

# Bighorn-Desert View Water Agency Board of Directors' Handbook



The policy of Bighorn-Desert View Water Agency, is to maintain the highest ethical standards for its Board members. Agency transparency is key in maintaining public trust.

The objectives of this handbook are to provide guidance in operating procedures, ethics, duties and responsibilities of the Board of Directors.



Adopted  
March 28,  
2017  
Resolution  
17R-09



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“WHEN THE  
WELL IS DRY WE  
KNOW THE  
VALUE OF  
WATER”  
BENJAMIN  
FRANKLIN

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# Agency Background



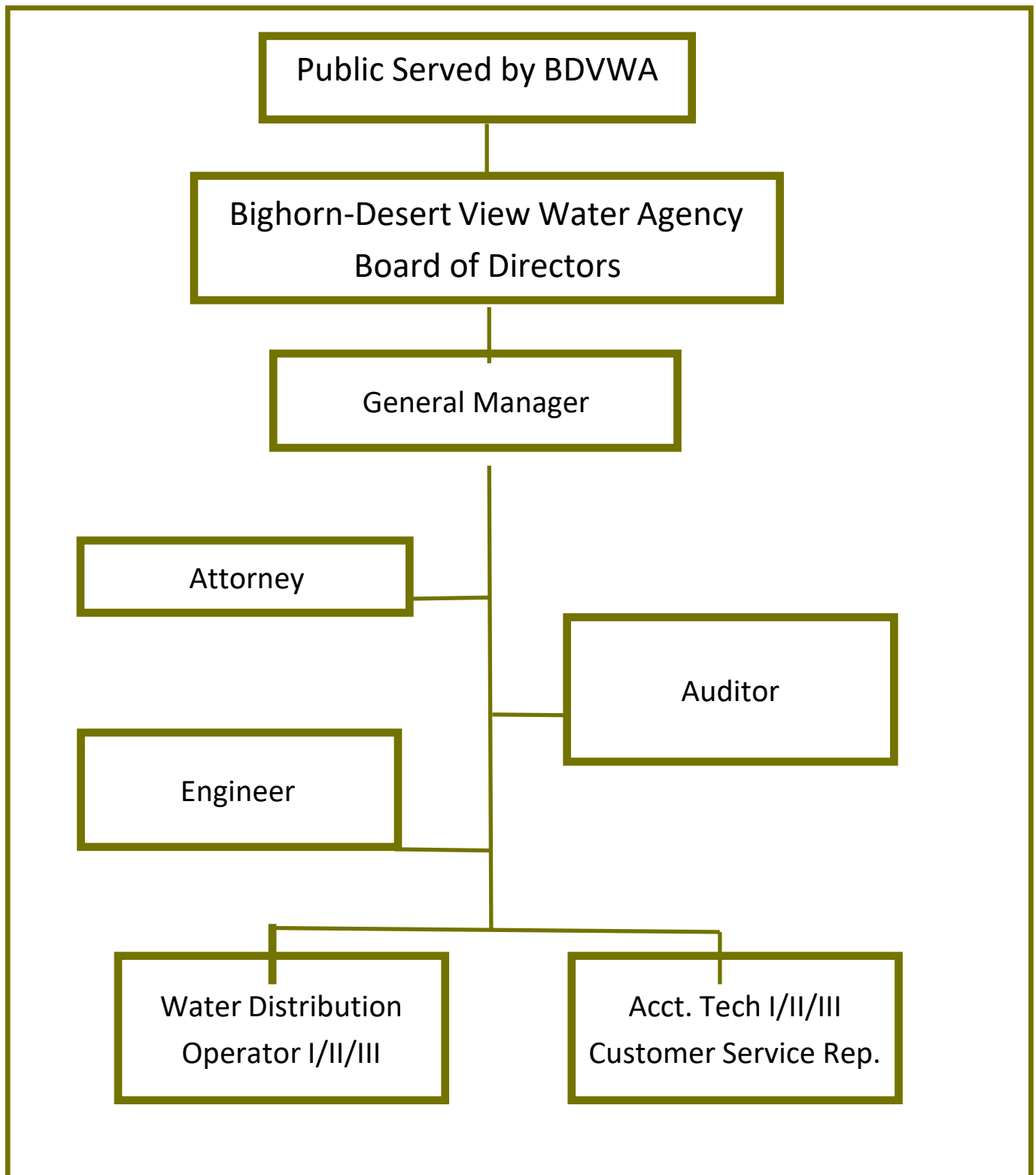
The Bighorn-Desert View Water Agency is located in the southwest desert within San Bernardino County and encompasses 54-square miles serving the High Desert communities of Flamingo Heights, Johnson Valley and Landers.

The Agency consists of approximately 2200 active residential and commercial metered service accounts as well as 100 bulk meter accounts, via five water-hauling stations.

The Agency operates 9 deep wells and 13 above-ground reservoirs, maintains 519 fire hydrants and 160 miles of water mainlines.

The Agency has access to the State Water Project from the Mojave Water Agency via the Morongo Basin Pipeline (MBP). Water obtained through the MBP is recharged at the Ames/Reche Groundwater Recharge site operated and maintained by the Mojave Water Agency.

## Organizational Chart



### **Mission Statement, Vision Statement, Values & Integrity**

#### Mission Statement

To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate.

#### Our Vision

To demonstrate accountability by taking economically responsible action today to secure our water supply for tomorrow.

#### Our Values

We pledge to use all available resources for maintaining our existing facilities as well as plan, design, finance and construct our future infrastructure for benefit to our customers in our service area.

#### Our Integrity

Staff and Board are committed to a comprehensive evaluation of the most important issues while establishing a record of fairness to all customers and consideration for protecting our desert environment.

### Major Milestones

1990	Consolidation of Bighorn Mountain Water Agency and Desert View County Water District.
1991	Ames Valley Groundwater Basin Monitoring Program and stipulated judgment naming Hi Desert Water District
2013	SB 246 Modernization of Bighorn-Desert View Water Agency Law.
2014	Stipulated and amended and restated <b>judgment</b> for the <b>Ames/Reche Groundwater Storage and Recovery Program</b> enjoining Hi Desert Water Districts, County of San Bernardino Special Districts Water Zones W-1 (Landers) and W-4 (Pioneertown).
2015	Completion of the Dissolution of County San Bernardino Special Districts Zone W-1 and Annexation into Bighorn-Desert View Water District.
2016 to Present	See Page 8

## Recent Accomplishments

Recent accomplishments include, but are not limited to the following:

- Adopted balance budgets.
- Completed motions and filings for the Amended and Restated Judgement for the Ames Valley Water Basin with the Riverside County Court on behalf of project participants on September 17, 2014. In summary the judgement caps annual production and provides a facility of recharge of the State Water Project through the Mojave Pipeline. The judgement also allows inter-agency water transfers.
- Awarded 2015 Clair A. Hill Award of Water Agency Excellence by the California Association of Water Agencies for the Ames/Reche Groundwater Storage and Recovery Program.
- Completed and adopted a Hazard Mitigation Plan that which qualifies the Agency for grants to complete projects which results in a reduction of hazard vulnerability.
- Preventative maintenance of water distribution system appurtenances including pressure reducing stations, fire hydrants, isolation valves, air vacuum valves and emergency power connections.
- Continued outreach to the community through various forms of communications including newsletters, annual calendar, revised utility bill format and participation in local community events.
- Awarded Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.
- Awarded the 2-year Certificate of Excellence in District Transparency from the Special District Risk Management Authority (SDRMA).
- Awarded the Special District Leadership Foundation "District of Distinction Award".



### **Major Facilities**

Well 10 Bulk Hauling Station which includes production well, reservoir and booster station.

Ames Reche Recharge and Recovery Project—Managed by the Mojave Water Agency.

Bighorn-Desert View Water System (System No. 36 10 009)

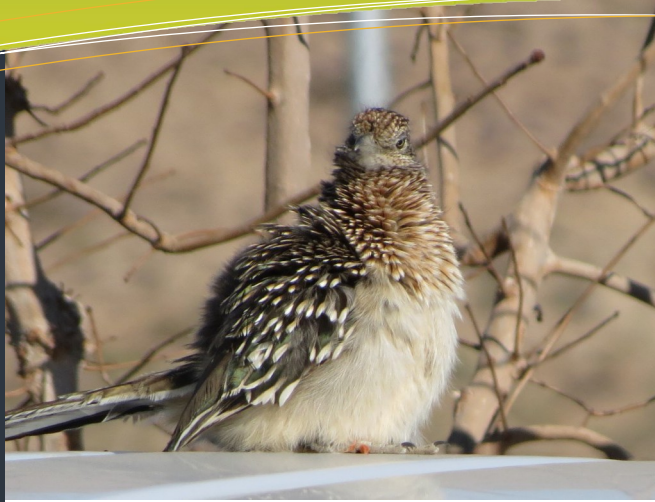
Improvement District Goat Mountain Water System (System No. 36 10 060)

### **Department Overview/Function**

Administration handles the Agency's finances, billing, customer service, record keeping and retains all Board actions.

Operations and Maintenance department handles day-to-day routine plus emergency operations and maintenance of the water systems.

# Board of Directors Role & Responsibilities



Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California, and to comply with the applicable laws regulating their conduct including conflict of interest, financial disclosure and open government meeting laws.

Rules and responsibilities begin once the elected officials are sworn into office. Brown Act obligations begin once elected officials are elected even before their term of office commences.

# Board of Directors Policy Handbook

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## Orientation

New Board members are welcome to tour the Agency facilities with the General Manager. New Board members should also feel free to contact the General Manager regarding any questions or concerns they may have.

## Authority of the Board

The Board of Directors shall act only at regular, regularly adjourned, special meetings or emergency meetings as provided by the Brown Act.

Individual Directors shall have no power to act for Bighorn-Desert View Water Agency, or the Board, or to direct the staff except as authorized by the Board, and only the General Manager has the power to direct staff.

The Board sets the policy for the Agency. The General Manager also has the power to set the agenda for the Board based on the workload.

The General Manager serves at the pleasure of the Board and shall:

- Have full charge and control of the maintenance, operation and construction of the waterworks of the Agency.
- Have full power and authority to employ and discharge any employee or assistant, and to direct staff.
- Prescribe the duties of employees and assistants.
- Fix and alter the compensation of employees and assistants subject to approval by the Board of Directors.
- Perform other duties imposed by the Board of Directors.
- Report to the Board of Directors in accordance with Rules and Regulations adopted by the Board.

The Board will provide policy direction to the General Manager on matters within the authority of the Board by a majority vote of the Board members present during duly-convened Board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other staff. Members of the Board will refrain from making requests directly to Agency staff (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding Agency operations from the General Manager.

# Board of Directors Policy Handbook

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## **Compensation & Expense Reimbursement**

The reimbursement of Directors shall be made in accordance with the following provisions:

Directors shall be reimbursed by Bighorn-Desert View Water Agency for reasonable expenses, including travel, lodging and meals incurred when attending trips of official business of the Agency when so authorized by the Board. Directors shall submit to the Agency's accounting department on said form their expense reports no later than thirty days prior to the next regular Board meeting of the following month. All receipts documenting each expense will accompany the expense reports.

The amount of mileage reimbursement will be consistent with Board Policy. All Board members should keep travel, meals and lodging costs within reasonable constraints, keeping in mind that these expenses require use of public monies. Emphasis should be placed on keeping costs to acceptable practices.

Directors and/or consultants who bring personal guests to dinners, etc. are responsible to make payments for those guests in advance of the event.

In connection with all issues arising out of compensation and expenses, it is appropriate that elected Directors pose this series of questions:

- Does the law allow me to use public resources in this manner?
- How does this particular expenditure benefit the public's interest as opposed to my own personal interest?
- How would I feel if a particular expenditure were reported in the local newspaper?
- How would my next-door neighbor feel about my spending his or her rate payer money this way?

Reference: Policy for Reimbursement of Actual and Necessary Expenses for Board Members

### **Fair Political Practice Commission Forms (Agency Maintained)**

It is important to note that the Agency must permit any member of the public to inspect and/or be provided a copy of any FPPC form filed by any Board member or staff member upon completion of an Agency Public Information Request Form.

#### **Form 700 (Statement of Economic Interest)**

Form 700 is a public document that must be filed with the Agency staff each year by April 1. Form 700 provides a mechanism for the Board member to mandatorily report investments, business positions in business entities, real property and income from sources that are located or doing business within the Agency's jurisdiction for the prior calendar year. Gifts of any type, regardless of source, are reportable regardless of jurisdiction. Specifics as to the types of expenses that must be disclosed on each statement are included with each Form 700. Form 700 are provided to each Board member by Agency staff as soon as the most updated version is available from the FPPC, which is generally by no later than the end of January. Form 700 and all statements are also available by accessing the Fair Political Practices Commission (FPPC) website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

#### **Form 806**

The Form 806 is a public document outlining Public Official Appointments. This form is completed annually by the Agency staff following reorganization of the Board of Directors.

