

## Bighorn-Desert View Water Agency

### Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
Martha Oswalt, Director



### Agency Office

622 S. Jemez Trail  
Yucca Valley, CA 92284-1440

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Marina D West, P.G., General Manager

Joanne L Keiter, Board Secretary

A Public Agency

[www.bdvwa.org](http://www.bdvwa.org)

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## BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, June 15, 2010 - 6:00 PM**

- **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. When giving your public comment, please first 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, should contact the Board Secretary at 760-364-2315 during Agency business hours.

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. **DISCUSSION AND ACTION ITEMS** - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.
  - a. **PUBLIC HEARING: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND) PERTAINING TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM: AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM; AND PIPELINE INSTALLATION/REPLACEMENT PROJECT**

**RECOMMENDED ACTION:**

- 1) Review Staff Report;
  - 2) Receive Questions and Comments from the Board of Directors;
  - 3) Open Public Hearing;
  - 4) Receive Public Comments;
  - 5) Close Public Hearing;
  - 6) Board Discussion; and
  - 7) Board to Consider the following Proposed Actions:
    - a. Adoption of a Resolution for a Mitigated Negative Declaration (MND) pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage And Recovery Program; And Pipeline Installation/Replacement Project
    - b. Defer Action until a later date following preparation of response to public comments
    - c. Decline to Adopt a Resolution for a Mitigated Negative Declaration (MND) pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage And Recovery Program; And Pipeline Installation/Replacement Project and direct staff how to proceed with Water Infrastructure Improvement Project
- b. PUBLIC HEARING: ORDINANCE 100-XX - AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO**

**RECOMMENDED ACTION:**

- 1) Review Staff Report;
- 2) Receive Questions from the Board of Directors;
- 3) Open Public Hearing;
- 4) Receive Public Comments;
- 5) Close Public Hearing;
- 6) Board Discussion; and

7) Board to Consider the following Proposed Actions:

- a. Adopt Ordinance Providing For Compensation of The Board of Directors and Establishing Procedures Related Thereto
- b. Defer Action until a later date
- c. Decline to Adopt Ordinance Providing For Compensation of The Board of Directors and Establishing Procedures Related Thereto

**c. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES ("OFFICIAL DUTIES POLICY")**

**RECOMMENDED ACTION:**

- 1) Review and discuss proposed Resolution; and
- 2) Consider adoption of said Resolution establishing a written policy specifying the types of occasions that constitute the performance of "Official Duties" for which a Director may receive payment.

**d. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ACKNOWLEDGING MOJAVE WATER AGENCY FOR ACHIEVING ITS GOLDEN ANNIVERSARY, 50-YEARS, SERVING THE HIGH DESERT AS A STATE WATER CONTRACTOR**

**RECOMMENDED ACTION:**

- 1) Review and discuss proposed Resolution; and
- 2) Consider approval of said Resolution commemorating Mojave Water Agency's (MWA's) 50th anniversary as a State water Contractor serving the high desert communities.

**e. AUTHORIZE FIRE PROTECTION FOR THE THIRD OF JULY (INDEPENDENCE DAY) COMMUNITY CELEBRATION AT HOMESTEAD VALLEY PARK**

**RECOMMENDED ACTION:**

- 1) Consider approval for providing water for pre-event fire protection measures during the Third of July Community Celebration to be held at Homestead Valley Park, Landers

**3. DISBURSEMENTS APRIL 2010**

**RECOMMENDED ACTION:**

1) Ratify/authorize payment of bills

- 4. 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.

**RECOMMENDED ACTION:**

1) Approve as presented (Items a - c)

- a. Financial Statements April 2010
- b. Minutes of the April 27, 2010 Regular Meeting
- c. Progress Report on the Ames/Means Reche Recharge Facility Project

**END OF THE CONSENT CALENDAR**

**5. MATTERS REMOVED FROM CONSENT ITEMS**

**6. VERBAL REPORTS**

- PRESIDENT'S REPORT
- GENERAL MANAGER'S REPORT
- DIRECTORS' REPORTS
  - > Report from the Ames/Reche Ad Hoc Committee
  - > Report from the Finance Ad Hoc Committee
  - > March 10, 2010 Finance/Public Relations/Education & Personnel Committee Special Meeting Report
  - > Oral Reports on Conferences/Meetings Attended at Agency Expense

**7. COMMUNICATION AND PUBLIC INFORMATION ITEMS**

- > Public Comment to Local Agency Formation Commission (LAFCO) pertaining to Service Review and Sphere of Influence Update for Bighorn-Desert View Water Agency (Case No. LAFCO 3148):
  - > Mr. Gubler's letter of opposition
- > Allegation of Brown Act Violation:
  - > Mr. J. Harvey's "Cure and Correct" letter (dated 5-1-10)
  - > Counsel Trager's "Cure and Correct" response letter (dated 5-10-10)

**8. ITEMS FOR NEXT AGENDA**

**9. ADJOURNMENT**

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Agency Secretary. Backup material for the Agenda is available at the Agency offices for public review and can be viewed online at the Agency's website: [www.bdvwa.org](http://www.bdvwa.org).

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at [www.bdvwa.org](http://www.bdvwa.org).

Copies of these materials and other discloseable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

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

**Meeting Date:** June 15, 2010

**To:** Board of Directors

**Budgeted:** n/a

**Budgeted Amount:** n/a

**Funding Source:** n/a

**From:** Marina D. West

**General Counsel Approval:** Obtained

**CEQA Compliance:** Yes

**Subject:** Public Hearing: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project

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**SUMMARY**

The Agency completed a Water Master Plan in 2007 which outlines the infrastructure improvements necessary to meet water supply needs of the agency over the next 20 years. The Water Master Plan is a planning tool and from the Water Master Plan eleven projects were deemed appropriate to implement over the next five year period and for which grant funding had already been obtained, is actively being sought or will actively be sought. This set of capital improvements became known as the Water Infrastructure Improvement Program (WIRP) for the purposes of seeking project funding from outside sources. The Ames/Reche Groundwater Storage and Recovery Program as well as the Groundwater Management Plan are two of the eleven projects that have garnered the most public attention but it is important to note they are only two of the eleven identified for environmental review in compliance with the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Declaration was deemed necessary to address the impacts of the WIRP projects in compliance with CEQA. The scheduled public hearing is one of the formal procedural aspects required as part of CEQA.

In compliance with the CEQA 30-day Public Review Period, the Agency prepared and circulated an Initial Study/Mitigated Negative Declaration (IS/MND) covering the Water Infrastructure Restoration Program for public review and comment on May 10, 2010. The public review period ended on June 8, 2010. As of June 8<sup>th</sup> only one comment letter had been received. Two additional comment letters were received prior to finalization of this staff report. All three letters are attached.

The Board shall conduct a public hearing to receive any additional public comment and after the close of the public hearing the Board will discuss and if desired take action on the IS/MND.

## **RECOMMENDATION**

That the Board take the following action:

1. Receive Staff Report
2. Questions from Board
3. Open Public Hearing
4. Receive Public Comments
5. Close Public Hearing
6. Board Discussion and if desired, Action to either
  - a. Adopt Resolution No. 10R-XX for a Mitigated Negative Declaration (MND) pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project; or
  - b. Defer Action on Resolution No. 10R-XX for a Mitigated Negative Declaration (MND) pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project to a later date following preparation of response to comments received after June 8, 2010; or
  - c. Decline to adopt Resolution No. 10R-XX for a Mitigated Negative Declaration pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project and direct staff how to proceed with the Water Infrastructure Improvement Program.

## **BACKGROUND/ANALYSIS**

The Agency completed a Water Master Plan in 2007 which outlines the infrastructure improvements necessary to meet water supply needs of the agency over the next 20 years. The Water Master Plan is a planning tool and from the Water Master Plan eleven projects were deemed appropriate to implement over the next five year period and for which grant funding had already been obtained, is actively being sought or will actively be sought. This set of capital improvements became known as the Water Infrastructure Improvement Program (WIRP) for the purposes of seeking project funding from outside sources. The Ames/Reche Groundwater Storage and Recovery Program as well as the Groundwater Management Plan are two of the eleven projects that have garnered the most public attention but it is important to note they are only two of the eleven identified for environmental review in compliance with the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Declaration was deemed necessary to address the impacts of the WIRP projects in compliance with CEQA. The scheduled public hearing is one of the formal procedural aspects required as part of CEQA.

In compliance with the CEQA 30-day Public Review Period, the Agency prepared and circulated an Initial Study/Mitigated Negative Declaration (IS/MND) covering the Water Infrastructure Restoration Program for public review and comment on May 10, 2010. The document was sent directly to our e-mail notification list of 76 addresses as well as affected agencies and other required postings. As required, public notices were published in the Hi

Desert Star on May 22 and June 5, 2010. The public review period ended on June 8, 2010. As of June 8<sup>th</sup> only one comment letter had been received. Two additional comment letters were received prior to finalization of this staff report. All three letters are attached.

The Ames/Reche Groundwater Storage and Recovery project has, by far, received the most public attention even though it is only one of eleven projects cited in the Water Infrastructure Improvement Program. Ames/Reche project background, objectives and groundwater management criteria have been brought before the Board for discussion, information and action numerous times since first announcing the intent to proceed with the development of a groundwater storage and recovery program and a new groundwater management plan in 2006. In the last year, staff has presented this project to various outside entities such as the Morongo Basin Open Space Group, Flamingo Heights Community Association, County of San Bernardino Special Districts Department, Offices of the Third District Supervisor, Neil Derry, Hi Desert Water District and Mojave Water Agency Technical Advisory Committee. Offers have also been made to the Yucca Mesa Improvement Association (YMIA) and to Johnson Valley Improvement Association (JVIA). YMIA is currently anticipating a presentation at an upcoming monthly meeting.

National Environmental Policy Act (NEPA) is the federal equivalent of CEQA. However, the pending NEPA document is solely focused on the Ames/Reche Aquifer Storage and Recovery Project and therefore a separate and distinct document will be produced. The NEPA document is being drafted in compliance with the guidance provided by the lead agency, Bureau of Land Management. The draft NEPA document is expected to be received by staff in the next few weeks.

The Board shall conduct a public hearing to receive any additional public comment and after the close of the public hearing the Board will discuss and if desired take action on the IS/MND. Should relevant and substantial public comment be entered into the record on June 15<sup>th</sup>, staff recommends that the Board close the public hearing and defer action on Resolution No. 10R-XX for a Mitigated Negative Declaration pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project until the June 29<sup>th</sup> Board of Directors Special Meeting.

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

**3/23/2010** Review of Draft "Principles of Agreement" between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency Regarding Future Groundwater Management Plan for the Reche Groundwater Subbasin.

**3/19/2010** Planning/Legislative/Engineering/Grant/Security Standing Committee Report on Draft Principles of Agreement Between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency Regarding Future Groundwater Management Plan for the Reche Groundwater Subbasin

**2/18/2010** Planning/Legislative/Engineering/Grant/Security Standing Committee California Environmental Quality Act (CEQA) and Water Master Plan Update



**1/26/2010** Change Order No. 1, in the amount of \$53,340, to Todd Engineering for Additional Services Related to the Reche Recharge Project

**1/26/2010** Overview of the Ames Valley Water Basin Agreement

**11/17/2009** Award Professional Services Contract to Todd Engineers/Kennedy/Jenks Consultants for Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan for the Ames/Means Reche Basin Groundwater Recharge Facility in the amount of \$408,464.

**11/5/2009** Finance/Public Relations/Education/Personnel Standing Committee Report on Status of Request for Proposals for Ames/Means Reche Basin Groundwater Recharge Facility.

**8/25/2009** Memorandum of Understanding Accepting Financial Participation from Mojave Water Agency for Phases I and II of Ames-Means (Ames/Reche) Recharge Facility in the Amount of \$279,495.

**7/28/2009** Draft financial participation MOU with MWA presented to Board for information and discussion only.

**2/24/2009** Creation of an Ad Hoc Committee on Ames/Means (Ames/Reche) Project Issues

**1/27/2009 R09-03** Resolution of Board of Directors approving the Guidance Document for the Development of a Groundwater Management Plan and Construction of an Artificial Recharge Project in the Reche Groundwater Subbasin of the Ames Valley Groundwater Basin.

**1/20/2009** Planning/Legislative /Engineering/Grant /Security Standing Committee recommending the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin be brought before the full board on January 27, 2009.

**8/26/2008** Introduction of the "Strawman" Guidance Document for the Development of a Groundwater Management Plan and Conjunctive Use Program for the Ames Basin.

**6/16/2008** Motion to authorize staff to seek formal partnerships with interested parties to participate financially in the Agency's EPA Grant Program – Water Infrastructure Restoration Program CEQA/NEPA documentation.

**5/27/2008** Authorize issuance of Change Order No. 1 to Candida Neal, AICP in the amount of \$32,250.48 for completion of Water Infrastructure Restoration Program CEQA/NEPA documentation.

**1/22/2008** Review and discuss the status and history of monitoring of the Reche Subbasin pursuant to the Ames Valley Water Basin Agreement (aka Stipulated Judgement)

**9/30/2007** Motion to authorize staff to execute a Professional Services Agreement with Candida Neal, AICP in the amount of \$44,193.24 for preparation of the Water Infrastructure Program CEQA/NEPA documentation

**9/18/2007** Board Workshop to discuss the results of the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC.

**4/24/2007** Motion to accept the Basin Conceptual Model and Assessment of Water Supply and Demand for the Ames Valley, Johnson Valley, and Means Valley Groundwater Basins by Kennedy/Jenks/Todd, LLC

**4/24/2007** Motion to accept Water Master Plan Report by Don Howard Engineering

**12/20/2006 06R-18** Resolution of the Board of Directors of the Bighorn-Desert View Water Agency declaring its intention to draft a Groundwater Management Plan for the Ames/Means/Johnson Valley Groundwater Basins

**3/28/2006 06R-04** Resolution authorizing General Manager to enter Grant Agreement of \$477,000.

**RESOLUTION NO. 10R-xx**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE BIGHORN DESERT VIEW WATER AGENCY  
APPROVING THE WATER INFRASTRUCTURE RESTORATION  
PROGRAM: AMES/RECHE GROUNDWATER STORAGE  
AND RECOVERY PROGRAM AND PIPELINE  
INSTALLATION/REPLACEMENT PROGRAM**

**WHEREAS**, the Bighorn-Desert View Water Agency (BDVWA) is a local water district serving the unincorporated communities of Flamingo Heights and Landers as well as portions of Yucca Valley; and

**WHEREAS**, on April 24, 2007, the BDVWA Board of Directors adopted the Bighorn-Desert View Water Master Plan which analyzes the existing water system, projects future need and outlines improvements to address water system deficiencies; and

**WHEREAS**, the BDVWA plans to upgrade its current system through implementation of the Bighorn-Desert View Water Agency Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program and Pipeline Installation/Replacement Program (the "Project") which includes many of the projects described in the BDVWA Water Master Plan; and

**WHEREAS**, the Ames/Reche Groundwater Storage and Recovery Program includes a 15-acre spreading grounds, connecting pipelines and up to three monitoring wells, two of which may remain permanently; and

**WHEREAS**, the Pipeline Installation/Replacement Project includes installing 12-inch pipe in approximately 14 miles of right-of-way, installing additional fire hydrants to comply with American Water Works Association (AWWA) recommended maximum spacing requirements and replacing and installing additional isolation valves to comply with the AWWA recommended spacing requirements; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs. tit. 14 § 15000 et seq.), the BDVWA is the lead agency for the proposed Project; and

**WHEREAS**, the BDVWA prepared and circulated for public review the CEQA Initial Study and Draft Mitigated Negative Declaration for the Water Infrastructure Restoration Program: Ames/Reche Water Storage and Recovery Program and Pipeline Replacement Project; and

**WHEREAS**, the BDVWA published in the *Hi-Desert Star* a Notice of Intent to Adopt the Negative Declaration on the May 22, 2010 and June 5, 2010; and

**WHEREAS**, as contained here, the BDVWA has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

**WHEREAS**, on xxx, 2010 at a duly noticed BDVWA Board of Directors meeting, the BDVWA held a public hearing on the Mitigated Negative Declaration for the project; and

**WHEREAS**, on xxx, 2010 at a duly noticed BDVWA Board of Directors meeting, the BDVWA considered the Mitigated Negative Declaration for the project; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred;

**NOW THEREFORE**, the Board of Directors do hereby resolve as follows:

**SECTION 1. Compliance with the California Environmental Quality Act.** As the decision-making body for the Project, the Board of Directors has reviewed and considered the information contained in the MND, Initial Study and administrative record, on file with the District and available for review at the BDVWA office, 622 S. Jemez Trail, Yucca Valley, California 92284. The Board of Directors finds that the MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

**SECTION 2. Findings on Environmental Impacts.** In the District's role as the lead agency under CEQA, the Board of Directors found that the MND and Initial Study contained a complete and accurate reporting of the environmental impacts associated with the Project, and adopted the Mitigated Negative Declaration at a regularly scheduled Board Meeting on xxx, 2010.

**SECTION 3. Filing of the Notice of Determination.** The Board of Directors hereby directs staff to file the Notice of Determination.

**SECTION 4. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings are based are located at the BDVWA office, 622 S. Jemez Trail, Yucca Valley, California 92284. Ms. Marina West, General Manager, is the custodian of the record of proceedings.

