest must submit a written request to the Agency explaining the details of the outside employment. If the outside employment is authorized, the Agency assumes no responsibility for the outside employment. The Agency shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.†

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honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Unless there are extenuating circumstances, you must call in on any day you are scheduled to work that you will be absent or tardy.

Excessive absenteeism or tardiness (whether excused or not) will not be tolerated.

If you fail to report for work without notification to your supervisor and absence continues for a period of three consecutive days, the Agency will consider that you have abandoned your employment and have voluntarily terminated.

## 5.5 PERSONAL STANDARDS

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines.

Field employees shall be issued uniforms which they are required to wear daily. It is the responsibility of the employee to launder their own uniforms.

Field employees are required to wear approved steel toe safety shoes at all times and will be reimbursed up to \$150 for one pair each year by the Agency. It is the responsibility of the employee to purchase properly fitting foot wear prior to reimbursement.

**Deleted:** The uniform shall consist of denim trousers and shirt bearing the Agency's name and logo. Field employees shall be issued T-shirts for use during summer months and long sleeve heavy cotton blend T-shirts for use in cooler winter months. The Agency will reimburse field employees for up to four pairs of denim trousers per year.

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Employees and visitors are required to wear safety equipment when visiting or working in an area designated as a "hard hat area".

Field employees, when leaving the Agency's employees, shall return all uniforms to the Agency. Violation of the Agency's dress code policy could result in disciplinary action up to and including termination.

## 5.6 CUSTOMER RELATIONS

We are a service oriented business and we must remember that the customer is our first priority. Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concerns as an interruption or an annoyance. Customer inquiries, whether in person or by telephone, must be addressed promptly and professionally. Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Employees are expected to be polite, courteous, prompt and attentive to every customer. When a situation arises where the employee does not feel comfortable or capable of handling the problem, the supervisor or General Manager should be called immediately.

## 5.7 CONFIDENTIALITY

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Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you may have access to confidential information regarding the Agency, its suppliers, its customers or perhaps even fellow employees. Employees shall not reveal or divulge any such confidential information. This obligation to maintain the confidentiality of information shall continue even after employment with the Agency ends. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

#### 5.8 BUSINESS CONDUCT AND ETHICS

No employee may accept a gift or gratuity from any customer, vendor, supplier or other person doing business with the Agency that may give the appearance of influence regarding their business decision, transaction or service. Please discuss expenses paid by such persons for business meals or trips with the General Manager in advance.

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## ARTICLE 6.0 OPERATIONAL CONSIDERATIONS

### 6.1 EMPLOYER PROPERTY

Lockers, desks, vehicles and tools are Agency property and must be maintained according to Agency rules and regulations. The Agency reserves the right to search all Agency property. They must be kept clean and are to be used only for work-related purposes. Prior authorization must be obtained before any Agency property may be removed from the premises.

### 6.2 USE OF ELECTRONIC MEDIA

The Agency uses various forms of electronic communication including, but not limited to computers, e-mail, telephones, Internet, cell phones, & PDAs. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of BDVWA and are to be used only for Agency business and not for any personal use. Employees therefore have no expectation of privacy in their personal use of Agency computers and other electronic communications equipment.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Agency policy, or not in the best interest of the Agency.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on Agency computer systems.

All electronic information created by any employee using any means of electronic communication is the property of the Agency and remains the property of the Agency. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the Agency's ownership of the electronic information.

The Agency will override all personal passwords if necessary for any reason.

The Agency reserves the right to access, audit and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of Agency policy or any law occurs.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by Agency management.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the General Manager.

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Employees who use devices on which information may be received and/or stored, including but not limited to cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with the trade secrets and confidential communication policy established by the Agency. These communications tools should not be used for communicating confidential or sensitive information or any trade secrets.

Access to the Internet, websites, and other types of Agency-paid computer access are to be used for Agency-related business only. Any information about the Agency, its products or services, or other types of information that will appear in the electronic media about the Agency must be approved by the General Manager before the information is placed on an electronic information resource that is accessible to others.

Questions about access to electronic communications or issues relating to security should be addressed to your immediate supervisor.

### 6.3 OFF-DUTY USE OF FACILITIES

Employees are prohibited from making use of Agency facilities while not on duty. Employees are expressly prohibited from using Agency facilities, Agency property or Agency equipment for personal use.

### 6.4 HEALTH AND SAFETY

Every employee is responsible for the safety of him or herself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance with California law, and to promote the concept of a safe workplace, the Agency maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the General Manager's office.

In compliance with Proposition 65, the Agency will inform employees of any known exposure to any hazardous material.

### 6.5 HOUSEKEEPING

All employees are expected to keep their work areas and vehicles clean and organized. Common areas such as lunch rooms, locker rooms and rest-rooms should be kept clean by those using them. Please clean up after meals. Dispose of trash properly.

### 6.6 SOLICITATION AND DISTRIBUTION OF LITERATURE

In order to ensure efficient operation of the Agency's business and to prevent annoyance to employees, it is necessary to control solicitations and distribution of literature on Agency property. All employees are expected to follow the following rules regarding solicitation or distribution of literature. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor immediately.

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## BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

- No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.
- No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.
- Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Agency property.

**ARTICLE 7.0 EMPLOYEE BENEFITS****7.1 HOLIDAYS**

The Agency observes the following paid holidays for regular full-time employees:

- January 1 (New Years Day)
- Third Monday in January (Martin Luther King Day)
- Third Monday in February (Presidents Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Second Monday in October (Columbus Day)
- November 11 (Veterans Day)
- Thanksgiving Day
- The Day Following Thanksgiving Day
- December 25 (Christmas Day)

When a holiday falls on a Saturday, the previous Friday will be observed. When a Holiday falls on a Sunday, the following Monday will be observed.

Eligibility for holiday pay begins after completion of the training period, unless otherwise approved by the General Manager.

**7.2 VACATIONS**

It is the intent of the Agency that paid vacation leave be provided to the Agency's employees to facilitate time for rest and relaxation. Therefore, it is in the best interest of the Agency and the employee for them to use their vacation leave and not be paid for it in lieu of time off.

Regular full-time employees accrue paid vacation time in accordance with the following schedule:

LENGTH OF SERVICE FROM BENEFIT DATE	ANNUAL VACATION ALLOWANCE	ACCRUAL RATE PER STRAIGHT TIME HOUR	MAXIMUM ALLOWED UNUSED BALANCE
Date of hire through 4 <sup>th</sup> year:	80 hours per year	.0385	160 hours
5 <sup>th</sup> year (1461 <sup>st</sup> day) through 10 <sup>th</sup> year (3285 <sup>th</sup> day):	120 hours per year	.0575	240 hours
11 <sup>th</sup> year (3286 <sup>th</sup> day) and thereafter:	160 hours per year	.0770	320 hours

Vacation Definition: Vacation is a ~~leave of absence with pay for the recreation and well-being of the employee.~~ If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon special request of the employee and with the written approval of the General Manager.

**Deleted:** right, earned as a condition of employment, to a

As set forth above, vacation shall be available for use on the first day following the pay period in which it is earned, provided an employee has completed ninety (90) days of continuous service.

Temporary and part-time employees do not accrue paid vacation time.

Vacation periods should be taken annually with the approval of the General Manager at such time as will not impair the work schedule or efficiency of the Agency but with consideration given to the well-being of the employee. No employee shall lose earned vacation leave time because of work urgency. If an employee has reached the maximum allowed unused balance and is unable to take vacation leave the employee shall be compensated for up to fifty percent (50%) of the accrued vacation balance with the remaining amount remaining available for use. Otherwise, employees are not allowed to "cash out" vacation.

Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. The General Manager will make final determinations and all vacation leave must be approved two (2) weeks in advance. The General Manager may, at his/her discretion, grant vacation leave in the event of an unforeseen emergency without applying the two (2) week advance notice requirement.

Employees on unpaid leave do not accrue vacation time. If a holiday occurs during your vacation period, you will be granted one additional day of vacation, to be taken at a time approved in advance by your supervisor.

An employee whose employment terminates will be paid for accrued unused vacation days.

### 7.3 INSURANCE BENEFITS

**MEDICAL INSURANCE:** The Agency provides a comprehensive medical, vision, dental, and life insurance plan for full and eligible part time employees. Medical insurance for employee dependents is provided on a cost sharing basis. An employee becomes eligible within one (1) month following the successful completion of their training period and at that time the employee and their dependents may begin to take advantage of the insurance benefits. In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage.

**DISABILITY INSURANCE:** Each employee contributes to the state of California to provide disability insurance pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when you cannot work because of illness or injury not caused by employment. Specific rules and regulations governing disability are available from the Employment Development Department.

**Deleted:** Accumulation Definition: Employees in regular positions shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such

**Deleted:** allowance

**Deleted:** thirteen (13) pay periods or its equivalent

**Deleted:** from the employee's benefit date. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions shall receive vacation leave accumulation on a pro-rata basis; provided, however, that there shall be no proration of maximum accumulations

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**Deleted:** and

**Deleted:** in their training period

**Deleted:** Full-time employees begin to accrue vacation time at the rate of .0385 hours per straight time hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue 10 working days or 80 hours vacation time from their date of hire through their 4th year of continuous employment.¶

¶ In the fifth through tenth years of continuous employment, full-time employees begin to accrue vacation time at the rate of .0575 hours per straight-time hour worked. An employee who is scheduled to and does work an average of 40 hours per week will normally accrue 15 working days or 120 hours of vacation in the 5th through 10th year of employment.¶

¶ In the eleventh and following years of continuous employment, full-time employees begin to accrue vacation time at the rate of .0769 per straight-time hour worked. An employee who is scheduled to and does work an average of 40 hours per week will normally accrue 20 days or 160 hours of vacation in the 11th and following years of employment.¶

**Deleted:** on a pro-rata basis

**Deleted:** The Agency pays seventy five percent (75%) and the employee pays twenty five percent (25%) of employee dependent health premium cost.

**Deleted:** at the Agency or when you are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount

**Deleted:** General Manager

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UNEMPLOYMENT COMPENSATION: The Agency contributes each year to the California Unemployment Insurance Fund on behalf of its employees.

WORKERS COMPENSATION: At no cost to you, you are protected by the Agency's workers' compensation insurance policy while employed by the Agency. The policy covers you in case of occupational injury or illness.

RETIREMENT PLAN: The Agency contracts with the Public Employees Retirement System to provide a plan for eligible employees in order to assist in planning for their retirement. For information regarding eligibility, contributions, benefits and tax status, contact the General Manager. All eligible participants will receive a summary plan description.

#### 7.4 SICK LEAVE

It is the intention of the Agency that sick leave be provided to each regular employee for use in the event of illness. Sick leave shall accrue for all eligible employees at the rate of eight (8) hours per month of service. Accrued sick leave shall be awarded at the end of each accrual period. An employee using sick leave shall, on a daily basis, notify their supervisor that they will be absent from work due to illness at least one half hour before you are scheduled to report for work.

There is no limit on the amount of sick leave that may be accrued. Upon retirement or termination, an employee shall be entitled to payment for any accrued but unused sick leave in excess of 200 hours based on each two (2) hours of accrued sick leave being converted to one (1) hour of vacation leave or upon retirement unused accrued sick leave may be applied to the employee's retirement service credit with the Public Employees Retirement System.

Any employee who has used all their accrued sick leave and is still unable to return to work due to illness must make arrangements with the General Manager for additional time off. All employees shall provide written verification from a physician of sickness or injury if sick leave continues for more than three (3) consecutive days.

The use of sick leave applies to, but may not be limited to the following:

- a. Any bona fide illness or injury.
- b. Quarantine due to exposure to a contagious disease.
- c. Any required treatment or examination for medical, dental or ocular purposes.
- d. Sickness or injury in the immediate family which includes your child, parent, spouse, registered domestic partner or registered domestic partner's child

Sick leave is a benefit provided by the Agency, not a right earned by the employee. Abuse of this benefit will not be tolerated. Excessive abuse of the sick leave benefit could result in disciplinary action up to and including termination.

#### 7.5 LEAVES OF ABSENCE

The Board shall have the authority to grant leaves to the General Manager. The General Manager shall have the authority to grant leaves to all other Agency employees in accordance with the provisions under which eligible leaves may be granted. All leaves shall be requested on a form provided by the Agency prior to the start of the requested leave. Failure to return promptly from authorized leave without prior authorization from the General Manager may result in disciplinary action up to and including termination.

A leave of absence, not to exceed thirty (30) consecutive days, may be requested in writing by any regular Agency employee. The General Manager may grant the leave provided that the leave is in the best interest of the Agency and the employee. The leave shall be without pay and no benefits shall accrue or be paid during the term of the leave. However, the employee may self-pay the premiums under the provisions of "COBRA." Your supervisor can give you additional information on this subject.

A leave of absence requested for a period longer than thirty (30) consecutive days shall be reviewed by the Agency personnel committee and may or may not be granted by the Board of Directors.

## 7.6 MEDICAL LEAVES

A medical leave of absence may be granted for non-work related temporary medical disabilities (other than pregnancy, childbirth, and related medical conditions) for up to four months with a doctor's written certificate of disability. Requests for leave should be made in writing as far in advance as possible. If you are granted a medical leave the Agency will pay you sick pay for the period of time equivalent to your accumulated sick pay earned. You also may use any paid vacation time previously accrued. If you are a disabled individual pursuant to the Fair Employment and Housing Act and the Agency does not grant the leave of absence, an interactive process meeting will be scheduled.

A medical leave begins on the first day your doctor certifies that you are unable to work and ends when your doctor certifies that you are able to return to work or after a total of four months of leave, whichever occurs first. Your supervisor will supply you with a form for your doctor to complete, showing the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical disability leave must present a doctor's certificate showing fitness to return to work.

If returning from a non-work-related medical leave you will be offered the same position held at the time of leaving, if available. If this position is not available due to an "undue hardship," a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. There are no guarantees of reinstatement and your return will depend on your qualifications for existing openings.

California workers' compensation laws govern work-related illnesses and injuries. The Agency will fully comply with these laws.

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## 7.7 PREGNANCY-RELATED DISABILITY LEAVE

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Pregnancy, childbirth or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any employee on leave.

All female employees should advise their supervisor of their intent to take pregnancy disability leave as soon as possible. The individual should make an appointment with the General Manager to discuss the following conditions:

- a. Employees who need to take pregnancy disability must inform the Agency when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees should provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees should consult with the General Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Agency. Any such scheduling is subject to the approval of the employee's health care provider.
- b. If 30 days advance notice is not possible, notice must be given as soon as practical.
- c. If requested by the employee and recommended by the employee's physician, the employee's work assignment may be changed as required to protect the health and safety of the employee and her child.
- d. Requests for transfers of job duties will be reasonably accommodated only if the job and security rights of others are not breached.
- e. Temporary transfers due to health considerations will be granted where possible. However, the employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.
- f. Pregnancy leave will usually begin when ordered by the employee's physician. Employees must provide the Agency with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probably duration of the period or periods of disability; and
  - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- g. Leave returns will be allowed only when the employee's physician sends a release indicating fitness to return to work.
- h. An employee will be allowed to utilize accrued vacation and/or sick leave during a pregnancy disability leave.

Duration of the leave will be determined by the advice of employee's physician, but employees disabled by pregnancy may take up to four months. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and for prenatal care. Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

An employee returning from a pregnancy disability leave will be offered the same position held at the time of leaving, unless the job no longer exists, or the job has been filled in order to avoid undermining the Agency's ability to operate safely and efficiently, or you are not capable of performing the job responsibilities. If your former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or your filling the available position would substantially undermine the Agency's ability to operate safely and efficiently, or you are not capable of performing the job responsibilities.

If you are on pregnancy disability leave and are not eligible for continued paid coverage after 12 work weeks, you may continue your group health insurance coverage through the Agency in conjunction with "COBRA" guidelines by making monthly payments to the Agency for the amount of the relevant premium.

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## 7.8 BEREAVEMENT LEAVE

In the event of a death in your immediate family, you may apply for and receive up to a maximum of five (5) days of bereavement leave per incident with pay. The immediate family is defined as your current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

## 7.9 MILITARY LEAVE

Military leave will be granted in accordance with applicable law.

## 7.10 JURY DUTY LEAVE

Any employee who is required to serve on jury duty, and has completed their training period, will receive full pay while serving up to ten (10) days of jury duty per calendar year. A leave of absence without pay will be granted if jury duty exceeds the ten (10) day limit. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury duty you will be expected to return to work. Any mileage allowance paid by the court for jury services is to be retained by you.

## 7.11 TIME OFF FOR VOTING

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances an employee will be allowed a maximum of two hours on the election day

**Deleted:** If you are a regular full-time employee and you leave the Agency for active military service, you are considered to be on military service leave of absence. You are entitled to reinstatement upon completion of military service provided your application for reinstatement is made within 90 days of your discharge.¶

¶ An employee returning from active military service within 90 days of discharge will be offered the same position held at the time of leaving, unless the job no longer exists, or the job has been filled in order to avoid undermining the Agency's ability to operate safely and efficiently, or you are not capable of performing the job responsibilities. If your former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or your filling the available position would substantially undermine the Agency's ability to operate safely and efficiently or you are not capable of performing the job responsibilities.¶

¶ If you are ordered on military duty for 17 days or less per year, you will not be placed on military service leave, but will be given an excused absence without pay.¶

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without loss of pay. Where possible, the employee shall give his or her supervisor at least two working days notice that time off to vote is needed.