### Fair Political Practice Commission Forms

#### Form 470 (Officeholder and Candidate Campaign Statement)

The individual Director, not Agency staff, is responsible for filing forms associated with campaigns.

The reporting period for Form 470 is January 1 through December 31 of the prior year. Form 470 must be filed by July 31 each year, but must not be filed or executed prior to the closing date of June 30. Form 470 is for use by officeholders and candidates who:

- Do not have a controlled committee.
- Do not anticipate receiving contributions totaling \$1,000 or more during the calendar year.
- Do not anticipate spending \$1,000 or more during the calendar year.

Form 470 is generally routed directly to the officeholder at their home address; however, Agency staff will assist Board members with locating the appropriate forms, if needed.

#### Form 470 Supplement (Officeholder and Candidate Campaign Statement)

Individual Directors, not Agency staff, are responsible for filing forms associated with campaigns.

The supplement to Form 470 is used when the officeholder or candidate has filed Form 470 in connection with an election and subsequent to that filing receives contributions (including monetary and non-monetary contributions, loans and the candidate's personal funds) totaling \$1,000 or more prior to the election.

Notification via the Form 470 supplement must be sent within 48 hours of receiving contributions totaling \$1,000 or more or when making expenditures totaling \$1,000 or more. Notification must include the name and address of the candidate, the elective office and the date of election for which the Form 470 was filed and the date contributions or expenditures totaling \$1,000 or more were received or made.

### **Fair Political Practice Commission Forms**

#### **Form 460 (Recipient Committee Statement)**

All filing requirements for Form 470 as identified above apply to Form 460 as well. Form 460 is for use by officeholders and candidates who:

- Have a controlled committee or who have raised or spent \$1,000 or more, or who anticipate raising \$1,000 or more during the calendar year.

Late filing of any FPPC form following the deadline date is subject to a daily fine. Responsibility for timely filing is the responsibility of the filing party, not the Agency. Elected Officials are solely responsible for completing and filing the campaign-related FPPC Forms 460 and 470. Assistance can be sought from the FPPC staff.

Please see the FPPC website at [www.fpc.ca.gov/](http://www.fpc.ca.gov/) for additional information.

# Responsibilities



The primary responsibilities of the Board of Directors include:

- Defining Agency Goals and Objectives
- Establish Agency Policies
- Act as Custodian of Agency Property & Resources
- Communicate with the General Public
- Employ the General Manager, who shall implement the Goals, Plans & Policies Established by the BOD
- Appointment of the Agency Legal Counsel, Auditor, Engineer & Treasurer.

Policies that supplement obligations of the Agency as set forth in the Bighorn Act are established by ordinances, resolutions or motions passed by the Board of Directors.



# Board of Directors Policy Handbook

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## Continuing Education

Continuing education for the Board of Directors is anticipated and encouraged so that all Board members are up-to-date on the many changes and challenges that consistently occur within the water industry.

Conventions and seminars loaded with educational opportunity are held throughout the year, including those scheduled through the California Special Districts Association. Designated Agency staff will handle arrangements for registration, air travel and lodging, etc.

Details regarding reimbursable expenses are addressed in the most recent Board of Directors Expense Reimbursement Policy.

Reasonable expenses incurred in association with attendance at seminars, retreats and conferences will be reimbursed upon completion of the expense reimbursement form which is available through the Agency's accounting department.

**Examples of California and National Organizations include:**



Directors are encouraged to notify the GM of events they wish to attend as soon as possible so that Board approval if required, can be agendized and registration/reservations can be made in a timely manner to obtain the lowest cost possible.

### **Continuing Education**

Compulsory Safety and Ethics Courses:

- Ethics (Bi-Annually or as otherwise required by law)
- Sexual Harassment (Bi-Annually or as otherwise required by law)
- Defensive Driving (Bi-Annually or as otherwise required by law)

# Powers And Duties



# Board of Directors Policy Handbook

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## Board of Directors

The Board of Directors shall have and exercise all powers and responsibilities of the Bighorn-Desert View Water Agency as directed by State law. The Board shall have the following powers and duties.

- To establish and enforce all policies, rules and regulations necessary for the administration, governance, protection and maintenance of the Bighorn-Desert View Water Agency facilities.
- To appoint a General Manager who will be responsible for the management of all operations and affairs of the Agency. To define the qualifications, powers, and duties of such appointee, and evaluate performance.
- In compliance with all applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the Agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the Agency and the improvement district. Revenues will also provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions and enlargements, pay the interest on any debt and provide a sinking or other fund for the payment of the principle of such debt when it becomes due. *See also Section 22 of the BDVWA Act for Bonded Indebtedness.*
- By a majority vote of the Board of Directors, the Board shall appoint an attorney, chief engineer, general manager and auditor, as well as define their duties, and fix their compensation.
- A member of the Board shall not serve as the appointed attorney, chief engineer, general manager, or auditor.
- The Board of Directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the Board.

**Note: The Bighorn-Desert Water Agency Act lists additional “Powers and Duties” of the Directors. Directors are encouraged to look over the Act. A full copy may be requested.**

**(See Appendix A)**

# Board of Directors Policy Handbook

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## Officers

The officers of the Board of Directors, as dictated by the Bighorn-Desert View Act, shall consist of a President, Vice President and Secretary.

### President

In January of even years the Board of Directors shall elect one of the Directors to act as Board President. If at any time the Board President shall be unable to serve in that capacity, the Vice President shall act in his or her place. If the Vice President shall also be unable to act, the Board may appoint another member of the Board to do so, and such person shall be vested temporarily with all the authority and responsibility of the office of Board President.

The Board President, or member of the Board acting as such as above noted, shall:

- Preside over all meetings of the Board.
- Appoint members to serve on all standing and ad hoc committees of the Board.
- Sign as Board President on the Agency's behalf all instruments in which he/she has been specifically authorized to sign.
- Have general responsibility for making sure a General Manager or equal is in place during the President's term of office subject to the advise and control of the full Board.

### Vice President

The Vice President shall, in the event of death, absence, or other disability of the Board President, fulfill the duties of the President, and exercise all the powers and perform all of the duties herein given to the Board President.

### Secretary

The Secretary shall, in the event of death, absence or other disability of the Board President and Vice President, fulfill (pending a vote) the duties of the President, and exercise all the powers and perform all of the duties herein given to the President.

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# Definitions



## Board of Directors Policy Handbook

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### **Number of Board Members and Qualifications**

As prescribed by the Bighorn-Desert View Water Agency Act, the Board of Directors shall consist of five (5) members. Each Director must live within the Agency boundaries and be a registered voter.



## **Board of Directors Policy Handbook**

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### **Elections and Term of Office**

A Director shall be elected for a term of four years, or until his or her successor is qualified and elected. The election of a Director shall be consolidated with the county-wide election and shall be held in each even-numbered year.

An assigned Agency staff member will be available to provide and assist with Candidate Filing Documents. Candidates should be prepared to fill out the California Forms 700, 501, 410 and 470 as well as the Declaration of Candidacy Form, Ballot Designation Worksheet and the Candidate Statement Form (statement optional).

Information is also available the San Bernardino County Elections Office at  
777 E. Rialto Avenue  
San Bernardino, California, 92415  
Phone number 909-387-8300  
Email [communications@sbcountyelections.com](mailto:communications@sbcountyelections.com)

# Board of Directors Policy Handbook

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## **Attendance and Vacancies**

Board members are expected to carry out their responsibilities to the best of their abilities. In order to accomplish this goal, members should be present for scheduled meetings or events whenever possible. The failure of a Director to attend three (3) consecutive regular monthly meetings of the Board (provided such meetings shall occur in a period of not less than three (3) successive months), except when prevented by sickness or physical disability, or except when absent from the State with prior consent of the Board, as provided by Government Code, Section 1770, shall cause such director's remaining term in office to be considered vacant. Also, a Director may resign from the Board.

Government Code Section 1780 gives the Board 60-Days to fill the Board vacancy. In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the Bighorn-Desert View Water Agency Board of Directors, after discussion and consideration, shall, when deemed appropriate, do the following:

- Direct staff to call for an election; or
- Determine to fill the vacancy by appointment; or
- Do nothing, thereby leaving the decision to San Bernardino County Board of Supervisors, either to appoint or to order the Agency to call an election, within ninety (90) days of the notice of resignation or determination of vacancy.

# Board of Directors Policy Handbook

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## Terminology

Agenda: Formal document disclosing all matters to be discussed or considered by the Board at a scheduled meeting. In accordance with the “Brown Act” agendas must be posted no later than 72 hours prior to the beginning of a meeting.

Agenda item staff report: This relates to a report prepared by Agency staff for meeting agenda packets that provides detail regarding an agenda item, including staff’s recommendation, background information and fiscal impact.

Motion: A formal motion for action made by a Board member at any Board meeting. A motion initiates action on a subject on the agenda. Another member of the Board must offer a second to that motion for action to continue. Actions taken by motion are considered minute actions unless the motion is made to approve an ordinance or resolution.

Ordinance: A formal rule or law made by the Board of Directors.

Resolution: A formal action by a Board member for adoption of a policy or other action not intended to be a rule or law.

The following are water-related terms which may be useful in dealing with day-to-day matters involving the Agency:

Acre-foot: The volume of water necessary to cover one acre to a depth of one foot. An acre-foot is equal to 43,560 cubic feet or 325,851 gallons.

Adjudication: A judicial process to determine the extent and priority of the rights of all persons to use water in a defined water system.

Aquifer: An underground geological formation or structure that stores and/or transmits water.

Conjunctive Use: The planned use of both groundwater and surface water in an overall management system to optimize total water resources.

### **Terminology**

Conservation: The management of water resources so as to eliminate waste or maximize efficiency of use.

Consumptive use: A use that makes water unavailable for other uses, usually by permanently removing it from local surface or groundwater storage as the result of evaporation and/or transpiration.

Discharge: The volume of water that passes a given location within a given period of time.

Evaporation: The process of liquid water becoming water vapor including vaporization from water surfaces and land surfaces but not from leaf surfaces.

Excess capacity: Unused capacity to deliver water in a system of pipelines, canals and reservoirs.

Export: The conveyance of water outside the service territory of the Agency.

Groundwater: The supply of fresh water found beneath the Earth's surface, usually in aquifers, which supplies wells and/or springs.

Groundwater basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir.

Groundwater table: The upper surface of the zone of saturation.

Imported Water: The importation of water from another public agency for use within the Agency's service territory.

### **Terminology**

Infiltration: Flow of water through the ground surface into the subsurface.

Injection well: A well used for injecting water or other fluid into a groundwater aquifer.

Monitoring well: A non-pumping well used for drawing water quality samples or measuring water levels.

Percolation: The downward movement of water through the soil to the ground water table.

Permeability: The ability of a material to transmit water through its pores when subjected to pressure.

Potable water: Water of a quality suitable for drinking.

Riparian: Of, or pertaining to, rivers and their banks.

Safe Yield: The amount of water that can be pumped from the aquifer without over drafting (over using or exhausting) the aquifer.

Stream flow: The discharge that occurs in a natural channel.

Subsidence: Downward movement of the land surface associated with groundwater pumping, especially where such pumping exceeds safe yield and the water table has dropped.

### **Terminology**

Subsurface water: All water below the land surface including groundwater.

Transpiration: Water used by plants.

Water demand: The amount of water used over a period of time.

Water quality: The physical, chemical and biological characteristics of water and how they relate to a particular beneficial use.

Water transfer: A legal change in a water right reflecting some combination of a change of ownership, point of diversion and place of use.

Watershed: That surface area that contributes to the drainage or catchment area above a specific point on a stream, river or land surface.

# Conduct and Ethics



### **Fair and Equal Treatment/ Personnel Policies Relating to the Board of Directors**

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability (please see “Establishing a Policy for Mandatory Training for Board Members” in the appendix). A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group.

#### **Incompatible Employment**

Pursuant to the provision of Government Code, Section 53227, an employee of Big-horn-Desert View Water Agency may not be sworn into office as an elected or appointed member of the Agency’s Board of Directors unless he/she resigns as an employee. If the employee does not resign, the employment shall automatically terminate upon his/her being sworn into office.



# Board of Directors Policy Handbook

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## Use of Agency Property/Resources & Confidentiality

### Use of Agency Property and Resources

Except as specifically authorized, a Board member will not use or permit the use of Agency-owned vehicles, equipment, telephones, materials or property for personal benefit, use or profit. A Board member will not ask or require an Agency employee to perform services for the personal benefit, use or profit of a Board member or employee.