**SECTION 5. Execution of Resolution.** The President of the Bighorn-Desert View Water Agency Board of Directors shall sign this Resolution and the Secretary of the Hi-Desert Water District and its Board of Directors shall attest and certify to the passage and adoption thereof.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a regular meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Joanne L Keiter, Board Secretary



## **BIGHORN-DESERT VIEW WATER AGENCY**

### **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND)**

#### **Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project**

**NOTICE IS HEREBY GIVEN** that the Bighorn-Desert View Water Agency (BDVWA) has completed an Initial Study on the following project in accordance with guidelines implementing the California Environmental Quality Act. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of such Initial Study, the Agency staff has concluded that the project will not have a significant effect on the environment and has therefore, prepared proposed project application, plans, and a Draft Mitigated Negative Declaration.

**Public Review Period:** **Begins:** May 10, 2010 **Ends:** June 8, 2010

**Public Meeting:** Bighorn-Desert View Water Agency Board of Directors Meeting  
Tuesday, June 15, 2010, 6:00pm

#### **Project Description:**

The WIRP outlines specific system improvements to remediate deficiencies in the BDVWA water system over the first five years of a 20-year period including the Ames/Reche Groundwater Storage and Recovery Program improvements and the Pipeline Installation/Replacement Project. Specific improvements in the Ames/Reche Water Storage and Recovery Program include: spreading grounds construction and operation; connecting pipelines installation and installation of up to three temporary wells, two of which may remain permanently. The Pipeline Installation/Replacement Project is comprised of the following: pipeline improvements installation and/or replacement, fire hydrant installation and isolation valve replacement.

#### **Project Location:**

Located in the southern portion of San Bernardino County, the BDVWA service area covers 44 square miles and includes portions of the Town of Yucca Valley and the unincorporated communities of Landers, Flamingo Heights and Johnson Valley. The Pipeline Installation/Replacement Project is located throughout the BDVWA service area. The Ames/Reche Groundwater Storage and Recovery Program will be located in Pipe's Wash north of Winters Road and west of Warren Vista Road.

Any person may submit written comments to the Bighorn-Desert View Water Agency before the end of the review period. If you challenge the Agency's action in court you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Bighorn-Desert View Water Agency prior to the end of the review period.

The environmental documents and related studies may be reviewed during regular business hours at the Bighorn-Desert View Water Agency located at: 622 South Jemez Trail, Yucca Valley, CA 92284. Further information concerning this matter may be obtained by contacting the Bighorn-Desert View Water Agency at (760) 364-2315.

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of San Bernardino

Proof of Publication

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

under the date of 11/27 19 61

Case Number 107762; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:


5/22

all in the years 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: YUCCA VALLEY, California,  
this 22nd. day May 2010

**NOTICE OF INTENT TO ADOPT A MITIGATED  
NEGATIVE DECLARATION  
BIGHORN-DESERT VIEW WATER AGENCY**

	<b>BIGHORN-DESERT VIEW WATER AGENCY NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND) Water Infrastructure Restoration Program; Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project</b>
<b>NOTICE IS HEREBY GIVEN</b> that the Bighorn-Desert View Water Agency (BDVWA) has completed an Initial Study on the following project in accordance with guidelines implementing the California Environmental Quality Act. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of such Initial Study, the Agency staff has concluded that the project will not have a significant effect on the environment and has therefore, prepared proposed project application, plans, and a Draft Mitigated Negative Declaration.	
<b>Public Review Period:</b>	<b>Beginns:</b> May 10, 2010 <b>Ends:</b> June 8, 2010
<b>Public Meeting:</b>	Bighorn-Desert View Water Agency Board of Directors Meeting Tuesday, June 15, 2010, 6:00pm
<b>Project Description:</b> The WIRP outlines specific system improvements to remediate deficiencies in the BDVWA water system over the first five years of a 20-year period including the Ames/Reche Groundwater Storage and Recovery Program improvements and the Pipeline Installation/Replacement Project. Specific improvements in the Ames/Reche Water Storage and Recovery Program include: spreading grounds construction and operation; connecting pipelines installation and installation of up to three temporary wells, two of which may remain permanently. The Pipeline Installation/Replacement Project is comprised of the following: pipeline improvements installation and/or replacement, fire hydrant installation and isolation valve replacement.	
<b>Project Location:</b> Located in the southern portion of San Bernardino County, the BDVWA service area covers 44 square miles and includes portions of the Town of Yucca Valley and the unincorporated communities of Landers, Flamingo Heights and Johnson Valley. The Pipeline Installation/Replacement Project is located throughout the BDVWA service area. The Ames/Reche Groundwater Storage and Recovery Program will be located in Pipe's Wash north of Winters Road and west of Warren Vista Road. Any person may submit written comments to the Bighorn-Desert View Water Agency before the end of the review period. If you challenge the Agency's action in court you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Bighorn-Desert View Water Agency prior to the end of the review period. The environmental documents and related studies may be reviewed during regular business hours at the Bighorn-Desert View Water Agency located at: 622 South Jemez Trail, Yucca Valley, CA 92284. Further information concerning this matter may be obtained by contacting the Bighorn-Desert View Water Agency at (760) 364-2315. <b>(PUB: S. 5/22/2010)</b>	



Signature  
Bekie Edelbrock

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

under the date of 11/27 19 61

Case Number 107762: that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/5

all in the years 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Dated at: YUCCA VALLEY, California,  
this 5th. day June 2010



Signature  
Bekie Edelbrock

Proof of Publication

**NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION  
BIGHORN-DESERT VIEW WATER AGENCY**

 **BIGHORN-DESERT VIEW WATER AGENCY  
NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION (MND)  
Water Infrastructure Restoration Program: Ames/Reche  
Groundwater Storage and Recovery Program; and Pipeline  
Installation/Replacement Project**

**NOTICE IS HEREBY GIVEN** that the Bighorn-Desert View Water Agency (BDVWA) has completed an Initial Study on the following project in accordance with guidelines implementing the California Environmental Quality Act. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of such Initial Study, the Agency staff has concluded that the project will not have a significant effect on the environment and has, therefore, prepared proposed project application, plans, and a Draft Mitigated Negative Declaration.

**Public Review Period:** **Begin:** May 10, 2010 **End:** June 8, 2010

**Public Meeting:** Bighorn-Desert View Water Agency Board of Directors Meeting  
Tuesday, June 15, 2010, 6:00pm

**Project Description:**  
The WIRP outlines specific system improvements to remediate deficiencies in the BDVWA water system over the first five years of a 20-year period including the Ames/Reche Groundwater Storage and Recovery Program improvements and the Pipeline Installation/Replacement Project. Specific improvements in the Ames/Reche Water Storage and Recovery Program include: spreading grounds construction and operation; connecting pipelines installation and installation of up to three temporary wells, two of which may remain permanently. The Pipeline Installation/Replacement Project is comprised of the following: pipeline improvements installation and/or replacement, fire hydrant installation and isolation valve replacement.

**Project Location:**  
Located in the southern portion of San Bernardino County, the BDVWA service area covers 44 square miles and includes portions of the Town of Yucca Valley and the unincorporated communities of Landers, Flamingo Heights and Johnson Valley. The Pipeline Installation/Replacement Project is located throughout the BDVWA service area. The Ames/Reche Groundwater Storage and Recovery Program will be located in Pipe's Wash north of Winters Road and west of Warren Vista Road. Any person may submit written comments to the Bighorn-Desert View Water Agency before the end of the review period. If you challenge the Agency's action in correspondence delivered to the Bighorn-Desert View Water Agency prior to the end of the review period, the environmental documents and related studies may be reviewed during regular business hours at the Bighorn-Desert View Water Agency located at: 622 South Jemez Trail, Yucca Valley, CA 92284. Further information concerning this matter may be obtained by contacting the Bighorn-Desert View Water Agency at (760) 364-2315.  
(PUB: S. 6/5/2010)





## Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

RECEIVED  
MAY 19 2010

BY: *[Signature]*

May 17, 2010

Marina D. West, General Manager  
Bighorn-Desert View Water Agency  
622 South Jemez Trail  
Yucca Valley, CA 92284

**Project: Bighorn-Desert View Water Agency (BDVWA) Water Infrastructure Restoration  
Program: Ames/Reche Groundwater Storage and Recovery Program and; Pipeline  
Installation/Replacement Project**

Dear Ms. West:

The Mojave Desert Air Quality Management District has received the Draft Mitigated Negative Declaration for the Bighorn-Desert View Water Agency (BDVWA) Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program and; Pipeline Installation/Replacement Project. The proposed Water Infrastructure Restoration Program consists of eleven specific projects to improve the BDVWA water system including the Ames/Reche Groundwater Storage and Recovery Program and the Pipeline Replacement Projects. The Ames/Reche Groundwater Storage and Recovery Program includes a 15-acre spreading grounds, related pipelines and monitoring wells. The Pipeline Installation/Replacement Program will install approximately 14 miles of water mains within the BDVWA service area.

The District has reviewed the project and, based on the information available to us at this time, concurs with the proposed Mitigation Measures. If the proposed project includes a pump(s) which is not grid powered, or if there is a back-up generator, District permits may be required. Additionally, the most current list of the MDAQMD plans includes the MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area) adopted on June 9, 2008.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

**Alan J. De Salvio**  
Supervising Air Quality Engineer

AJD/tw

YV BDVWA WIRP.doc

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING AND LOCAL ASSISTANCE (MS 722)

464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

*Flex your power!  
Be energy efficient!***RECEIVED**  
JUN 10 2010

BY: .....

June 08, 2010

Mr. Shane Stueckle  
Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

Dear Mr. Stueckle:

Bighorn Desert View Water Agency  
08-SBD-247-PM Various

The California Department of Transportation (Caltrans) has reviewed the materials provided for the Water Infrastructure Program: Ames/Reche Groundwater Storage and Recovery Program and Pipeline Installation/Replacement Project. This project involves in a 12-inch pipeline system improvements on Old Woman Springs Road (SR-247).

Issuance of a Caltrans Encroachment Permits will be required prior to any construction within State R/W. In addition, all work undertaken within SR-247 R/W shall be in compliance to all current design standards, applicable policies, and construction practices. Detailed information regarding permit application and submittal requirements is available at:

Office of Encroachment Permits  
California Department of Transportation  
464 West Fourth Street, 6th Floor, MS 619  
San Bernardino, CA 92401-1400  
(909) 383-4526

We appreciate the opportunity to offer our comments concerning this project. If you have any questions regarding this letter, please contact David Lee at 909-383-6908 or me at 909-383-4557.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kopulsky", with a long, sweeping underline.

DANIEL KOPULSKY  
Office Chief  
Community Planning/Local Development Review  
Division of Planning

cc: Marina West, Bighorn Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, 92284

Comments on the CEQA Initial Study and Draft Mitigated Negative Declaration for the  
BDVWA Water Infrastructure Restoration Program

June 9, 2010

1) I consider it inappropriate to consider the several pipeline replacements together with the proposed recharge basin. These two projects are of vary different character and duration. The pipeline replacements largely follow existing roads, and once the work is finished, there should be no significant change to the area. Simple measures could exclude desert tortoises from the work area, and appropriate timing should be sufficient to protect birds. In contrast, the recharge basin will affect a largely undisturbed area, leave a considerable new footprint, require ongoing operational activity, and increase traffic and disturbance into the future. This is a significant intrusion with long-term effects, and deserves separate - and more thorough- environmental consideration.

2) As a home owner at the edge of Pipe's Wash, I am naturally concerned with developments in an area near my house. Noise, visual impact, increased traffic and other such impacts would negatively affect both the quiet nature and the value of a property for which I paid dearly with the understanding that the adjacent land was not possible to develop because of the wash.

Section 3.1, Aesthetics, states that there will be no significant visual impact. I disagree with responses 2a and b, which state that the recharge basin would have no significant impact because it is located in a wash away from public rights-of-way, and that no scenic resources were identified. In fact, this wash is the centerpiece of the view that I and my neighbors treasure. It is also visited frequently by neighbors who go there for recreation. We will all be seeing this project. In addition, the appearance of something man-made in the wash will likely attract increase visitation and perhaps vandalism. Such activity would also contribute to the decline of quality of life for the neighborhood.

Section 3.12 asserts that there will be no significant noise impact because construction equipment will only be used during allowed times. This fails to address the fact that this is a very quiet area (another quality treasured by the neighborhood). This is not Fontana or Ontario, and what might have no impact there may still have a significant impact on us.

The document fails to describe in detail either the objects to be built or the process of building them in sufficient detail for the impact to be determined.

Section 3.15 dismisses the possibility of impact to recreational facilities. In fact, the entire wash is a place of recreation for the neighborhood. Any development would indeed affect it.

Section 3.16 similarly dismisses any significant impact from traffic without defining what the ongoing traffic will be.

I find no discussion of proposed lighting, which is another critical issue in this area.

It seems that the questions and criteria used in all of this analysis are derived for urban areas, and may be entirely unsuitable to assessing affects in a rural location. Perhaps a more suitable analysis is needed to adequately investigate the effects of the project.

3) As a wildlife biologist with experience working in this area - and particularly with desert tortoises - I am concerned with the potential negative effects on the tortoise. Any biological survey is a snapshot in time, and no matter how reputable or experienced the surveyors may be, some animals living in the area may not be detected. Animals not present at the time of the survey or that have not recently left sign in the area will be missed.

I must disagree with CMBC's delineation of occupied tortoise habitat in the 2009 survey report of the new proposed recharge basin. In Figure 3, tortoise habitat is shown across the northeast end of the study area. One of the tortoise sightings is along the southeast boundary of the survey area. It is highly unlikely that a tortoise found in that position would not be using part of the southern end of the basin. In a wash where most of the soil is fairly loose sand with sparse vegetation, tortoise tracks are easily erased by wind, and scat may be blown away from its original position or may be covered by blowing sand. When a tortoise is sighted, the lack of tortoise sign nearby cannot override the presence of the tortoise in determining occupation of habitat.

I am unable to accept CMBC's suggestion that a "no effect" determination is plausible, when tortoises were found at both ends of the site. I frequently walk in the area of the proposed recharge basin, and without conducting a formal survey, I have seen tortoise and tortoise tracks consistent with more than two adult tortoises in the area. There is no satisfactory mitigation for loss of habitat, and this must be considered.

4) As a resident and water consumer I am concerned with the potential impacts to water quality. As far as I have seen, there are no long-term data from water recharge projects to substantiate the claims in Section 3.9 that there will be no significant degradation of water quality. The water to be used in this project comes from an area of heavy agricultural use, and it may well contain toxic pesticide or herbicide residues, petroleum by-products, other industrial chemicals, or salts that we have not anticipated or tested for. It is risky indeed to deliberately add such water to a relatively pristine ground water supply and depend on the hope that such pollutants will be filtered out before impacting the ground water. In fact, the loose sandy soil of Pipe's Wash may be ideal for quick percolation, but for exactly the same reason it is likely to be a poor filter. Section 3.9 acknowledges that the project could potentially impact groundwater quality in the Reche Subbasin by introducing contaminants in SWP water to groundwater", that "SWP water may mobilize and transport any soluble salts and/or contaminants in the underlying unsaturated zone to the water table", and that rising groundwater "can also mobilize naturally occurring or anthropogenic contaminants". It then goes on to assert that impact would be insignificant. HWQ1 says that monitoring wells should be installed, and water quality monitored. This is obviously unsatisfactory: a monitoring well may detect damage only *after it is done*. We need to be sure that we will not damage our groundwater *before* introducing SWP water.

Thank you for including my comments.

Margaret Adam  
1331 Tahoe Ave, Yucca Valley (not a mailing address)  
margaret\_adam@yahoo.com

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

**Meeting Date:** June 15, 2010

**To:** Board of Directors

**Budgeted:** N/A

**Budgeted Amount:** N/A

**From:** Marina D. West

**General Counsel Approval:** Under review

**Staff Contact:** Joanne Keiter

**CEQA Compliance:** N/A

**Subject:** Adoption of Ordinance No. 10O-XX Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto

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**SUMMARY**

On May 12<sup>th</sup>, staff and legal counsel presented to the Finance/Public Relations/Education/Personnel Standing Committee a Draft Ordinance providing for compensation of the Board of Directors and Establishing Procedures Related Thereto. The Committee recommended that the draft Ordinance be brought before the full Board for public hearing and consideration of adoption on June 15, 2010.

This Ordinance is strictly limited to the issue of compensation and no changes have been made regarding compensation amounts or days of service from the existing Ordinance No. 05O-01.

The public hearing procedures are outlined below, following acceptance of public comments, the Board make discuss and choose to either adopt the new Ordinance, decline to adopt the new Ordinance or close the public hearing a defer action until a later date.

**RECOMMENDATION**

Recommend that the Board:

1. Receive Staff Report
2. Questions from Board
3. Open Public Hearing
4. Receive Public Comments
5. Close Public Hearing
6. Board Discussion and Proposed Action
  - a. Adopt Ordinance 10O-XX Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto.

**BACKGROUND/ANALYSIS**

General Counsel Trager reviewed the Agency Ordinance regarding payment of per diem in 2008. The results of the review concluded that the existing procedure for paying per diem is inadequate because it gives to much rise to confusion as to what meetings are covered and

what process is required to obtain per diem. In addition, it was stated that the Ordinance should be changed to eliminate the suggestion that committee membership provide blanket authorization for paid attendance at non-Agency meetings. Lastly, General Counsel Trager recommended an updated Official Duties Policy. The Official Duties Policy is being handled in a separate Board action on June 15, 2010.

In accordance with Section 20203 of the California Water Code and section 6066 of the California Government Code notices of said hearing was duly published in the Hi Desert Star, a newspaper of general circulation, once a week for two weeks as follows: on May 29, 2010 and June 5, 2010. If approved on June 15<sup>th</sup> the Ordinance becomes formal 60 days thereafter.

Staff recommends the Board adopt Ordinance 10O-XX Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto thus rescinding Ordinance 05O-01 in its entirety.

