

# Bighorn-Desert View Water Agency

## Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
*Director Vacancy*



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

760/364-2315 Phone  
760/364-3412 Fax

Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

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

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## BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, September 21, 2010 - 6:00 PM**

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

**Public Participation** - Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. When giving your public comment, please first state your name and have your information prepared. Due to time constraints, a three-minute time limit may be imposed. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board Secretary at 760-364-2315 during Agency business hours.

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

### **2. CLOSED SESSION**

- **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION**  
(Government Code Section 54956.9 (a) one case  
Maryan Barkley v. Bighorn-Desert View Water Agency; Phillip Johnson; and DOES 1 through 100 inclusive (Unlawful Eavesdropping; Common Law Intrusion; Public Disclosure of Private Facts; Constitutional Invasion of Privacy; Negligent Supervision (San Bernardino Superior Court Case No. 900916)

**3. CLOSED SESSION REPORT**

**4. BOARD TO CONDUCT CANDIDATE INTERVIEWS FOR FILLING VACANT BOARD SEAT**

**RECOMMENDED ACTION:**

- 1) Direct staff to sequester candidates to conference room pending interview;
- 2) Conduct individual interviews while in a public, open session;
- 3) Board to cast written ballots until it is determined that a majority vote has been tallied. Once a majority by written ballot is determined, a roll call vote will be recorded; and
- 4) Candidate who receives a majority of three (3) votes will be appointed. Subsequently, Candidate will be sworn in, and officially seated as a Board member at the next meeting.

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

**a. RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION**

**RECOMMENDED ACTION:**

- 1) Review and discuss proposed Resolution; and
- 2) Consider adoption of said Resolution incorporating by reference the Standard Conflict of Interest and Disclosure Code adopted by the Fair Political Practices Commission

**6. DISBURSEMENTS AUGUST 2010**

**RECOMMENDED ACTION:**

- 1) Ratify/authorize payment of bills

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

**RECOMMENDED ACTION:**

- 1) Approve as presented (Items a - h)

- a. Financial Statements August 2010
- b. Minutes of the July 27, 2010 Regular Meeting
- c. Minutes of the August 10, 2010 Special Meeting
- d. Minutes of the August 24, 2010 Regular Meeting
- e. Consumption & Billing Comparison Report August 2010
- f. Production Report August 2010
- g. Service Order Report August 2010
- h. Progress Report on the Ames/Mean's Reche Recharge Facility Project

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

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

## **9. VERBAL REPORTS**

- GENERAL MANAGER'S REPORT
- DIRECTORS' REPORTS
  - > Report from the Ames/Reche Ad Hoc Committee
  - > Report from the Finance Ad Hoc Committee
  - > Report from the 08-11-10 JV Water Supply Survey Ad Hoc Committee Meeting
  - > Oral Reports on Conferences/Meetings Attended at Agency Expense
- PRESIDENT'S REPORT

## **10. COMMUNICATION AND PUBLIC INFORMATION ITEMS**

- > Announce Agency's participation in Gubler's 2010 Orchid Festival (Oct 2<sup>nd</sup>);
- > Oct 9<sup>th</sup> AWAC Landscaping Seminar facilitated by Robin Kobaly

## **11. ITEMS FOR NEXT AGENDA**

## **12. ADJOURNMENT**

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

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

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

If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Bighorn-Desert View Water Agency

Board of Directors

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



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**APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS  
OF THE BIGHORN-DESERT VIEW WATER AGENCY**

(Deadline of consideration is noon, September 17, 2010)

Name: Brian Comp Contact Phone Number: <sup>760</sup> 364-4903  
Home Address: 55575 Tracy Blvd, Flamingo Heights  
Registered Voter Residing Within Agency Boundaries: ☐ Yes ☐ No in process

Please state your reasons for wanting to become a Director of the Agency:

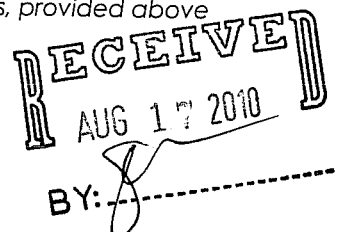
To become more involved in the community  
To be aware of and help make decisions  
on future water issues

List any community activities:

Board of Directors F.H.C.C.  
Friends of Giant Rock  
The Moose Lodge - Landers #1788  
F.H.C.C. & Giant Rock clean up crews  
Food Bank volunteers

Signature: Brian Comp Date: 8-13-10

Please return completed application to Board Secretary at the Agency address, provided above



# Bighorn-Desert View Water Agency

## Board of Directors

Terry Burkhardt, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director



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## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY

Name: Judy Corl-Lorono Contact Phone Number: 760-364-2334

Home Address: 365 RAINBOW Rd, LANDERS

Registered Voter Residing Within Agency Boundaries: ☒ Yes ☐ No

Please state your reasons for wanting to become a Director of the Agency:

I am a graduate of the CSDA Leadership Academy (Special Districts); attended many relevant workshops and made every effort to educate myself with regards to local water issues. I am asking for the appointment so I can contribute these skills to the agency and rate payers.

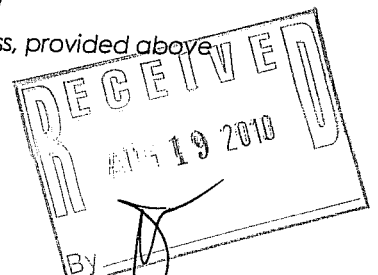
List any community activities:

LANDERS Association - Kool Kids Club  
N. Republican Women's Club

Participated in 2009 Orchid Festival  
Frequent volunteer for AWAC, Hi Desert water and conservation.

Signature: Judy Corl-Lorono Date: 19 Aug 2010

Please return completed application to Board Secretary at the Agency address, provided above.



# Bighorn-Desert View Water Agency

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J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director



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## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY

Name: DUANE D. LISIEWSKI Contact Phone Number: (760) 364-1972

Home Address: 1471 Cherokee Tr

Registered Voter Residing Within Agency Boundaries: ☒ Yes ☐ No

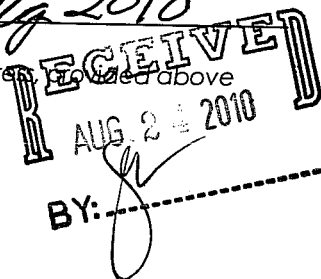
Please state your reasons for wanting to become a Director of the Agency:

I WAS A. BROAD DIRECTOR BEFORE SO I DO  
KNOW THE RULES.

List any community activities:

Signature: Duane D. Lisiewski Date: 24 Aug 2010

Please return completed application to Board Secretary at the Agency address provided above



# Bighorn-Desert View Water Agency

## Board of Directors

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



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## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY

(Deadline for consideration is noon, September 17, 2010)

Name: Barbara Renton Contact Phone Number: 364-4210

Home Address: 828 Delgado Ave

Registered Voter Residing Within Agency Boundaries: ☒ Yes ☐ No

Please state your reasons for wanting to become a Director of the Agency:

Besides living in this area (unlike board member  
Dave Larsen), I have an interest in environment &  
science & our desert water. I also got more  
votes than Judy Corl-Liono last year.

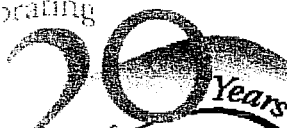
List any community activities:

working for non-profit Critter Coalition & holding  
strays temp. for adoption, I write about community  
events for the American Free Journal (interviews  
with long-time residents, local artists, musicians &  
business owners, & used to attend & report on Yucca Valley  
town council meetings.)