### Use of Confidential Information

A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit any of the following:

- Making a confidential inquiry or complaint to the Agency General Counsel, or to a District Attorney or Grand Jury concerning a perceived violation of law, including disclosing facts to Agency General Counsel or to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Agency, an elected official or employee.
- Expressing an opinion concerning the propriety or legality of actions taken by the Agency in closed session, including disclosure of the nature and extent of the alleged illegal action.

Prior to disclosing confidential information pursuant to either items above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director who willfully and knowingly discloses for financial gain confidential information received by him/her in the course of his/her official duties may be guilty of a misdemeanor under Government Code Section 1098.

# Board of Directors Policy Handbook

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## Conflict of Interest

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use their official position to influence a decision of the Board, if the Board member has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000 and following relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public, for instance:

- Business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations.
- Real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations.
- A source of income of the Director in the amount specified in FPPC regulations within 12 months before the Board decision.
- A source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision.
- A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director or by a business entity or trust in which the Director or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a 10 percent interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required by the Fair Political Practices Act and FPPC regulations.

## **Board of Directors Policy Handbook**

### **Conflict of Interest**

If a member of the Board believes that he/she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Agency's General Manager and the Agency's Legal Counsel of the potential conflict of interest so that a determination can be made whether it is a disqualifying conflict of interest.
- If it is not possible for the Director to discuss the potential conflict with the General Manager and the Agency's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting so that there can be a determination as to whether it is a disqualifying conflict of interest.
- Upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded.

A Board member will not recommend the employment of a relative by the Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the Agency.

A Board member who knowingly asks for, accepts or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.

## **Board of Directors Policy Handbook**

### **Soliciting Political Contributions & Incompatible Offices**

#### Soliciting Political Contributions

Board members are prohibited from soliciting political funds or contributions at Agency facilities or from Agency employees. A Board member will not accept, solicit or direct a political contribution from (a) Agency employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the Agency. A Director will not use the Agency's seal, trademark, stationery or other indicia of the Agency's identity or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law.

#### Incompatible Offices

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use their official position to influence a decision of the Board, if the Board member has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000 and following relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public.

## **Board of Directors Policy Handbook**

### **Whistle Blower Protection & Directors' Legal Liabilities**

#### Whistle Blower Protection

The General Manager has primary responsibility for:

- Ensuring compliance with the Agency's Personnel Policies and Procedures, and ensuring that agency employees do not engage in improper activities.
- Investigating allegations of improper activities.
- Taking appropriate corrective and disciplinary actions.

The Board has a duty to ensure that the General Manager is operating the agency according to law and the policies approved by the Board. Board members are encouraged to fulfill their obligation to the public and the agency by disclosing to the General Manager, to the extent not expressly prohibited by law improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activity, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that demonstrates a perceived illegal activity or which could pose risk to the agency. As to agency employees, the matter is to first be brought to the attention of the employee's supervisor or to the General Manager. Should the matter not be resolved after following this chain of command, the employee may then address the matter with the Board President.

# Board of Directors Policy Handbook

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## Whistle Blower Protection & Directors' Legal Liabilities

### Examples or reportable actions:

- A work-related violation by a Board member or Agency employee of any law or regulation.
- Gross waste of Agency funds.
- Gross abuse of authority.
- A specified and substantial danger to public health or safety due to an act or omission of an Agency official or employee.
- Use of an Agency office or position or of Agency resources for personal gain.
- A conflict of interest of an Agency Board member or Agency employee.

A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against an Agency Board member or Agency employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

### Directors' Legal Liabilities

A Director may be personally criminally and civilly liable for any violation of the Conflict of Interest laws, the Fair Political Practices Act and Regulations, failure to timely and completely file all required FPPC Forms, interfering with the employee management responsibilities of the General Manager or for violating the Brown Act.

# Board of Directors Policy Handbook

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## Violation of Ethics Policy

A perceived violation of the ethics policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to:

- Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy;
- Injunctive relief;
- Censure;
- Discipline;
- Referral of the violation to the District Attorney and/or the Grand Jury.

# Interaction With Staff



The Board of Directors will deal with the administrative services of the Agency through the General Manager. The General Manager is the Board's link to operational achievement and conduct. All authority and accountability of staff is considered the authority and accountability of the General Manager.



## Board of Directors Policy Handbook

### Division of Responsibilities

The Board of Directors is responsible for setting Agency policy since each individual Director is accountable to the public as an elected official. The Board appoints the General Manager and defines the duties of his position. The Board is not to instruct management on the implementation of Agency policies.

The Board of Directors is responsible for:

- Establishing policies, i.e. programs, at public meetings.
- Appointing a General Manager, who will be responsible for the management of all operations and affairs of the Agency.
- Delegating certain powers to the General Manager in the operation of Agency affairs.

The General Manager is responsible for:

- Recommending policies to the Board of Directors.
- Recommending programs to the Board of Directors for implementation of Agency policies.
- Carrying out policies and projects approved by the Board of Directors.
- Responding to the Board of Directors on the status of projects.
- Helping to orientate new Board members to Agency departments and facilities.

Additionally, Directors are to refrain from having open discussions regarding the Agency's operations or topics of a potentially sensitive nature with any staff member other than the General Manager. Doing so could undermine management, jeopardize the organization's credibility or even put the Agency at risk legally.



# Meetings



# Board of Directors Policy Handbook

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## General

All meetings of the Board, whether regular, special or adjourned, shall be open to the public, except for closed or executive sessions authorized by law. Members of the public may address the Board on matters of interest to the public if such matters are within the subject matter jurisdiction of the Board, and provided further that no action shall be taken by the Board on any item arising out of such speeches unless the matter already appears on the agenda for that meeting. The Board may adopt reasonable regulations which limit the total amount of time allotted for each speaker and in total.

## Brown Act

The Ralph M. Brown Act (G.C. 54950) is essentially known as the “Open and Public Meeting” Act. The Act was established to ensure that all meetings of legislative bodies are open so that the public has an opportunity to participate in the decision-making process.

## Voting

Directors shall have one (1) vote each at any meeting of the Board of Directors on any item. There shall be no voting by proxy.

## Procedures (general)

Agendas for all meetings of the Board of Directors and standing committees shall be posted in accordance with the Brown Act. Additionally, the entire agenda packet for these meetings will be available for public review at the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, California. The packet is also available on the agency web site at [www.bdvwa.org](http://www.bdvwa.org)

# Board of Directors Policy Handbook

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## Definitions of Meetings

**Regular Meeting:** Regular meetings of the Board of Directors shall be in accordance with the adopted Board Policy. The Board may, from time to time, change the day of the month and/or the time of such regular meetings as dictated by holiday schedules or changing circumstances and in accordance with Section 54954 of the California Government Code. Agendas shall be posted as required by law. The agenda for a regular meeting or standing committee must be posted at least 72 hours prior to the date and time the meeting commences.

**Adjourned Meeting:** A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment. If no time is stated, the meeting is continued to the hour for regular meetings. Less than a quorum may so adjourn a meeting, and if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. A copy of the order of adjournment must be posted within 24 hours after the adjournment at or near the door of the place where the meeting was held. If a meeting is adjourned for less than five calendar days, no new agenda need be posted as long as a new item of business is not introduced.

**Special Meeting:** A special meeting of the Board of Directors may be called by the Board President, General Manager or at the written request of three Directors. Notice of such special meeting shall be delivered personally, by email or fax, or by mail to each member of the Board, and said notice shall be received at least 24 before the meeting. Written notice may be dispensed with in the case of Directors who are actually present at the meeting when it convenes or who, at or prior to the time of the meeting, files a written waiver of notice with the Secretary of the Board. Public notice shall be given as required by law, except for emergency meetings held in compliance with California Government Code Section 54956.5. This notice shall state the time and place of the special meeting and the business for which the special meeting has been called, and no business other than that stated in the notice shall be transacted at such special meeting.

# Board of Directors Policy Handbook

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## Definitions of Meetings

Emergency Meeting: A public agency can hold an emergency meeting when prompt action is needed due to the actual or threatened disruption of public facilities. An emergency situation exists if the legislative body determines a work stoppage, crippling disaster, or other activity that would severely impair public health, safety or both. Emergency meetings do not need to adhere to the 24 -hour notice or posting requirement for special meetings.

Closed Session Meetings: Part or all of a regular or special meeting may be closed to the public under specified conditions as noted below. However, notice and posting of the meeting is still required even if no action is contemplated.

Following are the topics that may be discussed in closed session. Additional details may be found by referring to the Brown Act (G.C. 54950):

- Personnel
- Pending litigation
- Existing litigation
- Threatened or anticipated litigation against the local agency
- Potential litigation initiated by the local agency
- Real estate negotiations
- Labor negotiations

Standing Committee Meeting: A standing committee of the governing body is one that has a continuing subject matter and/or that has a schedule fixed by formal action of the governing body. All standing committees serve only in an advisory capacity to the Board of Directors and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors. Standing committees are comprised of two members of the Board, appointed annually by the Board President with Board consensus. Standing committees currently in place at the agency include:

- Finance/Public Relations/Education and Personnel Standing Committee
- Planning/Legislative/Engineering Grant and Security Standing Committee

# Board of Directors Policy Handbook

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## Definitions of Meetings

- Financial/Personnel/Public Relations & Education Committee: This committee addresses financial management of the agency. This includes the preparation of an annual budget, periodic reviews of agency revenues, agency investments, expenditures and audit. The personnel portion of the committee concerns itself with the functions, activities, compensation and welfare of agency staff and works directly with the General Manager on personnel related matters. The committee also assures information relative to the affairs of the agency is accurately and appropriately communicated to the public.
- Planning & Legislative/Engineering/Grant and Security Committee: This committee addresses planning and engineering and shall be concerned with, but not limited to, the study and development of agency operational goals, including planning/engineering reviews and proposals for capital improvement projects as well as the development and periodic review of the Agency's general plan, master plan and safety/security plans.

The legislative portion of the committee shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an affect on the agency. It shall monitor and review legislation or potential legislation which may also affect the agency.

This committee shall review existing ordinances, resolutions and/or agency policies, except those pertaining specifically to personnel matters as well as work with the General Manager in efforts to obtain/secure grants. The committee shall monitor and review grant legislation or potential grant legislation which may affect the agency and monitor and review progress of grant funded projects.

The committees referenced above will remain in existence until discharged by majority vote of the Board of Directors. Committee members shall serve a term of one year, or until such time as successors are appointed. Directors appointed to one of these committees are required to attend the regularly scheduled meetings. In the event a committee member is absent from a meeting the alternate member appointed by the Board President shall participate in the meeting.

# Board of Directors Policy Handbook

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## Definitions of Meetings

Ad Hoc Committee Meeting: An ad hoc committee is made up solely of members of the Board of Directors, constitutes less than a quorum of the legislative body, and is not considered a legislative body subject to the Brown Act. An ad hoc committee is established to deal with a single and specific subject on a short-term basis, and once the issue for which the committee was established has been resolved, the committee will cease to exist. All ad hoc committees serve only in an advisory capacity and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors.

The Board President shall, with Board consensus, appoint such an ad hoc committees as may be deemed necessary by the General Manager, Board President or the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Quorum: A majority of the members of the Board shall constitute a quorum for the transactions of business at any duly convened meeting of the Board or a standing committee.

Actions/Minutes: The appointed agency staff shall cause to be kept at the principal office of the agency a complete record of minutes for all meetings of the Board of Directors and all committees of the Board. Minutes shall identify the meeting date, time and place, whether regular, special, etc. and a brief detail of the actions taking place at the meeting.







# Resolutions & Policies



# Board of Directors Policy Handbook

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**Appendix A** Agency Enabling Act

**Appendix B** Resolution Declaring Intention of the Agency to Comply with all Provisions of the Ralph M. Brown Act

**Appendix C** Resolution Declaring the Code of Conduct for Members of the Agency Board of Directors

**Appendix D** Resolution Establishing Mandatory Training for Board Members

**Appendix E** Resolution Amending the Agency's Conflict of Interest

**Appendix F** Resolution Fixing a Time and Place for Regular Board Meetings and Designating the Official Mailing Address for BDVWA

**Appendix G** Resolution Establishing Standing Committees and Authorizing the Creation of Ad Hoc Committees

**Appendix H** Resolution Establishing an Agency Meeting and Agenda Preparation Policy

**Appendix I** Resolution Establishing a Policy for Reimbursement of Actual and Necessary Expenses for Board Members

**Appendix J** Ordinance Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto

**Appendix K** Resolution Authorizing Agency Director Credit Cards and Setting Guidelines for the Use of the Same

**Appendix L** Resolution Establishing the Format for Recordation of Minutes at Meetings of the Agency



# Board of Directors Policy Handbook

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## **Enabling Act, Policies and Resolutions**

### **Agency Enabling Act 2013**

# APPENDIX A

BILL NUMBER: SB 246      AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY    AUGUST 7, 2013  
AMENDED IN SENATE    APRIL 23, 2013  
AMENDED IN SENATE    APRIL 4, 2013

INTRODUCED BY    Senator Fuller

FEBRUARY 12, 2013

An act to repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, ~~---HIEI--~~ 30 and 35 to, to repeal Sections 3, 15.1, 15.2, 15.3, 16, 17, 18, 19.5, 21, 22, 36, 40, 41, 45, 46, 49, and 51 of, and to repeal and add Sections 9, 13, and 14 of, the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Fuller. Bighorn-Desert View Water Agency.