**PRIOR RELEVANT BOARD ACTION(S)**

**May 12, 2010:** Finance/Public Relations/Education/Personnel Standing Committee reviewed Draft Ordinance and recommended Ordinance be brought to

**February 16, 2010:** Board announced its intent to consider a new Ordinance providing for compensation of the Board of Directors and new policy for compensation for performance of official duties and reimbursement of actual and necessary expenses. Authorized staff to proceed with updates to the Ordinance (05O-01) providing for compensation of the Board of Directors and updates to the Policy (05P-01) defining the criteria for reimbursement of expenses.

**May 24, 2005 Ordinance 05O-01:** Ordinance of the Board of Directors of Bighorn Desert View Water Agency Fixing Compensation and Setting Reimbursement of Expenses Guidelines for the Directors of the Bighorn Desert View Water Agency.

## ORDINANCE NO. 100-XX

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO

**WHEREAS**, Water Code Appendix section 112-12 Water Code section 20200 et seq. and Government code section 53232.1 et seq. set forth the authority and procedure for establishing compensation for members (each, a "Director") of the Board of Directors ("Board") of the Bighorn-Desert View Water Agency ("Agency"). In particular, Water Code section 20201 provides that the Board, may by ordinance, provide compensation to Directors in an amount not to exceed \$100 per day for each day's attendance at meetings of the board, or for each day of service rendered as a member of the board by request of the board. Water Code section 20202 authorizes an increase in the compensation that may be received by the Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase and limits compensation to no more than ten (10) days in any calendar month. Water Code section 20201.5 provides that reimbursement of expenses of Directors is subject to the requirements set forth in sections 53232.2 and 53232.3 of the Government Code; and

**WHEREAS**, the Board desires to establish the amount of compensation by way of this Ordinance in accordance with the provisions of the Water Code; and

**WHEREAS**, in accordance with Section 20203 of the California Water Code and section 6066 of the California Government Code, a public hearing was held on June 15, 2010, at 6 P.M., or as soon thereafter, at the meeting room of the Board at 1720 N. Cherokee Trail, Landers, CA 92285, and a notice of said hearing was duly published in the Hi-Desert Star, a newspaper of general circulation, once a week for two weeks as follows: on May 29, 2010 and June 5, 2010.

**NOW THEREFORE**, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** The amount of compensation to be received by Directors for each day's attendance at meeting of the Board, and for each day's service rendered by a Director by request of the Board, shall be one hundred dollars (\$100.00). The amount of compensation for each day's attendance at meetings of standing committees, Ad Hoc committees, subcommittees of the Board or a Board assignment on a Commission or Committee outside the Agency's jurisdiction shall be fifty dollars (\$50.00). The only meetings, service, and events for which said compensation shall be paid shall be those set forth by resolution and made part of the Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy").

**Section 2.** No Director shall receive the compensation set forth in Section 1 of this Ordinance for more than 6 days in any calendar month.

**Section 3.** All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

**Section 4.** The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto, and pursuant to section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

**Section 5.** If any section, subsection, clause, or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**Section 6.** This ordinance may only be amended or modified by an Ordinance duly adopted by a majority vote of the Board of Directors.

**Section 7.** The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

**Section 8.** Ordinance No. 05O-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on June 15, 2010, the foregoing Ordinance 10O-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Joanne L Keiter, Board Secretary



**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

under the date of 11/27 19 61

Case Number 107762; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

5/29

all in the years 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: YUCCA VALLEY, California,  
this 29th. day May 2010

Signature  
Bekie Edelbrock

This space is for the County Clerk's Filing Stamp

Proof of Publication

**ANNOUNCEMENT OF PUBLIC HEARING  
BIGHORN-DESERT VIEW WATER AGENCY**



**"ANNOUNCEMENT OF PUBLIC HEARING"**

**JUNE 15, 2010 AT 6 PM  
BIGHORN-DESERT VIEW WATER AGENCY  
BOARD MEETING OFFICE  
1720 N. CHEROKEE TRAIL, LANDERS, CA 92285**

**NOTICE OF INTENT BY THE BOARD OF DIRECTORS  
OF THE BIGHORN-DESERT VIEW WATER AGENCY  
TO ADOPT AN ORDINANCE PROVIDING FOR COMPENSATION OF THE BOARD OF  
DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO**

**ORDINANCE NO. 100-XX**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
BIGHORN-DESERT VIEW WATER AGENCY  
PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING  
PROCEDURES RELATED THERETO**

**WHEREAS**, Water Code Appendix section 112-12 Water Code section 20200 et seq. and Government Code section 53232.1 et seq. set forth the authority and procedure for establishing compensation for members (each, a "Director") of the Board of Directors ("Board") of the Bighorn-Desert View Water Agency ("Agency"). In particular, Water Code section 20201 provides that the Board, may by ordinance, provide compensation to Directors in an amount not to exceed \$100 per day for each day's attendance at meetings of the board, or for each day of service rendered as a member of the board, by request of the board. Water Code section 20202 authorizes an increase in the compensation that may be received by the Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase and limits compensation to no more than ten (10) days in any calendar month. Water Code section 20201.5 provides that reimbursement of expenses of Directors is subject to the requirements set forth in sections 53232.2 and 53232.3 of the Government Code; and

**WHEREAS**, the Board desires to establish the amount of compensation by way of this Ordinance in accordance with the provisions of the Water Code; and

**WHEREAS**, in accordance with Section 20203 of the California Water Code and section 6066 of the California Government Code, a public hearing was held on            2010, at 6 P.M., or as soon thereafter, at the meeting room of the Board at 1720 N. Cherokee Trail, Landers, CA 92285, and a notice of said hearing was duly published in the Hi-Desert Star, a newspaper of general circulation, once a week for two weeks as follows: on May 29, 2010 and            2010.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The amount of compensation to be received by Directors for each day's attendance at meeting of the Board, and for each day's service rendered by a Director by request of the Board, shall be one hundred dollars (\$100.00). The amount of compensation for each day's attendance at meetings of standing committees, Ad Hoc committees, subcommittees of the Board or a Board assignment or a Commission or Committee outside the Agency's jurisdiction shall be fifty dollars (\$50.00). The only meetings, service, and events for which said compensation shall be paid shall be those set forth by resolution and made part of the Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy").

**Section 2.** No Director shall receive the compensation set forth in Section 1 of this Ordinance for more than 6 days in any calendar month.

**Section 3.** All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

**Section 4.** The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto, and pursuant to section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

**Section 5.** If any section, subsection, clause, or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**Section 6.** This Ordinance may only be amended or modified by an Ordinance duly adopted by a majority vote of the Board of Directors.

**Section 7.** The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

**Section 8.** Ordinance No. 050-01 is hereby rescinded in its entirety.  
**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

By /s/ Terry Burkhardt  
Terry Burkhardt, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Ordinance 100-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By /s/ Joanne L. Keiter  
Joanne L. Keiter, Board Secretary

(PUB: S. 5/29/2010)

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

under the date of 11/27 19 61

Case Number 107762; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/5

all in the years 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: YUCCA VALLEY, California,  
this 5th. day June 2010



Signature  
Bekie Edelbrock

Proof of Publication

**ANNOUNCEMENT OF PUBLIC HEARING  
BIGHORN-DESERT VIEW WATER AGENCY**



**\*\*ANNOUNCEMENT OF PUBLIC HEARING\*\***

**JUNE 15, 2010 AT 6 PM  
BIGHORN-DESERT VIEW WATER AGENCY  
BOARD MEETING OFFICE  
1720 N. CHEROKEE TRAIL, LANDERS, CA 92285**

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OF THE BIGHORN-DESERT VIEW WATER AGENCY  
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**WHEREAS**, in accordance with Section 20203 of the California Water Code and section 6066 of the California Government Code, a public hearing was held on June 5, 2010, at 6 P.M., or as soon thereafter, at the meeting room of the Board, at 1720 N. Cherokee Trail, Landers, CA 92285, and a notice of said hearing was duly published in the HI-Desert Star, a newspaper of general circulation, once a week for two weeks as follows: on May 29, 2010 and June 5, 2010.

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**Section 3.** All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

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**Section 6.** This Ordinance may only be amended or modified by an Ordinance duly adopted by a majority vote of the Board of Directors.

**Section 7.** The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

**Section 8.** Ordinance No. 050-01 is hereby rescinded in its entirety.  
PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

By /s/ Terry Burkhardt  
Terry Burkhardt, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Ordinance 100-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By /s/ Joanne L. Kelter  
Joanne L. Kelter, Board Secretary

(PUB: S. 5/29, 6/5/2010)

This space is for the County Clerk's Filing Stamp

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

**Meeting Date:** May 12, 2010

**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:** Under Review

**CEQA Compliance:** N/A

**Subject:** Draft Resolution No. 10R-XX Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy")

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## **SUMMARY**

Agency General Counsel Trager requested the Board consider revisions to Policy No. 05P-01 which defines the criteria for reimbursement of expenses to eliminate any discrepancies or confusion regarding the intent of the Board, official duties, Agency policies and reimbursement procedures. The Board announced its' intent to revise the "per diem" Ordinance and Duties Policy at the February 16, 2010 meeting. Staff has drafted a new "Official Duties Policy" for the Committee's review prior to consideration by the full Board.

## **RECOMMENDATION**

Agendize for the June 15 Board Meeting:

1. Adopt Resolution No. 10R-XX Establishing a Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy")

## **BACKGROUND/ANALYSIS**

General Counsel Trager reviewed the Agency Policy No. 05P-01 regarding reimbursement of expenses in 2008. The results of the review concluded that the existing policy should be refined to eliminate any discrepancies or confusion regarding intent of the Board, official duties, Agency policies and reimbursement procedures.

Staff has drafted a new Resolution No. 10R-XX Establishing a Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses; an "Official Duties Policy". Staff suggests that the Committee review the draft Resolution and obtain answers to any outstanding questions regarding the purpose of the "Official Duties Policy" before recommending the Board consider adoption on June 15, 2010.

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

**February 16, 2010** Board announced its intent to consider a new Ordinance providing for compensation of the Board of Directors and new policy for compensation for performance of official duties and reimbursement of actual and necessary expenses. Authorized staff to proceed with updates to the Ordinance (05O-01) providing for compensation of the Board of Directors and updates to the Policy (05P-01) defining the criteria for reimbursement of expenses.

**July 7, 2005 Policy No. 05P-01:** Policy Statement of the Bighorn Desert View Water Agency Defining the Criteria for Reimbursement of Expenses.

Recommended by Committee

## **RESOLUTION NO. 10R-XX**

### **A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES ("OFFICIAL DUTIES POLICY")**

**WHEREAS**, pursuant to Government Code section 53232.1, the Bighorn-Desert View Water Agency ("Agency") may pay compensation to each member ("Director") of the Board of Directors of the Agency ("Board") for attendance at certain occurrences only if the Board has adopted, in a public meeting, a written policy specifying the types of occasions that constitute the performance of official duties for which a Director may receive payment; and

**WHEREAS**, pursuant to Government Code section 53232, if the Agency is to reimburse Directors for actual and necessary expenses incurred in the performance of official duties, then the Board must adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a Director to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses; and

**WHEREAS**, the Agency adopts this Policy For Compensation For Performance of Official Duties and Reimbursement of Actual and Necessary Expenses (the "Official Duties Policy") to allow the Agency to pay Directors for attendance at those occasions that constitute the performance of official duties and for reimbursement of their actual and necessary expenses incurred in the performance of official duties; and

**WHEREAS**, the intent of the Policy is to provide guidance to Directors on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, and to provide guidance to Agency employees on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies;

**NOW**, Therefore, Be It Resolved By the Board Of Directors of the Bighorn-Desert View Water Agency as follows:

#### **A. Findings**

This Policy provides guidance to elected and appointed officials on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured. In addition, this Policy satisfies the requirements of Government Code sections 53232.1 and 53232.2 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This Policy also

provides guidance to employees of the Agency on the use and expenditure of Agency resources, as well as the standard against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies.

## **B. Director Compensation**

### **1. Amount of Per Diem Compensation**

Directors shall receive a daily meeting stipend in the amount set by the current Ordinance in force for each day of service rendered as a Director. Such compensation is in addition to any reimbursement for meals, lodging, travel and other actual and necessary expenses consistent with this Policy.

### **2. "Day of Service" and "Authorized Meeting" Defined**

For purposes of determining eligibility for compensation of Directors, the term "day of service" is defined as attendance by a Director, in person, at an Authorized Meeting with one or more other persons for the performance of official duties on behalf of the Agency.

All meetings, that fall under Directors' Compensation List, Categories A or B in the attached Exhibit A, are to be recognized as an "Authorized Meeting". Any other seminar, conference, meeting, or public event is to be recognized as an "Authorized Meeting" only if the Board, in open session at a meeting of the Board, approves that event as a "Authorized Meeting" before the event occurs.

### **3. Daily Limits**

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

### **4. Aggregate Limits**

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and set by the current Ordinance in force or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

### **5. Travel Days**

Whenever practical and in keeping with established Board policy stating that whenever a particular educational opportunity exists via Webinars or other online course formats, these be considered first as the preferred method of education for Directors.

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved by the Board in advance, Directors shall not count travel to meeting within 125 miles of the Agency's office as a reimbursable per diem travel day.

### **C. Authorized and Unauthorized Expenses**

Agency funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Agency business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

1. Communicating with representatives of regional, state and national government on Agency adopted policy positions; and
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the Agency's interests;
4. Recognizing service to the Agency (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending Agency events;
6. Meetings such as those listed above for which a meeting stipend is expressly authorized under this Policy.

#### **Examples of personal expenses that the Agency will not reimburse include, but are not limited to:**

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying an official on Agency-related business. Family expenses also include expenses of children and pet-related expenses;
4. Entertainment expenses, including theater, movies, sporting events, or other cultural events;

5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on Agency business.

*Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the Agency **before** the expense is incurred.*

#### **D. Payment of Expenses**

To conserve Agency resources and keep expenses within community standards for public officials, expenditures incurred in the performance of official duties should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines.

##### **1. Transportation**

- a) A request for reimbursement for mileage incurred by a Director is payable by the Agency only if the Director or the Director's driver of the vehicle in which the Director is transported, and for which reimbursement is sought, holds a valid California driver's license during that period in which the claim for reimbursement arises. Reimbursement will not be paid unless the Director or the Director's driver holds a valid California Driver's license. The Director or the Director's driver must satisfy the Agency's automobile liability insurance requirements by completing a California Department of Motor Vehicle form authorizing release of driver information. The form may be obtained through the Board Secretary.
- b) The Agency reimbursement rate for mileage by use of a Director's own vehicle shall be calculated on the total miles driven for Agency purposes at the rate specified by the Internal Revenue Service in Publication 463 or any successor publication in effect at the time of vehicle usage. Mileage will be calculated using a standard trip program on the Internet and shall be verified by the Agency staff.
- c) Travel to meetings, conferences or seminars outside Agency boundaries where air travel is available may be reimbursable through a mileage rate should the Director choose to drive the Director's own vehicle; however, the total reimbursable amount for mileage may not exceed the cost of round trip coach airfare.



- d) The Agency reimbursement rate for vehicle parking by a Director shall be the actual amount incurred.

## 2. Lodging

Directors must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Directors at the time of booking. If a government or group rate is not available, the Agency reimbursement rate for Director lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

## 3. Meals

The Agency reimbursement rate for Director meals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard meal allowance established for Southern California by the Internal Revenue Service in Publication 463 or any successor publication.

## 4. Other

Agency reimbursement of all other actual and necessary expenses incurred by a Director shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in Publication 463, or any successor publication. All expenses that do not fall within this reimbursement Policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

## **E. Budget Limits**

A pool of funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at major conferences and seminars, to be identified in the budget as "Directors' Meeting Expense". The intent is that no individual Director receives reimbursement of expenses in excess of one-fifth of the monies established in this pool account, specific circumstances notwithstanding. Such conferences/seminars may include, but are not limited to ACWA, AWAC, CSDA and Special Districts Institute, or other major events or meetings. If insufficient monies exist in the account to pay for those expenses or if request for payment by the Board of Directors is denied, the Director would

then be required to pay for those expenses out of his or her own personal funds.

**F. Expense Forms**

The Agency shall provide expense report forms to be filed by the Directors for reimbursement for actual and necessary expenses incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet the Policy for expenditure of public resources. Directors shall submit to the Agency's Accounting Department on said form their expense reports for the calendar month no later than (10) days prior to the next regular Board meeting of the following month, and the reports shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Policy set forth herein as relates to Category "A" and Category "B" expenses, then the Agency's General Manager is hereby authorized to approve the reimbursement requests. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis prior to the expense being incurred.

**G. Audits of Expense Reports**

All expenses are subject to verification that they comply with this Policy.

**H. Reports to Board of Directors**

Directors shall provide brief reports on meetings attended at the expense of the Agency during the next agendaized meeting of Board. Activities shown on the Directors' Compensation List under Category "A" do not require a report. Activities shown on the Directors' Compensation List under Category "B" shall be made orally or in writing, or orally and by reference to any minutes.

**I. Compliance with Other Laws**

Agency directors, official and employees, as applicable, should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

**J. Violation of This Policy**

Use of public resources or falsifying expense reports in violation of this Policy may result in any of all of the following: 1) Loss of reimbursement privileges, 2) a demand for restitution to the

Agency, 3) the Agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

## **K. Ethics Training**

### **1. Requirement**

- a) Service Prior To 2007 - Each local agency official in Agency service as of January 1, 2007, except for Directors whose term of office ends before January 2, 2008, must receive training in ethics laws before January 1, 2008. Thereafter, each local agency official must receive such training at least once every two years.
- b) Service on or After 2007 - Each local agency official who commences service with the Agency on or after January 1, 2007, must receive training in ethics laws no later than one year from the first day of service with the Agency. Thereafter, each local agency official must receive such training at least one every two years.