#### 7.12 SCHOOL CONFERENCES INVOLVING SUSPENSION

If it becomes necessary for an employee who is the parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert his or her supervisor as soon as possible so that alternative arrangements may be made. No discriminatory action will be taken against the employee for taking time off for this purpose.

#### 7.13 EXTERNAL EMPLOYEE EDUCATION

It may be necessary for employees to attend training programs, seminars, conferences, lectures, meetings or other outside activities for the benefit of the Agency or the individual employees. Attendance at such activities may be required by the Agency or requested by individual employees. However, attendance will not be considered an officially authorized activity, subject to the following policies on reimbursement and compensation, unless prior written approval has been issued by the General Manager. To obtain approval, employees wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and nature, purpose and justification for attendance.

Where attendance is required or authorized by the Agency, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Reimbursement for required or authorized educational classes will be awarded after successful completion of the educational class and the receipt of a passing grade (C or better). Customary and reasonable expenses generally may include registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with the General Manager in advance.

Employees will also be reimbursed following successful completion of examinations for certificates that are required by their job descriptions. Similarly, renewals for required certificates will be reimbursed by the Agency.

Employee attendance at authorized outside activities, during normal working hours, will be considered hours worked for hourly employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Agency generally encourages all employees to improve their job skills and promotional qualifications, such activities will not be subject to this policy regarding reimbursement or compensation unless prior written approval is obtained as discussed above.

#### 7.14 RECREATIONAL ACTIVITIES AND PROGRAMS



The Agency or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

## 7.15 WORKERS' COMPENSATION

The Agency, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- a. medical care,
- b. cash benefits, tax free, to replace lost wages,
- c. vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- a. Immediately report any work-related injury to your supervisor.
- b. Seek medical treatment and follow-up care if required.
- c. Complete a written Employee's Claim Form (DWC Form 1) and return it to the General Manager.
- d. Employees must provide the Agency with a certification from their health care provider regarding the need for workers' compensation disability leave and the employee's ability to return to work from the leave.

**Deleted:** Administrative Supervisor

The Agency provides for medical treatment for work-related injuries through an Agency designated medical provider.

Employees who are injured in a work-related incident will be referred to the Agency's designated medical treatment provider, unless prior to a work-related injury, the Agency has received from the employee a written notice that the employee wishes to be treated by his/her own physician. Employees who do not designate their own physician will be treated by the Agency's designated medical treatment provider for work-related injuries, for at least 30 days, if required. Employees may seek treatment from their own physician after 30 days, should they so desire.

Upon submission of a medical certification that you are able to return to work, you will be offered the same position held at the time of leaving, unless the job has been filled in order to avoid undermining the Agency's ability to operate safely and efficiently, or you are not capable of performing the job responsibilities upon return. If your former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or filling the available position would substantially

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## BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

undermine the Agency's ability to operate safely and efficiently, or you are not capable of performing the job responsibilities.

The law requires that this Agency notify the workers' compensation insurance company of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may be in order.

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

**APPENDIX A JOB CLASSIFICATIONS SCHEDULE**

APPENDIX B RANGE AND STEP SCHEDULE

APPENDIX C ORGANIZATIONAL CHART

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# BIGHORN-DESERT VIEW WATER AGENCY

## CLASS DESCRIPTION

Revised: April 7, 2009

Salary Range: 04

**TITLE: EXECUTIVE SECRETARY / PERSONNEL ADMINISTRATION**

Page 1 of 2

Status: Non-Exempt

### Summary

Under limited supervision, performs a variety of skilled confidential administrative and human resources duties related to supporting the Board of Directors and Management of the Agency.

### Distinguishing Characteristics

This position is characterized by the confidentiality requirements, the high level of skills required to perform the principal duties of the position, the frequency of contact with the Board and general public at meetings, as well as the low level of supervisory oversight provided to this position on a routine basis. Position exercises regular and substantial independent judgment and procedural knowledge in performing work requiring interpretation of rules, regulations, procedures, policies and guidelines. Position reports directly to the General Manager and has no supervisory duties.

### Examples of Duties/Essential Functions

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.

Support to General Manager: Provide confidential administrative and clerical assistance to the General Manager (e.g., correspondence composition and typing; calendar/scheduling appointments/meetings; maintenance of correspondence files; screen and prioritize telephone calls, meetings). Independently prepares correspondence for the General Manager and routinely provides grammatical review to correspondence generated by others. Makes travel arrangements for General Manager and Board of Directors. Provides central contact for routine inquiries from the media and general public including Public Information Requests. Obtains and monitors information regarding community activities on issues that may affect the District.

Board of Directors/Committee Meetings: Prepare and mail/fax meeting notices and agendas to ensure meeting Brown Act requirements. Assembles staff information for agenda. Attends night meetings; takes and prepares minutes of meetings. Provide point-of-contact for customers at meetings. Composes simple resolutions. Maintain/update minute library, motion order index and other related Board records. Maintains current and other water district agendas, minutes and industry/legal updates. Administers Conflict of Interest code, Form 700 and other filings. Provides confidential administrative and clerical support to the Board of Directors.

Personnel Administration: Assists with hiring, promotion, disciplinary and termination process (e.g., writing advertisements, conducting interviews, checking references, conducting investigations) for all District employees. Conducts new employee orientations. Monitors administrative compliance with personnel policies. Administers employee benefits program (including workman's compensation) and transmits information to payroll as needed. Maintains various confidential employee records including personnel files, performance evaluations, leave records, medical records, disciplinary actions, certifications, training and safety. Oversees DOT drug testing program. Acts as backup for payroll processing. Arranges and oversees training programs. Conducts personnel studies as needed. Assists with grievance resolution and compliance with all Federal and

# BIGHORN-DESERT VIEW WATER AGENCY

## CLASS DESCRIPTION

Revised: April 7, 2009

Salary Range: 04

**TITLE: EXECUTIVE SECRETARY/PERSONNEL ADMINISTRATION**

Page 2 of 2

Status: Non-Exempt

State employment laws.

Customer Service: Assists with review and resolution of customer complaints/problems. Deals with customers in a courteous and professional manner. Provides backup to customer service to receive payments. Provides direction and training to staff in the effective application of the Agency's policies and procedures.

General Administrative: Maintain clearinghouse of information related to District projects and activities. Maintain audio records libraries, prepare/revise district procedures and forms, monitor supplies, update District files and archives, assist with mailings and phone coverage backup.

Special Projects: Researches, prepares reports, and makes presentations and recommendations on special projects such as new office equipment purchases, employee benefit coverage, Agency newsletter, special event arrangements. Performs other projects as requested by Board of Directors and/or supervisor.

Safety: Follows proper safety practices at all times.

### **Job Requirements**

Education, Training & Experience: Graduation from high school or equivalent, and any combination of experience, education and/or training that could likely provide the required knowledge including business and general education coursework, and possess the ability to perform the job duties (e.g., five years of general secretarial experience). Notary Public Commission beneficial.

Skills and Abilities: Ability to work efficiently and productively when completing work tasks. Ability to responsibly and accurately perform skilled and confidential administrative and clerical functions using independent judgment. Knowledge of laws, ordinances, statutes, regulations regarding the management of a water district and the maintenance of records. Knowledge of Brown Act, Public Records Act and Conflict of Interest filing requirements. Ability to interact with the public and Board of Directors in a patient, polite and productive manner. Ability to type accurately at a minimum of 65 words per minute. Proficient at using word processing, presentation and spreadsheet software. Working knowledge of all office equipment. Ability to understand and carryout verbal instructions. Ability to read and understand water district terminology. Ability to make mathematical calculations with speed and accuracy. Ability to establish and maintain cooperative and respectful working relationships with those contacted in the course of work. Ability to maintain accurate records.

Physical: Subject to reasonable accommodation in accordance with the requirements of the Fair Employment and Housing (FEHA), possess the ability to lift and/or carry objects (no greater than 20 lbs) on an infrequent basis. Ability to bend, twist, turn, push, pull and reach routinely, as well as perform repetitive motion tasks. Ability to stoop, kneel and crouch routinely. Sits for extended time periods and uses office equipment such as computer terminals, copies and fax machines on a regular basis. Requires normal range hearing and vision.

Other: Maintain valid California Class C Driver's License. Position subject to extended work hours, evening meetings, and periodic travel.

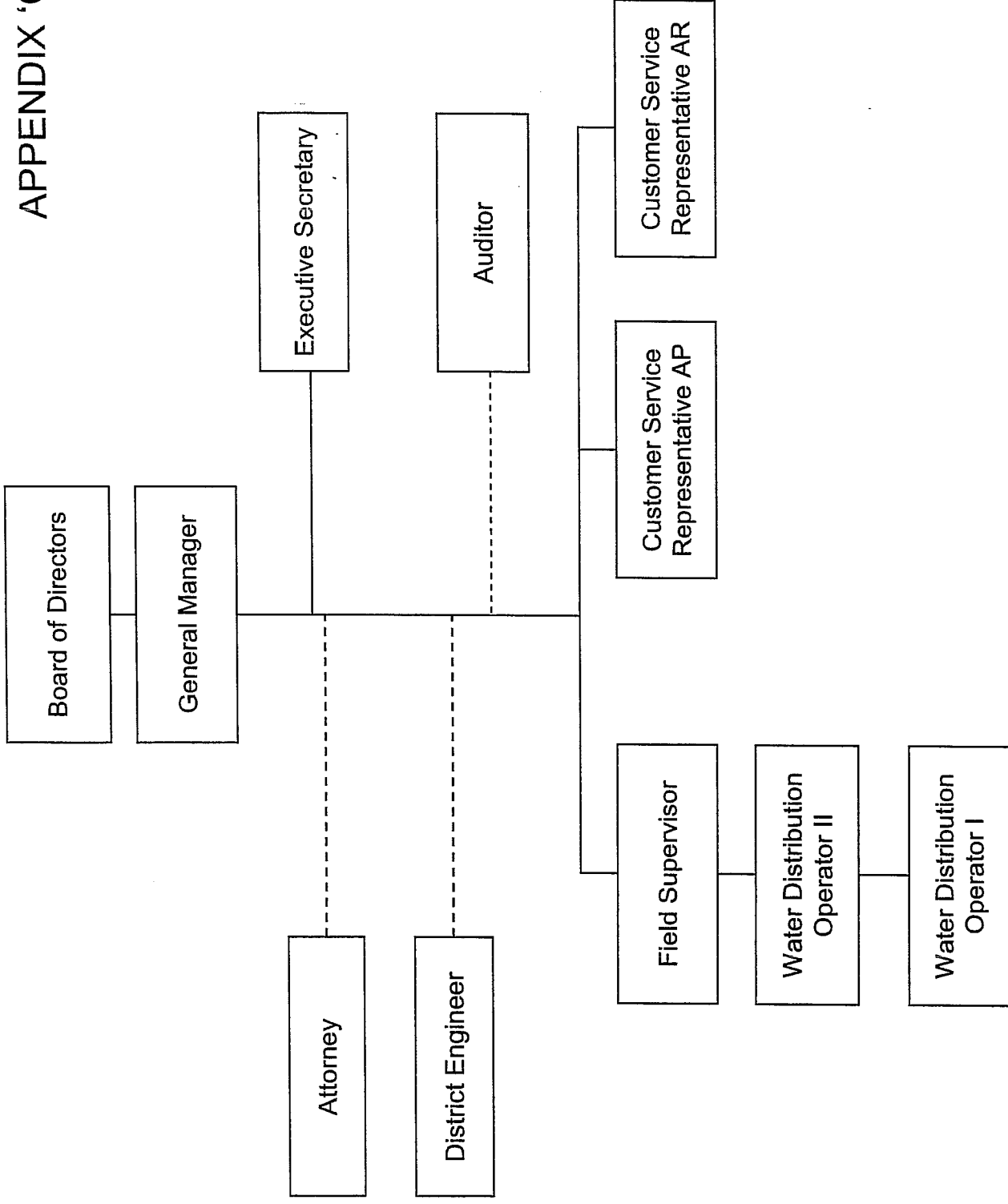
2008/2009

RANGE	STEP	STEP	STEP	STEP	STEP	STEP	STEP	STEP
NO	A	B	C	D	E	F	G	
1								
Per Hour Rate	11.679	12.263	12.876	13.520	14.196	14.906	15.651	
Monthly	2,024.401	2,125.622	2,231.903	2,343.498	2,460.673	2,583.706	2,712.892	
Annually	24,292.82	25,507.46	26,782.83	28,121.97	29,528.07	31,004.48	32,554.70	
2								
Per Hour Rate	12.404	13.024	13.675	14.359	15.077	15.831	16.622	
Monthly	2,150.015	2,257.516	2,370.391	2,488.911	2,613.356	2,744.024	2,881.225	
Annually	25,800.177	27,090.186	28,444.695	29,866.930	31,360.277	32,928.291	34,574.705	
3								
Per Hour Rate	15.349	16.116	16.922	17.768	18.656	19.589	20.569	
Monthly	2,660.425	2,793.447	2,933.119	3,079.775	3,233.764	3,395.452	3,565.224	
Annually	31,925.105	33,521.360	35,197.428	36,957.299	38,805.164	40,745.423	42,782.694	
4								
Per Hour Rate	20.150	21.158	22.216	23.326	24.493	25.717	27.003	
Monthly	3,492.718	3,667.354	3,850.722	4,043.258	4,245.421	4,457.692	4,680.577	
Annually	41,912.621	44,008.252	46,208.665	48,519.098	50,945.053	53,492.306	56,166.921	
5								
Per Hour Rate	21.587	22.666	23.799	24.989	26.239	27.551	28.928	
Monthly	3,741.685	3,928.769	4,125.208	4,331.468	4,548.042	4,775.444	5,014.216	
Annually	44,900.220	47,145.231	49,502.493	51,977.618	54,576.499	57,305.324	60,170.590	

Appendix B

Revised 2008 following COLA increase

# APPENDIX 'C'



## Organizational Chart Breakdown

Executive Secretary

Employee: Vacant (Michelle Corbin – Interim)  
Job Description Status: Final Draft Completed

Customer Service  
Representative AP

Employee: Mary Jo Cleveland  
Job Description Status: Background compiled, draft description in progress

Customer Service  
Representative AR

Employee: Michelle Corbin  
Job Description Status: Background compiled, draft description in progress

Field Supervisor

Employee: Richard Estrada  
Job Description Status: Existing description available, compiling data for new description

Water Distribution  
Operator II

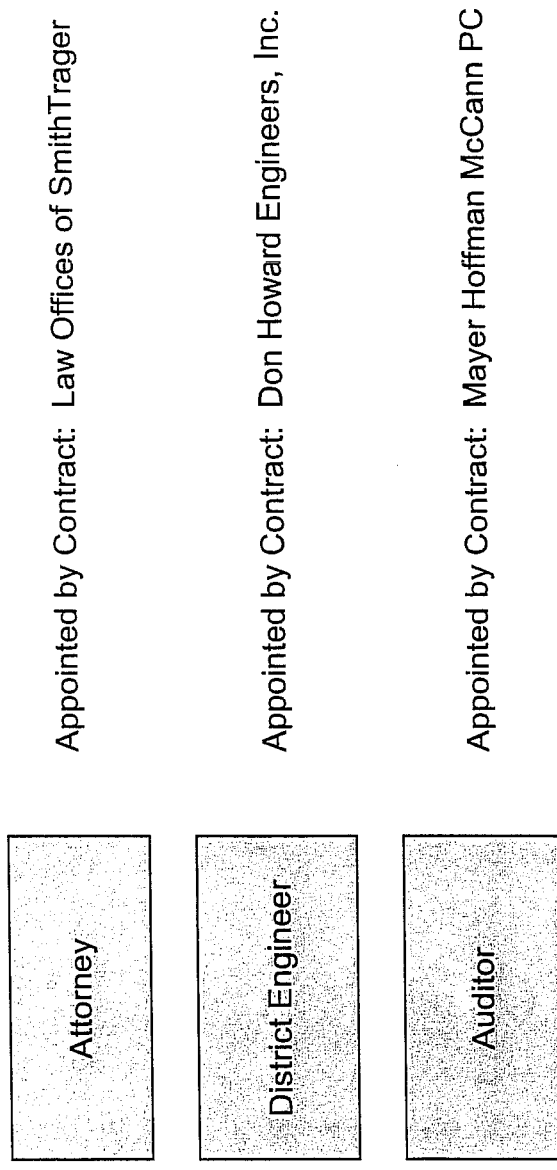
Employee: James “Kit” Boyd, David Rewal  
Job Description Status: Background compiled, awaiting employee input

Water Distribution  
Operator I

Employees: Mike Caruso  
Job Description Status: Background compiled, awaiting employee input



## Organizational Chart Breakdown, cont.



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

**Meeting Date:** May 26, 2009

**To:** Board of Directors

**Budgeted:** n/a

**From:** Marina D. West

**Funding Source:** n/a

**General Counsel Approval:** n/a

**CEQA Compliance:** N/A

**Subject:** Regional Legislative Alliance Organization Participation

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**SUMMARY**

A presentation on the Regional Legislative Alliance organized by Mojave Water Agency will be made via DVD. In addition, Mr. Jim Ventura, Director of MWA will be present to address any questions the Board may have regarding the Alliance. A copy of the presentation is attached.