Signature: Barbara Renton Date: 8-11-10

Please return completed application to Board Secretary at the Agency address, provided above

Celebrating



RECEIVED  
AUG 11 2010

BY: \_\_\_\_\_



# Bighorn-Desert View Water Agency

## Board of Directors

Terry Burkhardt, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director



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## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY

Name: WARREN N. STRODEL Contact Phone Number: 760-364-1934

Home Address: 2240 Dusty Mile rd. Sanders Ca 92285

Registered Voter Residing Within Agency Boundaries: ☒ Yes ☐ No

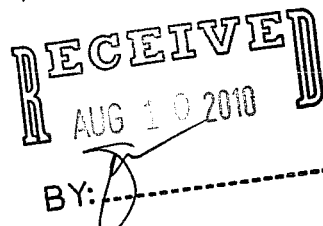
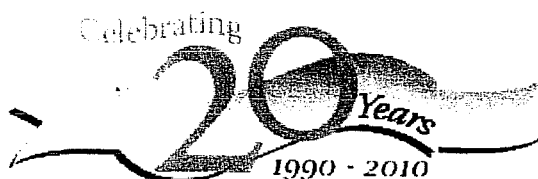
Please state your reasons for wanting to become a Director of the Agency:

To return to the board my enthusiasm & my  
desire to protect our water supply & to keep it ours.  
My nine month service on the board would be  
my experience.

List any community activities:

Signature: Warren N Strodel Date: 8/10/10

Please return completed application to Board Secretary at the Agency address, provided above



**Joanne L Keiter**

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**From:** Irelan, Karen [kirelan@rov.sbcounty.gov]  
**Sent:** Tuesday, September 14, 2010 4:18 PM  
**To:** 'bdvwa@mindspring.com'  
**Subject:** Verification of Candidate Eligibility

Joanne,

I have verified all of the names of the applicants who want to be appointed to the vacant seat. They are all registered and live in the district. The names I looked up are:

Warren Strodel  
Judy Corl-Lorono  
Duane Lisiewski  
Brian Comp  
Barbara Renton

If you have any questions, please contact our office.

Karen Irelan  
Candidate Services  
777 E. Rialto Ave  
San Bernardino, CA 92415  
909 387-8300



GREGORY C. DEVEREAUX  
County Administrative Officer

June 10, 2010

COUNTY OF  
**SAN BERNARDINO**  
Clerk of the Board of Supervisors

County Government Center  
385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130  
www.sbcounty.gov/cob  
(909) 387-3841 Fax (909) 387-4554

BOARD OF SUPERVISORS

Brad Mitzelfelt ..... *First District*  
Paul Biane ..... *Second District*  
Neil Derry ..... *Third District*  
Gary C. Ovitt ..... *Fourth District*  
Josie Gonzales ..... *Fifth District*

LAURA H. WELCH  
Clerk of the Board of Supervisors

SUBJECT: 2010 Biennial Notice for Conflict of Interest Codes

Dear Sir or Madam:

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. No later than October 1 of each even-numbered year, each agency must submit to the County Board of Supervisors a notice indicating whether or not an amendment is necessary. To assist you in making that determination, please review the enclosed "How to Review a Conflict of Interest Code" and "How to Amend a Conflict of Interest Code" documents. The enclosed "2010 Local Agency Biennial Notice" form must be returned to the Board of Supervisors, via the Clerk of the Board, no later than **October 1, 2010**.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the Board for approval within **90 days** of filing the biennial notice. For example, if your agency files its notice on October 1, 2010, indicating that an amendment is necessary, the amendment is due to the Board of Supervisors by December 30, 2010. An agency's amended code is **not effective** until it has been approved by the Board of Supervisors. Our County Counsel has advised that amended code information must include either of the following:

- A copy of the resolution adopted by your governing body showing that these Conflict of Interest Code changes were approved, **or**
- A copy of the minutes from the board meeting where the Conflict of Interest changes were discussed and approved

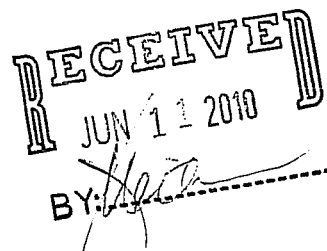
The Fair Political Practices Commission (FPPC) offers free seminars on how to amend a conflict of interest code. To register for a seminar, call the FPPC at (866) ASK-FPPC, and press 4. Information is also available on the FPPC's website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

If you have any questions, please contact me at (909) 387-4265.

Sincerely,

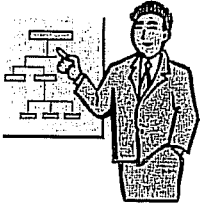
Becky Griffin  
Board Services Supervisor

enclosures



# How to Review a Conflict-of-Interest Code<sup>1</sup>

## Who is a Designated Employee?



### Designate these Positions:

High level positions that have authority to vote on a matter, appoint a person, obligate or commit his or her agency to a course of action, or enter into any contractual agreement on behalf of his or her agency.

Mid-Level positions that have authority to negotiate decisions on behalf of the agency, without significant substantive review; or

Employees that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

## Who Should Not be Designated?



A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. (*Government Code Section 82019.*)

### Do Not Designate these Positions:

- Board of Supervisors
- Chief Administrative Officers
- District Attorneys
- County Counsels
- County Treasurers
- Planning Commissioners
- City Council Members
- Mayors
- City Managers
- City Attorneys
- City Treasurers
- Other city, county, and local agency public officials who manage public investments
- Solely clerical, ministerial, or manual positions
- Unsalaries members of boards or commissions that are solely advisory

## Check Duty Statements Review Disclosure Categories



### Review:

First, eliminate positions outlined above that are not designated employees.

Second, evaluate the remaining employees, committees, officers, or consultants. Top level management personnel are normally broad policy makers and should be designated. Beyond that, read duty statements and talk to supervisors. Each position should be analyzed to determine if it makes decisions. Be sure all positions that have authority to authorize contracts are designated.

Next, review the disclosure categories. Employees should only disclose economic interests that relate to their job. Do not assign the same disclosure to every position as jobs are different. The disclosure category assignments must adequately differentiate between positions.

Contact other counties for examples and guidance. The FPPC also posts model disclosure categories on its website.

<sup>1</sup> This information sheet should not be used to determine whether an agency is required to adopt a conflict-of-interest code. Contact the FPPC for assistance in making that determination.

# How to Amend a Conflict-of-Interest Code

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The following are the FPPC's guidelines of the steps necessary to amend a conflict-of-interest code. Additional information may be required depending on the specific amendment. The FPPC's website, [www.fppc.ca.gov](http://www.fppc.ca.gov), has available all of the necessary forms and documents to prepare an amendment. When the code reviewing body is a City Council or Board of Supervisors, contact the local code reviewing body concerning their code amendment procedures.

## Non-Substantive Amendments

1. Provide a letter or memorandum describing the positions that have been deleted or renamed.
2. Include a copy of the entire code showing the changes in strikeout/underscore format.
3. Include a declaration by the chief executive officer.

## Substantive Amendments

1. Prepare the proposed amendment using strikeout/underscore format.
2. Prepare a Notice of Intention and conduct a public comment period. Multi-county agencies must have a 45-day comment period. Other local agencies must follow the city's or county's requirements. Provide a copy of the notice to:
  - a. Members of the public and to each employee affected by the proposed amendment.
  - b. Multi-county agencies should also forward the notice to the FPPC.
3. Submit to the code reviewing body the proposed code amendment in strikeout/underscore format. Multi-county agencies must provide the following:
  - a. A declaration by the Chief Executive Officer
  - b. A summary of any hearing, including the names and addresses of any participants
  - c. Copies of all written comments
  - d. Written justification for all changes
  - e. The most current organizational chart of the agency
  - f. Job descriptions of all positions being added or whose disclosure category is being changed
  - g. Minutes of the last two agency board meetings, if applicable.