### **2. Application**

- a) Local Agency Official as used in Section K.1 of this Resolution, the term "local agency official" means the following:
  - (i) All Directors; and
  - (ii) All executive staff of the Agency.
- b) Ethics Laws as used in Section K.1 of this Resolution, the phrase "ethics laws" includes, but is not limited to, the following:
  - (i) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict of interest laws;
  - (ii) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;

- (iii) Government transparency laws, including but not limited to, financial interest disclosure requirements and open government laws; and
- (iv) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification for participating in decisions affecting family members.

### 3. Agency Responsibilities

- a) Records - The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section K of this Resolution and the entity that provided the training. The Agency shall maintain these records for at least five years after local agency officials receive the training. These records are public records subject to disclosure under the California Public Records Act.
- b) Notice - The Agency is required to provide information on training available to meet the requirements of Section K of this Resolution to its local agency officials at least once every two years.

### **L. Review of Resolution on Annual Basis**

Each year the Board shall review this Resolution to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

### **M. Severability**

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

### **N. Effective Date**

This Resolution shall become effective immediately upon adoption.

**O. Rescission**

Policy 05P-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this XX day of XXX 2010, by the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a regular meeting of the Board of Directors of said Agency held on xxxx, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Joanne L Keiter, Board Secretary

## EXHIBIT "A"

### POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES

#### DIRECTORS' COMPENSATION LIST

The Following Category "A" Meetings Require No Pre-Approval and No Report Is Required Since Minute Action For These Agency Meetings Meets The Reporting Requirement Through AB 1234.

Category "A" Activity/Description	Eligibility
BDVWA Board of Directors Meetings (Regular, Special or Workshop)	All Directors
BDVWA Standing Committee Meetings	Appointed by Board President
BDVWA AD Hoc Committee Meetings	Appointed by Board President
Morongo Basin Pipeline Commission	Appointed by Board President
MWA Technical Advisory Committee	Appointed by Board President
Other Water Districts'/Agencies' Board Meetings and Committee Meetings	Any Director

The Following Category "B" Meetings Require No Pre-Approval and a Report Is Required

Category "B" Activity/Description	Eligibility
Meetings with Legislators (State or Federal)	Any Director
Ethics Training required by law	Any Director
Integrated Regional Wastewater Management Plan Committee	Assigned by Board President
Mojave Water Agency (MWA) Tours	Any Director
Mojave Water Agency (MWA) Seminars	Any Director
Meetings, hosted by Association of California Water Agencies (ACWA), excluding conferences	Any Director
Meetings of the Alliance for Water Awareness and Conservation (AWAC)	Appointed by Board President
Meetings of the Homestead Valley Community Council (HVCC)	Appointed by Board President

## RESOLUTION NO. 10R-XX

### **A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ACKNOWLEDGING MOJAVE WATER AGENCY FOR ACHIEVING ITS GOLDEN ANNIVERSARY, 50-YEARS, SERVING THE HIGH DESERT AS A STATE WATER CONTRACTOR**

**WHEREAS**, Mojave Water Agency was created by an Act of the California Legislature in 1959; and

**WHEREAS**, a Special Election was held within MWA's service area where voters ratified the decision of the Legislature to create the Agency; and

**WHEREAS**, the purpose of the Agency is to *"do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use of the lands and for the inhabitants of the agency"*; and

**WHEREAS**, Mojave Water Agency has excelled in meeting its mission: *"to manage the regions' water resources for the common benefit to assure stability in the sustained use by the citizens [it] serves."*

**WHEREAS**, Mojave Water Agency has made a financial commitment to Bighorn-Desert View Water Agency's Ames/Means Recharge project, a project of vital importance to the Agency's current and future supply of high quality water; and

**WHEREAS**, Mojave Water Agency created the Alliance for Water Awareness and Conservation, of which Bighorn-Desert View Water Agency is a member agency; and

**WHEREAS**, Mojave Water Agency has proven to be a valued and vital partner of the Bighorn-Desert View Water Agency providing resources and assistance, such as Geographic Information System (GIS) data and maps, when requested, in support of our endeavors and mutual interests; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Directors of the Bighorn-Desert View Water Agency hereby commends current and past Board members and staff of Mojave Water Agency for their dedication, cooperation, and support providing water to serve the diverse needs within the Agency's 4,900 square mile boundary.

We wish the Mojave Water Agency's Board of Directors and staff much success as they work cooperatively with other public and private sector entities to ensure a sustainable water supply for our present and future needs.

Surviving 50-years is an auspicious occasion and testament to the commitment, fiscal responsibility, and innovation shown by MWA to survive the challenges to effectively serve its customers.

PASSED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 15th day of June 2010.

By \_\_\_\_\_  
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a regular meeting of the Board of Directors of said Agency held on June 15, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By \_\_\_\_\_  
Joanne L Keiter, Board Secretary



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

**Meeting Date:** June 15, 2010

**To:** Board of Directors

**Budgeted:** no

**Funding Source:** Water Leak Relief  
(line 56002)

**From:** Marina D. West

**General Counsel Approval:** N/A

**Staff Contact:**

**CEQA Compliance:** N/A

**Subject:** Fire Protection for the Third of July (4<sup>th</sup> of July Community Celebration) at Homestead Valley Park

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**SUMMARY**

Board to consider, as in past years, providing water for pre-event fire protection measures, such as dust mitigation, for the Third of July Community Celebration held at Homestead Valley Park. Although this could be construed as a "gift of public funds", providing such service is not biased towards any customer in particular, since the event is open to the whole community and is free of charge.

**RECOMMENDATION**

That the Board take the following action;

1. Authorize staff to provide water for fire protection at the "Third of July" Community Celebration at Homestead Valley Park.

**BACKGROUND/ANALYSIS**

No further analysis provided.

**PRIOR RELEVANT BOARD ACTION(S)**

6/23/09 Motion to provide water for fire protection at the Fourth of July festivities at Homestead Valley Park.



## INDEPENDENCE DAY FIREWORKS ALERT!!



**I**ndependence Day celebrates the birth of our nation and gives us much to celebrate, but fireworks can be dangerous and should not be treated as toys. They cause blindness, maiming and even death when misused. Fireworks cause more fires on the Fourth of July than all other causes combined, something to keep in mind during this year's unusually dangerous wildland fire conditions.

### **In California**

All fireworks that explode, shoot into the air or move along the ground are officially called "dangerous" and are illegal to possess anywhere in the state.

### **In Unincorporated San Bernardino County**

Possession of any fireworks is illegal. Law enforcement will confiscate any fireworks and issue citations to the offender. If misused fireworks cause a fire, the responsible persons are likely to face criminal charges and liability for damages.

### **San Bernardino County Cities That Allow "Safe and Sane" Fireworks**

Safe and Sane fireworks are **only** allowed in the following cities: Adelanto, Chino, Colton and Rialto, as well as specific locations in Fontana, Grand Terrace, and San Bernardino. Please call the fire departments in these cities for more information.

### **Safety Advice**

If you're thinking about using fireworks this July 4, please keep these safety tips in mind:

- ✓ Consider alternatives. For example, you can watch spectacular fireworks safely at a community celebration.
- ✓ Don't allow children to use fireworks—even "safe and sane" ones—without adult supervision.
- ✓ Always read and follow label directions.
- ✓ Always have water (garden hose/bucket) and a fire extinguisher within arm's reach.
- ✓ Always place fireworks on a firm, non-combustible surface before lighting.
- ✓ Never alter fireworks.
- ✓ Never re-light "dud" fireworks.
- ✓ Never attempt to make your own. Leave fireworks making to the experts.
- ✓ Never point, throw or mishandle fireworks.
- ✓ ***Even "Safe and Sane" sparklers can ignite clothing easily.***

Due to the severe fire season, the San Bernardino County Board of Supervisors and County Fire encourage residents to partake in a locally sponsored 4<sup>th</sup> of July celebration and leave the firework displays to the experts.

### **San Bernardino County Fire Department phone numbers:**

To report a fire emergency: 9-1-1  
Fire dispatch (non-emergency): (909) 356-3805

**Have a *SAFE* celebration!**

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10028	04/02/10	BARR LUMBER CO INC	
		SUPPLIES	14.80
10029	04/02/10	TERRY BURKHART	
		AD HOC CMTE 3/11, PLEGS 3/19,	
		REG MEETING 3/23	200.00
10030	04/02/10	CRISTI BUSH	
		PAYROLL QTR END CLOSE, WIP &	
		DEBT PROCEDURES, 2009/10 AUDIT	
		PREP	771.78
10031	04/02/10	CLINICAL LABORATORY OF	
		BULK SYS/BAC-T, PLATE COUNT,	
		GEN PHY	
		URANIUM, GROSS ALPHA	393.00
10032	04/02/10	COMPUTER MAINTENANCE&CONCEPTS	
		NETWORK REPAIR	70.00
10033	04/02/10	LARRY COULOMBE	
		REG MEETING 32310	100.00
10034	04/02/10	DATASTREAM BUSINESS SOLUTIONS	
		SOFTWARE MAINT 40110-63010	
		HP9000/D220 PROG, FEB	
		AR/PARCEL, PAYROLL, WATER LOSS	
		CALCULATION	1,785.00
10035	04/02/10	FERRELLGAS	
		PROPANE, SHOP & OFFICE	590.40
10036	04/02/10	GENEIE'S CLEANING SERVICE	
		CLEANING SVC, MAR	170.00
10037	04/02/10	HI-DESERT WATER DISTRICT	
		EE EDUCATION/CARUSO, BOYD &	
		REWAL	1,050.00
10038	04/02/10	INLAND WATER WORKS	
		FIELD MATERIALS & SUPPLIES	
		WATER SYSTEM PARTS	
		PRV2 DV	2,325.62
10039	04/02/10	DAVID LARSON	
		SPEC MTNG 3/19,REG MTNG 3/23	150.00
10040	04/02/10	SOUTHERN CALIFORNIA EDISON	
		POWER EXPENSE, FEB	4,953.58
10041	04/02/10	VALLEY INDEPENDENT PRINTING	
		NAME BADGE/BURKHART, MAGNET	19.03
10042	04/02/10	VERIZON CALIFORNIA	
		OFFICE PHONES & AUTO CONTROLS	
		2/20/10-3/20/10	532.61
10043	04/09/10	AT&T MOBILITY	
		COMMUNICATIONS EXPENSE	201.07
10044	04/09/10	BARR LUMBER CO INC	
		SUPPLIES AND DISINFECTION EXP	15.52
10045	04/09/10	BUCKNAM & ASSOCIATES, INC.	
		GRANT CONSULTING FEES	1,142.50
10046	04/09/10	BURRTEC WASTE & RECYLING SVCS	
		TRASH FEES APR	72.71

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10047	04/09/10	CINTAS CORPORATION #150	
10048	04/09/10	UNIFORM SVC MAR	149.80
10049	04/09/10	CLINICAL LABORATORY OF BULK SYS/BACT, PLATE CT, GEN PHY	136.00
10050	04/09/10	INLAND WATER WORKS SUPPLIES SUPPLIES OFFICE DEPOT	151.44
10051	04/09/10	OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	210.50
10052	04/09/10	PROTECTION ONE SHOP MO SVC 42610-52510	39.69
10053	04/09/10	TOWN OF YUCCA VALLEY ABC'S OF WATER LECTURE	50.00
10054	04/09/10	UNDERGROUND SERVICE ALERT DIG ALERTS 8 TICKETS	12.00
10066	04/16/10	USA BLUEBOOK CHLORINATOR MAINTENANCE	236.35
10067	04/16/10	ACWA-HBA SERVICES CORP. ACWA/HEALTH BENEFITS	660.39
10068	04/23/10	CNH CAPITAL AMERICA LLC NEW HOLLAND BACKHOE LEASE PYMT	1,173.89
10069	04/23/10	TERRY BURKHART TAC 4/07, PLEGS 4/15	100.00
10070	04/23/10	CARPET-N-THINGS OF YUCCA BD MEETING ROOM REMODEL BD MEETING ROOM REMODEL, FLOOR REMOVAL	2,245.00
10071	04/23/10	CLINICAL LABORATORY OF BULK SYS/BAC-T-PLATE COUNT BULK SSY/BAC-T, PLATE COUNT, GEN PHY	192.00
10072	04/23/10	BULK SYS/BAC-T, PLATE COUNT DESERT IMAGES KYOCERA COLOR SVC CONTRACT	1,840.00
10073	04/23/10	KYOCERA B&W SVC CONTRACT DISCOUNT TIRE CENTERS 05 F/F150 TIRE TUBE	405.83
10074	04/23/10	07 F/F150 TIRES, FILTER, LABOR GOODSPEED DISTRIBUTING INC UNLEADED FUEL	1,570.08
10075	04/23/10	HI-DESERT STAR ABC'S LECTURE AD	200.00
10076	04/23/10	THE HOME DEPOT #6971 BLDG MAINTENANCE	974.38
10077	04/23/10	INLAND WATER WORKS SUPPLIES	19.80
10078	04/23/10	J&G ELECTRIC WELL REPAIRS, ELECTRICAL MAINT	384.75
10079	04/23/10	SOUND BILLING 10 F/RANGER OIL & FILTER	42.17
		DAVID LARSON PLEGS 41510	50.00

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
APRIL 30, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10080	04/23/10	OFFICE DEPOT	
		JV SURVEY ENVELOPES	113.19
10081	04/23/10	SDRMA	
		SDRMA MEDICAL BENEFITS	6,690.58
10082	04/23/10	TODD ENGINEERS	
		PROFESSIONAL SVC RECHE	20,117.73
TOTAL			52,323.19
			=====

Prepared By                       
Date 5/21/10  
Reviewed By

BALANCE SHEET  
PERIOD ENDING 04/30/10

GENERAL FUND

ASSETS  
-----

TOTAL CASH & CASH EQUIVALENTS	74,726.10	
TOTAL INVESTMENTS	804,135.50	
TOTAL ACCTS RECEIVABLE, WATER	161,798.22	
TOTAL ACCTS RECEIVABLE, OTHER	0.00	
TOTAL INVENTORY	76,631.77	
TOTAL PREPAID EXPENSES	8,095.67	
TOTAL FIXED ASSETS	3,961,042.94	
TOTAL WORK IN PROGRESS (OTHERS)	14,709.05	
TOTAL WORK IN PROGRESS (AGENCY)	233,172.04	
TOTAL DEBT ISSUANCE COST	2,011.24	
TOTAL ASSETS		5,336,322.53
		=====

LIABILITIES  
-----

TOTAL ACCOUNTS PAYABLE	62,045.39	
TOTAL ACCRUED PAYROLL	0.00	
TOTAL CUSTOMER DEPOSITS	50,684.00	
TOTAL WORK IN PROGRESS DEPOSIT	15,000.00	
TOTAL LIAB PYBL FRM REST ASSET	6,487.21	
TOTAL LONG TERM DEBT	1,149,977.05	
TOTAL LIABILITIES		1,284,193.65

EQUITY  
-----

TOTAL EQUITY		4,052,128.88
TOTAL LIABILITIES & EQUITY		5,336,322.53
		=====

Prepared By *McCluskey*  
Date 5/21/10  
Reviewed By *muert*

GENERAL FUND

ASSETS  
-----

CASH & CASH EQUIVALENTS			
01 13120	CASH UNION BANK OF CA	73,176.10	
01 13130	CASH CASH DRAWERS BASE FUND	750.00	
01 13400	CASH PETTY CASH FUND	800.00	
		-----	
TOTAL CASH & CASH EQUIVALENTS		74,726.10	

INVESTMENTS			
01 13303	CASH LAIF-UNRESTRICTED	804,135.50	
		-----	
TOTAL INVESTMENTS		804,135.50	

ACCOUNTS RECEIVABLE, WATER			
01 13710	A/R WATER	161,798.22	
		-----	
TOTAL ACCTS RECEIVABLE, WATER		161,798.22	

ACCOUNTS RECEIVABLE, OTHER			
		-----	
TOTAL ACCTS RECEIVABLE, OTHER		0.00	

INVENTORIES			
01 14301	INVENTORY-WATER SYSTEM PARTS	74,465.20	
01 14302	INVENTORY-DIESEL FUEL	323.19	
01 14303	INVENTORY-UNLEADED FUEL	1,843.38	
		-----	
TOTAL INVENTORY		76,631.77	

PREPAID EXPENSES			
01 14401	PREPAYMENTS WORKERS COMP INSUR(	1,640.73)	
01 14402	PREPAYMENTS PL & PD LIAB INS	3,533.03	
01 14403	POSTAGE	6,203.37	
		-----	
TOTAL PREPAID EXPENSES		8,095.67	

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	7,693,768.41	
01 11180	FA SHOP EQUIPMENT	99,211.92	
01 11181	FA MOBILE EQUIPMENT	479,486.53	
01 11190	FA OFFICE EQUIPMENT	139,079.33	
01 11400	ACCUMULATED DEPRECIATION	( 5,159,770.80)	
		-----	
TOTAL FIXED ASSETS		3,961,042.94	

WORK IN PROGRESS (FOR OTHERS)			
01 12004	WIP BLUCKER ANNEXATION	111.52	

BALANCE SHEET  
PERIOD ENDING 04/30/10

## GENERAL FUND

01 12006	WIP FLAMINGO HTS ASSN, SEC35	14,597.53
		-----
TOTAL WORK IN PROGRESS (OTHERS)		14,709.05

## WORK IN PROGRESS (AGENCY)

01 12005	WIP EPA GRANT	229,411.68
01 12008	WIP GROUNDWATER MGMT PLANNING	112.50
01 12030	WIP PRV2 DV	3,559.21
01 12034	WIP VALVE MAINTENANCE	88.65
		-----
TOTAL WORK IN PROGRESS (AGENCY)		233,172.04