**RECOMMENDATION**

Information and discussion only.

**BACKGROUND/ANALYSIS**

The Planning/Engineering/Legislative/Grant/Security Committee (PLEGS) has been participating in the Regional Legislative Alliance via phone conference in order to receive important legislative updates from lobbyists that work for MWA on both state and federal issues. This is an important tool for BDVWA to access at no cost to the Agency. Staff has evaluated the cost to work directly with a federal lobbyist but has found it to be cost prohibitive. Therefore, staff recommends continued participation in the Regional Legislative Alliance to stay informed about state and federal legislation that could affect BDVWA.

**PRIOR RELEVANT BOARD ACTION(S)**

none



## Regional Legislative Alliance

Presentation to:  
Bighorn Desert View Water Agency  
May 26, 2009

By Michael Stevens  
Community Liaison Officer



## Regional Legislative Alliance

### Overview...

- ♦ What is the RLA?
- ♦ Why have an Alliance?
- ♦ What the RLA hopes to achieve
- ♦ How it will function
- ♦ What's expected of participants
- ♦ Advantages of participation
- ♦ Who's participating thus far...



## Regional Legislative Alliance

### What is the RLA...

...A consortium of water agencies\* united to receive **expert** consultation and insights, about proposed or pending legislation and potential local impacts—positive or negative; provided by MWA's advocate team with support from ACWA's Outreach Advocacy team.

\* Other organizations **may** be invited to join later



## Regional Legislative Alliance

### Why have an Alliance?

- ♦ RLA supports MWA's Strategic Goal #4..."*develop public awareness so that individuals and **stakeholder organizations** support our efforts and understand their role in contributing to the Agency's mission.*"
- ♦ If agencies are not engaged in the legislative process—they're in effect **observers** versus **participants**, and our collective needs and interests aren't being heard and therefore not considered



## Regional Legislative Alliance

### Why have an Alliance?

- ♦ Promotes the four "C's," better:
  - communication
  - cooperation
  - collaboration
  - coordination (more active, more involved, take greater responsibility)
- ♦ Current Legislative Session: 2,500 bills introduced and approximately 300 having to do with water
- ♦ Assess & evaluate impacts to our region



## Regional Legislative Alliance

### "Watch Closely" List:

- ♦ SB 261, SB 460 and AB 49 (the last two are still spot bills, but language will be out soon)
- ♦ AB 300
- ♦ AB 1061
- ♦ AB 1408
- ♦ AB 1465
- ♦ SB 736 – Fee Bill!!!



## Regional Legislative Alliance

### What the RLA hopes to achieve

- ♦ The Regional Legislative Alliance will create a venue to enable water agencies to become better informed about proposed or pending legislation
- ♦ ...provide a coordinated method to communicate with legislators, administration officials and/or policy makers



## Regional Legislative Alliance

### How the RLA will function:

- ♦ Once per month conference call—participants better able to decide whether to oppose, support or remain neutral on pending legislation
- ♦ Dissemination of periodic State outreach alerts with a call to action on specific issues to make contact with legislators, administration officials and/or policy makers
- ♦ An annual "Legislative Roundtable" with RLA participants, MWA's advocates & local Legislators



## Regional Legislative Alliance

### What's expected of BDVWA:

- ♦ Designate a point-of-contact regarding advocacy activities
- ♦ Participate electronically in MWA's monthly Legal, Legislative & Public Information Committee meetings (*the Advocate segment*)
- ♦ Respond to outreach alerts by either letters, emails, phone calls, visits—or all



## Regional Legislative Alliance

### Advantages of Participating:

- ♦ A chance to be part of a significant and growing ***movement***;
- ♦ A chance to demonstrate to constituents and customers a willingness to work w/other water entities;
- ♦ A chance to influence legislation
- ♦ A chance for our "water community" to speak with one powerful voice



## Regional Legislative Alliance

### Who is participating thus far...

- ♦ City of Adelanto
- ♦ Bighorn Desert View Water Agency
- ♦ Helendale Community Services District
- ♦ Hesperia Water District
- ♦ Hi-Desert Water District
- ♦ Joshua Basin Water District
- ♦ Phelan-Pinon Hills Community Services District
- ♦ Victorville Water District



## Regional Legislative Alliance

### Review...

- ♦ What is the RLA?
- ♦ Why have an Alliance?
- ♦ What the RLA hopes to achieve
- ♦ How it will function
- ♦ What's expected of BDVWA
- ♦ Advantages of participation



***Why our involvement in the legislative process is critical***

- ♦ We can have the best roads...
- ♦ We can have the most affordable housing...
- ♦ We can have the best healthcare facilities...
- ♦ We can have the best schools...

**BUT...**

If we don't have water—we really have nothing!



**QUESTIONS?**



Mojave Water Agency Is M.W.A.—  
Making Water Available

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE  
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** May 13, 2009

**To:** Financial/PR/Education/Personnel Comm.  
Board of Directors

**Budgeted:** n/a

**Budgeted Amount:** n/a

**Cost:** n/a

**Funding Source:** n/a

**From:** Marina D. West

**General Counsel Approval:** n/a

**CEQA Compliance:** n/a

**Subject:** Fiscal Year 2009/2010 Budget Overview of Projected Revenues and Expenses

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**SUMMARY**

Staff will present the Board with a draft FY 2009/10 budget for information and discussion purposes. Feedback from the FPREP Standing Committee has been incorporated into this draft budget. Staff is confident that a balanced budget can be adopted in June with some monies available for either Capital Improvements or Replacement/Refurbishment projects in the coming fiscal year.

**RECOMMENDATION**

Information and discussion only

**BACKGROUND/ANALYSIS**

No further analysis provided.

**PRIOR RELEVANT BOARD ACTION(S)**

5/13/2009 FPREP Standing Committee presented draft budget for information and discussion.

EXHIBIT "A"



DRAFT

2009/2010

OPERATING BUDGET

DATE

Adopted by Board on XXX

# 2009/2010 OPERATING BUDGET EXHIBIT "A"

# DRAFT

## SUMMARY

		expenses
REVENUE (OPERATING & NON OPERATING)	1,352,590	
ADMINISTRATION EXPENSE		618,350
OPERATION EXPENSE		410,320
DEBT EXPENSE		219,200
CAPITAL EXPENSE FUNDS	*	90,633
CAPITAL LEASE		14,087
LAIF DEBT SERVICE FUNDS	- **	
LAIF UNRESTRICTED FUNDS 6/30/07	- **	
LAIF RESTRICTED FUNDS 6/30/07	- **	
<b>TOTAL</b>	<b>1,352,590</b>	<b>1,352,590</b>

\* \$28,000 of revenue reserved for either DV or BH CIP or RR

\*\* The draft operating budget assumes no debt service payments from LAIF account



## 2009/2010 BUDGET EXHIBIT "A"

### REVENUE

Account	Description	Amount
41000	Meter Connect Fees (SL Install Fees)	-
41001	Basic Facilities Charge (Buy In)	-
41100	Metered Water Sales	493,310
49400	MWA Pipeline Surcharge	-
41600	DV FMHA Surcharge	48,490
41300	Basic Service Charge	566,940
41700	Customer Charges	21,600
49200	Interest Income	8,000
49100	General Tax Income (1%) BH GA02	45,650
49101	BH Debt Income BH FMHA DA01	125,500
49102	General Tax Income (1%) DV GA01	42,100
49600	Other Non Operating Income	1,000
	<b>Total Revenue</b>	<b>1,352,590</b>

# 2009/2010 BUDGET EXHIBIT "A"

DRAFT

## ADMINISTRATIVE EXPENSE

Account	Description	Amount
56001	Directors Fees	10,000
56002	Director Meeting Expense	10,000
56003	Administrative Compensation	217,000
56005	Administrative Meeting Expenses	1,000
56006	Contractual Services- Auditor	28,000
56007	Contractual Services- Legal	80,000
56008	PERS	37,000
56009	Payroll Tax	9,300
56011	Telephone & Fax	6,250
56012	Mailing Expenses	7,900
56014	Contractual Services- Other	30,600
56016	Property/Liability Insurance	32,600
56017	Workers Comp. Insurance	13,000
56018	Dues & Subscriptions	7,050
56020	Power- Office & Yards	5,200
56022	Bad Debt Expense	6,000
56025	Propane	1,000
56030	Office Supplies	3,000
56100	Employee Benefits Insurance	86,000
56110	Employee Education	6,000
56200	Office Equipment Expense	3,450
56300	Customer Relations	1,000
56400	Other Administrative Expenses	2,000
57360	MWA Pipeline OMP&R	-
58100	Elections Costs	15,000
	<b>Total Administrative Expense</b>	<b>618,350</b>

2009/2010 BUDGET  
EXHIBIT "A"

D R A F T

OPERATIONS EXPENSE

Account	Description	Amount
54102	Operations Compensation	199,000
54103	Uniforms	2,420
54105	Auto Controls	4,500
54106	Vehicle/Tractor/Equip Expense	9,000
54107	Vehicle Expense- Fuel	20,000
54109	Field Materials and Supplies	45,000
54111	Water Testing	15,000
54112	Contractual Services- Engineering	10,000
54114	Water System Repairs	12,000
54115	Building Maintenance/Repair	6,680
54117	Ames Basin Monitoring	4,000
54119	Communications Expense	3,200
54121	Disinfection Expense	4,000
54125	Power- Wells/Booster Pumps	62,000
54130	Other Operations Expense	13,520
	<b>Total Operations Expense</b>	<b>410,320</b>

# 2009/2010 BUDGET EXHIBIT "A"

D R A F T

## DEBT EXPENSE

Account	Description	Payment Amount	Paid from Revenue	Paid from LAIF
22300	BH Debt Principle	58,000	58,000	-
57000	BH Debt Interest Payment	47,900	47,900	-
21101	DV Debt Principle	21,000	21,000	-
59100	DV Debt Interest Payment	20,300	20,300	-
57350	MWA Pipeline Debt	72,000	72,000	-
	<b>Total Debt Expense</b>	<b>219,200</b>		- *

\*Assumes no debt service payments from LAIF reserves

MWA Pipeline debt is paid from general revenue stream. It is not a part of any dedicated payment l

2009/2010 BUDGET  
EXHIBIT "A"

D R A F T

CAPITAL LEASE

Account	Description	Payment Amount
22400	Capital Lease	14,087
	<b>Total Debt Expense</b>	<b>14,087</b>

**2009/2010 BUDGET - REVENUE ACCOUNTS**  
**EXHIBIT "A"**

**DRAFT**

REVENUE		ACCOUNTS	ADDITIONAL INFORMATION	08/09
41000		SERVICE LINE INSTALLATION FEE- Revenues to cover the actual cost of customer ordered service line installation.	Estimate 5 service line installations @ \$900	-
41001		BASIC FACILITIES CHARGE- This fee is charged to brand new service line customers as a buy in to the system already partially funded by previous and current customers. \$1900 per service line installation.	Estimate 5 service line installations @ \$1900	-
41100		WATER SALES CHARGES- Revenues from the sales of water to metered customers.	Based on Feb 07 to Mar 08 consumption at 90% at \$3 per one hundred cubic feet	493,310
41300		BASIC SERVICE CHARGE- Bi monthly billing to cover fixed O&M costs plus capital projects	Based on \$40 per customer per billing cycle	566,940
41600		FMHA SURCHARGE-Revenues generated via the bi-monthly billing of the Desert View customers to fund the debt service for the FMHA Revenue Bond. Issued in 1979 for \$700,000 for the purpose of constructing a water system. Term is 40 years at 5%. Annual Payment is approximately \$41,000. Payments due September (Interest approx. \$10,650) and April (Interest approx \$10,650 and principle \$20,000).	Based on \$9.30 per customer per billing cycle	48,490
41700		INCOME OTHER- Delinquent water billing revenues, unlock charges, non sufficient funds check charges, clean and show charges, scrap metal sales, customer PIR fee, SCE refunds	Delinquent Charges \$14,000 year, Miscellaneous \$4000 year, UL&NSF \$3600	21,600
49100		INCOME GENERAL TAX ID BH 1%- This revenue is the portion of the County 1% tax which is passed on to special districts for general operating expenses. Can be used for any purpose. Coded on the property tax apportionment schedule as GA02.	General tax projection, no significant property value increase expected.	45,650
49101		INCOME BOND DEBT BH FMHA- This revenue is generated through the issuance of an annual advalorem tax and assessed to all properties within the Bighorn (north side of the Agency). In 2008/2009 this amount is assessed at .21 per \$100 of assessed valuation. Issued in 1979 for \$1,875,000 for the purpose of constructing a water system. Term is 40 years, at 5%. Annual payment is approximately \$106,000. Payments are due December (Interest approx. \$25,325) and June (Interest \$25,325 and principle \$55,000).	Based on .21 cents per \$100 of assessed valuation. Current year payment will be supplemented by the debt service reserve fund.	125,500
49102		INCOME GENERAL TAX ID DV 1%- This revenue is the portion of the County 1% General tax which is passed on to special districts for general operating expenses. Can be used for any purpose. Coded on the property tax apportionment schedule as GA01.	General tax projection, no significant property value increase expected.	42,100
49200		INTEREST INCOME- Interest revenue from our Local Agency Investment Fund account. Interest posted to this account is earned on the non-restricted, non-bond monies.	Interest income Anticipate <5% interest	2,000
49201		INTEREST INCOME BOND FUNDS- Interest revenue from our Local Agency Investment Fund Account. Interest earned on the restricted bond revenues variance is posted to this account.	Interest income on restricted bond funds Anticipate <5% interest	6,000
49600		OTHER NON OPERATING INCOME- Revenues from delinquent property tax payments. Ames testing reimbursement. Misc other non operating revenues	Miscellaneous outstanding standby fee penalties.	1,000
<b>TOTAL</b>				<b>1,352,590</b>

**2009/2010 BUDGET - EXPENSE ACCOUNTS**  
**EXHIBIT "A"**

**DRAFT**

EXPENSE	ACCOUNTS	PROJECTED BUDGET		STAFF NOTES
54102	OPERATIONS COMPENSATION*	Five field employees with additional overtime and standby hours	\$ 199,000.00	projected 0% COLA and 1 step increase merit for all eligible employees. Includes standby and OT (\$30,000)
54103	UNIFORMS	Shoes \$750, Uniform Lease Service \$1550; jackets \$375	\$ 2,420.00	
54105	VERIZON-TELEMETRY	375 X 12 months-36 month fixed lease	\$ 4,500.00	
54106	VEHICLE/TRACTOR/EQUIP EXPENSE*	Includes new tires for fleet, routine maintenance, large equipment repairs, lower costs based on newer vehicles efficiency, vehicle decals	\$ 9,000.00	
54107	VEHICLE EXPENSE- FUEL	Projections based on prior 7 month trend.	\$ 20,000.00	2008/09 Fuel Costs down
54109	FIELD MATERIAL & SUPPLIES*	All materials and supplies used in the maintenance of the water distribution system, safety/traffic control and small tools.	\$ 45,000.00	Increase to cover WIP project inventory including meter replacement program.
54111	WATER TESTING	BacT \$3360, Nitrates all wells '08 \$160, General Phy at SS \$2400, GP @ Wells \$160, Pb/Cu testing cycle in 2009/10 \$750, T22 \$2,200	\$ 9,000.00	
54112	ENGINEERING-IN HOUSE	Engineering/ Hydrogeologic consultant services	\$ 10,000.00	Conj. Use Review
54114	SYSTEM REPAIRS	Routine repairs/maintenance for wells, pumps, boosters, pressure reducing stations costs, etc.	\$ 12,000.00	Increase to cover WIP project repairs such as airvac's, valves, hydrants, etc.
54115	BUILDING REPAIR AND MAINT	Trash \$900, Security \$500, Shop Sec. \$480, Fire extinguisher maintenance \$600, Miscellaneous repairs \$2000, cleaning service \$2200.	\$ 6,680.00	Increases to all line items. Increased building maintenance for needed improvements
54117	AMES BASIN MONITORING	Hanson about \$3000 plus misc water testing 6500	\$ 9,500.00	
54119	COMMUNICATIONS EXP	AT&T Cell phones	\$ 3,200.00	5 field + 1 Board Sec.
54121	DISINFECTION EXPENSE	Chlorine \$3500, Misc \$500	\$ 4,000.00	
54125	POWER WELLS & BOOSTER	Based on prior 12 months usage (56,017)	\$ 62,000.00	Increased 3%
54130	OTHER OPER EXPENSES	Dump charges \$600, misc petty cash \$500 ,misc. visa expenses \$500, SWRCB \$920, bee service \$500, DHS - \$4000, LAFCO 2009-2010 Budget Allocation thru. Co of SB Treasurer \$5,500, BLM rent for system \$1000	\$ 13,520.00	LAFCO budget share outlined in April 16, 2009 LAFCO staff report
56001	DIRECTORS FEES	Regular Meeting \$6000, Misc \$800, Committee Meetings \$1200	\$ 10,000.00	no change
56002	DIRECTOR MEETING EXPENSE	Miscellaneous Director education seminars and associated expenses	\$ 10,000.00	no change
56003	ADMINISTRATION COMP*	Three full time office staff & General Manager	\$ 217,000.00	Projected 0% COLA and 1 step increase merit.
56005	ADMIN MEETING EXPENSE	Miscellaneous meetings with DWR, MWA, etc.	\$ 1,000.00	
56006	CONTRACTUAL SERVICES- AUDITOR	Auditor	\$ 28,000.00	
56007	CONTRACTUAL SERV- LEGAL	Legal Fees	\$ 80,000.00	Increase to support Ames and CEQA issues
56008	PERS	All Employees.	\$ 37,000.00	
56009	PAYROLL TAXES*	Unemployment \$3500, Medicare match \$5800	\$ 9,300.00	
56011	PHONE, FAX LINES, INTERNET	Main office phones \$4500, Internet access \$720; website maint. \$1000	\$ 6,250.00	