## Example strikeout/underscore format

<del>III. PUBLIC WORKS OFFICE</del>	
<u>MAINTENANCE DIVISION</u>	
1. Maintenance Superintendent.....	2
<u>2. Maintenance Supervisor.....</u>	<u>2</u>
<del>2. Asst. Maintenance Superintendent.....</del>	<del>2</del>
3. Senior Equipment Technician.....	3
<del>3. Equipment Services Technician.....</del>	<del>3</del>
<ul style="list-style-type: none"><li>• The Public Works Office became the Maintenance Division.</li><li>• The Asst. Maintenance Superintendent was reclassified to Maintenance Supervisor.</li><li>• The Equipment Services Technician position has been deleted.</li></ul>	

## 2010 Local Agency Biennial Notice

Name of Agency: Bighorn Desert-View Water Agency

Mailing Address: 622 South Jemez Trail, Yucca Valley, CA 92284

Contact Person: GM Marina G. West, P.G. Office Phone No: 760-364-2315

E-mail: bdvwa2@mindspring.com Fax No: 760-364-3412

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

- ☒ An amendment is required. The following amendments are necessary:  
(*Mark all that apply.*)
- ☐ Include new positions (including consultants) that must be designated.
  - ☐ Delete positions that manage public investments from the list of designated positions.
  - ☐ Revise disclosure categories.
  - ☐ Revise the titles of existing positions.
  - ☐ Delete titles of positions that have been abolished.
  - ☒ Other (*describe*) Update to reflect changes in FPCC Regulation 18730.
- ☐ No amendment is required.

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2010**, to:

San Bernardino County  
Clerk of the Board of Supervisors  
385 N. Arrowhead Ave., 2nd Floor  
San Bernardino, CA 92415-0130

## RESOLUTION NO. 10R-XX

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN DESERT VIEW WATER AGENCY INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION**

**WHEREAS**, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

**WHEREAS**, pursuant to said Act, on November 6, 2002 per Resolution 02R-11 the Bighorn-Desert View Water Agency adopted a Conflict of Interest and Disclosure Code; and

**WHEREAS**, within that resolution the San Bernardino County Clerk was designated as the official filing clerk; and

**WHEREAS**, it is necessary from time to time to amend the Agency's Conflict of Interest Code to conform its disclosure obligations to recent changes in the law; and

**WHEREAS**, the Board of Supervisors of San Bernardino County, as the Code reviewing body for this Agency, and the Fair Political Practices Commission (FPPC) recommend that public agencies adopt the standard Conflict of Interest Code promulgated by the FPPC and any amendments thereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the Bighorn-Desert View Board of Directors that;

1) The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated in the Bighorn-Desert View Water Agency Conflict of Interest Code by this reference; and

2) That 2 California Code of Regulations Section 18730 (current version available upon public request) and Exhibit A, designating officials and employees, and Exhibit B, establish disclosure categories, shall constitute the Bighorn-Desert View Water Agency Conflict of Interest Code; and

3) That the original statements for all designated officials and employees shall be retained by the Agency which shall will be made available for public inspection and/or reproduction upon request; and

4) That a secretariially certified copy of this Resolution, including the attached exhibits to the FPPC Standard Code, shall be forwarded to the San Bernardino County Board of Supervisors as the Conflict of Interest and Disclosure Code of the Bighorn-Desert View Water Agency and that said Code shall become effective 30 days after the Board of Directors approve the proposed amended Code as submitted.

5) That Resolution 02R-11 is hereby rescinded.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of Bighorn-Desert View Water Agency this 21st day of September 2010, by the following roll call vote:

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

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

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

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

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on September 21, 2010, the foregoing Resolution 10R-XX was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

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



## EXHIBIT A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of Board of Directors	1, 2
General Manager	1, 2
Consultant*	3
General Counsel	1, 2, 3
Board Secretary	1, 2

\* The disclosure, if any, required of a consultant will be decided on a case-by-case basis, which determination will be made in writing. The determination should include a description of the consultant's duties and the extent of the consultant's disclosure requirements, where applicable. Such written determination is a public record and is to be retained for public inspection in the same manner and location as this Conflict of Interest Code

## EXHIBIT B

### Disclosure Categories

Category 1: Persons in this category shall disclose, in accordance with this Code, all interests in real property within the Agency, except personal residences. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

Category 2: Persons in this category shall disclose, in accordance with this Code, all income from and investments and business positions in businesses that produce products or provide services of a type utilized by the Agency, including, but not limited to, the areas of: building materials; construction; motor vehicles; specialty vehicles; vehicle replacement parts; petroleum products; water quality testing; water transmission; water treatment; water distribution; geological tests and reports; maintenance; repair; safety; engineering; provision of water or power; brokering; accounting; auditing; banking; underwriting; money management; law; insurance; printing; and office equipment or office supplies.

Category 3: Individuals who perform under contract the duties of any designated position, as set forth on Exhibit B, shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions, which affect financial interests by providing information, advice, recommendation, or counsel to the agency, which could affect financial interests, shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the General Manager or Secretary of the Agency.

## **FPPC Regulation 18730. Provisions of Conflict of Interest Codes**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Exhibit referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Exhibit are designated employees. It has been determined that these persons make or participate in the making of decisions, which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup> Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Exhibit specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests, those financial interests he or she has, which are of the kind described in the disclosure categories to which he or she is assigned in the Exhibit. It has been determined that the financial interests set forth in a

designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

#### (8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

#### (8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$390.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$390 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person, which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.



2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$390 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

NOTE: Authority cited: Section 83112, Government Code.

Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## ENDNOTES

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property, which have a fair market value of less than \$2,000, are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

# Bighorn-Desert View Water Agency

## Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
*Director Vacancy*



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

760/364-2315 Phone  
760/364-3412 Fax

Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

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

## BOARD OF DIRECTORS' REGULAR MEETING MINUTES

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

### • CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:01 PM

### • PLEDGE OF ALLEGIANCE

Led by Chris Gubler

### • ROLL CALL

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

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

Public Present: 19 noted

### • APPROVAL OF AGENDA - MSC McBride/Larson - 5 ayes

#### 1. PUBLIC PARTICIPATION - Addressing items not appearing on this agenda

- Duane Lisiewski made comments pertaining to the funds paid to counsel for work performed on the Ames Agreement; and to the compensation that Directors received for educational seminars/conferences, which he referred to as a "paid vacation" for Directors.
- Paul Dossey spoke about "public participation".

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

## **2. DISCUSSION AND ACTION ITEMS**

### **a. AWARD OF ENGINEERING SERVICES CONTRACT TO KRIEGER & STEWART, INC. FOR FISCAL YEAR 2010/11**

GM West opened by providing some background information to the Directors.

She explained how staff (at their direction), solicited qualification statements from four firms: Don Howard Engineers, Inc. (appointed as the Agency's Chief Engineer in 2007), Nolte Associates, Inc., Carollo Engineers, P.C., and Krieger & Stewart, Inc. Those firms were then invited to make a presentation to the Planning, Engineering, Legislative, Grant and Security (PLEGS) Committee during their June 17, 2010 meeting. Following the interviews, both the Committee and staff "unanimously" selected Krieger & Stewart, Incorporated as the "most qualified" firm to provide engineering services to the Agency.

GM West mentioned that Chuck Krieger was in the audience and then she offered to address any questions that the Directors might have pertaining to the attached Professional Services Agreement or the fee schedule provided for their review and consideration.

The following action was taken:

**MOTION NO. 10-052  
AWARD ENGINEERING SERVICES CONTRACT  
TO KRIEGER & STEWART, INC. FOR FISCAL YEAR 2010/11**

Director Burkhart asked for questions and comments from the Board.

Director Coulombe mentioned that he observed (as a member of the public) when the interviews took place. He said he was "impressed" by all of the firms, but especially by Krieger & Stewart, whose handouts showed a majority of their staff had an average tenure of 10 years with this organization. Director Coulombe considered that a "glowing" tribute and a factor to be considered.

Director Larson added to Director Coulombe's comments, saying that he too was "impressed" by Krieger & Stewart's presentation...noting "their personnel and list of clients, some other small water agencies, who had been clients for 10 years or more".

He continued his remarks by complimenting counsel and staff for their work on this agreement, referencing several provisions that "stood out" for him. He concluded that he thought this selection would be "good for the Agency".

Director Burkhart asked for any additional comments from the Directors or public, but there were none.

***Upon motion by Director Larson, and a second by Director McBride, the Board agreed to award an Engineering Services Contract to Krieger & Stewart, Inc. and direct General Manager West to execute on behalf of the Board.***

The following vote was recorded:

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

**b. RESOLUTION NO. 10R-08 - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY APPOINTING A CHIEF ENGINEER**

Director McBride asked for clarification of the "title" as stated on the following draft Resolution, presented to the Board for approval.