Existing law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures.

Under existing law, the Desert View Water District and the Bighorn Mountains Water Agency consolidated forming the Bighorn-Desert View Water Agency. Existing law; the Bighorn-Desert View Water Agency Law, grants to the consolidated successor district specified authorizations, powers, and duties and makes a violation of certain regulations and ordinances a misdemeanor.

This bill would make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. The bill would revise various provisions relating to the operation of the district, including, but not limited to, specifying procedures for the repayment of bonded indebtedness incurred prior to the consolidation, and eliminating the misdemeanor for ordinance violations of *ordinances of the district* and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed. *This bill would require the district to set an annual appropriations limit and adopt an annual budget, as prescribed.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the



writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings demonstrating these in regard to the limitation of certain public posting requirements by the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code is repealed.

SEC. 2. Section 1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 570 of the Statutes of 1989, is amended to read:

Section 1. This act is designated, and may be cited and referred to as, the "Bighorn-Desert View Water Agency Law."

SEC. 3. Section 2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended to read:

Sec. 2. The Bighorn-Desert View Water Agency, formed by the consolidation of agencies authorized pursuant to former Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, is hereby created, organized, and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory and shall include all territory lying within the following described boundaries:

All that real property situate in the County of San Bernardino, State of California, more particularly described as follows:

(a) Township 3 North, Range 4 East, San Bernardino Base and Meridian:

Section 7  
Section 8  
Section 11  
South 1/2 Section 2  
Southwest 1/4 Section 12  
Section 13, excluding the North 1/2 of the Northeast 1/4  
Section 14  
Section 15  
Section 16  
Section 17  
East 1/2 Section 18  
Northeast 1/4, Northeast 1/4, Section 20  
North 1/2 Section 21  
North 1/2 Section 22

(b) Township 3 North, Range --S,-- 5  
East, San Bernardino Base and Meridian:

South 1/2, South 1/2  
Southwest 1/4, Section 4  
Section 8  
Section 9, excluding the Northeast 1/4  
Southwest 1/4 Section 10  
Section 13  
South 1/2 Section 14

Section 15, excluding the Northeast 1/4

Section 16

Section 17

Section 18

Section 21

Section 22

Section 23

Section 24

West 1/2 Section 26

Section 27

Southeast 1/4 Section 33

Section 34

Section 35, excluding the Northeast 1/4

West 1/2, Northwest 1/4, Southwest 1/4, Section 36

Northeast 1/4, Northwest 1/4, Southwest 1/4, Section 36

(c) Township 2 North, Range 5 East, San Bernardino Base and Meridian:

Section 2

Section 3

Section 10

Section 11

Section 12

Section 13

Section 14

Section 15

Section 22

Section 23

Section 26

Section 27

Section 34

(d) Township 2 North, Range 6 East, San Bernardino Base and Meridian:

Section 5

Section 6

Section 7, except certain parcels described as:

630-032-04 W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R GE 5 AC

630-032-05 E 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R GE EX RDS

630-032-09 W 1/2 NE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD

630-032-10 W 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R GE EX RD

630-032-11 W 1/2 NE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R GE EX RD

630-032-15 E 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R GE 5 AC

630-032-49 W 1/2 SE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX W 100 FT

S 422 FT THEREOF AND EX RDS

630-041-26 W 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD MNL

RTS AS RESERVED BY USA 5 AC

630-041-30 E 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC

630-041-39 W 1/2 SE 1/4 NE 1/4 NE 1/4 SEC 7 TP 2N R GE 5 AC

630-041-42 N 280 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD

630-041-54 N 130 FT S 380 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD

630-041-55 S 250 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD

630-041-56 N 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD

630-041-57 S 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E

Section 18, except certain parcels described as:

630-021-18 E 1/2 SW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX RD  
630-021-67 N 1/2 E 1/2 NW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX S  
130 FT W 100 FT E 230 FT THEREOF AND EX MNL RTS AS RESERVED BY USA  
EX RDS

West 1/2, Section 19

SEC. 4. Section 3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as added by Section 3 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 5. Section 5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 4 of Chapter 570 of the Statutes of 1989, is amended and renumbered to read:

Sec. 3. The Board of Directors of the Bighorn-Desert View Water Agency organized under this act shall consist of five members, each of whom shall be a resident of the agency, and shall hold office until his or her successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

SEC. 6. Section 7 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 4. No person shall vote at any Bighorn-Desert View Water Agency election who is not a voter within the meaning of the Elections Code.

In case the boundary line of the Bighorn-Desert View Water Agency crosses the boundary line of a county election precinct only those voters within the Bighorn-Desert View Water Agency and within the precinct who are registered as being voters within the Bighorn-Desert View Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within these precincts, one containing the names of candidates for office in the Bighorn-Desert View Water Agency, and the other not containing the names, and it shall be the duty of the election officers in these precincts to furnish only those persons registered as voters within the Bighorn-Desert View Water Agency with the ballots upon which are printed the names of the candidates for office in the Bighorn-Desert View Water Agency.

SEC. 7. Section 8 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 5. The provisions of the Elections Code so far as they may be applicable shall govern all general and special Bighorn-Desert View Water Agency elections, except as otherwise provided in this act.

SEC. 8. Section 8 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 8. For attending a meeting of the board of directors, each of the members of the board of directors shall may receive compensation in an amount not to exceed the maximum amount authorized by Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code.

SEC. 9. Section 9 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 10. Section 9 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 9. Any vacancy in the board of directors shall be filled

pursuant to Article 2 (commencing with Section 1770) of Chapter 4 of Division 4 of Title 1 of the Government Code.

SEC. 11. Section 10 of the Bighorn-Desert View water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 6. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Bighorn-Desert View Water Agency in accordance with the recall provisions of the Elections Code of the state with reference to cities.

SEC. 12. Section 10 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 10. By a majority vote of the board of directors, the board shall appoint an attorney, chief engineer, general manager, and auditor, define their duties, and fix their compensations. The attorney, chief engineer, general manager, and auditor each shall serve at the pleasure of the board of directors. A member of the board of directors shall not serve as the appointed attorney, chief engineer, general manager, or auditor.

SEC. 13. Section 11 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 7. (a) The board of directors shall be the governing body of the Bighorn-Desert View Water Agency.

(b) The board of directors shall, by resolution, provide for the date, time, and place of holding of its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. -A

(c) A majority of the board of directors shall constitute a quorum for the transaction of business. --Af-

(d) At its first meeting in the month of January in each even-numbered year, the board of directors shall choose from among its members a president, vice president, and secretary.

(e) The board of directors shall adopt an annual budget and shall set an annual appropriations limit.

SEC. 14. Section 11 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 11. The general manager shall:

(a) Have full charge and control of the maintenance, operation, and construction of the waterworks of the agency.

(b) Have full power and authority to employ and discharge all employees and assistants at pleasure.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants subject to approval by the board of directors.

(e) Perform other duties imposed by the board of directors.

(f) Report to the board of directors in accordance with rules and regulations adopted by the board.

SEC. 15. Section 12 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 696 of the Statutes of 1984, is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute

order shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn-Desert View Water Agency as follows:" Except as otherwise required by law, ordinances shall be adopted by one of the following procedures:

(a) A copy of the full text of the ordinance shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance is to be amended. Within 21 days after passage of an ordinance, the general manager shall cause the ordinance to be published at least once in a newspaper of general circulation published and circulated within the agency's boundaries and shall cause the ordinance to be posted in at least three public places. An ordinance shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but summaries of the ordinance shall be published as provided in subdivision (b) or (c).

(b) The general manager may cause a summary of the ordinance or amendment to be published at least once in a newspaper of general circulation, and a copy of the full text of the ordinance or amendment shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the general manager shall cause the ordinance or amendment to be published at least once in a newspaper of general circulation, published, and circulated within the agency's boundaries, and shall cause the ordinance or amendment to be posted in at least three public places.

(c) If the general manager determines that it is not feasible to prepare a fair and adequate summary of the ordinance or amendment, the general manager shall cause a display advertisement of the full text of the ordinance or amendment of at least one-sixth of a page to be published in a newspaper of general circulation and a copy of the full text of the ordinance or amendment to be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 21 days after adoption, a display advertisement of a similar size shall be published and the full text posted in at least three public places.

SEC. 16. Section 13 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 17. Section 13 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 13. The voters of the Bighorn-Desert View Water Agency may pass an initiative in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a city.

SEC. 18. Section 14 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 19. Section 14 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 14. The voters of the Bighorn-Desert View Water Agency may disapprove and thereby veto an ordinance by proceeding in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a referendum in a city.

SEC. 20. Section 15 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 1 of Chapter 950 of the Statutes of 1985, is amended to read:

Sec. 15. The Bighorn-Desert View Water Agency, which may exercise only the powers expressly granted and those necessarily implied by this act, has all of the following powers:

1. To have perpetual succession.
2. To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, condemnation, or lease, hold, use, enjoy, and to lease, with or without the privilege of purchase, sell, or dispose of real and personal property of every kind, within or without the agency.
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain, and operate water wells, conduits, pipelines, reservoirs, works, machinery, and other property useful or necessary to produce, store, convey, supply, or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, enlarge, add to, repair, or otherwise improve any waterworks or waterworks system acquired by the agency.
6. To construct, maintain, improve, and operate public recreational facilities appurtenant to any waterworks and to provide regulations binding upon all persons to govern the use of those facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is an infraction punishable by a fine of not more than three hundred dollars (\$300).
7. To sell water to other public agencies within the Bighorn-Desert View Water Agency and to the inhabitants of the territory of those public agencies for use within the Bighorn-Desert View Water Agency. The Bighorn-Desert View Water Agency may, whenever the board of directors finds that there is a surplus of water above that which may be required by consumers within the Bighorn-Desert View Water Agency, sell or otherwise dispose of surplus water to any persons, firms, public or private corporations, public agencies, or other consumers.
8. To supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as determined by the board of directors.
9. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the improper use of agency water during those periods, in accordance with Chapter 3 (commencing with Section 350) of Division 1 of the Water Code.
10. To make contracts, employ labor, and do all acts necessary for the full exercise of the above powers.
11. To provide for the pensioning of officers or employees and the creation of a special fund for the purpose of paying the pensions, and the accumulation of contributions to the fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the officers or employees, and to provide for the terms and conditions under which pensions shall be awarded, and for the time and extent of service of officers or employees before pensions shall be available to them.
12. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, capture, recapture, and salvage any water, including

sewage and stormwaters, for the beneficial use and protection of the agency or its inhabitants or the owners of right to water therein.

13. To contract with the federal government, the state, any state agency, a county, or other public agency, a private corporation, or other person for the purpose of carrying out any of the powers of the agency and, for that purpose, to contract with the other public agencies, private corporations, or persons for the purpose of financing acquisitions, constructions, and operations. These contracts may contain any other and further covenants and agreements as may be necessary or convenient to accomplish the purposes of the contract.

14. To commence, maintain, intervene in, defend *defend*, and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose, of the agency, or a common benefit to the lands within the agency or its inhabitants.

15. To commence, maintain, intervene in, defend *defend*, and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency, and to assume the costs and expenses of any and all actions or proceedings to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or to protect or provide a common benefit to lands within the agency or to the inhabitants of the agency, or to protect or control any watershed or basin overlain, in whole or in part, by the agency or which contributes or may contribute to the water supply of the agency.

16. To borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code and to refund or retire any indebtedness or lien against the agency or its property.

17. To issue negotiable promissory notes that shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency, at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. *The maturity of the promissory notes shall not be later than five years from the date thereof. The total aggregate amount of the notes outstanding, at any one time, shall not exceed five million dollars (\$5,000,000).*

18. To cause taxes to be levied, in the manner provided by the California Constitution and state law, for the purpose of paying any obligation of the agency.

19. To issue improvement bonds in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935), and the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of

the Government Code).

20. To prescribe, revise, and collect water system connection and capacity charges in the manner provided by accordance with the California Constitution and state law.