**2009/2010 BUDGET - EXPENSE ACCOUNTS  
EXHIBIT "A"**

**DRAFT**

EXPENSE	ACCOUNTS	PROJECTED BUDGET	STAFF NOTES
56012	MAILING EXPENSE	Routine metered postage \$480 per month (\$5800), equip rental \$930, UPS-FedEx \$400, CCR mailing \$800	\$ 7,900.00
56014	CONTRACTUAL SERV- OTHER	Copier maintenance agreement \$3300, payroll processing \$3000, UBOC \$2400, Credit Card Processing \$4800, Datastream contract \$2,600, Datastream Programming \$1,200; Misc DataStream/Admin temp labor \$12,000, Safety Training Consultant \$2,500	Inc. Cristi Bush continuing w/AP & AR training/oversight and Audit prep assistance
56016	PROPERTY/LIABILITY EXPENSE	Property and Liability	\$ 30,600.00
56017	WORKERS COMP INS	All Employees	\$ 32,600.00
56018	DUES & SUBSCRIPTIONS and ANNUAL FEES	AWWA \$350, ACWA \$3,800, DigAlert \$375, Hi Desert Star \$33, CRWA \$550, Weinhoff \$250, CSDA \$1575, Misc \$100	\$ 13,000.00
56020	POWER OFFICE & YARDS	Based on prior 8 months usage	\$ 7,050.00
56022	BAD DEBT EXPENSE/WATER RELIEF	Bad debt and water bill relief	\$ 5,200.00
56025	PROPANE	Office and Shop	\$ 6,000.00
56030	OFFICE SUPPLIES	Printed items such as water bills, delinquent bills, envelopes, business cards, checks, for toner refills, printer ribbons, inks for printer supplies, consumable office supplies.	\$ 1,000.00
56100	EMPLOYEE BENEFITS INS*	\$7585 x 12 months (9 employees) excludes copays	\$ 3,000.00
56110	EMPLOYEE EDUCATION	Miscellaneous employee education training (\$3,000 for GM per contract)	\$ 86,000.00
56200	OFFICE EQUIPMENT EXPENSE	Computer repairs \$500, Misc office equipment, furniture & software \$2500, Postage ink \$450	\$ 6,000.00 Add. Emp. + G.M. allowance per contract
56300	CUSTOMER RELATIONS	Misc customer relations exp \$1000	\$ 3,450.00
56400	OTHER ADMIN EXPENSES	County charges for property tax collection, employment advertising including bid recruitment and legal advertising, employee drug testing	\$ 1,000.00
57360	MWA PIPELINE OMP&R		\$ 2,000.00
58100	ELECTION COSTS	General Election	\$ Deleted
<b>TOTAL EXPENSES</b>			\$ 15,000.00 Election November 2009 w/additional candidate
			\$ 1,028,170.00

\* A portion of these expenses are allocated to capitalized projects (main extensions, SL installs).



# 2009/2010 REVENUE PROJECTED EXHIBIT "A"

## FY 2009/2010 PROJECTED REVENUE

Account	Description	JUL 09	AUG 09	SEP 09	OCT 09	NOV 09	DEC 09	JAN 2010	FEB 2010	MAR 2010	APR 2010	MAY 2010	JUN 2010	TOTAL
01-41000	Estimated # SL Installs Service Line Installation Fees	-	-	0	-	-	0	-	0	-	0	-	0	-
01-41001	Basic Facilities Charge (Buy In)	-	-	-	-	-	-	-	-	-	-	-	-	-
01-41100	Percentage vs previous 12 months Consumption previous 12 mo. Metered Water @ 95% of prior 12 mo.	0.95 1,633,788 46,563	0.95 1,498,750 42,714	0.95 2,025,885 57,738	0.95 1,480,112 42,183	0.95 1,500,377 42,761	0.95 1,031,612 29,401	0.95 1,224,394 34,895	0.95 1,053,819 30,034	0.95 946,932 26,988	0.95 734,236 20,926	0.95 1,044,169 29,759	0.95 1,385,599 39,490	443,450.68
01-41300	no of meters Basic Sys Charge @ \$55/ meter per cycle	849 46,695	869 47,795	849 46,695	869 47,795	849 46,695	869 47,795	849 46,695	869 47,795	849 46,695	869 47,795	849 46,695	869 47,795	566,940.0
	percentage of previous 12 months consumption previous 12 mos. Bulk Water @95% of prior 12 mo.	0.95 61,011 4,927	0.95 71,655 5,786	0.95 62,749 5,067	0.95 56,778 4,585	0.95 49,232 3,975	0.95 47,289 3,819	0.95 33,227 2,683	0.95 37,640 3,039	0.95 36,604 2,956	0.95 42,891 3,463	0.95 51,234 4,137	0.95 67,141 5,422	49,859.2
01-41600	# of Desert View Accounts FHMA DV Revenue Bond @ 9.30	-	869 8,082	-	869 8,082	-	869 8,082	-	869 8,082	-	869 8,082	-	869 8,082	48,490.2
01-41700	Income Other (Operating)	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	21,600.0
01-49100	PT Bighorn 1% GA02	-	-	-	-	5,775	14,416	4,409	4,054	918	7,898	9,343	2,752	45,650.0
01-49101	PT Advalorem BH @ 28 cents	-	-	-	-	18,000	30,000	6,000	16,000	6,500	18,000	15,000	16,000	125,500.0
01-49102	PT Desert View 1% GA01	-	-	-	-	5,841	14,547	4,472	3,302	927	8,071	9,531	2,156	42,100.0
01-49200	LAIF Interest Income (Unrestricted)	500	-	-	500	-	-	500	-	-	500	-	-	2,000.0
01-49201	LAIF Interest Income (Bonds)	1,500	-	-	1,500	-	-	1,500	-	-	1,500	-	-	6,000.0
01-49600	Income Other (Non Op) DQ Standbys	-	-	-	-	500	-	-	-	-	500	-	-	1,000.0
	Total Revenue													1,352,590.0
														1,352,590.0

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE  
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** May 26, 2009

**To:** Financial/PR/Education/Personnel Comm.  
Board of Directors

**Budgeted:** n/a  
**Budgeted Amount:** n/a  
**Cost:** n/a  
**Funding Source:** n/a

**From:** Marina D. West

**General Counsel Approval:** n/a  
**CEQA Compliance:** n/a

**Subject:** Setting the Ad Valorem Tax Rate for 2009/2010 for the Property Tax Apportionment of the Bighorn Debt Service Area Improvement Zone 1

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**SUMMARY**

Each fiscal year Bighorn Desert View Water Agency must calculate the special assessment to the tax rolls to generate the revenue for annual bond payments and system repair/refurbishment to the water system constructed with a fixed interest rate forty year bond through FMHA. This year staff is uncertain as to the expected devaluation of property in the Bighorn Desert View Service Area Improvement Zone 1 and the subsequent effect on the collection of revenue to meet the debt obligation and fund needed infrastructure maintenance. Staff discussed these factors with the FPREP Standing Committee on May 13, 2009. Based on input from the Committee staff is recommending the rate be set at \$0.31 per \$100 of assessed valuation. The Agency must submit a preliminary Notification of Special Assessments by June 30, 2009, with submission due by August 10<sup>th</sup>, so there is additional time to discuss the matter should the Board require staff to conduct additional research regarding this item.

**RECOMMENDATION**

That the Board take the following action:

1. Adopt Resolution 09R-XX providing for the levy and collection of the taxes within the Improvement District No. 1 for Fiscal Year 2008/2009 at 0.31 per \$100 assessed valuation.

**BACKGROUND/ANALYSIS**

On August 9, 1977 the voters of the Bighorn Mountains Water Agency, a predecessor-in-interest to the Agency, approved a bond proposition to issue general obligation bonds for Improvement District No. 1 (ID 1) in the amount of \$2,500,000 for the purpose of acquisition, construction, completion and repair of a waterworks system for the benefit of ID1.

The tax rate statement that accompanied the proposition discussed the impact of the bond proposition on property tax rates, and estimated that property tax rates would be about

\$4.70 per \$100 of assessed valuation in the first fiscal year after the bond sale, and \$0.76 per \$100 of assessed value by the 20<sup>th</sup> year after the bond sale.

Thereafter, on May 21, 1979, the Board of Directors of Bighorn Mountains Water Agency (BMWA) adopted Resolution No. 174, proposing to issue and sell \$1,875,000 of BMWA bonds for the purposes set forth in the BMWA Bond Proposition, in order to incur the ID 1 Debt.

Under Section 9 of Resolution No. 174 the Agency Board is charged with setting water rates within ID 1 at a level sufficient to collect enough revenue which will pay the operating expenses of the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements extensions, and enlargement, pay the interest on the bonded debt and provide a sinking fund for the payment of the principal of such debt as it may become due.

In FY2009/2010 staff, with concurrence from the PLEGS Standing Committee, recommends that funds beyond just principal and interest be collected from all ID 1 properties to assist in repair/refurbishment of the ID 1 infrastructure. Infrastructure maintenance is a top priority for the Board and staff has prepared the calculation with the intent to collect approximately \$20,000 for this purpose. The calculation is based on property valuation in the Tax Roll Value as provided by the Auditor/Controller-Recorder's office. However, this data is approximately 18 months old and with the more recent downturn in the economy properties in San Bernardino County are being reassessed. The property devaluation has been projected somewhere between 6% and 15%. The attached spreadsheet shows that with a 15% devaluation in property values a rate of \$0.31 per \$100 of assessed value would be required to collect the revenue.

Annual payments are approximately \$106,000. Payments are made according to the following schedule: December (interest only approx. \$23,950) and June (Interest approx. \$23,950 and principal approx. \$58,000). Any additional funds collected, estimated at \$20,000, will be used for needed infrastructure improvements. The bond payments will conclude in 2019.

**PRIOR RELEVANT BOARD ACTION(S)**

5/27/08 08R-05 Resolution Providing for the Levy and Collection of Taxes with Improvement District No. 1 for Fiscal Year 2008/2009

# Advalorem Tax Rate FY 2009/2010

## Bighorn Improvement Zone 1

### 15% devaluation

Secured Taxable Properties	40,068,130	*	99.78%
Unsecured Taxable Properties	88,979	*	0.22%
Total Taxable Properties	40,157,109	*	

\* These figures are as of September 2008

			Revenue
Assessed at	0.29	per \$100 of assessed value	116,456
Assessed at	0.30	per \$100 of assessed value	120,471
Assessed at	0.31	per \$100 of assessed value	124,487

Bond Principle	58,000
Bond Interest	47,900
Replacement/Refurbishment	20,000
Total Payment	125,900

Projected interest income on BH reserves 09/10	-
Projected Unitary Tax Revenue 09/10	-
Spend down some restricted reserves in LAIF	-
<b>Advalorem Revenue Required</b>	<b>125,900</b>
Total Revenue 2008/2009	125,900

## CONCLUSION

Staff recommendation is to keep the Advalorem tax at 20 cents per \$100 assessed valuation. Recommend keeping \$50,000 to \$100,000 in debt service reserves when we pay down the principle. Property valuations will be even higher when the tax is actually assessed and collected.

RESOLUTION NO. 09R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE BIGHORN-DESERT VIEW WATER AGENCY  
PROVIDING FOR THE LEVY AND COLLECTION OF  
TAXES WITHIN IMPROVEMENT DISTRICT NO. 1  
FOR FISCAL YEAR 2009/2010

WHEREAS, the Bighorn-Desert View Water Agency's law is set forth in the Water Code Appendix, Chapter 112 of the Statutes of the State of California; and

WHEREAS, the voters of Improvements District No. 1 of the Bighorn-Desert View Water Agency did, On August 9, 1979, authorize said Agency to incur indebtedness by issuing general obligation bonds in the amount of \$2,500,000.00 for the purpose of constructing a water works system within said Improvement District No. 1; and

WHEREAS, the Agency has issued to date, general obligation bonds in the amount of \$1,875,000.00 for the express purpose of constructing a water works system within said Improvement District No. 1; and

WHEREAS, the Agency is empowered, pursuant to the Water Code Appendix Chapter 112, Sections 112-26 and 112-27, to determine the amount necessary to be collected by taxation to service the cost of the bonded indebtedness as said debt becomes due and payable.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bighorn-Desert View Water Agency does hereby fix the rate to be levied against all taxable property within the Improvement District No. 1 of the Bighorn-Desert View Water Agency, for fiscal year 2009/2010, at \$0.31 (thirty-one cents) per \$100.00 of assessed valuation in order that the Agency clearly have sufficient funds to pay the principal and interest and to pay the operating expenses of the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, and provide a sinking or other fund for the payment of the principal of such debt as it may become due on said general obligation bonds; and

BE IT FURTHER RESOLVED that the Board of Directors of the Bighorn-Desert View Water Agency does hereby request that at the time and in the manner prescribe by law for the Board of Supervisors of San Bernardino County to levy taxes for County purposes, the Board of Supervisors of said County in addition to all other taxes levied, levy a tax upon all taxable property within Improvement District No. 1 of the Bighorn-Desert View Water Agency at the rate hereby fixed and determined with this Resolution; and

BE IT FURTHER RESOLVED THAT THE Board of Directors of the Bighorn-Desert View Water Agency does hereby direct the Secretary to the Board to deliver a true and correct copy of this Resolution No. 09R-XX to the San Bernardino County Board of Supervisors, County Auditor/Controller, County Tax Assessor, and County Collector.

I, the undersigned Secretary to the Board of the Bighorn-Desert View Water Agency, do certify that the foregoing is a full, true and correct copy of Resolution No. 09R-XX as adopted by said Board at a Regular Meeting held on May 26, 2009 and has not been rescinded or amended since that date.

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Michelle Corbin, Board Secretary

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

**Meeting Date:** May 26, 2009

**To:** Board of Directors

**Budgeted:** yes

**Funding Source:** Line No. 54117

**Cost:** \$2,000

**From:** Marina D. West

**General Counsel Approval:** n/a

**CEQA Compliance:** n/a

**Subject: 2008 Ames Valley Water Basin Monitoring Program Report**

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**SUMMARY**

The 2008 Ames Valley Water Basin Monitoring Program report was completed in March 2009 per the terms of the Ames Valley Water Basin Agreement (1991, et al). The Board should annually receive and file this report.

**RECOMMENDATION**

That the Board take the following action:

1. Receive and file the 2008 Ames Valley Water Basin Monitoring Program Report.

**BACKGROUND/ANALYSIS**

Under the Ames Valley Water Basin Agreement and Amendment Nos. 1 & 2, an annual monitoring report is required to ensure compliance. The primary conditions documented in the annual report are monthly groundwater production and water level measurements as well as annual water quality sampling from "key" wells within the boundaries of the Ames Valley Water Basin as defined in the January 10, 1991 Agreement. The monitoring area is generally confined to wells within the Reche Groundwater Subbasin of the Ames Valley.

A summary of the key monitoring parameters are as follows:

- HDWD Well No. 24 produced 600 AF last year. The 2007 production was 505 AF.
- Cumulative change in water level is -27.8 feet in December 2008 up from -29.6 in 2007 but still down from -23.3 in December 2006. December 2008 production from HDWD Well No. 24 was 22 AF down from 48 AF in November 2008. The water level rise could therefore be attributed to the decreased production during that month. The current water level is below the minimum level of -11 feet established by the Agreement.
- Water quality change for the wells reporting in August 2008 are within the limits specified in the Agreement.

Due to the size of the report it has not been included in the Board packet. However, the report is available for viewing during normal business hours at the Agency main office. The report will also be posted on the Agency website under the announcements page as a separate file alongside the May 26, 2009 Board agenda packet.

**PRIOR RELEVANT BOARD ACTION(S)**

Not researched.

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

**Meeting Date:** May 26, 2009

**To:** Board of Directors

**Budgeted:** yes

**Funding Source:** Line No. 56002

**Cost:** \$225 per director

**From:** Marina D. West

**General Counsel Approval:** n/a

**CEQA Compliance:** n/a

**Subject: 2009 San Bernardino County Water Conference Attendance**

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**SUMMARY**

The 2009 San Bernardino Water Conference will be held August 20, 2009 at the Ontario Convention Center. This year the program is entitled "Identifying Solutions to Bolster Our Ailing Economy" (attached). Staff recommends that the Board consider attending this annual event.