GM West explained the reason for this specific "title" was to adhere with Agency law, which stated that the Board, by a majority vote, was to appoint a "chief engineer" who would serve at the pleasure of the Board.

The following action was taken:

**MOTION NO. 10-053  
ADOPT A RESOLUTION APPOINTING CHARLES A. KRIEGER  
OF KRIEGER & STEWART, INC. AS CHIEF ENGINEER  
FOR THE BIGHORN-DESERT VIEW WATER AGENCY**

There were no further questions or comments made.

***Upon motion by Director Larson, and a second by Director Coulombe, the Board agreed to adopt Resolution No. 10R-08 appointing Charles A. Krieger of Krieger & Stewart, Inc. as Chief Engineer as Chief Engineer for the Agency.***

The following roll call vote was recorded:

**AYES:** Burkhardt, Coulombe, McBride, Larson, Oswalt  
**NOES:** None

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

**c. DISCUSSION OF MR. GUBLER'S JUNE 2, 2010 LETTER OF OPPOSITION PERTAINING TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR BIGHORN-DESERT VIEW WATER AGENCY (CASE NO. LAFCO 3148)**

GM West opened by reviewing the circumstances that prompted this subject to come before the Board.

She stated that LAFCO had been seeking our input regarding their Service Review and potential Sphere of Influence expansion for the Bighorn-Desert View Water Agency (conducted by LAFCO every 5 years). She said that the only communication received by the Agency, in response to our efforts to obtain public input, was a letter of opposition

from Chris Gubler and the Hans Gubler Trust, (June 2, 2010 letter included in the agenda packet).

GM West stated that both she and Director Burkhart had met with Mr. Gubler and understood his concerns, agreeing that his request warranted further consideration from the Board to determine an official response. Thus, she was now looking for their direction on how to proceed.

She then described what options were available to them: do nothing; notify LAFCO of Mr. Gubler's opposition and acknowledge that the Board either agreed or disagreed; or lastly, defer any action until a later date. (She said that she was told that LAFCO had been redirected and that this particular review had been shelved for approximately 2 months or more.)

The following action was taken:

**MOTION NO. 10-054  
PREPARE A DRAFT LETTER TO LAFCO  
REQUESTING THE EXCLUSION OF GUBLER'S ORCHIDS  
FROM THE SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE**

Director Burkhart asked for Board comments and questions.

Director Larson asked Mr. Gubler to elaborate on some of the statements made in his letter of opposition.

*Mr. Gubler responded that the letter gave a "pretty accurate" account of the past, current and future conditions of the Agency and his family business. He stated that Gubler's Orchids prefer to remain an "island within the District" and perceived this "expansion" to be a "dangerous precedent" and a move in the wrong direction.*

Director Oswald stated that she was personally "concerned about the loss of 24 local jobs" and would "hate to see something happen that would make Gubler's close their doors".

Director McBride commented that he couldn't see "how Bighorn-Desert View Water Agency could have any affect on Gubler's Orchids, since the Agency had no control over well owners".

*Mr. Gubler responded that he didn't want to be a "target", commenting that the "Board had experienced a lot of turnover in the past", so he was asking for "support from this Board" giving his business peace of mind.*

Director Larson commented, "If the Board wasn't interested in Gubler's Orchids, then why include them?"

Director Burkhart explained that both GM West and she had met with him to address his concerns agreeing to place this on the next agenda for additional Board discussion and consideration.

GM West reminded everyone that this was kind of a "mute point", because LAFCO would be making the decision regarding Gubler's (not the Agency); she confirmed that the only request of LAFCO by the Agency was to include County-W1 into the Agency's future boundaries.

Next, Director Burkhart repeated that "Bighorn-Desert View Water Agency had very little influence over LAFCO"; however, she added that if Board recognition of Mr. Gubler's request gave him a "sphere of comfort"...then the Directors might want to consider this.

***Upon motion by Director McBride, and a second by Director Larson, the Board authorized the General Manager to prepare a letter addressed to the Local Agency Formation Commission (LAFCO) requesting that Gubler's Orchids be excluded from the Service Review and Sphere of Influence Update For Bighorn-Desert View Water Agency (Case NO. LAFCO 3148). Additionally, the Board directed staff to present a draft of this letter to the Directors at the next Board meeting for their approval before sending.***

The following vote was recorded:

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

**d. RESOLUTION NO. 10R-09 - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY RATIFYING THE AMENDED AND RESTATED ASSOCIATION OF CALIFORNIA WATER AGENCIES HEALTH BENEFITS AUTHORITY (ACWA HBA) BYLAWS AND JOINT POWERS AUTHORITY AGREEMENT**

GM West briefed the Directors about the past and present relationship that the Agency has had with the Association of California Water Agencies Health Benefits Authority (ACWA HBA). Currently, ACWA serves as the administrator for the Agency's employee ancillary benefit programs (dental, vision, life) offered by several insurance carriers. These programs were all fully insured until 2009 when these programs were converted to a self-funded platform.

She explained how the introduction of the self-funded platform required certain changes to the existing agreements allowing the Trustees to meet those increased responsibilities. The new structure had been created and approved by the Trustees, resulting in the restated and amended Bylaws and Agreement before the Board for their ratification as a member agency.

The following action was taken:

**MOTION NO. 10-055  
ADOPT A RESOLUTION RATIFYING THE AMENDED AND RESTATED  
ASSOCIATION OF CALIFORNIA WATER AGENCIES HEALTH BENEFITS AUTHORITY  
(ACWA HBA) BYLAWS AND JOINT POWERS AUTHORITY AGREEMENT**

Director Burkhart asked if the Board had any questions pertaining to this action.

Director Larson commented on the events that occurred at ACWA in 2009 (converting the program from a fully insured one to a self-funded platform), adding that he was



"confident in ACWA's management" based on the historical relationship of the Agency with ACWA.

Director McBride said he thought the Agency had "moved our benefits to Special District Risk Management Authority's (SDRMA) program last year, so why were we still involved with ACWA benefits?"

GM West clarified that only the "medical" portion had changed, the rest of the Agency's benefit package (dental, vision and life) was still provided by ACWA to our employees.

***Upon motion by Director Larson, and a second by Director McBride, the Board agreed to adopt Resolution No. 10R-09 ratifying the Amended and Restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority Agreement***

The following roll call vote was recorded:

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

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

**e. BOARD TO CONSIDER APPROVING DIRECTORS' REQUEST FOR ATTENDANCE AND PARTICIPATION AT CALENDAR YEAR 2010 CONFERENCES - REGISTRATION FEES ESTIMATED AT \$1,220.00 PER INDIVIDUAL DIRECTOR PLUS \$100 PER DIEM PER DIRECTOR PER DAY AND ANY OTHER RELATED TRAVEL EXPENSES**

GM West reported that several Board members had expressed an interest in attending some conferences or seminars being offered during the remaining months of 2010. She referenced a list (provided in the packet) that outlined those conferences/seminars. She then noted that the Directors had been invited to attend the August 12, 2010 San Bernardino Water Conference (held in Ontario) as guests of the Mojave Water Agency (no registration cost) and therefore, the request was for per diem only.

She continued that the action before the Board was to consider approval of the registration costs, estimated to be \$1,220.00 per individual Director, plus per diem of \$100 per day per Director along with any lodging or related travel expenses.

The following action was taken:

**MOTION NO. 10-056  
APPROVE ATTENDANCE, PER DIEM, AND RELATED EXPENSES  
AT CALENDAR YEAR 2010 CONFERENCES AS REQUESTED  
BY INDIVIDUAL DIRECTORS**

Director Burkhart asked if the Board had any questions or comments.

Director McBride said that he wants to go to the Indian Wells conference, but prefers to go home every night.

Director Oswalt stated that each Director should live within their "budgeted amount of \$2,000.00 each". She also believes that the "Agency had so many other things to do with their limited funds" that she suggested the Board authorize one Director who would attend the course and then come back and instruct the others".