## DEBT ISSUANCE COST

01 15400	BOND ISSUE COSTS	2,011.24
		-----
TOTAL DEBT ISSUANCE COST		2,011.24

## TOTAL ASSETS

5,336,322.53

=====

## LIABILITIES

-----

## ACCOUNTS PAYABLE

01 22400	CAPITAL LEASE	3,521.02
01 22520	ACCRUED INTEREST PAYABLE	3,750.00
01 22700	ACCOUNTS PAYABLE	54,774.37
		-----
TOTAL ACCOUNTS PAYABLE		62,045.39

## ACCRUED PAYROLL

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

## CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	1,320.00
01 22600	CUSTOMER DEPOSITS	49,364.00
		-----
TOTAL CUSTOMER DEPOSITS		50,684.00

## WORK IN PROGRESS DEPOSIT

01 23004	WIP-DEP-BLUCKER ANNEXATION	7,500.00
01 23006	WIP DEP-FLAMINGO HTS ASSN S35	7,500.00
		-----
TOTAL WORK IN PROGRESS DEPOSIT		15,000.00

## 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



BALANCE SHEET  
PERIOD ENDING 04/30/10

GENERAL FUND

LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	311,977.05
01 22300	REVENUE BONDS PAYABLE - BH	838,000.00
TOTAL LONG TERM DEBT		1,149,977.05

TOTAL LIABILITIES 1,284,193.65

EQUITY

-----

01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88
01 30111	FMHA GRANTS	758,297.76
01 30113	CONTRIBUTED CAPITAL-WIP	47,441.57
01 31000	FUND BALANCE	1,972,489.29
01 31001	FUND BALANCE FEMA & OES	427,895.00
01 31111	CURR YEAR NET REVENUE/EXPENSE	554,969.38
TOTAL EQUITY		4,052,128.88
TOTAL LIABILITIES & EQUITY		5,336,322.53
		=====

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 04/30/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
REVENUE					
-----					
TOTAL OPERATING REVENUE	1,134,241.00	93,930.27	998,277.54	135,963.46	88.01%
TOTAL NON-OPERATING REVENUE	197,345.00	79,207.69	514,409.56	-317,064.56	260.67%
	-----	-----	-----	-----	-----
TOTAL REVENUE	1,331,586.00	173,137.96	1,512,687.10	-181,101.10	113.60%
EXPENSE					
-----					
TOTAL OPERATIONS EXPENSE	409,820.00	29,184.47	271,268.99	138,551.01	66.19%
TOTAL BULK SYSTEM EXPENSE	0.00	604.65	6,802.40	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE	596,900.00	36,741.53	446,436.72	150,463.28	74.79%
TOTAL OPERATING EXPENSE	1,006,720.00	66,530.65	724,508.11	282,211.89	71.97%
TOTAL NON-OPERATING EXPENSE	151,450.00	21,474.08	233,209.61	-81,759.61	153.98%
	-----	-----	-----	-----	-----
TOTAL EXPENSE	1,158,170.00	88,004.73	957,717.72	200,452.28	82.69%
	-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND	173,416.00	85,133.23	554,969.38	-381,553.38	320.02%
	=====	=====	=====	=====	=====

Prepared By *[Signature]*  
Date 5/2/10  
Reviewed By *[Signature]*

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 04/30/10

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	2,510.00	0.00	0.00	2,510.00	0.00%
01 41001	BASIC FACILITIES CHARGE	8,196.00	0.00	0.00	8,196.00	0.00%
01 41100	INCOME METERED WATER	485,459.00	27,754.88	384,545.86	100,913.14	79.21%
01 41300	BASIC SERVICE CHARGE	567,930.00	49,878.60	498,353.04	69,576.96	87.75%
01 41400	INCOME METERED BULK WATER	0.00	5,026.42	46,069.72	0.00	0.00%
01 41600	INCOME REVENUE BONDS DV FMHA	48,546.00	8,407.79	42,001.14	6,544.86	86.52%
01 41700	INCOME OTHER (OPERATING)	21,600.00	2,862.58	27,307.78	-5,707.78	126.42%
TOTAL OPERATING REVENUE		1,134,241.00	93,930.27	998,277.54	135,963.46	88.01%
NON-OPERATING REVENUE						
01 49100	INCOME GEN TAX ID A 1% BH GA02	30,918.00	6,454.74	36,302.69	-5,384.69	117.42%
01 49101	INCOME BOND DEBT BH FMHA DA01	125,900.00	11,458.17	73,298.12	52,601.88	58.22%
01 49102	INCOME GENERAL TAX 1% DV GA01	32,027.00	6,449.09	35,631.41	-3,604.41	111.25%
01 49200	INTEREST INCOME	2,000.00	877.30	2,234.25	-234.25	111.71%
01 49201	INTEREST INCOME BOND FUNDS	6,000.00	0.00	0.00	6,000.00	0.00%
01 49600	INCOME OTHER (NON OPERATING)	500.00	0.00	0.00	500.00	0.00%
01 49601	INCOME-CONT CAPTL WIP (NONOPER)	0.00	0.00	6,391.09	0.00	0.00%
01 49999	FEDERAL/STATE GRANTS FEMA/OES	0.00	53,968.39	360,552.00	0.00	0.00%
TOTAL NON-OPERATING REVENUE		197,345.00	79,207.69	514,409.56	-317,064.56	260.67%
TOTAL REVENUE		1,331,586.00	173,137.96	1,512,687.10	-181,101.10	113.60%
EXPENSE						
-----						
OPERATIONS EXPENSE						
01 54102	OPERATIONS COMPENSATION	199,000.00	14,068.19	150,134.01	48,865.99	75.44%
01 54103	UNIFORMS	2,420.00	149.80	1,543.61	876.39	63.79%
01 54105	AUTO CONTROLS	4,500.00	216.10	2,607.81	1,892.19	57.95%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	1,680.00	7,120.17	1,879.83	79.11%
01 54107	VEHICLE EXPENSE - FUEL	20,000.00	1,314.93	16,162.07	3,837.93	80.81%
01 54109	FIELD MATERIALS & SUPPLIES	45,000.00	1,061.83	57,738.52	-12,738.52	128.31%
01 54111	WATER TESTING	9,000.00	366.00	4,235.50	4,764.50	47.06%
01 54112	CONTRACTUAL SERV- ENGINEERING	10,000.00	0.00	0.00	10,000.00	0.00%
01 54114	WATER SYSTEM REPAIRS	12,000.00	1,547.42	3,839.85	8,160.15	32.00%
01 54115	BUILDING MAINTENANCE/REPAIR	6,680.00	3,620.49	10,776.45	-4,096.45	161.32%
01 54117	AMES BASIN MONITORING	9,500.00	0.00	5,203.68	4,296.32	54.78%
01 54119	COMMUNICATIONS EXPENSE	3,200.00	201.07	2,489.45	710.55	77.80%
01 54121	DISINFECTION EXPENSE	4,000.00	647.48	4,523.42	-523.42	113.09%
01 54125	POWER WELLS & PUMPS	62,000.00	4,311.16	42,069.39	19,930.61	67.85%
01 54130	OTHER OPERATIONS EXPENSES	13,520.00	0.00	14,218.65	-698.65	105.17%
01 54150	PAYROLL LABOR TO PROJECTS	0.00	0.00	-7,819.23	0.00	0.00%

## STATEMENT OF REVENUE AND EXPENSE

PERIOD ENDING 04/30/10

## GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
01 54160	VEH & EQUIP EXPENSE TO PROJECT	0.00	0.00	-4,787.40	0.00	0.00%
01 54170	INVENTORY EXP TO WIP PROJECTS	0.00	0.00	-38,786.96	0.00	0.00%
TOTAL OPERATIONS EXPENSE		409,820.00	29,184.47	271,268.99	138,551.01	66.19%

## BULK SYSTEM EXPENSE

01 55001	PUMPING PLANT EXPENSE	0.00	604.65	6,155.52	0.00	0.00%
01 55002	BULK OPERATIONS & MAINTENANCE	0.00	0.00	646.88	0.00	0.00%
TOTAL BULK SYSTEM EXPENSE		0.00	604.65	6,802.40	0.00	0.00%

## ADMINISTRATIVE EXPENSE

01 56001	DIRECTOR FEES	10,000.00	650.00	10,391.93	-391.93	103.92%
01 56002	DIRECTOR MEETING EXPENSES	10,000.00	0.00	3,390.36	6,609.64	33.90%
01 56003	ADMINISTRATIVE COMPENSATION	217,000.00	16,252.80	162,913.21	54,086.79	75.08%
01 56005	ADMINISTRATIVE MEETING EXPENSE	1,000.00	58.41	1,023.33	-23.33	102.33%
01 56006	CONTRACTUAL SERV-AUDITOR	28,000.00	0.00	28,000.00	0.00	100.00%
01 56007	CONTRACTUAL SERV-LEGAL	80,000.00	6,279.20	30,043.06	49,956.94	37.55%
01 56008	PERS CONTRIBUTION	37,000.00	3,799.98	26,356.20	10,643.80	71.23%
01 56009	PAYROLL TAXES	9,300.00	676.30	8,533.74	766.26	91.76%
01 56011	TELEPHONE/FAX/INTERNET/WEB	6,250.00	374.07	5,078.86	1,171.14	81.26%
01 56012	MAILING EXPENSES	7,900.00	407.36	4,456.95	3,443.05	56.42%
01 56014	CONTRACTUAL SERV-OTHER	30,600.00	2,773.51	33,497.80	-2,897.80	109.47%
01 56016	PROPERTY/LIABILITY EXPENSE	32,600.00	2,965.51	28,361.08	4,238.92	87.00%
01 56017	WORKERS COMP INSURANCE	13,000.00	1,034.67	22,771.38	-9,771.38	175.16%
01 56018	DUES & SUBSCRIPTIONS	7,050.00	258.90	9,242.60	-2,192.60	131.10%
01 56020	POWER OFFICES & YARDS	5,200.00	306.03	3,609.31	1,590.69	69.41%
01 56022	BAD DEBT EXPENSE	6,000.00	0.00	9,268.94	-3,268.94	154.48%
01 56023	LEAK RELIEF	0.00	0.00	800.07	0.00	0.00%
01 56025	PROPANE	1,000.00	0.00	1,835.95	-835.95	183.60%
01 56030	OFFICE SUPPLIES	3,000.00	460.11	4,283.94	-1,283.94	142.80%
01 56100	EMPLOYEE BENEFITS INSURANCE	86,000.00	6,300.58	63,949.01	22,050.99	74.36%
01 56110	EMPLOYEE EDUCATION	6,000.00	0.00	4,439.00	1,561.00	73.98%
01 56150	PAYROLL FRINGE EXP TO PROJECTS	0.00	0.00	-2,814.92	0.00	0.00%
01 56160	OVERHEAD TO PROJECTS	0.00	-5,855.90	-12,995.08	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE		596,900.00	36,741.53	446,436.72	150,463.28	74.79%

TOTAL OPERATING EXPENSE		1,006,720.00	66,530.65	724,508.11	282,211.89	71.97%
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## NON-OPERATING EXPENSE

01 56200	OFFICE EQUIPMENT EXPENSE	3,450.00	0.00	3,100.41	349.59	89.87%
01 56300	CUSTOMER RELATIONS	1,000.00	250.00	2,305.54	-1,305.54	230.55%
01 56400	OTHER ADMINISTRATIVE EXPENSES	2,000.00	62.17	1,438.46	561.54	71.92%
01 57000	INTEREST EXPENSE - BH BONDS	40,000.00	0.00	17,199.99	22,800.01	43.00%
01 57100	DEPRECIATION EXPENSE	0.00	21,161.91	188,535.83	0.00	0.00%
01 57350	MWA PIPELINE DEBT	73,000.00	0.00	0.00	73,000.00	0.00%
01 58100	ELECTION COSTS	15,000.00	0.00	8,318.00	6,682.00	55.45%

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 04/30/10

		GENERAL FUND				
		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
		-----	-----	-----	-----	-----
01 59100	INTEREST EXPENSE - DV BONDS	17,000.00	0.00	12,311.38	4,688.62	72.42%
		-----	-----	-----	-----	-----
TOTAL NON-OPERATING EXPENSE		151,450.00	21,474.08	233,209.61	-81,759.61	153.98%
		-----	-----	-----	-----	-----
TOTAL EXPENSE		1,158,170.00	88,004.73	957,717.72	200,452.28	82.69%
		-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND		173,416.00	85,133.23	554,969.38	-381,553.38	320.02%
		=====	=====	=====	=====	=====

# GENERAL ACCOUNT (UNION BANK)

04/31/2010

## SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	0.00
BASIC FACILITIES CHARGE	0.00
A/R - WATER	72,256.41
MISCELLANEOUS REVENUE	779.93
1% GENERAL TAX	12903.83
BIGHORN AD VALOREM TAX	11458.17
FED/STATE GRANTS FEMA/OES	53968.39
LAIF INTEREST EARNINGS	877.30
CUSTOMER DEPOSITS	<u>1,750.00</u>

TOTAL

153,994.03

## USE OF FUNDS:

DEBT SERVICE	0.00
CAPITAL PURCHASES	21,388.55
CAPITAL LEASE	1,173.89
INVENTORY PURCHASES	1,570.08
PREPAYMENTS - INSURANCE & POSTAGE	0.00
PAYMENTS FOR SALARIES & WAGES	39,375.62
ADMINISTRATIVE EXPENSE	16,316.16
OPERATIONS EXPENSES	12,868.01
TRANSFER TO INCREASE LAIF	50,000.00
MISCELLANEOUS & CUSTOMER REFUNDS	<u>0.00</u>


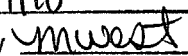
TOTAL

142,692.31

Prepared By My Cleveland  
 Date 5/21/10  
 Reviewed By mwat

**UNION BANK OF CALIFORNIA  
DISBURSEMENTS APRIL 2010**

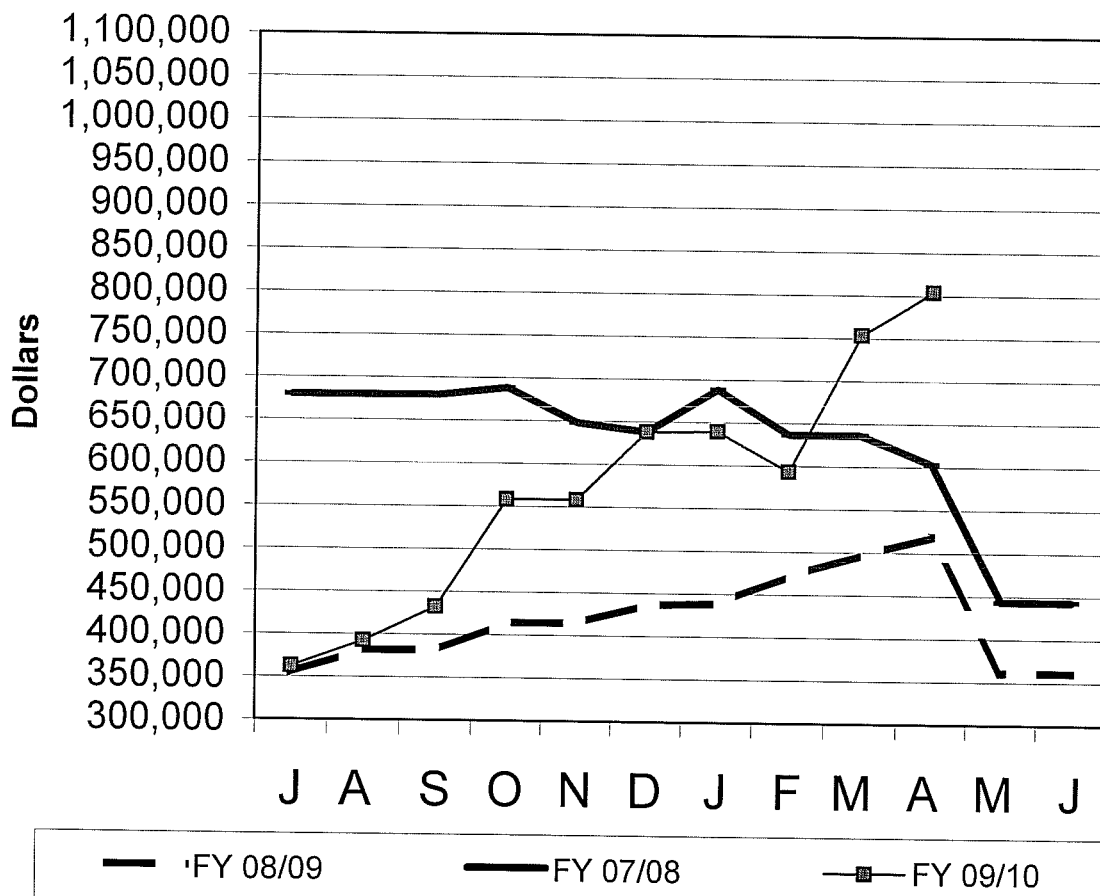
Datastream Check Register	52,323.19	52,323.19
EFT for Vendor Services		
Bank Fees	221.57	
Credit Card Fees	711.94	
Internet Access Fee	59.99	
Total EFT for Vendor Services		993.50
Wages for Paydate 04/01/10		
Employee Tax Withholdings	2,180.70	
Employer Tax Expenses	236.63	
Wages check # 10017-10027	11,517.36	
		13,934.69
Wages for Paydate 04/15/10		
Employee Tax Withholdings	2,022.57	
Employer Tax Expenses	226.83	
Wages check # 10055-10065	10,999.39	
		13,248.79
Wages for Paydate 04/29/10		
Employee Tax Withholdings	1,797.74	
Employer Tax Expenses	212.81	
Wages check # 10083-10093	10,181.59	
		12,192.14
Transfers to LAIF	50,000.00	50,000.00
Total Disbursements		142,692.31

Prepared By   
Date 5/11/10  
Reviewed By 

## Local Agency Investment Fund Balance Timeline

**Balance as of April 30, 2010**

	FY 07/08	FY 08/09	FY 09/10
July	679,189	354,364	362,520
August	679,189	381,364	392,520
September	679,189	381,364	432,520
October	688,186	414,076	558,397
November	648,186	414,076	558,397
December	638,186	436,076	638,397
January	688,186	438,737	639,258
February	636,402	471,737	593,258
March	636,402	496,737	753,258
April	603,292	518,901	804,136
May	443,292	360,901	
June	443,292	360,901	



Prepared By M. Cleveland  
 Date 5/2/10  
 Reviewed By M. Cleveland





BIGHORN-DESERT VIEW WATER AGENCY  
A PUBLIC AGENCY

**REGULAR MEETING REPORT  
FOR THE FINANCE/PUBLIC RELATIONS  
EDUCATION & PERSONNEL COMMITTEE  
Wednesday, March 10, 2010 - 4:00 PM**

- **CALL TO ORDER**

Meeting convened by Director McBride at 4:04 PM

- **PLEDGE OF ALLEGIANCE**

Led by Randy West

- **ROLL CALL**

Directors Present: Michael McBride, Chairperson  
Larry Coulombe, Member

- Staff Present: Marina West, General Manager  
Joanne Keiter, Board Secretary

- Public Present: 10 Noted  
(Directors Burkhart and Oswalt attended as observers)

- **APPROVAL OF AGENDA** - Committee approved, as presented

1. **DEVELOPMENT OF QUESTIONNAIRE AIMED AT FUTURE WATER SUPPLY NEEDS OF THE "JOHNSON VALLEY" AREA OF BIGHORN-DESERT VIEW WATER AGENCY**

GM West introduced this item for discussion and information.