**RECOMMENDATION**

That the Board take the following action:

1. Authorize attendance at the 2009 San Bernardino County Water Conference at a cost of \$225 per director plus mileage if necessary.

**BACKGROUND/ANALYSIS**

No further information provided.

**PRIOR RELEVANT BOARD ACTION(S)**

none





**2009 San Bernardino County Water Conference:  
Identifying Solutions to Bolster Our Ailing Economy**

**August 20 – 8:30 am to 1:00 pm – Ontario Convention Center**

**PROGRAM OVERVIEW**

- 8:30 a.m.      Welcome
- a. Frank Williams – CEO, BIA Baldy View Chapter
  - b. Scott Coler, President, BIA Baldy View Chapter
- Opening Remarks
- a. Supervisor Gary Ovitt, Chairman
  - b. Supervisor Josie Gonzales, Vice-Chair
- 8:45 a.m.      Speaker – Kirby Brill, Mojave Water Agency  
*Recap 2007 and 2008 conferences and where we are today.*
- 9:05 a.m.      Speaker – Brian Thomas, Metropolitan Water District  
*The Real Cost of Water & Changing Californians Water Use Habits*
- 9:20 a.m.      Panel – Best Practices of Conservation Part 1: Private Sector  
*New Technologies, Applications & Policy Recommendations – Moderator  
Steve LaMar, Irvine Ranch Water District's Board of Directors*
- a. Charles Wilson, Southern California Water Committee
  - b. Frontier Project/Cucamonga Valley Water District
  - c. Kurt Rahn, Professional Community Management
  - d. Tim Piasky, Victory Homes
- 10:05 a.m.      Break and Water Conservation Showcase

- 10:20 a.m. Panel – Best Practices of Conservation Part 2: Public Sector  
*New Technologies, Applications & Policy Recommendations – Moderator, Ken Willis, Chair, Chino Basin Water Master Board*
- a. Rich Atwater, Inland Empire Utilities Agency
  - b. Celeste Cantu, Santa Ana Watershed Project Authority
  - c. Doug Hedrick, San Bernardino Valley Municipal Water District
  - d. Scott Weldy, Apple Valley Ranchos Water Company
- 11:15 a.m. Panel – California Drought and Entitlement Implications  
*Regulatory Requirements and Implications on Land Use Planning/Smart Growth – Moderator, Andy Henderson, Building Industry Legal Defense Foundation*
- a. Shanda Beltran, Allen Matkins Leack Gamble Mallory & Natsis, LLP
  - b. Steven Kellenberg, EDAW
  - c. Ali Sahabi, SE CORP
  - d. Jonathan Weldy, Meridian Land Development
- 12:00 p.m. Lunch Break
- 12:25 p.m. Keynote Speaker - Announcement Coming Soon!
- 1:00 p.m. Closing Remarks
- a. Supervisor Gary Ovitt, Chairman
  - a. Scott Coler, President, BIA Baldy View Chapter

###

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
9191	04/02/09	MICHELLE BOWLING CONTRACTUAL SVC 32709	948.00
9192	04/02/09	TERRY BURKHART reg meeting 32409	100.00
9193	04/02/09	JUDY CORL-LORONO reg meeting 32409	100.00
9194	04/02/09	GENEIE'S CLEANING SERVICE CLEANING SVC, MAR	220.00
9195	04/02/09	GOODSPEED DISTRIBUTING INC UNLEADED FUEL	1,237.78
9196	04/02/09	INLAND WATER WORKS INVENTORY & METER REPL PROG INVENTORY INVENTORY INVENMTORY INVENTORY	2,546.13
9197	04/02/09	LAW OFFICES OF SUSAN M. TRAGER LEGAL FEES, BBK/JAN	105.60
9198	04/02/09	DUANE LISIEWSKI REG MEETING 32409	100.00
9199	04/02/09	MICHAEL MCBRIDE REG MEETING 32409	100.00
9200	04/02/09	PERFORMANCE METERS, INC 80 METERS, 3/4"	3,758.32
9201	04/02/09	WARREN NORMAN STRODEL REG MEETING 32409	100.00
9202	04/02/09	VALLEY INDEPENDENT PRINTING NAME BADGE, DIR B	18.86
9203	04/02/09	VERIZON CALIFORNIA OFFICE PHONES & AUTO CONTROLS 2/22/09-3/21/09	641.00
9204	04/16/09	ACWA-HBA SERVICES CORP. ACWA/HEALTH BENEFITS, MAY	5,464.76
9205	04/16/09	AT&T MOBILITY COMMUNICATIONS EXPENSE	359.63
9206	04/16/09	BARR LUMBER CO INC FIELD MATERIALS & SUPPLIES MISC SUPPLIES OFFICE ROOF REPAIR	95.09
9207	04/16/09	MICHELLE BOWLING CONTRACTUAL SVC 41009	984.00
9208	04/16/09	BUCKNAM & ASSOCIATES, INC. GRANT CONSULTING FEES, FEDERAL APPROPRIATIONS	112.50
9209	04/16/09	BURRTEC WASTE & RECYLING SVCS TRASH FEES, APR	72.71
9210	04/16/09	CRISTI BUSH CONSULTING SVC 3/31,4/01 AR TRAINING/AUDIT FOLLOW-UP	1,582.93
9211	04/16/09	CA DEPT OF PUBLIC HEALTH-OCP D1 CERT FEES, CARUSO	70.00

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
9212	04/16/09	CALIFORNIA PUBLIC EMPLOYEE'S PERS CONTRIBUTION PPE 32709	2,938.86
9213	04/16/09	CINTAS CORPORATION #150 UNIFORM SVC 32509	27.10
9214	04/16/09	CLINICAL LABORATORY OF BAC-T, PLATE COUNT, THM	446.00
9215	04/16/09	CNH CAPITAL AMERICA LLC NEW HOLLAND BACKHOE LEASE PYMT	1,173.89
9216	04/16/09	JUDY CORL-LORONO AD HOC CMTE 40709	50.00
9217	04/16/09	DISCOUNT TIRE CENTERS #154 06 F/F150, 4 TIRES, WHEEL ALIGN, OIL, 2 REAR SHOCKS	1,106.22
9218	04/16/09	FEDEX MAILING EXPENSES	20.65
9219	04/16/09	THE HOME DEPOT #6971 MISC ITEMS	257.26
9220	04/16/09	ID MODELING, INC. HYDRAULIC MODEL SVCS, FUNDED BY CUSTOMER	3,300.00
9221	04/16/09	SOUND BILLING 04 F/RANG OIL & FILT, TIRE ROT	56.85
9222	04/16/09	LAW OFFICES OF SUSAN M. TRAGER LEAGL FEES, TRAGER/NOV	6,177.50
9223	04/16/09	DUANE LISIEWSKI AD HOC CMTE 40709	50.00
9224	04/16/09	NELSON HEATING AND AIR DECUT REPAIR, OFFICE	300.00
9225	04/16/09	OFFICE DEPOT OFFICE SUPPLIES	96.57
9226	04/16/09	PEDRO TORRES OJEDA MANUAL RFND ACCT#40-30002	35.00
9227	04/16/09	PETTY CASH MISC PETTY CASH	599.69
9228	04/16/09	PROTECTION ONE SHOP SEC SVC 42609-52509	39.61
9229	04/16/09	USA BLUEBOOK SUPPLIES	578.77
9230	04/16/09	WATERLINE TECHNOLOGIES HYPOCHLORITE SOLUTIONS	640.90
9231	04/16/09	MARINA WEST GM EDUCATION 08/09	688.00
9232	04/24/09	ERIC WONG BALANCE RFND ACCT# 0310202	60.11
9233	04/24/09	JIM MOORE BALANCE RFND ACCT# 0704697	58.54
9234	04/24/09	JUANITA CABRAL BALANCE RFND ACCT# 1103491	7.06
9235	04/24/09	JULIE DUNCAN BALANCE RFND ACCT# 0704737	57.81
9236	04/24/09	NICOLE HARTWIG BALANCE RFND ACCT# 1105782	53.20
9237	04/24/09	SMITH TRAGER LLP LEGAL FEES, GRESHAM/MARCH	105.60

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
9238	04/24/09	TINA COLE BALANCE RFND ACCT# 1103485	54.29
9239	04/24/09	VERIZON CALIFORNIA AUTO CONTROLS 4/13-5/13	44.14
9240	04/24/09	BAKERSFIELD WELL & PUMP CO REPAIRS, WELLS 7,9 & 10	2,699.38
9241	04/24/09	BARR LUMBER CO INC FIELD MATERIALS & SUPPLIES SUPPLIES SUPPLIES SUPPLIES	19.61
9242	04/24/09	TERRY BURKHART MILEAGE REIM	45.91
9243	04/24/09	TERRY BURKHART TAC MEETING	50.00
9244	04/24/09	CALIFORNIA PUBLIC EMPLOYEE'S PERS CONTRIBUTION PPE 41009	2,947.70
9245	04/24/09	CLINICAL LABORATORY OF BAC-T, PLATE COUNT	96.00
9246	04/24/09	DESERT IMAGES KYOCERA COLOR SVC CONTRACT 2009-2010 KYOCERA B&W SVC CONTRACT 2009-2010 KYOCERA B&W ADDTN'L COPIES 2009-2010	2,815.37
9247	04/24/09	DISCOUNT TIRE CENTERS #154 04 F/RANGER 4 TIRES, WH BAL, 04 F/RANGER BRAKES, ROTORS, MISC REPAIRS 04 F/RANGER TIRES, ALIGNMENT, DISC PADS	1,835.26
9248	04/24/09	FIRST BANKCARD TAC/AWAC MEETING HEADSET AUDIO	81.60
9249	04/24/09	INLAND WATER WORKS INVENTORY & METER EXCHANGE METER EXCHANGE PROGRAM	2,105.96
9250	04/24/09	KILLER BEE PEST CONTROL BEE REMOVAL, ONE LOCATION	90.00
9251	04/24/09	OFFICE DEPOT OFFICE SUPPLIES	133.68
9252	04/24/09	PERFORMANCE METERS, INC 50 METERS, 3/4" PERF METERS	2,113.56
9253	04/24/09	PITNEY BOWES PURCHASE POWER POSTAGE MINIMUM DUE	1.00
9254	04/24/09	ROGELIO ROMERO MANUAL RFND ACCT#0311252	98.19
9255	04/24/09	SMITH TRAGER LLP LEGAL FEES, TRAGER/DEC LEGAL FEES, TRAGER/JAN	10,248.75
9256	04/24/09	VERIZON CALIFORNIA AUTO CONTROLS 4/13-5/13	44.14
9257	04/30/09	BARR LUMBER CO INC	

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		SUPPLIES	
		SHOP/FIELD SUPPLIES	
		SHOP SUPPLIES	
		BLOW OFF REPAIR-PINE RD	76.88
9258	04/30/09	MICHELLE BOWLING	
		CONTRACTUAL SVC 41709	480.00
9259	04/30/09	TERRY BURKHART	
		AD HOC CMTE 42209	50.00
9260	04/30/09	CA RURAL WATER ASSN	
		2009 MEMBERSHIP DUES	511.00
9261	04/30/09	CLINICAL LABORATORY OF	
		BAC-T, PLATE COUNT, GEN PHY	73.00
9262	04/30/09	JUDY CORL-LORONO	
		AD HOC CMTE 42209	50.00
9263	04/30/09	DATASTREAM BUSINESS SOLUTIONS	
		CARTRIDGES	31.40
9264	04/30/09	GENEIE'S CLEANING SERVICE	
		CLEANING SVC, APR	170.00
9265	04/30/09	INLAND WATER WORKS	
		BLOW OFF REPAIR-PINE RD	
		METER EXCHANGE-BULK ACCTS	
		BLOW OFF REPAIR-PINE RD	2,049.60
9266	04/30/09	OFFICE DEPOT	
		ENVELOPES	59.79
9267	04/30/09	PITNEY BOWES GLOBAL FINANCIAL	
		QUARTLY LEASE 51009-81009	234.90
9268	04/30/09	SOUTHERN CALIFORNIA EDISON	
		POWER EXPENSE, MAR	4,478.27
			-----
		TOTAL	71,431.88
			=====

Prepared By *mmw*  
Date 5/12/09  
Reviewed By *mmw*

GENERAL ACCOUNT (UNION BANK)

Apr-09

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	0.00	
BASIC FACILITIES CHARGE	0.00	
A/R - WATER	77,920.12	
MISCELLANEOUS REVENUE	794.73	
1% GENERAL TAX	34,287.14	
BIGHORN ADVALOREM TAX	25,953.77	
WIP-DEP FUEL SPILL CLAIM	177.53	
WIP-DEP NATZEL METER UPGRADE	250.00	
CUSTOMER DEPOSITS	<u>1,950.00</u>	
 TOTAL		<u><u>141,333.29</u></u>



USE OF FUNDS:

DEBT SERVICE	0.00	
CAPITAL PURCHASES	15,883.17	
CAPITAL LEASE	1,173.89	
INVENTORY PURCHASES	4,269.78	
PREPAYMENTS - INSURANCE & POSTAGE	0.00	
PAYMENTS FOR SALARIES & WAGES	25,636.81	
ADMINISTRATIVE EXPENSE	39,678.93	
OPERATIONS EXPENSES	10,826.01	
TRANSFERS TO INCREASE LAIF	20,000.00	
MISCELLANEOUS & CUSTOMER REFUNDS	<u>424.20</u>	
 TOTAL		<u><u>117,892.79</u></u>

Prepared By My Cleveland  
Date 5/12/09  
Reviewed By MW

**UNION BANK OF CALIFORNIA**  
**DISBURSEMENTS APRIL 2009**

Datastream Check Register	<u>71,431.88</u>	<u>71,431.88</u>	
EFT for Vendor Services			
Payroll Processing Fee	164.58		
Bank Fees	206.28		
Credit Card Fees	393.25		
Internet Access Fee	<u>59.99</u>		
Total EFT for Vendor Services		<u>824.10</u>	
Wages for Paydate 04/10/09			
Wages EFT	5,406.02		
Employee Tax Withholdings	1,561.60		
Employer Tax Expenses	203.68		
Wages check #1916-1922	<u>5,156.17</u>		
		<u>12,327.47</u>	
Wages for Paydate 04/24/09			
Wages EFT	5,648.71		
Employee Tax Withholdings	1,586.61		
Employer Tax Expenses	236.67		
Wages check #1923-1931	<u>5,837.35</u>		
		<u>13,309.34</u>	
Transfers to LAIF	<u>20,000.00</u>	<u>20,000.00</u>	
Total Disbursements			<u><u>117,892.79</u></u>

Prepared By   
Date 5/12/09  
Reviewed By 



## GENERAL FUND

ASSETS			
-----			
CASH & CASH EQUIVALENTS			
01 13120	CASH UNION BANK OF CA	45,884.72	
01 13130	CASH CASH DRAWERS BASE FUND	750.00	
01 13400	CASH PETTY CASH FUND	800.00	
		-----	
TOTAL CASH & CASH EQUIVALENTS		47,434.72	
INVESTMENTS			
01 13303	CASH LAIF-UNRESTRICTED	518,901.25	
		-----	
TOTAL INVESTMENTS		518,901.25	
ACCOUNTS RECEIVABLE, WATER			
01 13710	A/R WATER	130,493.02	
		-----	
TOTAL ACCTS RECEIVABLE, WATER		130,493.02	
ACCOUNTS RECEIVABLE, OTHER			
01 13600	A/R INTEREST EARNINGS	4,072.42	
01 13800	A/R PROPERTY TAXES	( 39,984.46)	
		-----	
TOTAL ACCTS RECEIVABLE, OTHER		( 35,912.04)	
INVENTORIES			
01 14301	INVENTORY-WATER SYSTEM PARTS	62,507.22	
01 14302	INVENTORY-DIESEL FUEL	1,192.62	
01 14303	INVENTORY-UNLEADED FUEL	1,951.33	
		-----	
TOTAL INVENTORY		65,651.17	
PREPAID EXPENSES			
01 14401	PREPAYMENTS WORKERS COMP INSUR	2,275.94	
01 14402	PREPAYMENTS PL & PD LIAB INS	6,392.77	
01 14403	POSTAGE	6,194.43	
		-----	
TOTAL PREPAID EXPENSES		14,863.14	
FIXED ASSETS			
01 11130	FA ORGANIZATION	336,271.36	
01 11140	FA LAND & BUILDINGS	298,457.41	
01 11150	FA YARDS	57,934.48	
01 11160	FA FUELS TANKS	16,604.30	
01 11170	FA WATER SYSTEM	7,223,519.41	
01 11180	FA SHOP EQUIPMENT	99,211.92	
01 11181	FA MOBILE EQUIPMENT	424,831.47	
01 11190	FA OFFICE EQUIPMENT	139,079.33	
01 11400	ACCUMULATED DEPRECIATION	( 4,934,689.50)	
		-----	
TOTAL FIXED ASSETS		3,661,220.18	