Director Larson thought education was for the "greater good of the Board" and would vote in support of this. He again expressed that "education was less than 1% of the Agency annual budget, yet seems to take up 80% of the Board discussion". He advised the other Directors to "take the educational opportunity and serve the public" as you should.

Director Burkhart asked for any public comment.

Warren Strodel mentioned that while he was a Director, he attended several courses and "did go over budget slightly; however, he also paid that back".

Susan Johnson said that she believed that "voters expect the individual Directors to be educated, so they can be the people's advocate".

There were no other comments, so Director Burkhart continued with calling for a vote.

***Upon motion by Director McBride, and a second by Director Larson, the Board approved any Director's request for attendance and participation at calendar year 2010 conferences with registration fees estimated at \$1,220.00 per individual director plus \$100 per diem per director per day along with other related travel expenses.***

The following vote was recorded:

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

**f. BOARD TO ADOPT POLICY NO. 10P-03 ESTABLISHING A CODE OF ETHICS FOR THE AGENCY BOARD OF DIRECTORS**

GM West said that it was upon the recommendation of our insurance provider, Special District Risk Management Authority (SDRMA) that this restatement of the Board policies (currently affirmed as Policy 97P-03) was before the Directors for their review, consideration, and approval. This restatement should be addressed once every four years as a means of "reducing our insurance liability".

The following action was taken:

**MOTION NO. 10-057  
ADOPT POLICY 10P-03 ESTABLISHING A CODE OF ETHICS  
FOR THE AGENCY BOARD OF DIRECTORS**

Director Burkhart asked if the Board had any comments or questions.

Director Larson mentioned that several of these "guidelines" were excerpts taken from the state-required AB 1234 ethics course.

There were no further comments from the Directors and none from the public, so Director Burkhart called for a vote.

***Upon motion by Director McBride, and a second by Director Oswalt, the Board approved to adopt a policy for the Agency Board of Directors establishing a Code of Ethics.***

The following vote was recorded:

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

**g. BOARD TO ADOPT POLICY NO. 10P-04 ESTABLISHING THE CODE OF CONDUCT DURING AGENCY BOARD MEETINGS**

GM West stated that the only change on the newer version from the prior Policy (97P-04) was to modify the first paragraph updating the reference to the Brown Act.

The following action was taken:

**MOTION NO. 10-058  
ADOPT POLICY 10P-04 ESTABLISHING  
THE CODE OF CONDUCT DURING AGENCY BOARD MEETINGS**

Director Burkhart asked for any comments.

Director Larson stated that it was most important for the Agency to be "vigilant regarding compliance to the Brown Act" and he was assured that we were.

There were no other comments from the Board or public.

***Upon motion by Director Larson, and a second by Director McBride, the Board approved to adopt a policy establishing a Code of Conduct during Agency Board meetings.***

The following vote was recorded:

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

Director Burkhart continued with the agenda.

**MOTION NO. 10-059  
APPROVING CASH DISBURSEMENTS**

Director Burkhart opened for any questions from the Directors regarding the check register.

Director McBride asked about Check# 10242, payable to Mojave Water Agency, for \$73,254.00.

GM West explained that this was a voter-approved debt payment for the pipeline, which the Agency had access to until 2023.

Director Larson inquired about Check# 10276, payable to Steve's Office Supply, for \$877.92.

GM West said this was for reproduction and labor of our annual CCR (Consumer Confidence Report) which was mailed to customers and posted to our website for public viewing.

There were no other comments from the Board or public.

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

The following vote was recorded:

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

### **3. CONSENT ITEMS**

The following action was taken:

#### **MOTION NO. 10-060 APPROVING CONSENT ITEMS**

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

No Board comment; no public comment

The following vote was recorded:

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

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

### **4. MATTERS REMOVED FROM CONSENT ITEMS - None**

### **5. VERBAL REPORTS**

#### **• GENERAL MANAGER'S REPORT**

- > GM West reported that the construction of two monitoring wells would proceed in late August (scheduled for completion within the specified timeframe), to be followed by a pumping test of Well 24.
- > She referenced a report focused on the municipal pumpers that indicated levels were down 33' (contrary to what others had stated).

#### **• DIRECTORS' REPORT**

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
AUGUST 31, 2010



CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10365	08/03/10	TERRY BURKHART REG MEETING 72710	100.00
10366	08/03/10	CRISTI BUSH FYE CLOSE & AUDIT	3,799.90
10367	08/03/10	CA DEPT OF FISH AND GAME LAKE/STREAMBED ALTERATION, AMES/RECHE PROJECT	90.25
10368	08/03/10	CINTAS CORPORATION #150 UNIFORM SVC, JUL	127.28
10369	08/03/10	CLINICAL LABORATORY OF BULK SYS/BAC-T, PLATE COUNT, GEN PHY URANIUM	286.00
10370	08/03/10	CO OF SB DEPT OF PUBLIC HEALTH AMES/RECHE MONITORING WELL DRILLING PERMITS	538.00
10371	08/03/10	LARRY COULOMBE REG MEETING 72710	100.00
10372	08/03/10	CYBERSPIKE WEBSITE MAINTENANCE, MAR-JUL	525.00
10373	08/03/10	GOODSPEED DISTRIBUTING INC UNLEADED FUEL	1,886.25
10374	08/03/10	GRAINGER BLDG MAINTENANCE	12.88
10375	08/03/10	INLAND WATER WORKS INVENTORY	807.47
10376	08/03/10	DAVID LARSON REG MEETING 72710	100.00
10377	08/03/10	MICHAEL MCBRIDE REG MEETING 72710	100.00
10378	08/03/10	MARTHA OSWALT REG MEETING 72710	100.00
10379	08/03/10	PITNEY BOWES GLOBAL FINANCIAL QUARTLY LEASE 81010-111010	234.90
10380	08/03/10	SMITH TRAGER LLP LEGAL FEES, GRESHAM/JUN	478.40
10381	08/03/10	VERIZON CALIFORNIA OFFICE PHONES & AUTO CONTROLS 6/20/10-7/19/10	530.73
10393	08/12/10	AT&T MOBILITY COMMUNICATIONS EXPENSE	89.98
10394	08/12/10	AUTO ZONE VEHICLE EXPENSE	41.30
10395	08/12/10	BUCKNAM & ASSOCIATES, INC. GRANT CONSULTING FEES	1,897.50
10396	08/12/10	BURRTEC WASTE & RECYLING SVCS TRASH FEES, AUG	72.71
10397	08/12/10	CA DEPT OF PUBLIC HEALTH-OCF T2 LIC RENEWAL, WEST	60.00

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
AUGUST 31, 2010

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10398	08/12/10	CLINICAL LABORATORY OF BULK SYS/BAC-T, PLATE COUNT	
10399	08/12/10	BULK SYS/BAC-T, PLATE COUNT CNH CAPITAL AMERICA LLC	226.00
10400	08/12/10	NEW HOLLAND BACKHOE LEASE PYMT FINAL PAYMENT	1,173.72
10401	08/12/10	LARRY COULOMBE AWAC/WCIP MEETING 72710	50.00
10402	08/12/10	DISCOUNT TIRE CENTERS 10 F/RANGER OIL & FILTER	28.45
10403	08/12/10	FIRST BANKCARD SPEC DIST & LOCAL GOVT INST, FINANCE SEMINAR-SAN FRAN, DIR BURKHART & CUOLOMBE	1,120.00
10404	08/12/10	INLAND WATER WORKS INVENTORY INVENTORY INVENTORY	1,576.34
10405	08/12/10	PROTECTION ONE SHOP MO SVC 8/26/10-9/25/10	39.69
10406	08/12/10	SDRMA SDRMA MEDICAL BENEFITS	4,116.10
10407	08/12/10	UNDERGROUND SERVICE ALERT DIG ALERTS, 24 TICKETS	36.00
10408	08/12/10	USDA RURAL DEVELOPMENT DV BOND PAYMENT-INTEREST	7,799.42
10419	08/20/10	VALLEY INDEPENDENT PRINTING DOOR HANGERS, BUS CARDS-WEST & BURKHART	441.14
10420	08/20/10	TERRY BURKHART SPECIAL MTNG 81010	100.00
10421	08/20/10	CANDIDA NEAL ENVIRONMENTAL STUDIES, JUN ENVIRONMENTAL STUDIES, MAY	11,342.68
10422	08/20/10	LARRY COULOMBE SPEC MTNG 8/10, SB CO WATER CONF 8/12	200.00
10423	08/20/10	COUNTY TREASURER OF S.B. 2010-11 LAFCO BUDGET ALLOC	1,548.26
10424	08/20/10	DESERT SERVICE STATION MAINT FUEL STATION NOZZLE & GAUGES REPAIRS	757.31
10425	08/20/10	DAVID LARSON SPECIAL MTNG 81010	100.00
10426	08/20/10	MAID TO ORDER CLEANING SVC, 8/11-8/12	410.00
10427	08/20/10	MICHAEL MCBRIDE SPEC MTNG 8/10, JV ADHOC 8/11, SB CO WATER CONF 8/12	250.00
10428	08/20/10	OFFICE DEPOT OFFICE SUPPLIES	107.50
10429	08/20/10	PITNEY BOWES PURCHASE POWER POSTAGE FOR METER	1,000.00
		REWAL, DAVID	