She said that the idea of producing a "Johnson Valley" area questionnaire (aimed at assessing the future water supply wants and needs of those properties owners from the Agency) had been mentioned several times in the past by the Directors. During the February 16, 2010 board meeting, they had directed her to bring this item to the Finance, Public Relations, Education and Personnel Standing Committee for further analysis.

She was now before the Committee to review the concept, and receive feedback pertaining to the sample newsletter and sample response card (containing the appropriate questions to ask) that was being planned.

GM West said that the goal was to hear comments from those within the Agency boundaries who were not current customers. She stated that her research had determined that approximately 1200 property owners (from three different tax rate areas), were outside of the pressurized system, and should be sent this questionnaire. She explained how she intended to generate mailing labels (through DataStream) specific to those tax rate areas.

She described that inside an Agency envelope would be a newsletter, from Terry Burkhardt, the Board President, encouraging a response from those property owners including a postage-paid return postcard. It was suggested that each tax rate area would receive a different color paper postcard so that it would be identifiable upon return, but yet anonymous.

GM West reminded the Committee members that the Agency would be using these results simply as a planning tool and that no Improvement District could be created without a public vote. Her closing remarks were that there were "many steps necessary before anything like this would happen".

Director McBride said that he was "in favor" of this, but did not want to give anyone false hope, so he thought the proposed survey question (about the future timeframe for development of a pressurized system) should be amended. He suggested changing the checkbox(s) from 0-5 years to 3-8, and then adjusting to provide selections such as 8-17; 17-26 with the last one being, "NEVER".

It was the Committee members' consensus to authorize the General Manager to proceed as discussed, with the intent of bringing this action before the full Board at the next meeting (scheduled for March 23, 2010) for approval of both content and related production and postage expenses.

## **2. PROPOSED AGENCY LOGO FOR VEHICLES, SIGNS AND LETTERHEAD**

GM West explained that when the Agency purchased new trucks and required logos on them, she discovered that the company that had originally produced them was no longer in business. Therefore, she had no other option than to start over and create a new one.

She showed the Committee the existing one (a mix of a cartoon and a realistic photo) and compared that with the newer version (with brighter colors of blue and a clearer design). She remarked that she had intended that this logo would also be incorporated into new Agency letterhead and signage.

Director McBride thought this looked "extremely professional". He suggested that the font on the letterhead should be larger so it was easier to read.

GM West thought we should also highlight the Agency's website with a bolder font, as well.

The Committee suggested that GM West introduce this new logo and letterhead during a future Board meeting for the Directors' information and acknowledgement, with respect to content and text, as well as public awareness.

**3. COMMITTEE TO REVIEW AND DISCUSS POSSIBLE CHANGES TO EXISTING DIRECTOR'S COMPENSATION AND EXPENSE REIMBURSEMENT POLICY**

GM West opened this item for discussion.

She commented that it was by the request of the Board, during their February 16, 2010 meeting, that the Committee was now reviewing the Director's current compensation and expense reimbursement policies and procedures with the intent of suggesting possible updates to the existing guidelines, set forth by Ordinance (05O-01).

GM West recommended that the Committee approach this review by first creating a new "Official Duties" policy specifying the types of events that constitute the performance of official duties for which a Director may receive per diem, such as the meetings of the Morongo Basin Pipeline Commission, Mojave Water Agency Technical Advisory Committee, and the Alliance for Water Awareness and Conservation. Concurrently, when drafting this revised policy, the Committee should consider a review of any related expense reimbursement allowances (i.e. meals, lodging, mileage, etc.) and what process (travel and expense forms, etc.) is required of the Director's by the Board in order to obtain payment from the Agency.

Next, propose a new Ordinance, which corrects the various aspects of the existing Ordinance that need clarification and which were identified by legal counsel as inadequate. She gave an example of how the current Ordinance lacked a provision that would allow the annual (5%) increase in per diem, per California Water Code.

GM West reminded the Committee of a recent survey comparing our Agency's Director's compensation amounts and other fringe benefits to several other local districts; she asked if the members would like to consider any of these issues in our amendments.

The Committee suggested that an increase from 6 to 10 days of service be included with a revision, as well as an amendment from a required written report to oral ones which would be presented during a public meeting.

Director McBride said he was opposed to offering Directors "fringe benefits", but he would like to consider an increase from \$50.00 to \$100.00 in the per diem compensation for Committee attendance.

GM West said it would be better to first develop a policy framework/guideline and then have a financial discussion (i.e. increase of per diem) at a future Board meeting.

GM West referenced as samples two different policy formats that included itemized lists of official duties (from Hi-Desert Water District and Mojave Water Agency) asking if the Committee preferred one style over the other.

Both members agreed on a simple table similar to the HDWD's layout and asked the GM return to the Committee a draft policy that contained an official duties proposal for their review and possible recommendation to the Board.

Director McBride noted that there was no public comment heard on this item.

4. **CONSENT ITEMS** - Committee approved, as presented

**END OF THE CONSENT CALENDAR**

6. **STANDING COMMITTEE PROJECT LIST** - Omitted from packet

GM West briefly mentioned that the analysis of the construction meter rates was still pending.

7. **VERBAL REPORTS**

> **COMMITTEE MEMBERS' COMMENTS/REPORTS**

Director Coulombe said that this was his first "official" meeting and therefore, had no report to make.

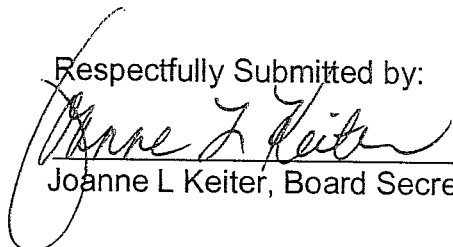
Director McBride had no comment.

> **GENERAL MANAGER'S REPORT** - None

8. **ITEMS FOR NEXT AGENDA** - None

9. **ADJOURNMENT** - Director McBride adjourned the meeting @ 5:02 PM

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary

# Bighorn-Desert View Water Agency



## Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
Martha Oswalt, Director

**Agency Office**  
622 S. Jemez Trail  
Yucca Valley, CA 92284-1440

760/364-2315 Phone  
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Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

[www.bdvwa.org](http://www.bdvwa.org)

## BOARD OF DIRECTORS' REGULAR MEETING MINUTES

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, April 27, 2010 - 6:00 PM**

### • CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:04 PM

### • PLEDGE OF ALLEGIANCE

Led by Rebecca Unger

### • ROLL CALL

Directors Present: Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
Martha Oswalt, Director

Staff Present: Marina West, General Manager  
Joanne Keiter, Board Secretary

Legal Counsel Present: Susan Trager

Public Present: 14 noted

### • APPROVAL OF AGENDA - \*MSC McBride/Coulombe - 5 ayes

\*Agenda approved with the following correction noted:  
Counsel Trager was in attendance rather than participating via teleconference as originally published.

### 1. PUBLIC PARTICIPATION -

Judy Corl-Lorono read from a prepared statement, that she had written, charging Director Oswalt of failing to fulfill her duties as a "competent" director and "spreading malicious rumors about the safety of the Bighorn water supply".

Prior to adjourning for the Closed Session, Director Burkhart asked for any other public comments.

Margo Sturges spoke about personally knowing Marina West, giving her a vote of confidence and adding that, "She trusted her".

Gerry Kay voiced some complaints about GM West, accused her of forgery, and then concluded her remarks with a comment that she was "incompetent".

There were no additional public comments so Director Burkhart moved onto the next agenda item.

**2. CLOSED SESSION** - Board adjourned at 6:18 PM so the Board could conduct the General Manager's Performance Evaluation

**3. CLOSED SESSION REPORT** - Board reconvened at 6:49 PM

Director Burkhart briefly reported on the outcome of the Closed Session. She explained that blank evaluation forms were distributed to the Directors so that an individual, yet anonymous review of Marina West's performance could be conducted. Director Burkhart said that the general opinion of the Board was an approval of the GM's work over the past year; she restated comments made during the session that "Marina West had been an excellent GM" and that "the Agency was fortunate to have her on staff".

Next, the Board addressed GM West's compensation package.

The following action was taken:

**MOTION NO. 10-023  
APPROVING ADJUSTMENTS TO  
THE GENERAL MANAGER'S COMPENSATION PACKAGE:  
ADDITIONAL VACATION**

***Director McBride made a motion to increase General Manager West's vacation time by one additional week, granting her a total of three weeks per year; seconded by Director Larson.***

There were no comments from the Board; the following vote was taken.

***Board approved - 4 ayes, 1 no (Director Oswalt); motion carried***

Action taken:

**MOTION NO. 10-024  
APPROVING ADJUSTMENTS TO  
THE GENERAL MANAGER'S COMPENSATION PACKAGE:  
ADDITIONAL ADMINISTRATIVE LEAVE**

***Director McBride made a motion to increase General Manager West's administrative leave by 40 (forty) hours, granting her 80 (eighty) total hours per year; seconded by Director Larson.***

There were no comments from the Board; the following vote was taken.

***Board approved - 3 ayes, 2 noes (Directors McBride, Oswalt); motion carried***

Action taken:

**MOTION NO. 10-025  
APPROVING ADJUSTMENTS TO  
THE GENERAL MANAGER'S COMPENSATION PACKAGE:  
INCREASE TO EDUCATION BUDGET**

***Director McBride made a motion to increase General Manager West's education budget by an additional \$1,000.00; seconded by Director Larson.***

Board Discussion:

Director McBride asked GM West how much longer she anticipated it would take to attain her Master's Degree in Public Administration.

Director Oswalt then asked GM West what her current GPA (grade-point average) was.

GM West responded that she had approximately one more year and that her grade-point average was 4.0.

There were no further comments from the Board; the following vote was taken.

***Board approved - 4 ayes, 1 no (Director Oswalt); motion carried***

Action taken:

**MOTION NO. 10-026  
APPROVING ADJUSTMENTS TO  
THE GENERAL MANAGER'S COMPENSATION PACKAGE:  
INCREASE TO SALARY**

***Director McBride made a motion to increase General Manager West's current salary by 6% bringing her compensation up to \$106,000.00; seconded by Director Coulombe.***

Board Discussion:

Director Larson remarked that GM West was worthy of an increase and that the Agency would suffer without her; however, he was of the opinion that everyone should be "belt-tightening" and was opposing this motion for that reason.

Director Coulombe agreed with Director Larson's statements, except he was voting in favor of an increase for those same reasons.

There were no further comments from the Board; the following vote was taken.

**Board approved by a roll call vote (recorded as 3-2); motion carried**

<b>AYES:</b>	<b>Burkhart, Coulombe, McBride</b>
<b>NOES:</b>	<b>Larson, Oswalt</b>
<b>ABSENT:</b>	<b>None</b>

Board adjourned at 6:59 PM and reconvened at 7:13 PM

Before continuing with meeting's agenda, President Burkhart chose to make some remarks pertaining to the "broadcast media" and their inaccurate reporting. She mentioned that thanks to the combined efforts of GM West and the newly elected Board (both past and current members), the Agency was no longer on the "verge of bankruptcy and facing a takeover by the State". She complimented GM West for identifying previous mistakes and correcting them, adding that especially in this case, she felt the media's erroneous statements regarding GM West to be both injurious and insulting.

At the conclusion of Director Burkhart's statement and in support of her comments, the audience applauded.

There were no additional comments heard, so Director Burkhart moved onto the next item.

#### **4. DISCUSSION AND ACTION ITEMS -**

##### **a. AUTHORIZE PARTICIPATION IN THE EMERGENCY RESPONSE NETWORK OF THE INLAND EMPIRE (ERNIE), 2006 OMNIBUS MUTUAL ASSISTANCE AGREEMENT AND THE CALIFORNIA WATER/WASTEWATER AGENCY RESPONSE NETWORK (CALWARN) MUTUAL AID /ASSISTANCE AGREEMENT**

The following action was taken:

**MOTION NO. 10-027  
AUTHORIZE PARTICIPATION IN  
THE EMERGENCY RESPONSE NETWORK OF THE INLAND EMPIRE (ERNIE),  
2006 OMNIBUS MUTUAL ASSISTANCE AGREEMENT  
AND  
THE CALIFORNIA WATER/WASTEWATER AGENCY  
RESPONSE NETWORK (CalWARN) MUTUAL AID/ASSISTANCE AGREEMENT**

***Director McBride made a motion to authorize participation in the Emergency Response Network of the Inland Empire (ERNIE), 2006 Omnibus Mutual Assistance Agreement, and also in the California Water/Wastewater Agency Response Network (CalWARN) Mutual Aid/Assistance Agreement; seconded by Director Larson.***

Board Discussion:

GM West opened this item for discussion commenting that this subject had been presented at the April 15, 2010 Planning/Engineering/Legislative/Grant and Security



Committee Meeting. It was with their recommendation that this was being brought before the full Board for approval.

GM West explained that the Emergency Response Network of the Inland Empire (ERNIE) had been formed to provide mutual aid between agencies in the event of a disaster and that presently, our Agency had no formal arrangements or participation agreements. She described the California Water/Wastewater Agency Response Network (CalWARN) as a statewide emergency response network, which also enabled mutual assistance in the event of an emergency. She also mentioned that there was no cost to the Agency to join CalWARN.

In conclusion, GM West encouraged the Board to authorize this agreement, adding that most likely, due to the size of our organization, we would be the ones to receive aid in an emergency.

Director McBride said that Bighorn-Desert View Water Agency is "part of a network" and should be both aware and prepared for a disaster whenever it happens.

Director Larson commented that this action had the both the support and recommendation of the PLEGS Committee. He also wanted to take this opportunity to remind the public to be prepared for emergencies (i.e. store food, water as well as other necessary supplies).

Public Comment:

Alan Rasmussen, Field Representative to County Supervisor Neil Derry, suggested that Fire Chief Gary Benedict attend a future Board meeting and make a presentation about emergency responsiveness and preparedness.

There being no further comments, the following vote was taken:

***Board approved - 5 ayes; motion carried***

**b. POLICY NO. 10P-XX - A POLICY OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY PROHIBITING "PETS" INSIDE AGENCY OFFICES AND OPERATIONS BUILDINGS.**

The following action was taken:

**MOTION NO. 10-028  
ESTABLISH A POLICY PROHIBITING "PETS"  
INSIDE AGENCY OFFICES AND OPERATIONS BUILDINGS.**

***Director Larson made a motion establishing a policy prohibiting "pets" inside agency offices and operations buildings; seconded by Director McBride.***

Board Discussion:

GM West explained that during prior meetings, the Board had expressed a concern for public safety and exposure of the Agency to liabilities over the issue of "pets" being brought into both Agency meetings and at the Agency business office.

She continued by saying that at the March 23, 2010 meeting, the Board had directed staff to draft a policy which addressed these issues and also be within the limits of the Americans with Disabilities Act (ADA), the California Civil Code and enforceable through the County of San Bernardino Code Enforcement. In conclusion, GM West said that the policy now being presented to the full Board for adoption accomplished the intended results and would serve the public well.

Director Larson clarified that "service animals" would be exempt from this policy.

Director Oswald remarked that she found it "amusing that her little dog was considered more important on the agenda than addressing the contaminated wells within the Agency boundaries".

Director McBride summarized that this was "a matter of liability" and that the Board was required to address it with a formal policy.

Public Comment:

Jerry Kay defended Director Oswald's dog, claiming that it was well mannered and would never bark at anyone unless provoked.

Randy West spoke of his personal experience with the animal, stating that it had growled at him more than once.