21. To record a certificate in the office of the county recorder of any county specifying the amount of unpaid charges for water or other services, plus interest and penalties. From the time of recordation of the certificate, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by the person. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. Within 10 years from the filing of the certificate or within 10 years of the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of that filing the lien shall be extended to the real property in the county for 10 years unless sooner released or otherwise discharged.

22. To construct, operate, and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation, and maintenance of its projects for the control, conservation, diversion, and transmission of water, and to enter into contracts for the sale of this energy for a term not to exceed 50 years. This energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

23. To contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

24. To prosecute an action to determine the validity of any bonds, warrants, promissory notes, contracts, or other evidences of indebtedness, including those of the kind authorized by paragraphs 16, 17, and 19, brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

25. In addition to the powers granted in this section, the agency may exercise all powers previously or hereafter granted to or possessed by county water districts organized and governed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) to finance the acquisition of, and to acquire, waterworks and waterworks systems, waters, water rights, lands, rights, or privileges, and may exercise all those powers to fund construction, maintenance, or operation of waterworks and waterworks systems.

SEC. 21. Section 15.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 22. Section 15.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 23. Section 15.3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 24. Section 16 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 176 of Chapter 1128 of the Statutes of 1984, is repealed.



SEC. 25. Section 17 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 26. Section 18 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 27. Section 19.5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 28. Section 21 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 29. Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 30. Section 23 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 12 of Chapter 104 of the Statutes of 1970, is amended and renumbered to read:

Sec. 16. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations applicable thereto.

SEC. 31. Section 25 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 17. The board of directors, in compliance with the applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions, and enlargements, pay the interest on any debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 32. Section 26 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 19. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including payment of principal or interest on any debt of the agency or any improvement district thereof, as it becomes due, then the board of directors of the agency shall provide, in accordance with the provisions of the California Constitution and state law, for the levy and collection of a special tax sufficient to raise the amount of money determined by the board of directors to be necessary for the purpose of paying the expenses in addition to the funds required under Section 17 of this act.

SEC. 33. Section 27 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 20. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, by continuing to impose any ad valorem taxes or any other special taxes, or by levying

assessments, in accordance with the provision of the California Constitution and state law. Subject to Section 4 of Article XIII C of the California Constitution, the agency may impose new special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. Within a reasonable time before the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any debt of the agency, or of an improvement district thereof, as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors to collect, in addition to any other tax as may be levied by the board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the debt, as the case may be. Taxes for the payment of the interest on or principal of any debt shall be levied on the property within the agency, or improvement district thereof, benefited by the debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the agency or improvement district or portion thereof subject to the particular tax. It shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 34. Section 28 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 21. (a) Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in the agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency. The resolution shall state all of the following:

(1) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The amount of debt to be incurred.

(3) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(4) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, which shall be payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on the dates specified in the resolution.

(5) The measure to be submitted to the voters.

(6) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(b) The board of directors shall provide for holding the special election on the date fixed and in accordance with the applicable provisions of the Elections Code. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in the agency, if there is a newspaper published in the agency, and the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the proposed election. No other notice of the election need be given. The returns of the election shall be made, the votes eaIWassed canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate the result, if the election has otherwise been fairly conducted.

(c) Any action or proceeding contesting, questioning, or denying the validity of these bonds, or proceedings in relation to these bonds, shall be commenced within 60 days from the date of the election, or the bonds and all proceedings in relation to these bonds shall be held to be valid and in every respect legal and incontestable.

SEC. 35. Section 29 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 22. (a) Whenever the board of directors deems it necessary to incur bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and the sale of the bonds.

(3) That the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall

govern for all details as to the extent of the proposed improvement district, and to call an election in that proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for that improvement district.

(4) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon, the taxable property in the improvement district.

(5) That a general description of the proposed improvements, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the question of the formation of the proposed improvement district, the extent thereof, the proposed improvements and the amount of debt to be incurred.

(7) That at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

(c) At the time and place fixed for the hearing, or at any time and place to which it is adjourned, the board shall proceed with the hearing. At the hearing, any person interested, including any person owning property within the agency or within any proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of the proposed improvement district, or any combination of these; provided, however, that the board shall not change the boundaries so as to include any territory that will not, in its judgment, be benefited by the improvement.

(d) The purpose, amount of bonded debt, or boundaries shall not be changed by the board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, and by posting in three public places within the proposed improvement district. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on the change, which time shall be at least 10 days after publication or posting of the notice. At the time and place fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested,

including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing, the board shall, by resolution, determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which the proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. ... of Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of an improvement district within the Bighorn-Desert View Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(e) After the board has made its determination of the matters required to be determined by the last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for the improvement district. The resolution shall state all of the following:

(1) That the board deems it necessary to incur the bonded indebtedness.

(2) The purpose for which the bonded indebtedness will be incurred.

(3) The amount of debt to be incurred.

(4) The improvement district to be benefited by the indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of the improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district.

(5) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(6) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(7) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on dates specified in the resolution.

(8) The measure to be submitted to the voters.

(9) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(f) The board of directors shall provide for holding the special election on the day so fixed and in accordance with the provisions of the Elections Code, as applicable, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the

resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(g) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(h) Any action or proceeding contesting, questioning, or denying the validity of the formation of the improvement district, of the bonds, or of the proceedings in relation to the bonds shall be commenced within 60 days from the date of such election, or the bonds and all proceedings in relation to the bonds, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 36. Section 30 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 23. (a) Any portion of the Bighorn-Desert View Water Agency, whether contiguous or not to an improvement district thereof, may be annexed to the improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to 60 percent or more of the land in the portion proposed to be annexed, which land as so represented in the petition shall have an assessed valuation of not less than 50 percent of the land so proposed to be annexed. The petition shall contain all of the following:

(1) A description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner.

(2) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency.

(3) A request that the board of directors declare the area to be annexed to the improvement district.

(b) The petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse the agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

(c) Within 10 days of the date of the filing of the petition, the secretary of the agency shall examine it and ascertain whether or not the petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize the general manager to employ persons especially for that purpose, in addition to the persons regularly employed in his or her office, and shall provide for their compensation. When the general manager has completed his or her examination of the petition, he or she shall attach to it his or her certificate, properly dated, showing the result of the examination;

and if from the examination he or she finds the petition is signed by the requisite number of property owners, or is not so signed, he or she shall certify that the petition is sufficient, or insufficient, as the case may be.

(d) If by the certificate of the general manager, the petition is found to be insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of the certificate. The general manager shall, within 10 days after the filing of the supplemental petition or petitions, examine them and certify to the result of the examination as hereinbefore provided.

(e) If by the certificate of the general manager, the petition, or petition as amended, is shown to be sufficient, the secretary shall cause notice of hearing on the petition to be published and posted.

(f) The text of the petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which it is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. When contained upon one or more instruments, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. The notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

(g) The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district shall be entitled to appear and be heard at the hearing. The hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area is proposed to be annexed will also be benefited thereby and will not be injured thereby, the board of directors of the agency may, by resolution, approve the annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

(h) From and after the date of the adoption of the resolution, the area named therein shall be deemed added to and shall form a part of the improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district at the time authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district, and the board of directors of the Bighorn-Desert View Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as authorized in this section.

(i) Any action or proceeding wherein the validity of an annexation is contested, questioned questioned, or denied must be commenced within 60 days after the date of adoption of the resolution approving the annexation, or the annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 37. Section 31 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 24. (a) If from the returns it appears that more than two-thirds of the votes cast in the election held pursuant to the provisions of Section 21 or of Section 22 of this act were in favor of and assented to the incurring of the proposed indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as are needed, until the full amount of the bonds authorized has been issued. Bonds may be divided into two or more series and different dates may be fixed for each of the series. The maximum term that the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

(b) The board of directors shall, by resolution, prescribe the form of the bonds and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds of each series. The bonds shall bear interest at a rate or rates not to exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable on a fixed or variable basis, or payable on the dates specified in the resolution. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless *it* contains a recital to that effect or unless a statement to that effect is printed thereon.

(c) The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

(d) The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. All of these signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of these signatures or countersignatures shall be manually affixed.

(e) If the bond election proceedings have been limited to and have applied only to an improvement district within the agency, the bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Bighorn-Desert View Water Agency for Improvement District No. \_\_\_\_" and each bond shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in that improvement district.

(f) Before selling the bonds, or any part thereof, the board of



directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or negotiate the sale of the bonds. The board of directors may determine by a two-thirds vote of the total vote of the board that the interest of the district and the public interest or necessity require that the bonds may be sold at private sale upon those terms and conditions as the board may deem necessary, convenient, or desirable. In addition to interest paid on a bond or evidence of indebtedness of the district, the board, in its discretion, may sell the bonds or evidence of indebtedness at less than its par or face value, but not at less than 94 percent of the par or face value thereof.

(g) The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when that purpose has been accomplished any moneys remaining in the special improvement fund may be transferred to the water operating fund to be used for the payment of principal of and interest on the bonds. The moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose that will benefit the property in the improvement district.

(h) The bonds of the district shall be legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for state school funds, and, whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of a city, county, or city and county, school districts, and municipalities in the state, the moneys or funds may be invested in bonds of the district, issued in accordance with the provisions of this act. Whenever bonds of a city, county, city and county, school district, or municipality may by law be used as security for the performance of any act, the bonds of the district may be so used.

SEC. 38. Section 32 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 25. Any bonds issued by the Bighorn-Desert View Water Agency are hereby given the same force, value value, and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 39. Section 33 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 26. (a) Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 22 of this act it shall by resolution so declare and state all of the following:

- (1) The purpose for which the proposed improvement district is to be formed.
- (2) The estimated expense of carrying out the purpose.
- (3) That the board intends to form an improvement district of a

portion of the agency that in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district.

(4) That taxes for carrying out the purpose shall be levied exclusively upon the taxable property in the proposed improvement district.

(5) That a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the questions of the formation of the proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out the purpose.

(7) That at the time and place specified, any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Bighorn-Desert View Water Agency, if there is a newspaper circulated therein. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for the hearing.

(c) At the time and place of the hearing, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing, at which any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to form the proposed improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, the estimated expense of carrying out the purpose, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of the improvement district within the Bighorn-Desert View Water Agency pursuant to this section all taxes levied for the purpose for which the improvement district is formed shall be levied exclusively upon the taxable property in the improvement district.

(d) A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of the resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. The resolution shall not be effective until the 31st day after completion of this posting, and, if applicable, publication. If, before this date, a

petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, the board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of the proposed improvement district.

(e) The board of directors shall fix a date for this special election in accordance with applicable provisions of the Elections Code, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(f) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the applicable provisions of the Elections Code, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(g) If from the returns it appears that a majority of the votes cast at the election were in favor of the formation of the improvement district, the formation of the improvement district shall be complete.

(h) Any action or proceeding questioning, contesting, or denying the validity of the formation of the improvement district, or of any of the proceedings in relation to that formation, shall be commenced within 60 days from the effective date of the resolution forming the district, or, if an election is held, within 60 days from the date of the election, or the formation of the improvement district, and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 40. Section 34 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 27. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district and the district may repay the agency from the proceeds of the sale of bonds authorized for those purposes, or from the special taxes levied exclusively upon the taxable property in the improvement district, at the rate of interest authorized by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 41. Section 35 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 28. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next tax levy after the sale of the bonds are available, and interest on any bonds issued by the agency coming due before the expiration of one year following completion of the acquisition and construction of the works and

improvements for which the bonds were issued may be paid from the proceeds of the sale of those bonds.

SEC. 42. Section 36 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 43. Section 40 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 44. Section 41 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 45. Section 42 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 29. The Bighorn-Desert View Water Agency shall not be dissolved until all indebtedness shall have been fully paid.

SEC. 46. Section 30 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 30. (a) The Bighorn-Desert View Water Agency shall separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Water Agency for the purpose of bond debt service for each of the former systems.

(b) Nothing in this part shall be construed to impair any contract entered into prior to January 1, 2014.

SEC. 47. Section 45 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 48. Section 46 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 49. Section 48 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 35. If any section, subsection, sentence, clause, or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstances may be held invalid.

SEC. 50. Section 49 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 51. Section 50 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 3 of Chapter 950 of the Statutes of 1985, is amended and renumbered to read:

Sec. 18    Sec. 18.    The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars- (\$10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. Alternatively, the board of directors may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5

of the Government Code). A standby charge shall be adopted by the board only in compliance with the applicable provisions of the California Constitution and state law. The board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with the applicable procedures of the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property charged pursuant to this section. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 52. Section 51 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 1035 of the Statutes of 1982, is repealed.

SEC. 53. Section 52 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 31. (a) Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in that portion of the agency and to incur the indebtedness.