BIGHORN-DESERT VIEW WTR AGENCY  
CHECK REGISTER  
AUGUST 31, 2010



CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
10430	08/20/10	REWAL, TI RENEWAL CERT SMITH TRAGER LLP	55.00
10431	08/20/10	LEGAL FEES, GRESHAM/JUL LEGAL FEES, TRAGER/MAR TODD ENGINEERS	2,599.25
10432	08/20/10	PROFESSIONAL SVC, RECHE WATERLINE TECHNOLOGIES	22,380.25
10433	08/27/10	HYPOCHLORITE SOLUTIONS AVALON URGENT CARE INC.	599.32
10434	08/27/10	PHYSICAL, TEMP. - DIAZ CLINICAL LABORATORY OF	110.00
10435	08/27/10	BULK SYS/BACT-T, PLATE COUNT LARRY COULOMBE	108.00
10436	08/27/10	FPREP MTNG 81810 DATASTREAM BUSINESS SOLUTIONS	50.00
10437	08/27/10	HP9000 PROG, JUL FIRST BANKCARD	665.00
10438	08/27/10	SPEC DIST SEMINAR-SAN FRAN, DIR BURKHART, MAILING EXP, WIRELESS MIC SYS, TONERS ADMIN MEETING EXP	519.13
10439	08/27/10	FIRST CHOICE REALTY BALANCE RFND ACCT# 0300752	12.20
10440	08/27/10	INLAND WATER WORKS FIELD SUPPLIES FIELD SUPPLIES	377.36
10441	08/27/10	JOHN BARTHLOW BALANCE RFND ACCT# 0110602	71.58
10442	08/27/10	KATHLEEN CAULEY BALANCE RFND ACCT# 0508000	60.95
10443	08/27/10	MICHAEL MCBRIDE FPREP MTNG 81810	50.00
10444	08/27/10	SOUTHERN CALIFORNIA EDISON POWER EXP, JUL	7,144.57
		VERIZON CALIFORNIA OFFICE PHONES & AUTO SUPPLIES 81310-91210	44.46
		TOTAL	79,248.23

Prepared By   
Date 9/14/10  
Reviewed By 

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 08/31/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
REVENUE					
-----					
TOTAL OPERATING REVENUE	1,084,296.00	127,644.36	227,689.64	856,606.36	21.00%
TOTAL NON-OPERATING REVENUE	238,600.00	69,067.47	65,508.08	173,091.92	27.46%
	-----	-----	-----	-----	-----
TOTAL REVENUE	1,322,896.00	196,711.83	293,197.72	1,029,698.28	22.16%
EXPENSE					
-----					
TOTAL OPERATIONS EXPENSE	452,280.00	21,773.33	20,860.87	431,419.13	4.61%
TOTAL BULK SYSTEM EXPENSE	0.00	867.54	1,201.33	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE	607,175.00	92,556.84	115,434.56	491,740.44	19.01%
TOTAL OPERATING EXPENSE	1,059,455.00	115,197.71	137,496.76	921,958.24	12.98%
TOTAL NON-OPERATING EXPENSE	137,200.00	28,523.07	48,755.94	88,444.06	35.54%
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TOTAL EXPENSE	1,196,655.00	143,720.78	186,252.70	1,010,402.30	15.56%
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NET REV/EXP GENERAL FUND	126,241.00	52,991.05	106,945.02	19,295.98	84.71%
	=====	=====	=====	=====	=====

Prepared By   
Date 9/16/10  
Reviewed By 



STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 08/31/10

## GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
REVENUE					
-----					
OPERATING REVENUE					
01 41000 SERVICE LINE INSTALLATION FEES	2,510.00	0.00	1,320.00	1,190.00	52.59%
01 41001 BASIC FACILITIES CHARGE	8,196.00	0.00	4,098.00	4,098.00	50.00%
01 41100 INCOME METERED WATER	444,931.00	55,885.53	96,709.26	348,221.74	21.74%
01 41300 BASIC SERVICE CHARGE	559,350.00	49,400.98	99,418.37	459,931.63	17.77%
01 41400 INCOME METERED BULK WATER	0.00	6,994.36	15,597.14	0.00	0.00%
01 41600 INCOME REVENUE BONDS DV FMHA	47,709.00	8,355.82	8,357.24	39,351.76	17.52%
01 41700 INCOME OTHER (OPERATING)	21,600.00	7,007.67	2,189.63	19,410.37	10.14%
	-----	-----	-----	-----	-----
TOTAL OPERATING REVENUE	1,084,296.00	127,644.36	227,689.64	856,606.36	21.00%
NON-OPERATING REVENUE					
01 49100 INCOME GEN TAX ID A 1% BH GA02	52,100.00	0.00	-3,662.85	55,762.85	-7.03%
01 49101 INCOME BOND DEBT BH FMHA DA01	125,900.00	0.00	2,081.07	123,818.93	1.65%
01 49102 INCOME GENERAL TAX 1% DV GA01	52,100.00	0.00	-3,009.76	55,109.76	-5.78%
01 49200 INTEREST INCOME	2,000.00	0.00	1,032.15	967.85	51.61%
01 49201 INTEREST INCOME BOND FUNDS	6,000.00	0.00	0.00	6,000.00	0.00%
01 49600 INCOME OTHER (NON OPERATING)	500.00	0.00	0.00	500.00	0.00%
01 49999 FEDERAL/STATE GRANTS FEMA/OES	0.00	69,067.47	69,067.47	0.00	0.00%
	-----	-----	-----	-----	-----
TOTAL NON-OPERATING REVENUE	238,600.00	69,067.47	65,508.08	173,091.92	27.46%
	-----	-----	-----	-----	-----
TOTAL REVENUE	1,322,896.00	196,711.83	293,197.72	1,029,698.28	22.16%

## EXPENSE

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## OPERATIONS EXPENSE

01 54102 OPERATIONS COMPENSATION	200,000.00	10,716.38	2,856.43	197,143.57	1.43%
01 54103 UNIFORMS	2,650.00	0.00	277.28	2,372.72	10.46%
01 54105 AUTO CONTROLS	4,500.00	215.64	431.09	4,068.91	9.58%
01 54106 VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	69.75	125.38	8,874.62	1.39%
01 54107 VEHICLE EXPENSE - FUEL	20,000.00	1,779.70	3,600.45	16,399.55	18.00%
01 54109 FIELD MATERIALS & SUPPLIES	25,000.00	1,222.32	3,673.72	21,326.28	14.69%
01 54111 WATER TESTING	9,000.00	61.00	784.00	8,216.00	8.71%
01 54112 CONTRACTUAL SERV- ENGINEERING	50,000.00	0.00	0.00	50,000.00	0.00%
01 54114 WATER SYSTEM REPAIRS	30,000.00	0.00	0.00	30,000.00	0.00%
01 54115 BUILDING MAINTENANCE/REPAIR	8,680.00	1,420.42	1,724.79	6,955.21	19.87%
01 54117 AMES BASIN MONITORING	9,500.00	0.00	0.00	9,500.00	0.00%
01 54119 COMMUNICATIONS EXPENSE	2,150.00	89.98	87.48	2,062.52	4.07%
01 54121 DISINFECTION EXPENSE	4,000.00	599.32	1,238.60	2,761.40	30.97%
01 54125 POWER WELLS & PUMPS	67,000.00	5,598.82	5,498.17	61,501.83	8.21%
01 54130 OTHER OPERATIONS EXPENSES	10,800.00	0.00	563.48	10,236.52	5.22%