## GENERAL FUND

## WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
01 12006	WIP FLAMINGO HTS ASSN, SEC35	14,597.53
01 12021	WIP NEMER METER UPGRADE	188.79
01 12024	WIP RIGGS ID MODELLING	3,300.00
01 12026	WIP BLOW OFF REPAIR, PINE RD	523.28
		-----
TOTAL WORK IN PROGRESS (OTHERS)		18,721.12

## WORK IN PROGRESS (AGENCY)

01 12005	WIP GRANTS CEQA/NEPA	67,969.04
01 12008	WIP GROUNDWATER MGMT PLANNING	112.50
01 12011	WIP WELL 9 REHAB (NTE\$89K)	104,341.67
01 12014	WIP PRV 7 INTERTIE	796.55
01 12016	WIP WELL 10 REHAB	81,607.34
01 12017	WIP METER REPLACEMENT PROGRAM	125,337.55
01 12020	WIP FUEL SPILL CLAIM	46,483.47
01 12022	WIP WELL 7	1,199.42
01 12025	WIP WELL 6-SHUT OFF VALVE REPL	572.01
		-----
TOTAL WORK IN PROGRESS (AGENCY)		428,419.55

## DEBT ISSUANCE COST

01 15400	BOND ISSUE COSTS	4,022.49
		-----
TOTAL DEBT ISSUANCE COST		4,022.49

TOTAL ASSETS	4,853,814.60
	=====

## LIABILITIES

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## ACCOUNTS PAYABLE

01 22400	CAPITAL LEASE	18,781.59
01 22520	ACCRUED INTEREST PAYABLE	3,750.00
01 22700	ACCOUNTS PAYABLE	8,936.61
		-----
TOTAL ACCOUNTS PAYABLE		31,468.20

## ACCRUED PAYROLL

TOTAL ACCRUED PAYROLL	0.00
-----------------------	------

## CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	1,550.00
01 22600	CUSTOMER DEPOSITS	50,444.00
		-----
TOTAL CUSTOMER DEPOSITS		51,994.00

## WORK IN PROGRESS DEPOSIT

01 23004	WIP-DEP-BLUCKER ANNEXATION	7,500.00
01 23006	WIP DEP-FLAMINGO HTS ASSN S35	7,500.00

## GENERAL FUND

01 23020	WIP-DEP-FUEL SPILL CLAIM	43,556.25
01 23024	WIP DEP-RIGGS ID MODELLING	3,645.00
01 23027	WIP-DEP-NATZEL METER UPGRADE	250.00

-----  
TOTAL WORK IN PROGRESS DEPOSIT 62,451.25

## LIAB PYBL FRM RESTRICTD ASSETS

01 22950	ACCRUED INT PAYABLE DV ID BNDS	4,487.21
01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00

-----  
TOTAL LIAB PYBL FRM REST ASSET 6,487.21

## LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	335,977.05
01 22300	REVENUE BONDS PAYABLE - BH	900,000.00

-----  
TOTAL LONG TERM DEBT 1,235,977.05

TOTAL LIABILITIES 1,388,377.71

## EQUITY



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01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88
01 30111	FMHA GRANTS	758,297.76
01 31000	FUND BALANCE	1,785,703.09
01 31001	FUND BALANCE FEMA & OES	427,895.00
01 31111	CURR YEAR NET REVENUE/EXPENSE	202,505.16

TOTAL EQUITY 3,465,436.89

TOTAL LIABILITIES & EQUITY 4,853,814.60

=====

Prepared By   
Date 5/12/09  
Reviewed By 

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 04/30/09

## GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
REVENUE						
-----						
OPERATING REVENUE						
01 41000	SERVICE LINE INSTALLATION FEES	4,500.00	0.00	4,920.00	-420.00	109.33%
01 41001	BASIC FACILITIES CHARGE	9,500.00	0.00	9,500.00	0.00	100.00%
01 41100	INCOME METERED WATER	459,500.00	34,637.90	396,642.38	62,857.62	86.32%
01 41300	BASIC SERVICE CHARGE	508,530.00	49,402.29	392,525.88	116,004.12	77.19%
01 41600	INCOME REVENUE BONDS DV FMHA	43,189.00	8,433.49	39,397.74	3,791.26	91.22%
01 41700	INCOME OTHER (OPERATING)	21,600.00	2,839.88	20,581.27	1,018.73	95.28%
TOTAL OPERATING REVENUE		1,046,819.00	95,313.56	863,567.27	183,251.73	82.49%
NON-OPERATING REVENUE						
01 49100	INCOME GEN TAX ID A 1% BH GA02	49,565.00	17,119.59	40,333.86	9,231.14	81.38%
01 49101	INCOME BOND DEBT BH FMHA DA01	106,315.00	25,953.77	70,558.45	35,756.55	66.37%
01 49102	INCOME GENERAL TAX 1% DV GA01	48,847.00	17,167.55	40,414.91	8,432.09	82.74%
01 49200	INTEREST INCOME	18,500.00	2,164.07	11,609.28	6,890.72	62.75%
01 49600	INCOME OTHER (NON OPERATING)	1,000.00	0.00	233.10	766.90	23.31%
01 49601	INCOME-CONT CAPTL WIP(NONOPER)	0.00	0.00	335.32	0.00	0.00%
01 49999	FEDERAL/STATE GRANTS FEMA/OES	0.00	0.00	41,018.93	0.00	0.00%
TOTAL NON-OPERATING REVENUE		224,227.00	62,404.98	204,503.85	19,723.15	91.20%
TOTAL REVENUE		1,271,046.00	157,718.54	1,068,071.12	202,974.88	84.03%
EXPENSE						
-----						
OPERATING EXPENSE						
01 54102	OPERATIONS COMPENSATION	185,853.00	14,268.55	154,750.05	31,102.95	83.26%
01 54103	UNIFORMS	2,675.00	27.10	1,218.37	1,456.63	45.55%
01 54105	AUTO CONTROLS	4,500.00	88.28	3,326.25	1,173.75	73.92%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	2,998.33	7,000.87	1,999.13	77.79%
01 54107	VEHICLE EXPENSE - FUEL	27,000.00	1,328.30	18,610.89	8,389.11	68.93%
01 54109	FIELD MATERIALS & SUPPLIES	45,000.00	530.97	19,020.58	25,979.42	42.27%
01 54111	WATER TESTING	10,000.00	615.00	5,983.00	4,017.00	59.83%
01 54112	CONTRACTUAL SERV- ENGINEERING	5,000.00	0.00	0.00	5,000.00	0.00%
01 54114	WATER SYSTEM REPAIRS	12,000.00	0.00	3,396.86	8,603.14	28.31%
01 54115	BUILDING MAINTENANCE/REPAIR	4,750.00	643.75	5,525.02	-775.02	116.32%
01 54117	AMES BASIN MONITORING	3,000.00	0.00	0.00	3,000.00	0.00%
01 54119	COMMUNICATIONS EXPENSE	3,200.00	359.63	2,151.55	1,048.45	67.24%
01 54121	DISINFECTION EXPENSE	6,500.00	640.90	3,532.38	2,967.62	54.34%
01 54125	POWER WELLS & PUMPS	60,000.00	4,140.72	42,750.00	17,250.00	71.25%
01 54130	OTHER OPERATIONS EXPENSES	12,500.00	90.00	11,929.74	570.26	95.44%
01 54150	PAYROLL LABOR TO PROJECTS	0.00	-2,609.37	-13,759.66	0.00	0.00%
01 54160	VEH & EQUIP EXPENSE TO PROJECT	0.00	-1,842.24	-8,743.61	0.00	0.00%
01 54170	INVENTORY EXP TO WIP PROJECTS	0.00	-17,476.71	-58,367.29	0.00	0.00%

PERIOD ENDING 04/30/09

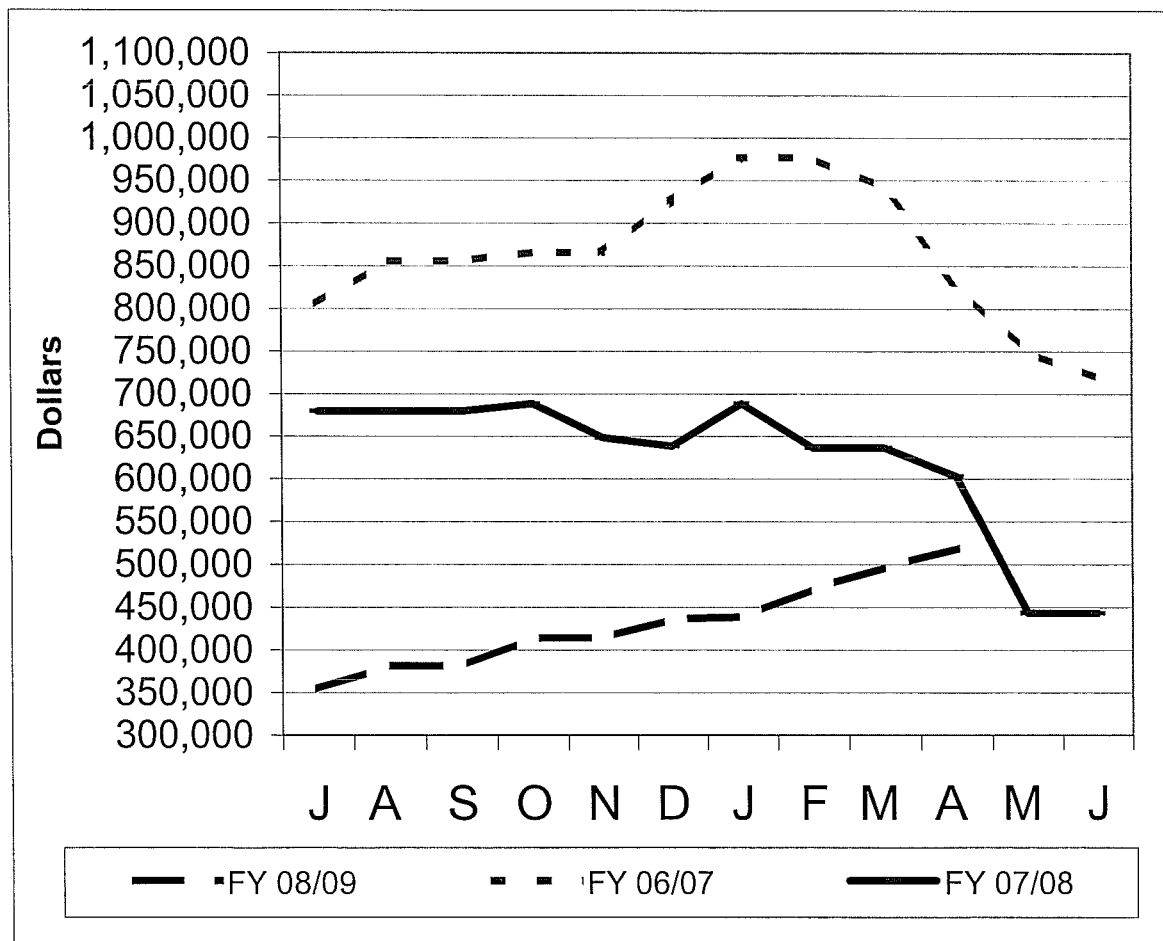
## GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
01 56001	DIRECTOR FEES	10,000.00	250.00	7,250.00	2,750.00	72.50%
01 56002	DIRECTOR MEETING EXPENSES	10,000.00	45.91	2,695.59	7,304.41	26.96%
01 56003	ADMINISTRATIVE COMPENSATION	212,550.00	13,614.54	151,194.86	61,355.14	71.13%
01 56005	ADMINISTRATIVE MEETING EXPENSE	1,000.00	49.29	786.95	213.05	78.70%
01 56006	CONTRACTUAL SERV-AUDITOR	9,500.00	0.00	9,345.00	155.00	98.37%
01 56007	CONTRACTUAL SERV-LEGAL	70,000.00	-10,370.65	37,519.70	32,480.30	53.60%
01 56008	PERS CONTRIBUTION	33,600.00	3,561.85	25,599.59	8,000.41	76.19%
01 56009	PAYROLL TAXES	8,800.00	440.35	7,907.92	892.08	89.86%
01 56011	TELEPHONE/FAX/INTERNET/WEB	6,250.00	59.99	5,190.16	1,059.84	83.04%
01 56012	MAILING EXPENSES	7,500.00	663.53	6,149.79	1,350.21	82.00%
01 56014	CONTRACTUAL SERV-OTHER	25,100.00	6,614.41	57,068.48	-31,968.48	227.36%
01 56016	PROPERTY/LIABILITY EXPENSE	38,000.00	2,946.38	29,463.80	8,536.20	77.54%
01 56017	WORKERS COMP INSURANCE	12,500.00	1,138.00	19,185.36	-6,685.36	153.48%
01 56018	DUES & SUBSCRIPTIONS	6,500.00	511.00	6,721.50	-221.50	103.41%
01 56020	POWER OFFICES & YARDS	7,000.00	337.55	4,102.07	2,897.93	58.60%
01 56022	BAD DEBT EXPENSE	6,000.00	0.00	-6.50	6,006.50	-.11%
01 56025	PROPANE	1,750.00	0.00	799.89	950.11	45.71%
01 56030	OFFICE SUPPLIES	7,500.00	322.84	2,271.79	5,228.21	30.29%
01 56100	EMPLOYEE BENEFITS INSURANCE	63,358.00	5,114.84	59,147.27	4,210.73	93.35%
01 56110	EMPLOYEE EDUCATION	6,000.00	786.00	4,007.00	1,993.00	66.78%
01 56120	GROUNDWATER MGMT PLANNING EXP	0.00	0.00	19,018.04	0.00	0.00%
01 56121	NEMER METER UPGRADE EXP	0.00	0.00	335.32	0.00	0.00%
01 56150	PAYROLL FRINGE EXP TO PROJECTS	0.00	-939.37	-4,953.48	0.00	0.00%
01 56160	OVERHEAD TO PROJECTS	0.00	-2,744.13	-10,500.07	0.00	0.00%
TOTAL OPERATING EXPENSE		933,886.00	26,205.54	638,625.03	295,260.97	68.38%
NON-OPERATING EXPENSE						
01 56200	OFFICE EQUIPMENT EXPENSE	6,000.00	102.46	2,060.78	3,939.22	34.35%
01 56300	CUSTOMER RELATIONS	1,000.00	168.49	627.16	372.84	62.72%
01 56400	OTHER ADMINISTRATIVE EXPENSES	4,000.00	463.34	1,786.14	2,213.86	44.65%
01 57000	INTEREST EXPENSE - BH BONDS	0.00	0.00	22,499.99	0.00	0.00%
01 57100	DEPRECIATION EXPENSE	0.00	18,106.68	182,018.02	0.00	0.00%
01 59100	INTEREST EXPENSE - DV BONDS	0.00	0.00	17,948.84	0.00	0.00%
TOTAL NON-OPERATING EXPENSE		11,000.00	18,840.97	226,940.93	-215,940.93	2063.10%
TOTAL EXPENSE		944,886.00	45,046.51	865,565.96	79,320.04	91.61%
NET REV/EXP GENERAL FUND		326,160.00	112,672.03	202,505.16	123,654.84	62.09%

Prepared By My Cleveland  
Date 5/12/09  
Reviewed By MW

**Local Agency Investment Fund Balance Timeline**  
**Balance as of April 30, 2009**

	FY 06/07	FY 07/08	FY 08/09
July	805,315	679,189	354,364
August	855,315	679,189	381,364
September	855,315	679,189	381,364
October	865,621	688,186	414,076
November	865,621	648,186	414,076
December	925,621	638,186	436,076
January	976,800	688,186	438,737
February	976,800	636,402	471,737
March	941,800	636,402	496,737
April	829,004	603,292	518,901
May	749,004	443,292	
June	719,004	443,292	



Prepared By MD Cleland  
 Date 5/12/09  
 Reviewed By mmw



# BIGHORN-DESERT VIEW WATER AGENCY

## BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

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

**MARCH 18, 2009  
WEDNESDAY  
4:00 P.M.**

- **CALL TO ORDER 4:00 pm**
- **PLEDGE OF ALLEGIANCE: Mr. Johnson**
- **ROLL CALL: All Board Members Present**
- **APPROVAL OF THE AGENDA MSC Burkhart/Strodel 5 ayes**

**Public Participation-** Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.

Mrs. Oswalt read a letter addressed to the Board of Directors (written out here to document whole point of view) about her concerns that we are so desperate to be somebody that we must hurt others to get what they have, perhaps money and power. What does that really give us, perhaps a band-aid for a long ago hurt, a recognition that we have always craved. Why subject ourselves and others to something so temporary and a friend who asked why she even bothers to attend the meetings. We as rate payers do know why the legal fees are so high averaging \$9,000 per month approximately. If our Directors read and apply the Bighorn Rules and Regulations perhaps they could teach the GM how to run the agency without constantly needing legal advice, oh, that's right we are paying her college tuition for her to learn how to run our agency. Oh well, perhaps she can teach the directors not to allow spending our restricted funds, which is a legal no-no, on their unapproved jaunts and other pleasures. Also, reminds the Board that they were elected by people who wanted to trust them and what did we get, whales that try to fit in a goldfish bowl.