(b) For the purposes of this section, the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside within the district at the time of the formation of the district.

(c) The resolution of intention shall state that the board of directors intends to form an improvement district of an uninhabited portion of the agency which, in the opinion of the board, will be benefited, and to incur indebtedness by the issuance of bonds of the agency for that uninhabited improvement district.

The resolution of intention shall also state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(3) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.

(4) That a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the agency and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

(S) The time and place for a hearing by the board of directors on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(6) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the agency at any time prior to the time set for the hearing written protest to the formation of the proposed uninhabited improvement district.

(d) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

(e) A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his or her address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he or she is interested is on file with the agency.

(f) At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

(g) If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If written protests are not filed by the owners of one-half of the value of the property, the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of the proposed debt.

(3) That the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(4) That the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No..... of ..... Bighorn-Desert View Water Agency."

(h) The determinations made in the resolution of formation shall be final and conclusive.

(i) After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at the time or times that it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

(j) Any action or proceeding contesting, questioning, or denying

the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto shall be commenced within 60 days from the date of the resolution forming that district, or the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(k) The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this section.

(1) The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 54. Section 53 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 32. (a) The board, by resolution, may initiate proceedings for the annexation of territory to an improvement district within the agency whether contiguous or not to the improvement district.

(b) The resolution proposing annexation shall do all of the following:

(1) Declare that proceedings have been initiated by the board pursuant to this law.

(2) State the reason for proposing the annexation.

(3) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(4) State the terms and conditions of the annexation.

(5) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon those terms and conditions.

(6) Fix the time and place of a meeting at which the board will receive written protests filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

(c) The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

(d) A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

(e) The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons shall be heard at the hearing.

(f) If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

(g) If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines for the evidence presented at the hearing that the area proposed to be

annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

(h) The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as determined by resolution of the board.

(i) If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby or will be injured thereby, the board shall by resolution disapprove the annexation.

(j) From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

(k) The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

(1) The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

(m) Any action or proceeding contesting, questioning, or denying the validity of an annexation to an improvement district pursuant to this section shall be commenced within 60 days after the date of the resolution of the board approving the annexation of the territory to an improvement district, or the annexation shall be held valid and in every respect legal and incontestable.

SEC. 55. Section 53.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 32.5. Notwithstanding the provisions of Section 32, if the petition for annexation of land to an improvement district formed under Section 26 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

SEC. 56. Section 53.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 33. (a) Proceedings to exclude territory from an improvement district, formed pursuant to Section 26, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded. The petition shall state reasons that the exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

(b) Upon adoption of a motion to initiate exclusion proceedings or upon receipt of a petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state all of the following:

(1) The method by which the exclusion proceedings were initiated;



by motion of the board or by petition of voters.

(2) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following the exclusion in the event the territory is excluded.

(3) That following the exclusion, the taxable property in the territory remaining in the improvement district shall continue to be levied upon and taxed to provide funds for the purposes of the improvement district.

(4) That a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in the improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

(5) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of the exclusion upon the agency, the improvement district district, and the territory to be excluded.

(6) That at that time and place any person interested, including all persons owning property in the agency or in the improvement district, will be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

(d) At the time and place fixed in the resolution of intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the agency, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

(e) At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude the territory. If so, the resolution shall also state both of the following:

(1) The reasons why the exclusion is necessary or desirable.

(2) That the exterior boundaries of the improvement district following the exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of the resulting improvement district.

(f) The determinations made in the resolution of exclusion shall be final and conclusive.

(g) After the exclusion of territory from the improvement district pursuant to this section, all taxes levied for the carrying out of the improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

(h) A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed

and published in the agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

(i) The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

(j) Any action or proceeding contesting, questioning, or denying the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto shall be commenced within 60 days from the effective date of the resolution of exclusion, or the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 57. Section 54 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 34. (a) Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

(b) As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 31.

(c) The resolution of intention shall state:

(1) The reason why the improvement district should be dissolved.

(2) That no bond, indebtedness, or liability has been issued or incurred for the improvement district that remains outstanding.

(3) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(4) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(5) That at that time and place for the hearing any person interested, including all persons owning property in the agency or in the improvement district will be heard.

(d) Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

(e) At the time and placed place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

(f) At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to dissolve the improvement district. If so, the resolution shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the resolution shall be final and conclusive.

(g) When the resolution declaring an improvement district dissolved becomes effective, the dissolution of the improvement district is complete.

(h) The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the agency contracted for the dissolved improvement district until the indebtedness has been satisfied, to the same extent that the property would be taxable for that purpose if the dissolution had not occurred.

(i) Any action or proceeding contesting, questioning, or denying the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, shall be commenced within 60 days from the effective date of the resolution dissolving the improvement district, or the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

(j) After a bond election has been held in an improvement district and less than two-thirds of the votes cast in the election were in favor of the measure, the board may within one year of the date of that election, call and hold another election for the purpose of resubmitting the measure to the electors of the improvement district. If the measure is not so resubmitted, the improvement district, on the anniversary date of the election, is dissolved without further action by the board. If the measure is resubmitted and fails to receive more than two-thirds of the votes cast in the election in favor of the measure, the improvement district is dissolved following the canvass of the election returns.

*SEC. 58. Section 35 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

*Sec. 35. The agency shall comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).*

SEC. 58. *SEC. 59. The Legislature finds and declares that Section 35 of this act, which amends Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

*In order for the Bighorn-Desert View Water Agency to reduce costs and staff burdens associated with posting notices of specified hearings, while still providing adequate notice of public hearings, it is necessary to reduce, from six to three, the number of public locations in which the agency must post specified hearing notices.*

# APPENDIX B

RESOLUTION NO. 90R-09  
BIGHORN-DESERT VIEW WATER AGENCY

A RESOLUTION DECLARING THE INTENTION OF THE AGENCY  
TO CONTINUE TO COMPLY WITH ALL OF THE PROVISIONS OF THE RALPH M.  
BROWN ACT, ALSO KNOWN AS THE OPEN MEETINGS LAW

WHEN HAS, pursuant to the California State Government Code, Sections 54950-54962, public agencies, including Bighorn-Desert View Water Agency, are required to provide sufficient public notice of meetings and conduct Board Meetings openly and with opportunity for public comment; and

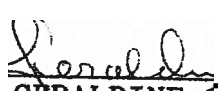
WHEREAS, this statute includes provision for the reimbursement to agencies for State mandated costs; and

WHEREAS, in adopting the State Budget for fiscal 1990-1991, the State Legislature recently determined that public agencies no longer be required to comply with certain actions for which the State would be required to reimburse them, those certain actions including the requirement to post an agenda seventy-two (72) hours in advance of meetings, among other requirements; and

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency is of the opinion that the suspension of these certain requirements for the conducting of open meetings by public agencies during fiscal 1990-1991 is contrary to the public welfare.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Bighorn-Desert View Water Agency, County of San Bernardino, California, that it will be the policy of this Agency to follow the moral intent of the Ralph M. Brown Act, including the timely posting of meeting notices and the providing of ample opportunity for the public to directly address this Board.

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of Bighorn-Desert View Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on August 14, 1990, the foregoing Resolution No. 90R-09 was duly and regularly adopted by said Board, and that said Resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

  
GERALDINE CONNOR, BOARD SECRETARY  
BIGHORN-DESERT VIEW WATER AGENCY

# APPENDIX C

## **RESOLUTION NO.13R-15**

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

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

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

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

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

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

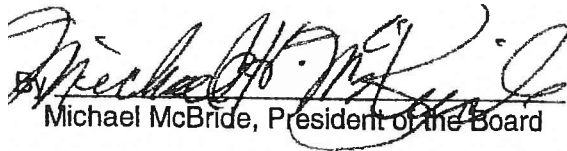
4. Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
5. Directors should thoroughly prepare themselves to discuss agenda items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



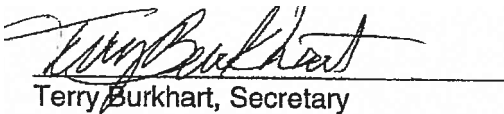
questions through the appropriate channels and to the responsible management personnel.

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

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

  
Michael McBride, President of the Board

ATTEST:

  
Terry Burkhart, Secretary

# APPENDIX D

## **RESOLUTION NO. 12R-28**

### **A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR MANDATORY TRAINING FOR BOARD MEMBERS**

**WHEREAS**, the Bighorn-Desert View Water Agency ("Agency") Board of Directors of the Agency ("Board") acknowledges Ethics Training, in compliance with AB1234, to be mandatory; and

**WHEREAS**, from time to time the Board of Directors may impose certain training courses so as to conform to a "best practice" in order to minimize Agency exposure to liability; and

**WHEREAS**, the Board of Directors desires to adopt a policy outlining training for which Board participation is mandatory, whether or not it is imposed by law.

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

#### **A. Ethics Training (AB 1234)**

##### **1. Requirement**

- a) 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 A.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 A.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 A 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 A of this Resolution to its local agency officials at least once every two years.

## **B. Sexual Harassment Training {AB1825}**

### 1. Requirement

- a) Records the Board of Directors, via Motion No. 12-032 and through this Resolution, hereby requires all Directors to complete sexual harassment training as prescribed by AB 1825.
- b) Training is to be completed *every* two (2) years.

### 2. Agency Responsibilities

- a) Records - The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section 8 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 B of this Resolution to its local agency officials at least once every two years.

**C. Review of Resolution on Annual Basis**

Each year the Board may 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.

**D. 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.

**E. Effective Date**

This Resolution shall become effective immediately upon adoption.

**F. Rescission**

Resolution No. 10R-02 is hereby rescinded in its entirety.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 28th day of August 2012, by the following roll call vote:

AYES: McBride, Corl-Lorono, Larson, Burkhardt, Staley

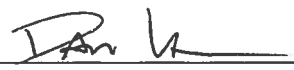
NOES:

ABSENT:

By

  
Mike McBride, Board President

Attest:

  
\_\_\_\_\_  
David Larson, Board Secretary

# APPENDIX E

**RESOLUTION NO. 20R-20**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BIGHORN-DESERT VIEW WATER AGENCY  
ESTABLISHING AGENCY'S CONFLICT OF INTEREST CODE  
(2020 BIENNIAL REVIEW – NO AMENDMENTS)**

**WHEREAS**, the Political Reform Act (Government Code, Section 81000 et seq. [the "Act"]) contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Bighorn-Desert View Water Agency (the "Agency") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, pursuant to Sections 87306 and 87307 of the Act, to update, biennially, the Code and the Appendix thereto by Resolution; and

**WHEREAS**, the Agency is not amending the existing Conflict of Interest Code adopted pursuant to Resolution No. 18R-12 but bringing the existing Code to the current date; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Agency being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by, the Agency's Board of Directors, the proposed amended Conflict of Interest Code was provided to each affected designated employee and publicly posted for review; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Agency's Board of Directors on August 25, 2020 at which all present were given an opportunity to be heard on the proposed new Code.

**NOW, THEREFORE**, the Board of Directors of the Bighorn-Desert View Water Agency does hereby resolve as follows:

**Section 1: Adoption of Code**

The Board of Directors does hereby adopt the proposed attached Conflict of Interest Code, a copy of which shall be kept on file with the Agency General Manager and available to the public for inspection and copying during regular business hours.

**CONFLICT OF INTEREST CODE  
FOR THE  
BIGHORN-DESERT VIEW WATER AGENCY**

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designated positions must disclose financial interests as specified in the agency's conflict of interest code.

To help identify potential conflicts of interest, the law requires public officials and employees in designated positions to report their financial interests on a form called Statement of Economic Interests using the California Fair Political Practices Commission Form 700. The conflict of interest codes and the Form 700's are fundamental tools in ensuring that officials are acting in the public's best interest.

A conflict of interest code must:

- Provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- Provide to each affected person a clear and specific statement of their duties under the conflict of interest code; and
- Adequately differentiate between designated employees with different powers and responsibilities.

The Conflict of Interest Code for the Bighorn-Desert View Water Agency consists of the following three components:

1. Incorporation Section (Terms of the Code) - This section designates where the Form 700's are filed and retained. This section also must reference Regulation 18730, which provides the rules for disqualification procedures, reporting financial interests, and references the current gift limit.
2. List of Designated Positions - The code must list all agency positions that involve the making or participation in making of decisions that "may foreseeably have a material effect on any financial interest." This covers agency members, officers and employees, and it may include volunteers on a committee if the members make or participate in making government decisions.
3. Detailed Disclosure Categories - A disclosure category is a description of the types of financial interests officials in one or more job classifications must disclose on their Form 700's. The categories must be tailored to the financial interests affected, and must not



require public officials to disclose private financial information that does not relate to their public employment.