Judy Corl-Lorono said that she too had personal experience with the animal, relating an incident when the Director's dog "snapped at her granddaughter compelling her to run away". Ms. Corl-Lorono also mentioned that Parvo, an animal illness, is rampant in this region so that was another reason for concern over pets being brought into public areas.

There being no further comments, the following vote was taken:

***Board approved - 5 ayes; motion carried***

- c. BOARD TO CONSIDER APPROVING DIRECTORS' EDUCATION REQUEST FOR CALENDAR YEAR 2010 COURSES - REGISTRATION FEES ESTIMATED AT \$1,830.00 (\$1,395.00 REGISTRATION FEES FOR FY09/10 AND \$435.00 REGISTRATION FEES FOR FY10/11) PLUS \$100 PER DIEM PER DIRECTOR PER DAY AND ANY OTHER RELATED TRAVEL EXPENSES**

The following action was taken:

**MOTION NO. 10-029  
APPROVING DIRECTORS' EDUCATION REQUEST  
FOR CALENDAR YEAR 2010 COURSES  
PLUS \$100 PER DIEM PER DIRECTOR  
AND ANY OTHER RELATED TRAVEL EXPENSES**

**Director McBride made a motion approving the Directors' Education Request for Calendar Year 2010 Courses - Registration fees estimated at \$1,830.00 (\$1,395.00 Registration fees for FY09/10 and \$435.00 Registration fees For FY10/11) plus \$100 Per Diem Per Director Per Day and any other related travel expenses; seconded by Director Coulombe.**

Board Discussion:

GM West commented that several Board members had expressed an interest in attending some of the 2010 educational seminars offered by California Special Districts Association (CSDA). She said that the cost of registration for the selected courses was estimated to be \$1,830.00 (\$1,395.00 for FY09/10). She acknowledged that due to turnover on the Board, there were budget concerns, however these costs were expected to be within the remaining FY09/10 budget of \$3,479.07.

GM West then reminded the Board that even though a course was requested by an individual Director, any one of them could chose to attend a course once it was Board-approved.

Director Coulombe said that this action was intended to be very transparent, drawing attention to the table included for public review indicating the courses that were being requested.

Director McBride encouraged the use of Webinars or on-line courses as much as possible.

There being no further comments, the following vote was taken:

**Board approved - 5 ayes; motion carried**

- d. BOARD TO CONSIDER ADOPTING POLICY NO. 10P-XX - A POLICY OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING WEBINARS OR ONLINE COURSES AS THE PREFERRED METHOD OF EDUCATION FOR DIRECTORS.**

The following action was taken:

**MOTION NO. 10-030  
ADOPTING A POLICY ESTABLISHING WEBINARS OR ONLINE COURSES  
AS THE PREFERRED METHOD OF EDUCATION FOR DIRECTORS**

**Director McBride made a motion adopting a policy establishing Webinars or online courses as the preferred method of education for Directors; seconded by Director Larson.**

Board Discussion:

GM West described Webinars as "virtual" courses that are the newest method of training offered. She further noted that with the many budget cuts across the state, this method allowed agencies to be interactive and maintain the ability to receive information in a cost effective way.

Director Burkhart added that she had personally attended several of these sessions and found them to be very informative.

Director McBride said that these "Webinars are the way of the future plus they're cheaper".

Director Coulombe voiced his opposition to the use of the word "preferred" as stated in this Policy, feeling it was "too strong of a term".

Director Larson said that education was extremely important and reminded everyone that education was only 1% of the total approved budget. He continued saying that Webinars are great, but will never replace formal, on-site training.

Public Comments:

Judy Cori-Lorono questioned the need for this policy, when there is already an Ordinance covering Director's compensation for attending Webinars.

There being no further comments, the following vote was taken:

**Board approved - 5 ayes; motion carried**

**e. FORMATION OF AD HOC COMMITTEE FOR TABULATING RESPONSES TO THE JOHNSON VALLEY QUESTIONNAIRE**

The following action was taken:

**MOTION NO. 10-031  
FORMATION OF AD HOC COMMITTEE  
FOR TABULATING RESPONSES TO THE JOHNSON VALLEY QUESTIONNAIRE**

***Director McBride made a motion forming an Ad Hoc Committee for tabulating responses to the Johnson Valley questionnaire; seconded by Director Larson.***

Board Discussion:

GM West explained that during the March 23, 2010 Board Meeting, a concern pertaining to the tabulation of the returned surveys was voiced by a member of the public. In response to that opinion, staff recommended that an Ad Hoc Committee be formed so that the postcard surveys could be reviewed, counted, and analyzed by the committee in a public setting.

Director Oswalt said that she believed "people wanted to be identified" so she didn't agree with the secrecy.

Director Burkhart disagreed, commenting that the public should be free to express themselves and not feel pressure by others.

Director McBride concurred, adding that he wanted an "honest response" and therefore, liked with the anonymous nature of the response cards.

Director Larson said that he thought the results would be more accurate with some anonymity for those who respond.

Director Coulombe stated that people don't like to be intimidated.

There being no further comments, the following vote was taken:

**Board approved - 5 ayes; motion carried**

Next, Director Burkhart announced the following Ad Hoc Committee appointments:

- Johnson Valley Questionnaire:

Chairperson: Director McBride

Member: Director Oswalt

Director McBride mentioned that when an Ad Hoc Committee meeting is scheduled, he'd like to invite both Joyce Wheeler and Rebecca Unger to attend. The Board Secretary will notify them when the date and time would be set.

- f. **AUTHORIZE AGENCY PARTICIPATION IN THE ALLIANCE FOR WATER AWARENESS AND CONSERVATION (AWAC) GROUP STANDING COMMITTEE FOR CALENDAR YEAR 2010; PRESIDENT TO APPOINT ONE DIRECTOR AS REPRESENTATIVE AND ONE DIRECTOR AS ALTERNATE WITH \$50 PER DIEM COMPENSATION (AS AWAC STANDING COMMITTEE) PER ORDINANCE NO. 050-01, THE CURRENT GUIDELINE FOR COMPENSATION PRACTICES OF THE BOARD**

The following action was taken:

**MOTION NO. 10-032  
AUTHORIZE PARTICIPATION IN THE HI DESERT  
ALLIANCE FOR WATER AWARENESS AND CONSERVATION (AWAC)  
STANDING COMMITTEE FOR CALENDAR YEAR 2010**

**Director McBride made a motion authorizing participation in The Hi Desert Alliance For Water Awareness and Conservation (AWAC) Standing Committee For Calendar Year 2010; seconded by Director Larson.**

Public Comment:

Judy Corl-Lorono agreed with this action and stated that as a previous Board member she had personally contributed many unpaid hours; however, she thought the Directors should consider increasing the per diem amount to \$100.00 per meeting.

There being no further comments, the following vote was taken:

**Board approved - 5 ayes; motion carried**

After a brief roundtable discussion about the Director's interests and availability, Director Burkhart announced the following Standing Committee appointments (per Ordinance No. 05O-01, the current guideline for compensation practices of the Board, there will be a \$50 per diem compensation for meeting attendance):

- Hi Desert Alliance For Water Awareness and Conservation (HD AWAC):

Representative: Director Coulombe  
Alternate: Director Burkhart

**g. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DECLARING CERTAIN PROPERTY TO BE SURPLUS**

The following action was taken:

**MOTION NO. 10-033  
ADOPT A RESOLUTION DECLARING  
CERTAIN PROPERTY TO BE SURPLUS**

***Director McBride made a motion adopting a Resolution declaring certain property to be surplus and authorizing the disposal of that same property; seconded by Director Oswalt.***

Board Discussion:

Director Larson questioned the method of "disposal".

GM West reviewed the Board's prior action, when the direction to staff was to purchase new trucks without "trade-ins", opting to sell the used vehicles at auction.

She said that the copier had reached the end of its life cycle and needed more service and the staff found it less reliable to use.

GM West said that by approving this Resolution, the authorization to sell and surplus the property was well documented and part of the Agency's records. She also suggested that the Board consider adopting a policy which would outline the future process of how to surplus Agency property.

There being no further comments, the following vote was taken:

***Board approved - 5 ayes; motion carried***

Board adjourned at 6:59 PM and reconvened at 7:13 PM

No Board comment; no public comment

The following action was taken:

**MOTION NO. 10-034  
APPROVING CASH DISBURSEMENTS**

***Director McBride made a motion accepting the March 2010 disbursements as presented; seconded by Director Larson.***

No Board comment; no public comment

***Board approved - 5 ayes, motion carried***

## **5. CONSENT ITEMS**

Director Oswalt asked for Consent Item c to be removed from the list and be discussed as an agenda item later during the meeting.

No other Board comment; no public comment.

The following action was taken:

### **MOTION NO. 10-035 APPROVING CONSENT ITEMS**

***Director McBride made a motion approving items a, b, d through g, as presented; seconded by Director Larson.***

No Board comment; no public comment

***Board approved - 5 ayes; motion carried***

### **END OF THE CONSENT CALENDAR**

## **6. MATTERS REMOVED FROM CONSENT ITEMS**

Director Oswalt had requested that Consent Item c (the March 2010 Consumption & Billing Comparison Report) be pulled from the Consent Calendar to be discussed further. She explained the reason for this was that she "simply wanted to know what well location matched with which Book Number".

GM West tried to explain that it was not a simple answer; that there was some analysis required in order to interpret the data.

Director McBride suggested that GM West take the new Directors on a tour of the Agency boundaries; GM West said she would be happy to accommodate them and make those arrangements.

## **7. VERBAL REPORTS**

- **PRESIDENT'S REPORT**

- > Director Burkhardt chose to present her report later in the meeting.

- GENERAL MANAGER'S REPORT

> GM West had three items to discuss:

- 1) A customer inquired about the surplus trucks and how bids would be taken for the auction.

*GM West remarked that the auction was not conducted by the Agency, but by a professional auction company and would be held in Colton. She suggested that if anyone wanted information, the best source was the firm's website @ [www.theauctioncompany.net](http://www.theauctioncompany.net).*

- 2) A concerned customer had phoned the Agency for information regarding the Department of Public Health's letter claiming that she had heard that there were "contaminants" in the water supply.

*GM West addressed the content of the DPH letter, explaining that the Agency's well sampling detected elevated levels of gross alpha, which are naturally occurring substances (out of the rock) inherent to this area. She said these allowable contaminants only become a health issue at certain high levels...and we have not exceeded those maximum levels. The wells in question are not in operation (she referenced the monthly Production Report, included with each published Board packet). There was no need to notify the public, because there was no violation so DPH has not required this action. She concluded her remarks by reporting that the Planning, Legislative, Engineering, Grants and Security (PLEGS) Committee had discussed this at a recent meeting and were preparing options to corrects. Although those wells were not contaminated and there was no requirement to shut them down, as GM she considered it prudent to do so.*

*Regarding the concerned customer inquiry, she had offered to find a contact person @ DPH who would receive and answer those questions.*

Director McBride clarified that customers were not notified because "no laws were broken", adding "what would the Agency tell them?"

Director Coulombe voiced his opinion that the "fearmonging" being spread by Director Oswalt throughout the community was "unacceptable".

Director Oswalt defended her beliefs by reading from the Agency's 2008 Consumer Confidence Report (CCR) mentioning the terms "drinking water" and "contaminants" in the printed statement.

Director Larson remarked that this is inherent to this area and the problem is under control. He concluded that, "We are serving water that meets the standards set by the State and Federal Government. We are compliant and will remain so."

- 3) GM West reported that in order to satisfy our auto insurance liability requirements (through SDRMA); the Agency must have the individual Director's authorized participation in the California Department of Motor Vehicles' (CA DMV) Pull Program.



(The Board Secretary will provide the appropriate paperwork to the Directors and once completed and returned, would follow-up with SDRMA, updating the policy information.)

- **DIRECTORS' REPORTS**

- > Director McBride commented about the misinformation that was recently reported on the local radio station; he believes this needs to be addressed and that the Agency has the "right to be heard" as well. (It was suggested that the GM consider an appearance on the radio "call-in" talk show.)
- > Director Larson encouraged the public to attend the PLEGS Committee meetings to learn more about "the Agency serving water under acceptable standards and in compliance with regulatory guidelines".
- > Director Coulombe briefly reported on the Finance Ad Hoc Committee that he chairs. He said that the Committee was formed (January 26, 2010) to respond to a number of allegations posed by Director Oswalt. He said that on three separate occasions, he has asked the Director for a list of her specific concerns; he has yet to receive anything from her. He next said that although he had repeatedly asked the Director for dates and times for the Committee to meet, she has not responded to him. He expressed his frustration and wanted to know when the Director intended to provide this list so her claims could be investigated.

Director Oswalt said that she had submitted her list to the GM (which GM West acknowledged receiving a few days earlier). Director Oswalt wanted everyone to know that she had requested copies of checks from both June 2009 and July 2009 because she had questions with the check register data.

Director Coulombe wondered if this was the only "finance" concern that the Director had and had been alluding to all these months. He wanted to get to the "bottom line" and resolve this finally.

Director Burkhart announced that if "there was no Committee meeting held before the next Board meeting, then she would dissolve it".

## **8. COMMUNICATION AND PUBLIC INFORMATION ITEMS -**

- Judy Corl-Lorono asked to address the Board before adjournment. She complimented the Board for the improvements to the Meeting Room and thanked GM West for her explanation about the DPH letter and putting the report into perspective.

## **9. ITEMS FOR NEXT AGENDA**

- ✓ Finance Ad Hoc Committee update
- ✓ Draft FY10/11 Budget presentation

**10. ADJOURNMENT** - Director Burkhart adjourned the meeting @ 9:16 PM

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "Joanne L. Keiter", written over a horizontal line.

Joanne L Keiter, Board Secretary

Pending Approval

# TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

May 7, 2010

**To:** Marina West  
Bighorn-Desert View Water Agency  
622 S. Jemez Trail  
Yucca Valley, California 92284

**From:** Daniel Craig, Project Manager

**Subject:** **Progress Report – April 2010**  
***Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project***  
**Bighorn-Desert View Water Agency and Todd Engineers**

Todd Engineers (Todd) is pleased to submit this Monthly Progress Report for the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project* (Project) for the period of April 1 through April 30, 2010.

The following summarizes the work completed during the period, costs for the period and to date, and anticipated activities for the upcoming monthly period.

## **Work Completed During April 2010**

*Task 1 Project Management* – Todd provided project management support including tracking of project costs, progress, and schedule.

*Task 2 Regulatory Permitting* – Todd and Kennedy/Jenks prepared a memorandum documenting the permitting requirements of local, state, and federal regulatory agencies.

*Task 3.3 Perennial Yield Assessment* – Todd continued work on water budget information for the perennial yield assessment. We updated the basin water budgets originally developed for the 2007 Basin Conceptual Model project for the period 2000 through 2009 using precipitation and water use data.

*Task 3.4 Groundwater Flow Evaluation* – Todd performed autocalibration of the MODFLOW groundwater flow model of the Pipes and Reche Subbasins. Inverse simulations using the PEST parameter estimation program were conducted to better estimate distribution of aquifer permeabilities and fault barrier conductance.

*Task 4.1 Groundwater Management Plan Report* – Todd continued development of the GWMP Report including monitoring plan and model documentation.

*Task 4.2 Support for MOU and Water Agreement Amendment* - Todd and Kennedy/Jenks, along with Ms. Susan Trager Esq. discussed options and strategies for a new water agreement between the parties.

### **Work Planned for May 2010**

*Task 2 Regulatory Permitting* – At BDVWA's direction, Todd and Kennedy/Jenks Consultants will begin preparing necessary regulatory agency permits required to construct and operate the Reche Spreading Grounds.

*Tasks 3.3 and 3.4 Perennial Yield Assessment and Groundwater Flow Evaluation* – Todd will document the estimates of basin sustainable yield and the MODFLOW model, and perform the additional simulations of historical transient groundwater flow conditions.

*Task 4.1 Groundwater Management Plan* - Todd will continue development of the GWMP

*Task 4.2 Support for MOU and Water Agreement Amendment* - Todd and Kennedy/Jenks, along with Ms. Susan Trager Esq. will continue discussion of options and strategies for a new water agreement, and prepare for the June 2010 meeting with the parties at Mojave Water Agency.

### **Charges to Date and Budget Summary**

Charges to date and budget remaining (through April 30, 2010) are summarized in the attached tables. Total professional charges for the Period April 1 through April 30, 2010 are \$28,247.08, bringing total charges to date to \$107,342.01 out of the approved project budget of \$469,228.45. The remaining budget is \$361,886.44.