Mr. Hanley commented on (written out here to document whole point of view) shadow of litigation hovering over the agency for something illegal once again and it seems that the agency cannot do the right thing even in spite of itself for maybe one director. The agency hired a General Manager and gave her \$100,000 basically for on-the-job training, then \$2500 to go to school. A generous auto allowance for living 10 minutes from the agency. She was not competent then and not competent now and that is one of the reasons the lawyer bills are so outrageous, her incompetence. She has to call the attorney every five minutes it seems. Agreed with Martha that "they were in there" spending restricted funds that are supposed to be for just one thing. Lately got two letters of harassment from a Bighorn Director accusing me of being a liar for overstating the General Managers high water usage. The second letter basically apologized saying she had made an error, she quoted gallons when in reality she would have been quoting rather than cubic feet which any director worth their salt knows that is how a meter is read. Then she does an end around thing there saying I used a figure of 60,000 units of water which is totally untrue. States that "they" are probably still holding serial meetings in violation of the Brown Act. Doesn't know when it is going to end, and states evidently this litigation, which everyone in the room knows what it is about, will cost the Agency more money and the only alternative that they seem to have with something costing more money is to raise the rates instead of doing what they should be doing. It is just a viscous cycle and no one knows where it is going to end. Lastly, that he feels sorry for the rate payers.

Ms. Kay commented that the General Manager wanting grant money with the billion dollar check made payable to her.

**2. PRESENTATION TO THE BOARD OF DIRECTORS BY DENNIS TIMONEY, CHIEF RISK OFFICER OF SPECIAL DISTRICTS RISK MANAGEMENT AUTHORITY: HOW TO BE AN EFFECTIVE BOARD MEMBER-** Information and discussion only.

Introduction of Mr. Dennis Timoney, Chief Risk Officer, Special Districts Risk Management Authority (SDRMA). Mr. Timoney states his credentials and that he is here to present a program on How To Be An Effective Board Member and that he is here to provide general guidance and assistance, and not to lecture the Board.

Major Points of Presentation:

1. Water is a vital commodity.
2. General mission and sole function of the Agency is to provide water.
3. Everything derives from how the Board operates; there must be no independent action. The Board must become unified in purpose to be effective.
4. Majority rules. Once the Board has acted every director should support the decision, even if he/she individually voted against.
5. The role of the General Manager is to take the Board's policies and present them to the public. (I.e. the Board votes to increase rates; the GM notifies the meter holders of the coming increase and sets the necessary hearings/meeting, if any, as required by law).
6. It is common practice for the General Manager to have an attorney "attached at the hip" Water is one of the most heavily litigated areas of public agencies.
7. The role of General Counsel is very important also in showing compliance with the Brown act.
8. Board needs to review and update policies bi-annually.
9. The role of the Board is of value to the community. The Board sets policy; the GM delivers it to the public.
10. Issues of finance (rates, etc.) are Board matters.
11. The Brown Act creates transparency of public agencies. It was created for the California Legislature, not for BDVWA. Certain acts are excluded from Brown Act oversight and may be taken up by the Board in closed session. When the closed session is ended, the Board may report if that action was or was not taken, but need not disclose what the action was, or why taken.
12. The public must show respect to the Board members and employees of the Agency. They should be addressed by name or by title, i.e. as either as Director or Mr/Mrs/Ms. This includes the General Manager. To address them as he/she/him/her is disrespectful and not acceptable.
13. Questions about operations from either Board members or the public should be addressed to the Board President as a request to be placed on the next meeting agenda.
14. It is the duty of the Board members to do due diligence in studying the agenized items as a requirement before a vote is taken. If a Board member does not understand he/she should ask the President for further explanation. There may be disagreement, but after a vote is taken it becomes a Board Action.
15. The Board and General Manager should work together to achieve the Goals and Objectives set forth in the Mission Statement.
16. The Board is to maintain and revise policy when necessary, provide staff with guidance, use staff input, and address public concerns.
17. Fiscal responsibility ultimately is the Board's, not the General Manager's.
18. While Board members are within the meeting or acting in the course of their duties, they are protected against litigation that is covered by the Agencies D&O/E&O insurance. If a Board



member acts outside that arena, he/she is a private citizen and is subject to litigation without that protection.

19. Once the Board has made a decision it becomes a Board action and it is the affirmative duty of every Board member to support that action, and not to create dissension if he/she disagrees with the Board decision.
20. The Board creates sub-committees. Since three would constitute a majority which could take action, the number of Board members on a committee is limited to two. These members study various issues and bring recommendations to the Board for any action which needs to be considered. Another Board member may attend such a meeting, but only as a private citizen and cannot speak. Only the Board can act to bind the Agency.
21. In compliance with the Brown Act, all Board members complete Form 700, which is a conflict of interest form annually. Board members must comply with the Brown Act, and with advice of legal counsel.
22. Board members must remain uninvolved in Operations. That is the General Manager's arena.
23. Board member may be found individually liable for actions outside the course and scope of his/her duties. Individual Board members may not bind the Agency.
24. Serial meetings consist of more than two Board members meeting (outside Noticed District meetings) and conducting business. They may meet anywhere, anytime, without discussing business.
25. The "system" is here to protect everyone.
26. SDRMA conduct classes, including CSDA courses, which are recommended for all Board members access or attend in order to better understand their roles.

Public Participation: During the presentation members of the audience asked questions for clarification and posed a number of hypothetical situations for consideration and response by Mr. Timoney.

Adjourn temporarily: 5:37

Reconvened: 5:45

Opened to public comment: None

### 3. **CLOSED SESSION**

#### ➤ **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9 (1 potential case)

4. **CLOSED SESSION REPORT:** Re-convened at 7:00 p.m.. Board authorized attorney/staff to respond to claim made against the agency.
5. **PRESENTATION BY GENERAL COUNSEL OF SMITHTRAGER, LLP, FRANCIS LOGAN, ON VARIOUS BROAD SCOPE ISSUES AFFECTING THE AGENCY-** Information only. Discussion topics to include compliance with applicable laws regarding rates/fees/charges and Local Agency Formation Commission (LAFCO) powers including Sphere Of Influence (SOI) update.

Introduction of Mr. Francis Logan, General Counsel from SmithTrager, to Board and public:

Mr. Logan begins by clarifying that he is addressing the Board on two issues that are frequently brought up and which are highly legal and require compliance with very densely drafted laws.

1. Local Agency Formation Commission (LAFCO) created by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Cortese-Knox creates in each county an organization called LAFCO. LAFCO is not the County, it is not a city nor is it a special district it is a new different form of governmental agency. The members of LAFCO are public officials and the means by which various agencies get to appoint their public officials to the LAFCO Board is arcane. In general, County gets a plurality of the votes, City's get another plurality of the vote and Special Districts get a very small number of votes. This governmental entity is weighted towards governments of broad police powers and against special districts. LAFCO's have two important powers.

Every 5 years they conduct a Municipal Service Review-Sphere of Influence (MSR-SOI). LAFCO reviews how the county and city's and special districts within the county are exercising their powers: are they doing a good job, should they grow, should they shrink, should the powers that they are exercising in that area be expanded or contracted. This is a purely procedural process except for the SOI. That area which LAFCO believes the agency should serve as opposed to the boundary of the agency that it does serve. All references discussed with respect to Special Districts only, not city's or county's. BDVWA has a boundary and a sphere of influence, what that means is that there is an area within which you are authorized by law the services that exist in your organic statute which is water and wastewater. The other area (SOI) which is that area which LAFCO believes that if service is needed then you are the Agency that should provide that service when needed. Our SOI is larger than our boundary that is not a requirement by law. It is possible, but rare, that LAFCO would impose a SOI smaller than your boundaries or even a zero SOI. What that means is when there is less sphere LAFCO believes the agency should contract or if zero sphere the agency should go out of business all together. Zero spheres are really rare because as LAFCO has discovered in the last 10-15 years since applying the Cortese-Knox Act and predecessor statutes it is really hard to put government out of business because you own stuff that is hard to give to somebody else, it is the property of your citizens and you can't just make it go away. So commonly when LAFCO believes that a district is too small or too poorly run or too inconsistent with the agencies around it consolidation is recommended. Two districts become one, this happened to BDVWA when Bighorn Mountains Water Agency and Desert View Water District became one. A "merge" is when the district ceases to exist because a city takes over all of the powers of the district.

When Bighorn consolidated it stayed a Special District and the two boards became one board with powers over a larger area. LAFCO has this power over Special Districts. There are unique circumstances with regard to BDVWA. One unique circumstance is that we exist by statute. Not created by LAFCO and created prior to Cortese-Knox Act. You have a statute on the books which establishes not Bighorn Desert View, just Bighorn, and another section that says if those two consolidate you become BDVWA. The statute is very clear that there is a minimum core area of Bighorn Mountain that exists by legislative statute. In an arcane area of the law about whether subsequent statutes overrules prior statutes and whether specific overrules the general. As you can see in this area could arguably be intentioned if LAFCO decided that Bighorn should go out of business because the agency existence precedes the Cortese-Knox Act but the agency's organic statute is much more specific than the Cortese-Knox Act. Mr. Logan's personal opinion on the issue is that because in statute there is a core minimum area of the Bighorn Mountains that LAFCO is then prohibited by law from shrinking the agency beneath that core minimum. The only legal entity that would have the power to do that would be the Legislature. Only the Legislature has the power to change the Bighorn organic statute within Water Code Section/112. So, if the question is whether LAFCO can put the agency out of business, I believe no.

The other thing to consider is LAFCO is a government agency, staffed by elected officials, which give great respect and great deference to the wishes of the constituents of the various agency's that are members of LAFCO as expressed through their elected representatives, it is very, very rare for agency's to go out of business especially over the objection of the elected officials who represent those constituents. That is not the purpose of the statute. The statute is about good effective local government that has proper boundaries shape and exercise of powers and you have to be pretty dysfunctional to get on the wrong side of LAFCO because your all on the same side, your public representatives seeking to do your best to represent the constituents. Besides the legal issue there is a political issue, LAFCO is a political statute, it is a vehicle for the exercise political will. You would have to make the County pretty cranky before the County would use its powers on LAFCO to put you out of business.

#### Board Questions/Comments:

Director McBride asked Mr. Logan if LAFCO wants to put Bighorn-Desert View Water Agency out of business. Mr. Logan stated he has no information that would suggest that is the case, rumor and innuendo has it that there are people "hunting the agency's head". No action item pending, no Board item pending, no resolution pending and no information received by the Agency that it is being investigated but persistent rumor that there is a secret agency out there that has the power to dissolve the Agency, that could only be LAFCO. Yes, LAFCO has broad sweeping power to draw new lines but between the legal and the political issue I am not terribly concerned about the Agency.

Director Lisiewski asked about the water agency in Desert Hot Springs and hadn't it gone to receivership. Mr. Logan responded that the bankruptcy is separate legal proceeding and that no bankruptcy judge has the power to change our service area or change our powers. Conversation goes to hard times right now (here) and the pressure on people, we have raised the rates, at what point or where do we stop? This is the lowest poverty area there is, on increasing the people, making them pay more, these people are all on fixed incomes, what avenue and alternative do we have to raise money to offset things that are coming up (Well 4 been down over a year).

#### Public Participation:

Martha Oswalt stated that she had spoken with a Kathleen at LAFCO. She said that Kathleen had stated that our agency was in its fifth year and would be reviewed, but because of "a lot of the problems they are hearing". She suggested I review AB1234 and I would know more. This gentleman named Michael is going to be investigating us a little bit more closely. She said until they get an audit they could not more, couldn't do anything and I don't think they are very happy about that.

Mr. Logan responded that the he and GM West are aware of the LAFCO's interest in the Agency providing the responses to the MSR-SOI issue and this is a task needing legal representation. It is entirely possibly that LAFCO would like the Agency to move more quickly.

GM, West responded stating that the Agency was in constant contact with Mike Tuerpe. Mr. Tuerpe had given no indication that they were upset with BDVWA and that the paperwork needed was approx 75% done.

Mr. Logan continued with his presentation:

2. Regarding the Agency's ability to raise revenue and the various opportunities and constraints available to the Agency. Special Districts have three primary sources of revenue: taxes, assessments and fees & charges. Mr. Logan groups the sources this way because that is the way they are analyzed under the California constitution specifically Articles 13C and 13D put in the constitution under Prop 218. The purpose of Proposition 218 was to provide the public an opportunity to oversee and vote on the means by which agency's increased their revenue streams. This is a process the Agency recently concluded in December 2008. Compliance with Prop. 218 for the purpose of increasing a fee or charge requires complying with detailed provisions of the California Constitution and those are the proceedings that members of the public were referring to with respect to votes being counted. Under Prop. 218 the Agency was required to provide notice to "affected land owners" as to its desire to increase the Basic Service Charge. Now there are more parcels in the Agency than meters but people who request a meter are then subject to that service charge so it was Mr. Logan's advice that the Agency provide notice not only to the meter holders but to the land owners, and as required by the California Constitution that is the procedure Ms. West followed. The California Constitution then says that if a majority protest is received by the Agency then the Agency lacks the power to impose the fee or charge so, A) Agency counted votes because that is what the law says, and B) the relationship between the number of people who received the letter vs. the number of people who filed a protest mattered, if a 50% + 1 protest had been received then the Agency would have been prohibited from imposing the increases.

BDVWA has a relatively standard set of fees and charges and assessments compared to other districts, there are Basic Service Charges, connection charges, and installation charges. The work that the Agency does isn't free and the idea behind the California Constitution and Prop 218 and a somewhat parallel statute known as the Mitigated Fee Act is that the work the agency does break down the work that it does into discrete parcels of work and levy fees and charges that are proportional to that piece of work. So that when the Agency charges for a Fire Flow Test Fee that fee can only be the approximate cost of the work. There is basic relationship between the work being done and the fee being levied. If there are any questions about what was voted on by the Board the Board Secretary can dig up the action items and if you desire to bring it back to the Board you can.

The other issue that the Agency needs to look at is whether its current revenue stream matches its current outgo recognizing that members of the public have stated their inability to pay anymore. There is one principal charge that the Agency is not levying which the Agency may want to reconsider whether it should levy and that is the "standby assessment". When Mr. Logan reviewed the Agency's revenue streams his idea was that the base revenue stream should match base costs, and that the unit charges for water should match up to the marginal cost of serving that water. If the Agency operations are conditioned on people using a certain amount of water, and if people cut back to conserve water, even if at the request of the Agency, all of a sudden the revenue streams vary dramatically but your base cost does not change. The base cost is primarily the cost of staff, you not overly staffed given the size of the territory and at some point water service is affected if you are forced to continue to cut back or priorities are somewhere else. You have to balance your obligation to maintain the basic infrastructure with the revenue streams. Therefore, you want to get most of your revenue independent of the amount of water people use. Then as people use more water the revenue received simply covers the cost of delivering that extra water. Mr. Logan reminds the Board that all other Districts look to the Standby Water Charge and there is dispute about whether or not they are fair. There is no one right answer it is a policy decision for the elected Board to determine. One answer is that people who aren't taking water yet, are still getting the benefit of the work the Agency does because when they want it, it will be there. The entire community has the ability to make demands on

the system. That is why you exist and the purpose of the service area is to say we have water for you. A standby assessment says, at a relatively low cost of \$10 per acre per year, we will use this money and dedicate it to having the surplus capacity in the system and the redundancy to prepare the system for that demand

Materials related to an item on this Agenda submitted to the Board of Directors' after distribution of the agenda packet are available for public inspection in the Bighorn-Desert View Water Agency office at 622 S. Jemez Tr., Yucca Valley, CA during normal business hours.

Respectfully Submitted \_\_\_\_\_  
Marina West, General Manager



# BIGHORN-DESERT VIEW WATER AGENCY

## BOARD OF DIRECTORS' REGULAR MEETING MINUTES

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

MARCH 24, 2009  
TUESDAY  
6:00 P.M.

- CALL TO ORDER 6:00 pm
- PLEDGE OF ALLEGIANCE John Burkhart
- ROLL CALL – All Directors present
- APPROVAL OF THE AGENDA

**Public Participation**-Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment please state your name and have your information prepared. Due to time constraints a three minute time limit may be imposed. 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, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

Following presentations Agency Risk Manager and Agency counsel the Board President Cori-Lorono has decided to proceed as follows:

We will no longer take public questions during staff presentations. Public may comment after presentation is complete. We will no longer allow public to raise additional questions once public comment closed. That is a time for Board deliberation. Each member of the public will be allowed one comment per item on the agenda, lasting no more than three minutes. All Directors and employees of the Agency will be referred to by their correct title or last name. She and her, he and him, are no longer acceptable.

No one may use obscenities during public comment. Anyone using an obscenity during public comment will be told to sit down. Anyone using obscenities during the meeting will be asked to sit down immediately. Repeated use of obscenities may result in being asked to leave the meeting. No one may make threats. Anyone making a threat of any kind will be told to leave the meeting immediately. If the Board perceives that the threat is serious the Board may refer the threat to the police department for further action. Member of the public will conduct themselves with decorum at all times. Cell phones should be off or set to vibrate only. All conversation should take place outside the meeting room. Whispering, snickering and other rude conduct will lead to the individual to being asked to leave the room.