It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Form 700. To ensure the codes remain current and accurate, each agency is required to review its conflict of interest code at least every other year.

All conflict of interest forms will be filed with the Bighorn-Desert View Water Agency's General Manager or a designated administrative assistant.

#### Detailed Disclosure Categories

The following detailed disclosure categories provided in the attached Appendix, constitutes the third required component of the Bighorn-Desert View Water Agency's Conflict of Interest Code. Designated employees, whether designated under their official classification or working title, shall file statements of economic interests with the Bighorn-Desert View Water Agency who will make the statements available for public inspection and reproduction upon request, consistent with Government Code, Section 81008.

The financial disclosures required of a consultant will be determined on a case-by-case basis by the General Manager. The determination of whether a consultant has disclosure requirements will be made in writing using the latest version of the Fair Political Practices Commission Form 805, if applicable. The determination will include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and will be retained for public inspection in the same manner and location as where the Conflict of Interest is maintained for cross-referencing purposes.

#### Updates to the Conflict of Interest Code

The Bighorn-Desert View Water Agency will follow the most recent checklist provided by the Fair Political Practices Commission to provide regular updates to the Conflict of Interest Code when necessary.

#### Terms of the Code

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of

Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by this reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Bighorn-Desert View Water Agency.

Designated employees shall file their statements with the Bighorn-Desert View Water Agency which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

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

### **APPENDIX TO CONFLICT OF INTEREST CODE**

#### **Designated Positions**

Consultant\* (including but not limited to General Counsel, Chief Financial Officer, Agency Engineer)

#### **Disclosure**

Individuals holding Designated Positions must report the following:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, and interests in real property.

\* The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

#### **Public Officials Who Manage Public Investments**

The following positions are not covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Directors  
General Manager  
Consultants that manage the Agency's investments

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.

This is the last page of the Conflict of Interest Code for the **Bighorn-Desert View Water Agency**.

**CERTIFICATION OF COUNTY APPROVAL**

Pursuant to Government Code Section 87303, the Conflict of Interest Code for the **Bighorn-Desert View Water Agency** was approved on \_\_\_\_\_, 2020.

By \_\_\_\_\_

COUNTY OF SAN BERNARDINO

**Section 2: County Approval**

The Board of Directors hereby directs the General Manager to submit this Resolution and the attached Conflict of Interest Code to the Board of Supervisors of the County of San Bernardino for approval.

**Section 3: Effective Date**

This Resolution and the attached Conflict of Interest Code shall become effective thirty (30) days after its approval by the Board of Supervisors of San Bernardino County.

**Section 4: Rescission**

The Conflict of Interest Code adopted pursuant to Resolution No. 18R-12 is hereby superseded by this Resolution and of no further force and effect.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 25<sup>th</sup> day of August 2020.

By Judy Cori-Lorono  
Judy Cori-Lorono, President of the Board

Bighorn-Desert View Water Agency,

By J. Larry Coulombe  
J. Larry Coulombe, Secretary



Official Seal

# APPENDIX F

**RESOLUTION NO. 20R-12**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW  
WATER AGENCY FIXING THE TIME AND PLACE FOR REGULAR BOARD  
MEETINGS AND DESIGNATING THE OFFICIAL MAILING ADDRESS FOR THE  
BIGHORN-DESERT VIEW WATER AGENCY**

**WHEREAS**, by Ordinance No. 04O-02, the Board of Directors of the Bighorn-Desert View Water Agency ("Agency") adopted a regular monthly meeting schedule to conduct the business of the Agency; and

**WHEREAS**, the regularly scheduled meetings of the Board of Directors had been scheduled by Ordinance to occur on the fourth Tuesday of each month at the hour of 6:00 p.m.; and

**WHEREAS**, the Agency has identified a need to change the date of the regularly scheduled meetings of the Board of Directors; and

**WHEREAS**, the Agency accepts no mail service at 1720 N. Cherokee Trail, Landers, CA which was previously designated as a "secondary location" for receiving and/or posting legal notices; and

**WHEREAS**, the Agency's enabling statute Act 90 Bighorn-Desert View Water Agency Section 7 states that the "board, by resolution, provide for the date, time and place of holding its meetings"; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

1. That the Regular Meeting of the Bighorn-Desert View Water Agency shall hereafter be held on the second (2<sup>nd</sup>) Tuesday of each month at the hour of 6:00 p.m.
2. That the Regular Meetings of the Bighorn-Desert View Water Agency shall hereafter be held at the Bighorn Office located at 1720 North Cherokee Trail, Landers, CA, 92285.
3. That Regular, Adjourned and Special Meetings may be fixed from time to time and by legal public notice, to other locations within and without the agency, at times as determined by the Board of Directors.
4. That all meetings shall be called and conducted pursuant to the provisions of the Ralph M. Brown, Act, as amended from time to time.
5. That the official mailing address of the Agency, for the purposes of administrative functions, shall hereafter be 622 South Jemez Trail, Yucca Valley, California, 92284.

6. That the official mailing address of the Agency for purposes of customer relations and billing processes, shall hereafter be 622 South Jemez Trail, Yucca Valley, California, 92284.
7. That the principal place of business for the Agency for legal notice shall be fixed as 622 South Jemez Trail, Yucca Valley, California, 92284.
8. That this Resolution shall become effective immediately upon adoption; and
9. That Ordinance No. 04O-02 is hereby rescinded and of no further force and effect; and
10. That this resolution may be amended or modified at any time, from time to time, by resolution, by a majority vote of the Board of Directors.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors to Bighorn-Desert View Water Agency this 28<sup>th</sup> day of April 2020.

BY:

  
Judy Corl-Lorono, Board President

ATTEST:

By   
J. Larry Coulombe, Board Secretary



Official Seal



# APPENDIX G

**RESOLUTION NO. 20R-08**

**POLICY STATEMENT OF THE BOARD OF DIRECTORS OF THE  
BIGHORN-DESERT VIEW WATER AGENCY  
ESTABLISHING STANDING COMMITTEES, OTHER APPOINTMENTS AND AUTHORIZING THE  
CREATION OF AD HOC COMMITTEES**

**WHEREAS**, the Board of Directors of the Bighorn-Desert View Water Agency desires to ensure efficient administration of the Bighorn-Desert View Water Agency ("Agency") by the establishment of standing committees of the Board of Directors ("Board"), authorizing appointments to the Morongo Basin Pipeline Commission and the Mojave Water Agency Technical Advisory Committee and the authorization for the creation of ad hoc committees of the Board.

**WHEREAS**, standing committees allow for the productive use of Directors' individual expertise on matters and to work with staff in developing better background information for the full Board's consideration; and

**WHEREAS**, Agency standing committees shall be subject to meeting requirements specified under the Ralph M. Brown Act, California Government code sections 54950 through 54963.

**WHEREAS**, this Resolution rescinds and repeals Resolution No. 14R-15

**NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:**

The Board President shall, with board consensus, appoint and publicly announce the members of the standing committees at one of the regularly-scheduled meetings of the Board during the annual Board reorganization proceedings and at other meetings of the Board as circumstances may require.

Each committee shall have a maximum of two (2) members and one (1) alternate. Each standing committee may hold a regularly scheduled meeting six (6) times per year. Special meetings may be called as deemed necessary by either the General Manager or the Committee Chairperson.

All standing committee meetings of the Bighorn-Desert View Water Agency shall hereafter be held at the Bighorn Office located at 1720 N. Cherokee Tr., Landers, CA 92285. All standing committee meetings, adjourned standing committee meetings and special standing committee meetings may be fixed from time to time and by legal public notice at times as determined by the standing committee or Board of Directors.

The Board's standing committees shall be assigned to review Agency functions, activities, and/or operations pertaining to their designated concerns as specified. Any recommendations resulting from said review shall be submitted to the Board via a written or oral report.

The following shall be the Board's standing committees, duties, and meeting schedule:

**Planning & Engineering/Legislative/Grant Committee** - Meetings of the Bighorn-Desert View Water Agency Planning & Engineering/Legislative/Grant Committee shall hereafter be held on the 3<sup>rd</sup> Tuesday of every other month beginning 09:15 a.m. This Committee meets on the even months: February, April, June, August, October, and December.

**Planning & Engineering** - shall be concerned with, but not limited to, the study and development of Agency operational goals, including planning /engineering reviews and proposals for capital improvement projects as well as the development and periodic review of the Agency's general plan, master plan, safety/security plans (i.e. Homeland Security, Vulnerability Assessment and facilities general security), etc.

**Legislative** - shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an effect on the Agency. It shall monitor and review legislation or potential legislation which may affect the Agency. The committee shall also annually review existing ordinances, resolutions and/or Agency policies, except those pertaining specifically to personnel matters.

**Grant** - shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an effect on the Agency's grants or grant policies. It shall monitor and review grant legislation or potential grant legislation which may affect the Agency and monitor and review progress of grant funded projects. This committee shall work directly with the General Manager and Grant Consultant(s) in an effort to obtain/secure grants.

**Finance/Personnel/Public Relations & Education Committee** - Meetings of the Bighorn-Desert View Water Agency Finance/Personnel/Public Relations & Education Committee shall hereafter be held on the 3<sup>rd</sup> Wednesday of every other month, beginning at 4:00 p.m. This Committee meets on the odd months: January, March, May, July, September, and November.

**Finance** - shall be concerned about, but not limited to the financial management of the Agency, including the preparation of an annual budget, periodic reviews of Agency revenues, Agency investments, expenditures, and audit.

**Personnel** - shall be concerned with the functions, activities, compensation, and welfare of agency staff. This committee shall work directly with the General Manager on personnel related matters.

**Public Relations & Education** - shall be concerned with assuring that information relative to the affairs of the Agency is accurately and appropriately communicated to the public. This

committee shall work with staff on the Agency newsletter and website; developing and communicating water education programs for the public; the development of community, customer, and employee relations programs to enhance Agency/Customer relationships and understanding.

**Ad Hoc Committee Appointments** - The Board President shall, with board consensus, appoint such ad hoc committees as may be deemed necessary by the President or the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

The following are meetings scheduled by and under the administrative control of the Mojave Water Agency. The Agency shall appoint a maximum of one (1) member and one (1) alternate.

**Morongo Basin Pipeline Commission** – The Mojave Water Agency Morongo Basin Pipeline Commission is comprised of five officials, one from each of the member entities of the Improvement District M, including Mojave Water Agency, County of San Bernardino Service Area 70, Bighorn-Desert View Water Agency, Hi-Desert Water District and Joshua Basin Water District. The Commission addresses issues of interest to the residents in the Morongo Basin and pertinent to the Morongo Basin Pipeline project. The Commission meets quarterly beginning with March, June, September and December on the 2<sup>nd</sup> Wednesday of that month. The meeting location varies each quarter with each member agency hosting meetings on a rotating schedule.

**Mojave Water Agency Technical Advisory Committee** – An independent, voluntary group of water purveyors, pumpers and other interested parties located within Mojave Water Agency (MWA) boundaries. The Technical Advisory Committee (TAC) meets in a public forum to discuss common concerns and acts to assist the MWA in pursuit of its legal objectives. The Committee meets the 1<sup>st</sup> Thursday of even months at 10:00 am at the MWA headquarters in Apple Valley.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 25<sup>th</sup> day of February 2020.

By Judy Corl-Lorono  
Judy Corl-Lorono, President of the Board

ATTEST:

J. Larry Coulombe  
J. Larry Coulombe, Secretary



Official Seal



Standing Committees, Ad Hoc Committees & Other  
Meeting Assignments  
Calendar Year 2020

(Proposed by BOD President -  
Unanimous Approval Motion No. M20-006)

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**Planning/Legislative/Engineering/Grant & Security Committee (3rd Tues. Even Months 9:15 a.m.)**

Chairperson: Director Burkhart

Member: Director Corl-Lorono

Alternate: Director Coulombe

**Finance/Public Relations/Education & Personnel Committee (3rd Wed. of Odd Months 4:00 p.m.)**

Chairperson: Director McBride

Member: Director McKenzie

Alternate: Director John Coulombe

**Morongo Basin Pipeline Commission Representative**

Member: Director Corl-Lorono

Alternate: Director Burkhart

**Mojave Water Agency Technical Advisory Committee Representative**

Member: Director John Burkhart

Alternate: Director McBride

**San Bernardino Assoc. of Special Districts**

Rotates

**Homestead Valley Community Council**

Rotates

**Mojave Water Agency Board Meetings**

Rotates

# APPENDIX H

**RESOLUTION 17R-11  
BIGHORN-DESERT VIEW WATER AGENCY  
ESTABLISHING AN AGENCY MEETING  
AGENDA PREPARATION POLICY**

**WHEREAS**, The Board of Directors of the Bighorn-Desert View Water Agency hereby sets the following policy which will establish the process by which the agendas for Agency meetings will be generated.