Attachments:

Table 1. Charges to Date and Budget Remaining

Table 2. Project Costs to Date



**Todd Engineers and Kennedy/Jenks Consultants**

**Table 2. Charges to Date and Budget Remaining (through April 30, 2010)**

<b>Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan</b>			
<b>Task Name</b>	<b>Task Budget</b>	<b>Charges to Date (April 30, 2010)</b>	<b>Remaining Budget</b>
Task 1 – Project Management	\$36,831.60	\$7,710.71	\$29,120.89
Task 2 – Permitting Support	\$39,356.00	\$11,947.45	\$27,408.55
Task 3 – Hydrogeology Feasibility Studies			
3.1 Vadose Zone Investigation and Monitoring Well Installation	\$132,916.25	\$2,269.50	\$130,646.75
3.2 HDWD Well No. 24 Aquifer Test	\$18,638.40	\$0.00	\$18,638.40
3.3 Perennial Yield Assessment	\$15,381.60	\$15,018.70	\$362.90
3.4 Groundwater Flow Evaluation	\$79,574.40	\$56,862.25	\$22,712.15
3.5 Water Quality Evaluation	\$15,867.00	\$1,698.30	\$14,168.70
3.6 Hydrogeology FS Report	\$34,399.60	\$566.10	\$33,833.50
Task 3 Total	\$296,777.25	\$76,414.85	\$220,362.40
Task 4 – Groundwater Management Plan and Water Agreement Amendment			
4.1 GWMP	\$40,330.80	\$6,538.20	\$33,792.60
4.2 Agreement Amendment	\$41,451.20	\$4,730.80	\$36,720.40
Task 4 Total	\$81,782.00	\$11,269.00	\$70,513.00
Task 6 - Support Stakeholder/Public Outreach			
Support	\$14,481.60	\$0.00	\$14,481.60
Project Total	\$469,228.45	\$107,342.01	\$361,886.44

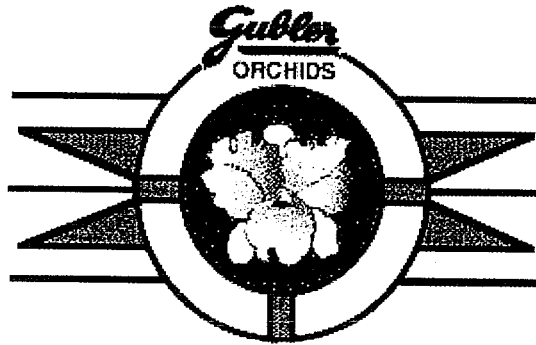


**Todd Engineers and Kennedy/Jenks Consultants**

**Table 1. Charges to Date and Budget Remaining (through April 30, 2010)**

**Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan**

Classification	Project Manager	Principal Geologist	Senior Geologist	Associate Geologist	Staff Geol/Eng	Graphics	Total Labor Hours	Total Labor	Comm Fee	Travel Admin Costs	Subcontractors Driller, Lab, Other Direct Costs	Expense Fee	Subcontractor Kennedy/Jenks	Total Costs
2010 Hourly Rates	Craig \$185	Stanlin \$180	Lin \$160	Taylor \$150	\$150	\$95								
Task 1 – Project Management	38.5	0.25	4	0	0	0	40.75	\$ 7,440.00	\$ 148.80	\$ 100.00	\$ 18.05	\$ 2.86	\$ -	\$ 7,740.71
Task 2 – Permitting Support	13.75	0	11	0	0	0	24.75	\$ 4,303.75	\$ 86.08	\$ -	\$ -	\$ -	\$ 7,557.63	\$ 11,947.45
Task 3 – Hydrogeology Feasibility Studies														
3.1 Vadose Zone Investigation and Monitoring Well Installation	9	0	3.5	0	0	0	12.5	\$ 2,225.00	\$ 44.50	\$ -	\$ -	\$ -	\$ -	\$ 2,269.50
3.2 HDWD Well No. 24 Aquifer Test	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3.3 Perennial Yield Assessment	24	0	57	0	0	0	81	\$ 13,560.00	\$ 271.20	\$ -	\$ 1,187.50	\$ -	\$ -	\$ 15,018.70
3.4 Groundwater Flow Evaluation	205.5	0	110.75	0	0	0	316.25	\$ 55,737.50	\$ 1,114.75	\$ -	\$ 10.00	\$ -	\$ -	\$ 56,862.25
3.5 Water Quality Evaluation	9	0	0	0	0	0	9	\$ 1,665.00	\$ 33.30	\$ -	\$ -	\$ -	\$ -	\$ 1,698.30
3.6 Hydrogeology FS Report	3	0	0	0	0	0	3	\$ 555.00	\$ 11.10	\$ -	\$ -	\$ -	\$ -	\$ 566.10
Task 3 Total	250.5	0	171.25	0	0	0	421.75	\$ 73,142.50	\$ 1,474.85	\$ -	\$ 1,197.50	\$ -	\$ -	\$ 76,414.85
Task 4 – Groundwater Management Plan and Water Agreement Amendment														
4.1 GWMP	29	5.5	0	0	0	0	34.5	\$ 6,410.00	\$ 126.20	\$ -	\$ -	\$ -	\$ -	\$ 6,536.20
4.2 Agreement Amendment	12	0	3.5	0	0	0	15.5	\$ 2,780.00	\$ 55.60	\$ -	\$ -	\$ -	\$ 1,895.20	\$ 4,730.80
Task 4 Total	41	5.5	3.5	0	0	0	50	\$ 9,190.00	\$ 181.80	\$ -	\$ -	\$ -	\$ 1,895.20	\$ 11,269.00
Task 6 - Support Stakeholder/Public Outreach Support							0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Charges to Date through April 30, 2010	341.75	5.75	188.75	0	0	0	537.25	\$ 94,676.25	\$ 1,893.53	\$ 100.00	\$ 1,216.55	\$ 2.86	\$ 9,452.83	\$ 107,342.01



June 2, 2010

Bighorn-Desert View Water Agency.  
Directors of the Bighorn Desert View Water Agency  
622 S. Jemez Trail  
Yucca Valley, CA 92284

Dear Board of Directors,

Gubler Orchids and The B.D.V.W.A have a solid working relationship over the past twenty years. Gubler Orchids has been a viable asset to the community for over 37 years. Our organizations share the same concerns on water issues such as quality and overdraft. Throughout our tenure here our water usage has remained constant.

We recognize the importance to the community of adding W-1 into the sphere of influence of B.D.V.W.A. Fixed costs can only be lowered by adding more volume (customers). From my understanding, the request made to LAFCO was to expand the sphere of influence to your borders to the south east to include W-1. LAFCO became more aggressive, and somehow in this process we were thrown into the sphere of influence review for community identity. LAFCO failed to notify Gubler's in any form of this sphere of influence change, and thankfully, Marina West gave me a last minute heads up on the workshop held at the Water District office.

I am requesting that the Board of Directors reconsider their position on including Gubler Orchids in the sphere of influence. Gubler Orchids feels that this action could lead to a forced annexation into the district down the road. The current interpretation of the law says this could not happen without my permission, however with creative lawyers and liberal interpretation of the law; this could become a reality possibly forcing Gublers to close their doors.

I realize that some members of this board do not share this view, but I think we can all agree that this Agency is known for the political unrest within its electorate. Board members and the direction of the agency have changed many times over the last 15 years. The LAFCO proposal goes through as written; could lead to catastrophic events for my company.

PHONE: 760.364.2282 FAX: 760.364.2285 Email: [Chris@Gublers.com](mailto:Chris@Gublers.com)  
2200 Belfield Blvd. PO Box 3100, Landers, California 92285-0100

We understand that the B.D.V.W.A twenty year plan does not include Gubler Orchids, at this time. So, why given our history would we want to include Gubler Orchids in sphere of influence? Our business model requires stability in water supply outside the boundaries of B.D.V.W.A. Please add this issue to the June agenda for further discussion. We are asking the board to remove Gubler Orchids: Section 1, Township 2N Range 5E from the sphere of influence and notify LAFCO of your decision.

Thank You  
Respectfully Submitted,



H. Christopher Gubler  
Gubler Orchids

CC: Supervisor Derry  
LAFCO Commissioner Jim Bagley  
Kathleen Rollings-McDonald, Executive Officer LAFCO



Jim Harvey  
50220 Saddle Rock Way  
Johnson Valley, CA 92285  
760-401-1015

Bighorn-Desert View Water Agency Board of Directors  
622 Jemez Trail  
Yucca Valley, CA 92284

May 1, 2010

Subject: Brown Act Violation

Dear BDVWA Board of Directors,

In the Saturday, May 1, 2010 edition of the Hi-Desert Star, Rebecca Unger reported on actions taken by the board on April 27<sup>th</sup>, related to adjustments in compensation for General Manager Marina West. From the article:

1. *"The directors voted 4-1, director Martha Oswald dissenting, to grant her one extra week of vacation to make a total of three weeks per year."*
2. *"Also approved four to Oswald's one was an additional \$1,000 toward her education budget"*
3. *"In a 3-2 vote, with Vice President Mike McBride joining Oswald in a nay vote, West received an additional 40 hours of administrative leave"*
4. *"After a 3-2 vote, with Director Dave Larson siding with Oswald, West got a 6 percent bump on her current salary to bring her compensation up to \$106,000."*

On April 23<sup>rd</sup> I received the agenda for the April 27<sup>th</sup> regular board meeting from staff via email. A few hours later I received a revised agenda also via email. Neither of the emailed agendas contained an agenda item notifying me or any other member of the public that the board was considering taking legislative action to amend the compensation of General Manager Marina West – much less notification on **four** legislative acts by the board as significant as these.

Your agency has been warned repeatedly over the past several years about taking action during board meetings that was not properly agendized. In fact, the initial hiring of Marina West as General Manager was also not agendized, and as a result of my demand for cure and correct dated March 15, 2008, the board was required to correct this illegal action by properly agendizing her hiring in a subsequent meeting.

Section 54954.2 (a) of the Brown Act requires that the agency **"post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting"**.

The discussions and actions taken by the board pertaining to Marina West's compensation during the April 27<sup>th</sup> regular board meeting were not noticed on the agenda for that meeting. The agenda did not adequately describe this item of business, so as to alert interested members of the public to the full scope of the business to be considered. The agenda only contained an item of notification for a closed session Public Employee Performance Evaluation. The board is only allowed to evaluate the General Manager's performance in closed session, not discuss or take action on compensation.

Pursuant to Government Code Section 54960.1, I demand that the legislative body cure and correct the illegally taken action of amending the General manager's compensation on April 27<sup>th</sup> as follows:

1. Reversal of any action taken, with notice to all immediately affected persons.
2. Rescheduling of the matter to a future meeting
3. Adequate description of the matter on that meeting agenda, and
4. Commit to adequately describing the full topic of discussion for each agenda item in the future, and limiting the scope of business to be discussed or transacted to the agenda item as described.

Government Code Section 54960.1 allows you 30 days from receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would seek the award of court costs and reasonable attorney fees pursuant to Section 54960.5.

The repeated Brown Act violations by this board are unacceptable. This violation could easily have been avoided by placing an agenda item after the closed session evaluation worded as simply as

**“Board to discuss and consider taking action on amendments to the General Manager's compensation package.”**

There is a consistent pattern of posting agendas that provide inadequate public notice to items being discussed and acted upon by this agency. I suggest Ms. Burkhart and the rest of the BDVWA board members who voted for these actions seek remedial Brown Act training immediately to avoid more demands for cure and correct and possible intervention by the District Attorney's office.

Sincerely,

A handwritten signature in cursive script that reads "Jim Harvey".

Jim Harvey



SMITH TRAGER LLP

May 10, 2010

Ms. Marina West  
General Manager  
Bighorn Desert View Water Agency  
1720 N. Cherokee Trail  
Landers, CA 92285

Re: Allegation of Brown Act Violation Dated May 1, 2010 in Connection with  
Items Taken up at Board Meeting of April 27, 2010

Dear Ms. West:

Bighorn-Desert View Water Agency ("Agency") has been served with a Notice of an alleged Brown Act Violation and a Demand to Cure and Correct an allegedly improperly noticed matter to have been taken up in open session during the Agency's April 27, 2010 meeting. We have reviewed the Brown Act Complainant's Complaint and his Demand that the Agency cure and correct by taking action within 30 days to (1) reverse the approved pay raise; (2) reschedule the matter to a future meeting; (3) provide an adequate description of the matter on the upcoming agenda; and (4) commit to adequately describing the full topic of discussion for each agenda item noticed in the future.

Conclusion and Recommendation

We have reviewed the Complainant's allegations, have researched the statutory provision of the Ralph M. Brown Act, reviewed applicable case law, researched interpretive opinions of the Attorney General of the State of California, and conclude that the Agency has acted properly in taking up the issue of employee compensation in open session following a closed session review of the employee's performance. No further action need be taken by the Agency. The California Attorney General has opined twice that a discussion about an employee's compensation is "an integral part" of a public employee performance review, and accordingly, no separate notice of an agenda item for the consideration of the employee's compensation is required when done in connection with the employee's performance review.

The notice to review the general manager's job performance as provided in the Agency's published agenda was adequate to allow discussion of her compensation. In matters in which the California Attorney General has issued opinions in which he has said that the discussion of compensation is an "integral part" of the

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performance review, it was then proper to conduct the performance evaluation in closed session. While there is some authority that the discussion about compensation for some officials may be discussed in closed session, discussions about the salaries of non-elected officers must be discussed in open session. See, *San Diego Union v. City Council of the City of San Diego*, (1983) 146 Cal. App. 3d 947, 196 Cal. Rptr. 45, holding that discussions about compensation to be awarded to City non-elected officers be discussed in open session. The Agency's Board reviewed the employee's compensation in open session on April 27. The discussion about compensation was an integral part of the employee's scheduled and noticed closed session performance review, consistent with *San Diego Union*, supra, and with the two opinions of the Attorney General.

Accordingly, the Agency Board need not reverse the action taken, need not reschedule the matter to a future meeting, and need not augment the description of the matter under consideration. Finally, the Agency continues to abide by its commitment to adequately describe the full topics of discussion for each agenda item, usually in open session, in keeping with the spirit and requirements of the Ralph M. Brown Act.

#### Analysis of Complainant's Allegations and Adequacy of the Agency's Notice

The substance of Complainant's allegations is the Agency's purported failure to specifically call out in its published Agenda a necessarily-included element of an employee performance evaluation, the discussion of that employee's compensation.

Government Code Section 549542(a)(1) requires

. . . the post[ing] of an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of any item generally need not exceed 20 words.<sup>1</sup>

---

<sup>1</sup> Item 2 as posted on the Agenda, contains 31 words, or 55% more than is suggested by Section 54952(a)(1) of the Brown Act, the full text of which the Complainant neglects to quote.

Ms. Marina West  
May 13, 2010  
Page 3

Complainant alleges that the Agency's Board, in open session, considered and voted on increasing the general Manager's compensation by adding one extra week of vacation for a total of three weeks per year, increasing her education budget by \$1,000.00 per year, granting an additional 40 hours of administrative leave, and increasing her current salary of \$100,000 by 6 percent.

The vote on compensation followed a closed session evaluation of the General Manager's job performance, the outcome of which was described in open session by the Board President, as "...we have a great general manager."

The Complainant, in his May 1 letter wrote:

The discussion and actions by the board pertaining to Marina West's compensation during the April 27<sup>th</sup> regular board meeting were not noticed on the agenda for that meeting. The agenda did not adequately describe this item of business, so as to alert interested members of the public to the full scope of the business to be considered. The agenda only contained an item of notification for a closed session Public Employee Performance Evaluation. The board is only allowed to evaluate the General Manager's performance in closed session, not discuss or take action on compensation.

We have found no statute requiring that the discussion about compensation be called out specially in an agenda, when the item is described as "Public Employee Performance Evaluation." Similarly, no case law requires the noticing of a separate item. As to the point of whether there must be a separately agendized item regarding discussion of compensation, the Attorney General of the State of California has twice opined that the question of an employee's salary is "an integral part" of the evaluation of that individual's job performance. In a 1978 opinion, #CV-77-86, the Attorney General of California, Evelle J. Younger, wrote:

... in letter opinions this office has held that discussion of salaries of specific employees is the proper subject for an executive session. ...

As to specific salaries, it was held [in an earlier matter]:

... [The question of ... **an individual's salary is an integral part of an evaluation** of that individual's past performance and the terms or conditions of his future employment. Such discussions, dealing solely with an evaluation of an employee's performance, may properly be conducted in executive session. (Emphasis added.)

Id. At p.3.

The key words there are "[an] individual's salary is **an integral part of an** evaluation of that individual's past performance and the terms of conditions of his further employment..." (Emphasis added.)

Earlier, in 1965, the Attorney General of California, Thomas C. Lynch, stated in a letter to the Honorable Carlos Bee, of the Thirteenth District of California, regarding Attorney General Decision 32 in 1959, the following:

There is a legitimate and meaningful difference between discussions involving salary increases in general - without regard to the appointment, employment or dismissal of any particular officer or employee - and discussion involving the employment (or continued employment) of a particular employee. In the latter case, the question of that individual's salary is an integral part of an evaluation of that individual's past performance and the terms or conditions of his future employment. Such discussions, dealing solely with an evaluation of an employee's performance, may properly be conducted in an executive session. (Emphasis added.)

IL 65-78: LB 373D 114A (was OP 65/53).

During this time period, and prior to *San Diego Union v. City Council*, referred to above, it was the Attorney General's view that even discussions about compensation itself could be undertaken in closed session, rather than open session. In some circumstances, that is still true today.

Ms. Marina West  
May 13, 2010  
Page 5

Opinions of the Attorney General, although not binding on the courts, have been accorded "great weight" in matters of this nature, where controlling authority construing the statutory provision is absent. *San Diego Union v. City Council*, *supra*, citing *Joiner v. City of Sebastopol*; *Henderson v. Board of Education*; *Worthington v. Unemployment Ins. Appeals Bd.*; [citations omitted] 196 Cal. Rptr., at page 49.

The Agency has fully complied with the Brown Act's policy of transparency, conducted its discussion and deliberations about compensation in open session consistent with the notice of the topic being discussed, (employee performance evaluation), and the notice is sufficient so that any reasonable and practical person would understand that the agenda item necessarily included a discussion about compensation.

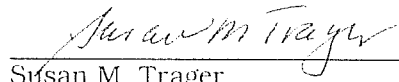
As there was no Brown Act violation on the part of the Agency's Board as alleged by the Complainant, the demands that the legislative body cure and correct are not warranted.

The Complainant has requested to be informed of the outcome of the Complaint and Demand letter. Please feel free to forward a copy of this letter to serve as the requested notification.

If you have any further questions, or concerns, please contact this office.

Sincerely,

SmithTrager LLP - MacArthur Office

  
Susan M. Trager

SMT:ja