Directors will discuss the matter pending on the agenda. Director's comments and questions should be made with intent of moving the matter under discussion towards a resolution.

Directors are expected to treat each other and staff with respect.

**1. PUBLIC PARTICIPATION-** Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.

**Martha Oswalt refers to Brown Act in repudiation of President's statement that public may not question. Accuses violation of same.**

**2. DISCUSSION AND ACTION ITEMS-** The following items will be discussed by the Board of Directors and Staff, and the Board will consider taking action, if so inclined.

**a) JUNE 30, 2008 AUDIT PRESENTATION BY MESSNER & HADLEY, LLP-** Presentation of the Report on Audit for the Bighorn-Desert View Water Agency for fiscal year ending June 30, 2008

**Belated approval of Agenda (Mr Phil Johnson) Reminds that Agenda not yet approved. MSC Burkhart/McBride/5 ayes**

**Mr. Paul Messner- presented the Audit**

**5<sup>th</sup> year as auditor. Auditors' comments. Report contains opinions of auditor, Management comments, internal controls**

**Opinion: Clean opinion; Financial statements clear of material errors; Position presented fairly based on auditors' findings. Management discussions (MD&A) results of operations; follows set format for Special Districts. MD&A most important.**

**Changes made**

**District's financial position has deteriorated beginning in 06-07 and accelerating in 07-08. Manifests in cash position and current liabilities has increased from previous year. Finally net assets have decreased.**

**Changes in net assets: water sales went down, expenses went up; less grant money, negative net change in assets. Doesn't mean Dist is out of money or broke. In long term Dist must raise revenue or cut expenses to arrive at increased net. District has long term bond debt.**

**Notes to FS include types of accounting used.**

**Questions: Use of restricted resources: used to pay for bond debt before other resources used.**

**Bond repayments increase incrementally each fiscal year. Water sales dropped significantly; District contracting after years of growth: People leaving, conserving, drilling private wells. Water sales variable; go up and down,. Expenses do not fluctuate the same way Steps have been taken to reverse downturn.**

**McBride: BDVWA has met requirements for government auditing standard?**

**Ms. West: 2007 Water Master Plan completed. Is it possible the lower consumption reflects water loss through old under-registering usage. Pg 23, Curious Bond presentation represents only principal? Yes; that is standard format.**

**Questions from public.**

**Martha Oswalt comments that federal funds be accounted for separately. Auditor states must be reported only when spent. Applies only when exceeds \$500,000**

**MSC McBride/Burkhart 5 ayes to accept audit report for the period ending June 30, 2008**

**b) ENDORSEMENT OF ART BISHOP, MOJAVE WATER AGENCY (MWA) BOARD MEMBER, TO FILL VACANCY ON THE ACWA REGION 9 BOARD OF DIRECTORS-** Board to discuss and consider authorizing staff to submit a letter of support to Director Bishop.

**MSC McBride/Lisiewski 5 ayes**

**c) AVAILABILITY OF BIGHORN OFFICE BUILDING FOR USE BY ALAN RASMUSSEN, FIELD REPRESENTATIVE TO SUPERVISOR, THIRD DISTRICT NEIL DERRY-** Board to discuss and consider offering the Bighorn-Desert View meeting office for use by Mr. Rasmussen.

**MSC Burkhardt/Strodel 5 ayes**

**d)POLICY STATEMENT NO. 09P-01- A STATEMENT OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING AN AGENCY MEETING AGENDA PREPARATION POLICY-** Board to consider approval of Policy No. 09P-01, thereby rescinding Policy No. 08P-02.

Packet size has grown; expense is high for free publication of Board Packet. Persons requesting an entire agenda package will need to pay \$0.10 per copied page. Agenda is posted at official posting site which is the Bighorn office on Jemez. Full copy of Agenda is available for viewing at both the Jemez office and will be available at the Board meeting room. Agenda will also be posted on the Agency website. All other agenda postings are courtesy postings. Policy complies with Brown Act. Discussion by Board. McBride agrees that the charge is fair and reiterates that this item was discussed in the Committee. Dir. Lisiewski says the Agency has never charged for an Agenda packet and further objects to charging for copies. Dir. Corl-Lorono states that the charge is in compliance with the law.

Public Comment: Mr. Johnson understands budget constraints, but questions how the public will respond to charging for the packet. Suggests the Brown Act requires a full copy be made available in the meeting room.

Ms. Johnson questions how the Board would balance the copy charge vs. balancing budget.

Ms. Kay questions why charge \$200 for information that the Agency is legally required to provide.

Martha Oswalt asks where this fits under the Freedom of Information Act.

Mr. Burkhardt asked about the Mojave Water Agency agenda policy.

**MSC Burkhardt/McBride 4-1 (Lisiewski opposed)**

**e) ENGAGEMENT OF GRESHAM SAVAGE NOLAN & TILDEN , APC TO REPRESENT BIGHORN-DESERT VIEW WATER AGENCY IN CONNECTION WITH LABOR AND EMPLOYMENT MATTERS-**Board to discuss and consider authorizing Agency General Counsel, SmithTrager,LLC- to execute the engagement letter with Gresham Savage Nolan & Tilden, APC for Attorney services related to labor and employment matters on the Agency's behalf.

**MSC McBride/Strodel 5 ayes**



**f) CUSTOMER REQUEST FOR RELIEF OF BILLING FOR PARCEL 629-405-01**

Continued from prior Board meeting:

Presentation of argument by Mr. Bengston. Discussion of previous related activities by Directors. Dir. McBride suggests to grant relief in amount of 25% of past due bill. Dir. Lisiewski desires a 50% reduction per existing policy applied to others. New amount due be 2,700 less any monies he has already paid. Pres. Cori-Lorono states that the claim does not fit the existing policies, and stories are conflicting. Pres. Cori-Lorono states there is a payment agreement previously made. Person who executed is no longer living. GM West notes agreement could be extended past a twelve month period.

**MSC McBride/Burkhart 4-1 (Lisiewski opposed) To reduce customer bill of approximately \$3,600 by 25% (which is reduction of \$900) to \$2700 less any payments already made. Staff is to determine the length of payment terms and any other required conditions.**

**g) DISBURSEMENTS FEBRUARY 2009**

Questions from Director Lisiewski regarding check No. 9065 & 9081. GM West stated these checks are for contract services for C. Bush who is working on audit prep and DataStream programming changes and balance sheet reorganization. Expertise does not exist in house. Moving to check 9072 & 9120 for SmithTrager and the fact that invoices are consistently late. Moving to check No. 9085 per diem for Pres. Cori-Lorono as alternate member to MWA Technical Advisory Committee. Dir McBride on check No. 9124 employee work boot reimbursement and renewal of Class A license. Dir. McBride commends staff for obtaining and maintaining these licenses as a show of professionalism and the Board is proud of the staff.

**Public Participation:**

Martha Oswalt asked if Dir. McBride received an answer to his questions regarding SCE invoices.

**MSC Burkhart/Strodel 5 ayes approving disbursements for February 2009**

**Adjourn Break 7:52 pm Reconvened 8:03pm**

- 3. 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 an item be held for discussion or further action.

**D Lisiewski requests Item 3.c. be removed for discussion.**

**MSC McBride/Burkhart 5 ayes Motion to approve with exception of item 3.d. removed to item 4. of agenda.**

- a) Minutes of the January 27, 2009 Regular Meeting
- b) Consumption & Billing Comparison Report February 2009
- c) Financial Statements February 2009
- d) Production Report February 2009
- e) Service Order Report February 2009

- 4. MATTERS REMOVED FROM CONSENT ITEMS-**

Item 3.c of consent calendar: Dir. Lisiewski questions payment regarding fuel spill. GM West responds we will be reimbursed by the insurance carrier, subject to \$2,000 deductible.

**MSC McBride/Lisiewski 5 ayes Motion to accept balance sheet.**

5. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE FINANCE/PUBLIC RELATIONS & EDUCATION/PERSONNEL COMMITTEE MEETING-** No March 2009 meeting held.
6. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE PLANNING & ENGINEERING/LEGISLATIVE/GRANT/SECURITY COMMITTEE MEETING-** No March 2009 meeting held.
7. **DIRECTORS' REPORTS/COMMENTS**

Dir. Lisiewski quotes several newspaper articles about water problems .from his research on-line. Peripheral canal supported.

Dir McBride: concerns about progress of meter replacement; believes we should shop health insurance – that we could get better deal – questions value of membership in ACWA-believes we could save as much as \$3,600.

Pres. Cori-Lorono went to AWAC meeting; BDVWA has MOU with AWAC. To date our contributions have been in labor not cash. Overwhelming amount of information, constantly changing. Recommends a committee for AWAC. ACWA has done some things for us.

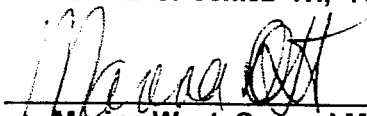
Native plant gardening classes were really great; lots of good advice and instructions on how not to clear your property. Working together with other agencies. Thank Mrs. Johnson for helping out the next day. Dir. Lisiewski questions why MWA truck would be in his neighborhood.

8. **GENERAL MANAGER'S REPORT (ORAL)**  
Ms. West heard State water entitlement has been increased and snow pack is 90% Wonders if district cited by Dir. L. is served by Hetch-Hetchy which is a privately owned reservoir (San Francisco city) Mojave information is that usage in this area is very low already and would be heavily impacted by a State percentage decrease mandate.
9. **COMMUNICATION AND INFORMATION ITEMS**  
None received.
10. **ITEMS FOR NEXT AGENDA**  
Budget  
Attendance at meeting.  
Ordinance O50-01

11. **ADJOURNMENT 8:40 PM**

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Bighorn-Desert View Water Agency office at 622 S. Jemez Tr., Yucca Valley, CA during normal business hours.

Respectfully Submitted

  
Marina West, General Manager

**DATE:** MAY 2009  
**TO:** MARINA WEST  
**FROM:** MICHELLE CORBIN  
**RE:** Consumption & Billing Comparison APRIL 2009  
**Consumption**

<b>Residential- North- Bighorn</b>		
	Meters	Usage (c.f.)
Book 1	150	0
Book 2	181	0
Book 3	159	215
Book 4	154	150
Book 5	129	101
Book 6	137	191
<b>Total</b>	<b>910</b>	<b>657</b>

<b>Bulk -Kickapoo, Well 4, Cherokee</b>		
	Meters	Usage (c.f.)
Book 30	41	16,818
Book 31	5	874
Book 32	5	16,010
<b>Total</b>	<b>51</b>	<b>33,702</b>

<b>Bulk - Well 10</b>		
	Meters	Usage (c.f.)
Book 33	50	17,535
<b>Total</b>	<b>50</b>	<b>17,535</b>

<b>Residential- South- Desert View</b>		
	Meters	Usage (c.f.)
Book 7	169	153,479
Book 8	179	208,453
Book 9	189	239,017
Book 10	180	205,615
Book 11	194	227,021
<b>Total</b>	<b>911</b>	<b>1,033,585</b>

<b>Construction Meters</b>		
	Meters	Usage (c.f.)
Book 40	0	0
<b>Total</b>	<b>0</b>	<b>0</b>
Billed Consumption		1,085,479
Non Billed Usage		11,872
<b>Total Consumption</b>		<b>1,097,351</b>

Active Residential Meters	1,821
Active Bulk Meters	101
<b>Total Active Meters</b>	<b>1,922</b>

### **Billing Comparison**

	This Year APR 2009	Last Year APR 2008	Difference More (Less)
<b>Statistics</b>			
Total Customer Accounts	1012	869	143
Usage in Cubic Feet	1,085,479	1,173,194	(87,715)
Percentage Increase/(Decrease)			-7%

<b>Revenues</b>			
Water Revenues	35,318.01	35,343.16	(25.15)
Basic Service Charge	50,264.51	32,102.68	18,161.83
Miscellaneous	447.96	546.95	(98.99)
Delinquent Charges	1,352.58	980.11	372.47
<b>Total Operating Revenues</b>	<b>87,383.06</b>	<b>68,972.90</b>	<b>18,410.16</b>

<b>Debt Service Revenues (pass through)</b>			
FMHA **	8,461.39	7,141.04	1,320.35
<b>Total Debt Service Revenues</b>	<b>8,461.39</b>	<b>7,141.04</b>	<b>1,320.35</b>

### **Additional Information Regarding Pass Through Revenues**

\*\* FMHA annual debt service of \$41,150 divided over 6 months equals \$6,858

Total Charges (Proof)	95,844.45	76,113.94
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DATE: 4/10/2009  
 TO: Board of Directors  
 FROM: Kit Boyd  
 RE: April Production

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	380	2,842	474	0.1	0.01
Well 3	269,290	2,014,289	392	85.7	6.18
Well 4	0	0	#DIV/0!	0	0.00
Well 6	161,370	1,207,048	456	44.1	3.70
Well 7	353,670	2,645,452	417	105.7	8.12
Well 8	391,700	2,929,916	1,073	45.5	8.99
Well 9	377,800	2,825,944	726	64.9	8.67
Well 10	22,410	167,627	90	30.9	0.51
Total	1,576,620	11,793,118			36.19

Wells 4 did not run this month

A Boosters	81,180	607,226	141	71.7
C Boosters	157,100	1,175,108	289	67.8
Total	238,280	1,782,334		



DATE: FEBRUARY 2009

TO: Kim Heller

FROM: Michelle Bowling

SUBJECT: Service Order Report July 2008 through June 2009

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
Mainline Leaks:	1	1	1	1	0	0	0	1	0	0			
Service Line Repairs:	2	0	3	1	2	4	5	1	5	2			
Service Line Replacements:	10	7	9	2	2	5	0	1	3	2			
Service Line Installations:	0	0	1	2	1	0	0	0	0	0			
Meter Changeouts*	60	5	51	48	43	19	23	53	153	76			
Water Quality Complaints:**	2	3	2	2	0	1	1	0	0	0			
48 Hour Tags for NSF Checks:	2	0	4	2	1	2	0	1	2	2			
Lock Offs for Non-Payment:	4	9	5	9	10	6	9	11	8	5			
Unlocks After Payment Made:	3	6	0	7	4	2	4	1	5	1			
All Other Miscellaneous:	106	111	94	63	73	108	136	164	125	118			
Total	190	142	170	137	136	147	174	233	301	206			

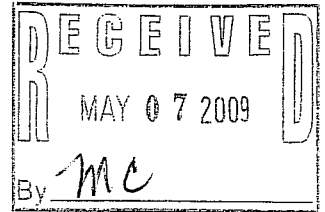
\*Meter replacement program started 6/18/08 with Route 09. Other meter exchanges included in misc.

\*\* High or low pressure complaints fall within this category.



County of San Bernardino  
**Office of the District Attorney**

MICHAEL A. RAMOS, District Attorney  
PUBLIC INTEGRITY UNIT




May 4, 2009

Board of Directors  
Bighorn-Desert View Water Agency  
Marina West  
General Manager

Dear Ms. West

On April 29, 2009 the District Attorney's Public Integrity unit received a message stating a letter sent to the Board on December 3, 2008 was not received. Enclosed is a signed copy for your records per your request.

Michael A. Ramos  
District Attorney

By 

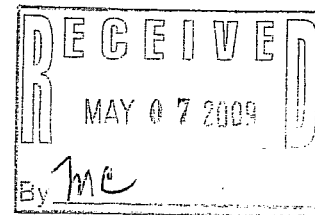
John Goritz  
Deputy District Attorney  
Public Integrity Unit



County of San Bernardino  
**Office of the District Attorney**  
MICHAEL A. RAMOS, District Attorney  
PUBLIC INTEGRITY UNIT

December 3, 2008

Board of Directors  
Bighorn-Desert View Water Agency  
Marina West  
General Manager



Dear Board Members and Manager West,


The District Attorney's Public Integrity Unit has received a number of complaints concerning activities of the board and former president Johnson. The complaints centered on two general areas of concern.

The first concern alleged that two board members had improperly received approval for reimbursement for expenses related to attendance at a workshop. I have received information that the payments were subsequently disallowed, the money repaid by the board members in question, and that a sum of money purportedly donated by anonymous sources for the purpose of reimbursing the board members has been donated to charity.

The second area of concern involved the actions of former president Johnson. As you are aware, Mr. Johnson has been convicted of criminal violations related to his conduct while acting as board president. As a result he was required to resign his position with the board and not seek or hold public office during his term of probation.

Unless circumstances change no further action will be taken and we consider the matter closed.

Michael A. Ramos  
District Attorney  
County of San Bernardino  
State of California

By   
John Goritz  
Deputy District Attorney  
County of San Bernardino

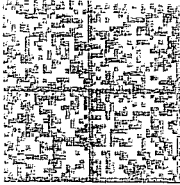


County of San Bernardino  
OFFICE OF THE DISTRICT ATTORNEY  
303 West 3rd Street  
San Bernardino, CA 92415-0511



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Marina West  
General Manager  
622 Jemez Trail  
Yucca Valley, CA 92284-1440

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