**WHEREAS**, the Agency Regular and Special Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors.
2. In regards to the regularly scheduled monthly meeting, the following process and timeline for agenda preparation shall be followed:
  - Directors may request and seek majority consensus for appropriate items to be placed on the agenda at the regular Board meeting.
  - Tuesday prior to the meeting – Director's deadline for adding appropriate items to the agenda will be the end of business Tuesday. The Board President shall make any final determinations as to what constitutes an appropriate item to be agendized for the Board meeting.
  - Wednesday prior to the meeting – Before days end, staff shall have the first draft of the agenda available for review, if requested.
  - 12:00 Noon Thursday prior to the meeting – Directors' revisions should be delivered to the General Manager.
3. Upon completion of the Board Agenda with the backup material packet on the Friday prior to the meeting- A field representative shall hand deliver agenda binders to Directors and post agendas.
4. The official posting location for the purposes of meeting the requirements of the Ralph M. Brown Act will be the Agency Office at 622 S. Jemez Trail and website: [www.bdwa.org](http://www.bdwa.org).

As a courtesy the agenda shall also be posted at the following locations-

- 1720 North Cherokee Trail- Agency Board Room
- Johnson Valley Well 10
- Landers Community Association- Belfield Hall
- Landers Post Office Bus Stop
- C and J Feed Store Community Bulletin Board

In addition, the agenda will be emailed to the "Agenda Notification List" maintained by the agency staff. This list includes the following:

- Z107.7 Radio Station
- Hi-Desert Star Newspaper

**WHEREAS**, pursuant to the Brown Act Section 54957.5(a) once the agenda and related materials have been prepared office staff shall make available upon request, and without delay, the agenda and related materials for public viewing during regular business hours. However, this shall not include any writing exempt from public disclosure under Section 6253.5, 6254.7, or 6254.22.

**WHEREAS**, complete agendas with backup material packets will be made available, and without delay, for public viewing during regular business hours at the agency business office.

**WHEREAS**, complete agendas without the backup material packet shall be made available at the agency administrative office and shall be provided upon request at no charge to the requester.

**WHEREAS**, any member of the public can purchase a complete agenda packet, with backup material at the then current per page copy charge outlined in the Agency's Rates, Fees and Charges for public information requests pursuant to the California Public Records Act. Hard copies of presentations made or materials distributed at Agency meetings will thereafter be subject to the California Public Records Act.

**WHEREAS**, the Agency Standing Committee Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

1. The General Manager, in cooperation with the Standing Committee Chair, shall prepare an agenda for each Standing Committee meeting.
2. Any Director may contact the Committee Chair to place any appropriate item on the Committee meeting agenda no later than Tuesday prior to the agenda mail out day which is scheduled for the Friday before the scheduled time and date of the meeting. The Chair shall make any final determinations as to what constitutes an appropriate item to be agendized for the Standing Committee meeting.


**WHEREAS**, the Agency Workshop Board Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

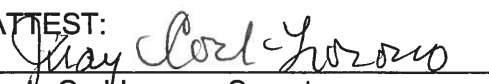
- Board workshops shall be scheduled and the agenda set by the Board of Directors at the regular or special meeting of the Board or by the Board President.

**NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:**

- 1) Resolution 17R-11 establishes the policy for preparation of the agenda for meetings of the Board of Directors or Standing Committees thereof; and
- 2) Resolution No. 14R-06 is hereby rescinded in its entirety.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 25<sup>nd</sup> day of April 2017.

By   
Michael McBride, President (Pro tem)

ATTEST:  
  
Judy Cori-Lorono, Secretary

Resolution No. 17R-11



# APPENDIX I

## **RESOLUTION NO. 18R-02**

### **A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS**

**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 Reimbursement of Actual and Necessary Expenses For Board Members 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;

**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.

Except as specifically authorized, a Board member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the Agency's behalf, in accordance with this policy for reimbursement of expenses of Board members.

## **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 which fall under Directors' Compensation List are to be recognized as an "Authorized Meeting". The Directors' Compensation List is a separate and distinct resolution from this policy reviewed and updated from time-to-time by the Board of Directors.

### **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.

#### 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.

The Agency Resolution outlining the approved Directors' Compensation List is separate from this policy. Expenses incurred in connection with the Directors' Compensation List generally constitute authorized expenses, as long as the other requirements of the policy are met. If a meeting, event, or seminar/conference is not specifically defined in the Directors' Compensation List then the request for attendance and reimbursement must be presented to the full Board of Directors for approval. Directors are encouraged to obtain approval well in advance of the event to secure the most cost effective accommodations. A Director who chooses to attend a meeting, event, or seminar/conference without prior approval can request retroactive approval and reimbursement. If retroactive approval is denied then all costs shall become the sole responsibility of the individual.

#### **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. 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 General Manager.
- 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 including gratuity.

## 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 & Incidental Expenses

The Agency reimbursement rate for Director meals and incidentals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard allowance established for the destination location per Internal Revenue Service Publication 463 (Ref. GSA.gov/Perdiem).

## 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 IRS 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**

Designated funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at conferences, seminars and workshops as well as Per Diem compensation for days of service as defined herein. These funds are segregated in general ledger accounts for each individual director. 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/Timesheets**

The Agency shall provide expense report forms and timesheets to be filed by the Directors for reimbursement for actual and necessary expenses and per diem incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet this Policy for expenditure of public resources. Directors shall submit to the Agency's Accounting Department on said form their expense reports which shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Directors' Compensation List 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 or after the expense being incurred. Directors are paid per diem on the regular bi-weekly payroll cycle.

**G. Audits of Expense Reports**

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

**H. Reports to Board of Directors**

Directors, if required by the Resolution outlining the Directors' Compensation List, shall provide brief oral reports on meetings attended at the expense of the Agency during the next agendaized meeting of Board. Directors are encouraged to submit written reports to assist with the oral presentation.

**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. Review of Resolution on Annual Basis**

Each year the Board may 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.

**L. 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.

**M. Effective Date**

This Resolution shall become effective immediately upon adoption.

**N. Rescission**

Resolution No. 13R-16 is hereby rescinded in its entirety.



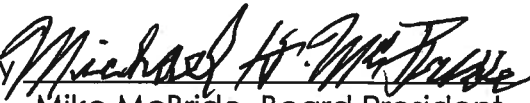
**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 27th day of March 2018, by the following roll call vote:

AYES: McBride, Cori-Lorono, Burkhart, Staley, Coulombe

NOES: None

ABSTENTION: None

ABSENT: None

By   
Mike McBride, Board President

Attest:

  
Terry Burkhart, Board Secretary



**ORDINANCE NO. 20O-02**  
**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**, the Bighorn-Desert View Water Agency is a public agency of the State of California organized and existing pursuant to the Bighorn-Desert View Water Agency Law at Deering's Water Code – Uncodified Acts, Act 90; and

**WHEREAS**, the per diem compensation for the Members of the Board of Directors was established by Ordinance No. 19O-01 to be One Hundred and Forty Dollars and Seventy Cents (\$140.70); and

**WHEREAS**, Water Code, Section 20202 authorizes an increase in the per diem compensation of members of the Agency's Directors not to exceed five percent (5%) per calendar year and the Board of Directors desires to increase the per diem compensation by five percent (5%) to One Hundred and Forty-Seven Dollars and Seventy-Four Cents (\$147.74) for the Fiscal Year 2020/2021.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Bighorn-Desert View Water Agency, as follows:

**Section 1.** The amount of compensation to be received by a Director for each day's attendance at a meeting of the Board and for each day's service rendered at the request of the Board shall be One Hundred and Forty-Seven Dollars and Seventy-Four Cents (\$147.74). The only meetings, service and events for which said compensation shall be paid shall be those provided for in the *Resolution Adopting the Directors' Compensation List*.

**Section 2.** No Director shall receive the compensation set forth in Section 1 of this Ordinance for more than 10 days in any calendar month.

**Section 3.** Pursuant to Section 20204 of the Water Code, this Ordinance shall become effective sixty (60) days from the date of its adoption. This Ordinance hereby supersedes previous Ordinance No. 19O-01.

Adopted this 26<sup>th</sup> day of May 2020.

Bighorn-Desert View Water Agency

By Judy Corl-Lorono  
Judy Corl-Lorono, Board President

**CERTIFICATION**

I hereby certify that this Ordinance was duly adopted by the Board of Directors at its regularly-scheduled meeting on May 26, 2020 by the following ROLL CALL vote:

AYES: Corl-Lorono, Burkhardt, Coulombe, McBride  
NOES: McKenzie  
ABSTENTION: N/A  
ABSENT: N/A

Bighorn-Desert View Water Agency

By J. Larry Coulombe  
J. Larry Coulombe, Board Secretary



Official Seal

# APPENDIX K

## **RESOLUTION NO. 17R-08**

### **A STATEMENT OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AUTHORIZING AGENCY CREDIT CARDS FOR DIRECTORS AND SETTING GUIDELINES FOR THE USE OF THE SAME**

**WHEREAS**, in the course of attendance to conferences or other authorized events there are times when the use of a business credit card would be advantageous for the efficiencies provided and cost savings available by using such; and

**WHEREAS**, the Bighorn-Desert View Water Agency desires to authorize credit cards through the Agency's banking institution in the name of individual directors for charging of expenses and establishing identity in conjunction with conferences and other authorized travel; and

**WHEREAS**, Resolution No. 15R-02 authorized each Director to obtain a credit card through the Agency's then current banking institution, Union Bank of California (First Bank Card) with a credit limit of \$2,500 for each credit card; and

**WHEREAS**, the current banking institution is Pacific Western Bank and existing credit cards were obtained through Union Bank of California (First Bank Card); and

**WHEREAS**, members of the Board of Directors are limited to credit card purchases for travel or travel related expenses while in the performance of agency duties or in attendance at agency related training or seminars; and

**WHEREAS**, Director travel expenses shall be handled in accordance with the Policy for Reimbursement of Actual and Necessary Expenses for Board Members; and

**WHEREAS**, notwithstanding the foregoing, members of the Board of Directors shall be required to comply with all applicable, laws, rules and regulations regarding expenditures and reimbursements including, but not limited to, laws regarding conflicts of interest and ethical requirements; and

**WHEREAS**, no personal expenses are to be charged to the credit card at any time or for any reason whatsoever; and

**WHEREAS**, the General Manager will house said credit cards and distribute to Directors prior to attendance at agency related training or seminars.

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

1. That each Director be assigned and utilize a credit card through the Agency's current banking institution, Pacific Western Bank; and
2. That the credit limit shall be \$2500 for each credit card; and

3. That the credit cards shall only be used as a method of payment for purchases which have been approved in compliance with the existing Policy for Reimbursement of Actual and Necessary Expenses for Board Members.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors to Bighorn-Desert View Water Agency this 28th day of February 2017.

By J. Larry Coulombe  
J. Larry Coulombe, Board President

Attest:

Judy Corl-Lorono  
Judy Corl-Lorono, Board Secretary



# APPENDIX L

**RESOLUTION NO. 15R-22**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BIGHORN-DESERT VIEW WATER AGENCY  
ESTABLISHING THE FORMAT FOR THE RECORDATION OF MINUTES AT  
MEETINGS OF THE AGENCY**

**WHEREAS**, the Board of Directors of the Bighorn-Desert View Water Agency, acting as the legislative body of a local agency, is required to notice and conduct public meetings openly and with sufficient opportunity for public comment, pursuant to California Government Code, Sections 54950 through 54962; and

**WHEREAS**, in order to ensure that the public record sufficiently reflects the events, actions and discussion of these meetings, the Board Secretary of the Agency records minutes. While public comment is encouraged, the minutes are not intended to be a verbatim transcript. Rather, minutes should provide an adequate and accurate record of the actions of the Board and satisfy the Agency's obligation to meet the public's right to know; and

**WHEREAS**, the Board of Directors of the Agency now seeks to establish a policy whereby only "action minutes" from the Agency meetings will be recorded. The purpose of this policy is to streamline current record keeping practices and conserve both Agency and rate payers' right to know.

**NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:**

1. The minutes of Agency meetings shall identify each agenda item, summarize any Board discussion, briefly summarize public comment related to the agenda item and state the action taken by the Board; and
2. The Board Secretary need not include in the minutes the detailed public comments on agenda or non-agenda items.
3. That Policy No. 06P-03 is hereby rescinded in its entirety and of no further force and effect.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors to Bighorn-Desert View Water Agency this 27th day of October 2015.

By Judy Corl-Lorono  
Judy Corl-Lorono, President of the Board

ATTEST:

Terry Burkhardt  
Terry Burkhardt, Secretary of the Board