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 08/31/10

## GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
TOTAL OPERATIONS EXPENSE	452,280.00	21,773.33	20,860.87	431,419.13	4.61%
BULK SYSTEM EXPENSE					
01 55001 PUMPING PLANT EXPENSE	0.00	867.54	1,201.33	0.00	0.00%
TOTAL BULK SYSTEM EXPENSE	0.00	867.54	1,201.33	0.00	0.00%
ADMINISTRATIVE EXPENSE					
01 56001 DIRECTOR FEES	15,000.00	1,250.00	2,250.00	12,750.00	15.00%
01 56002 DIRECTOR MEETING EXPENSES	5,000.00	1,273.40	2,035.32	2,964.68	40.71%
01 56003 ADMINISTRATIVE COMPENSATION	225,000.00	18,195.21	16,445.40	208,554.60	7.31%
01 56005 ADMINISTRATIVE MEETING EXPENSE	1,000.00	19.66	39.43	960.57	3.94%
01 56006 CONTRACTUAL SERV-AUDITOR	28,000.00	11,469.00	24,462.00	3,538.00	87.36%
01 56007 CONTRACTUAL SERV-LEGAL	80,000.00	2,599.25	-13,572.35	93,572.35	-16.97%
01 56008 PERS CONTRIBUTION	34,675.00	2,419.48	4,033.38	30,641.62	11.63%
01 56009 PAYROLL TAXES	10,000.00	432.27	904.18	9,095.82	9.04%
01 56011 TELEPHONE/FAX/INTERNET/WEB	8,500.00	411.20	1,349.24	7,150.76	15.87%
01 56012 MAILING EXPENSES	8,800.00	540.86	1,170.74	7,629.26	13.30%
01 56014 CONTRACTUAL SERV-OTHER	37,400.00	1,751.85	7,388.92	30,011.08	19.76%
01 56016 PROPERTY/LIABILITY EXPENSE	30,600.00	2,543.19	5,086.38	25,513.62	16.62%
01 56017 WORKERS COMP INSURANCE	15,000.00	811.67	1,623.34	13,376.66	10.82%
01 56018 DUES & SUBSCRIPTIONS	8,000.00	1,649.26	1,649.26	6,350.74	20.62%
01 56020 POWER OFFICES & YARDS	5,200.00	749.87	833.71	4,366.29	16.03%
01 56022 BAD DEBT EXPENSE	6,000.00	41,977.00	41,977.00	-35,977.00	699.62%
01 56025 PROPANE	1,500.00	0.00	0.00	1,500.00	0.00%
01 56030 OFFICE SUPPLIES	4,000.00	679.91	895.36	3,104.64	22.38%
01 56100 EMPLOYEE BENEFITS INSURANCE	77,500.00	3,563.65	15,288.14	62,211.86	19.73%
01 56110 EMPLOYEE EDUCATION	6,000.00	220.11	1,575.11	4,424.89	26.25%
TOTAL ADMINISTRATIVE EXPENSE	607,175.00	92,556.84	115,434.56	491,740.44	19.01%
TOTAL OPERATING EXPENSE	1,059,455.00	115,197.71	137,496.76	921,958.24	12.98%
NON-OPERATING EXPENSE					
01 56200 OFFICE EQUIPMENT EXPENSE	3,450.00	116.56	116.56	3,333.44	3.38%
01 56300 CUSTOMER RELATIONS	3,000.00	305.42	305.42	2,694.58	10.18%
01 56400 OTHER ADMINISTRATIVE EXPENSES	3,000.00	288.46	508.12	2,491.88	16.94%
01 57000 INTEREST EXPENSE - BH BONDS	39,000.00	0.00	0.00	39,000.00	0.00%
01 57100 DEPRECIATION EXPENSE	0.00	20,013.21	40,026.42	0.00	0.00%
01 57350 MWA PIPELINE DEBT	73,000.00	0.00	0.00	73,000.00	0.00%
01 59100 INTEREST EXPENSE - DV BONDS	15,750.00	7,799.42	7,799.42	7,950.58	49.52%
TOTAL NON-OPERATING EXPENSE	137,200.00	28,523.07	48,755.94	88,444.06	35.54%
TOTAL EXPENSE	1,196,655.00	143,720.78	186,252.70	1,010,402.30	15.56%

STATEMENT OF REVENUE AND EXPENSE  
PERIOD ENDING 08/31/10

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
	-----	-----	-----	-----	-----
NET REV/EXP GENERAL FUND	-----	-----	-----	-----	-----
	126,241.00	52,991.05	106,945.02	19,295.98	84.71%
	=====	=====	=====	=====	=====

GENERAL FUND

ASSETS  
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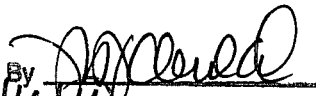
TOTAL CASH & CASH EQUIVALENTS	89,329.90	
TOTAL INVESTMENTS	653,167.65	
TOTAL ACCTS RECEIVABLE, WATER	158,621.00	
TOTAL ACCTS RECEIVABLE, OTHER	0.00	
TOTAL INVENTORY	75,949.11	
TOTAL PREPAID EXPENSES	33,168.23	
TOTAL FIXED ASSETS	3,844,271.83	
TOTAL WORK IN PROGRESS (OTHERS)	14,709.05	
TOTAL WORK IN PROGRESS (AGENCY)	322,044.34	
TOTAL DEBT ISSUANCE COST	2,011.24	
 TOTAL ASSETS		5,193,272.35
		=====

LIABILITIES  
-----

TOTAL ACCOUNTS PAYABLE	32,684.75	
TOTAL ACCRUED PAYROLL	14,887.10	
TOTAL CUSTOMER DEPOSITS	51,154.00	
TOTAL WORK IN PROGRESS DEPOSIT	15,000.00	
TOTAL LIAB PYBL FRM REST ASSET	6,487.21	
TOTAL LONG TERM DEBT	1,083,977.05	
 TOTAL LIABILITIES		1,204,190.11

EQUITY  
-----

TOTAL EQUITY	3,989,082.24	
 TOTAL LIABILITIES & EQUITY		5,193,272.35
		=====

Prepared By   
Date 9/16/10  
Reviewed By muwest

## GENERAL FUND

## ASSETS

-----

## CASH &amp; CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	87,779.90
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00
		-----
TOTAL CASH & CASH EQUIVALENTS		89,329.90

## INVESTMENTS

01 13303	CASH LAIF-UNRESTRICTED	653,167.65
		-----
TOTAL INVESTMENTS		653,167.65

## ACCOUNTS RECEIVABLE, WATER

01 13710	A/R WATER	158,621.00
		-----
TOTAL ACCTS RECEIVABLE, WATER		158,621.00

## ACCOUNTS RECEIVABLE, OTHER

		-----
TOTAL ACCTS RECEIVABLE, OTHER		0.00

## INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	72,876.15
01 14302	INVENTORY-DIESEL FUEL	978.12
01 14303	INVENTORY-UNLEADED FUEL	2,094.84
		-----
TOTAL INVENTORY		75,949.11

## PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	811.60
01 14402	PREPAYMENTS PL & PD LIAB INS	25,931.87
01 14403	POSTAGE	6,424.76
		-----
TOTAL PREPAID EXPENSES		33,168.23

## FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11140	FA LAND & BUILDINGS	298,457.41
01 11150	FA YARDS	57,934.48
01 11160	FA FUELS TANKS	16,604.30
01 11170	FA WATER SYSTEM	7,693,768.41
01 11180	FA SHOP EQUIPMENT	99,211.92
01 11181	FA MOBILE EQUIPMENT	444,996.56
01 11190	FA OFFICE EQUIPMENT	139,079.33
01 11400	ACCUMULATED DEPRECIATION	( 5,242,051.94)
		-----
TOTAL FIXED ASSETS		3,844,271.83

## WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
----------	------------------------	--------

GENERAL FUND

01 12006	WIP FLAMINGO HTS ASSN, SEC35	14,597.53
TOTAL WORK IN PROGRESS (OTHERS)		14,709.05
WORK IN PROGRESS (AGENCY)		
01 12005	WIP EPA GRANT	380,692.34
01 12017	WIP METER REPLACEMENT PROGRAM (	58,648.00)
TOTAL WORK IN PROGRESS (AGENCY)		322,044.34
DEBT ISSUANCE COST		
01 15400	BOND ISSUE COSTS	2,011.24
TOTAL DEBT ISSUANCE COST		2,011.24
TOTAL ASSETS		5,193,272.35
		=====

LIABILITIES

ACCOUNTS PAYABLE

01 22400	CAPITAL LEASE	( 0.48)
01 22520	ACCRUED INTEREST PAYABLE	3,750.00
01 22700	ACCOUNTS PAYABLE	28,935.23
TOTAL ACCOUNTS PAYABLE		32,684.75

ACCRUED PAYROLL

01 22900	ACCRUED PAYROLL LIABILITIES	14,887.10
TOTAL ACCRUED PAYROLL		14,887.10

CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	1,370.00
01 22600	CUSTOMER DEPOSITS	49,784.00
TOTAL CUSTOMER DEPOSITS		51,154.00

WORK IN PROGRESS DEPOSIT

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

LIAB PYBL FRM RESTRICTD ASSETS

01 22950	ACCRUED INT PAYABLE DV ID BNDS	4,487.21
01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00
TOTAL LIAB PYBL FRM REST ASSET		6,487.21

LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	311,977.05
----------	----------------------------	------------

BALANCE SHEET  
PERIOD ENDING 08/31/10

GENERAL FUND

01 22300	REVENUE BONDS PAYABLE - BH	772,000.00	
			-----
	TOTAL LONG TERM DEBT	1,083,977.05	
	TOTAL LIABILITIES		1,204,190.11

EQUITY

-----			
01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88	
01 30111	FMHA GRANTS	758,297.76	
01 31000	FUND BALANCE	2,404,908.58	
01 31001	FUND BALANCE FEMA & OES	427,895.00	
01 31111	CURR YEAR NET REVENUE/EXPENSE	106,945.02	
	TOTAL EQUITY		3,989,082.24
	TOTAL LIABILITIES & EQUITY		5,193,272.35
			=====

GENERAL ACCOUNT (UNION BANK)

Aug-10

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	0.00
BASIC FACILITIES CHARGE	0.00
A/R - WATER	98,208.40
MISCELLANEOUS REVENUE	1,285.42
1% GENERAL TAX	0.00
BIGHORN AD VALOREM TAX	0.00
EPA GRANT REIM # 16	69,067.47
WITHDRAW FROM LAIF	0.00
CUSTOMER DEPOSITS	<u>1,750.00</u>

TOTAL

170,311.29

USE OF FUNDS:

DEBT SERVICE	7,799.42
CAPITAL PURCHASES	36,248.68
CAPITAL LEASE	1,173.72
INVENTORY PURCHASES	4,270.06
PREPAYMENTS - INSURANCE & POSTAGE	1,000.00
PAYMENTS FOR SALARIES & WAGES	25,397.68
ADMINISTRATIVE EXPENSE	19,965.34
OPERATIONS EXPENSES	9,793.12
TRANSFER TO INCREASE LAIF	0.00
MISCELLANEOUS & CUSTOMER REFUNDS	<u>144.73</u>

TOTAL

105,792.75

Prepared By 


Date 9/16/10

Reviewed By 



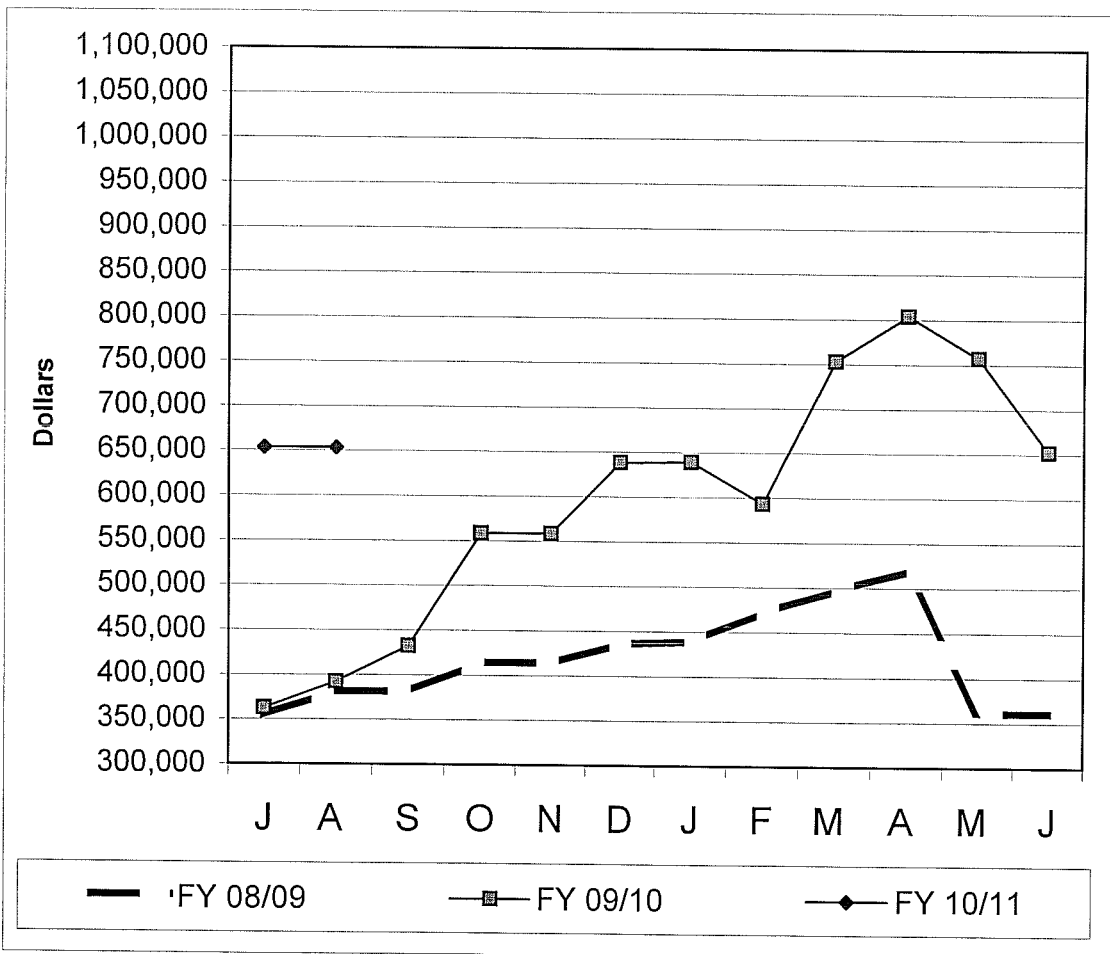
**UNION BANK OF CALIFORNIA  
DISBURSEMENTS AUGUST 2010**

Datastream Check Register	<u>79,248.23</u>	<u>79,248.23</u>
EFT for Vendor Services		
Bank Fees	174.14	
Credit Card Fees	912.71	
Internet Access Fee	<u>59.99</u>	
Total EFT for Vendor Services		<u>1,146.84</u>
Wages for Paydate 08/05/10		
Employee Tax Withholdings	2,043.66	
Employer Tax Expenses	229.84	
Wages check # 10382-10392	<u>11,246.54</u>	
		<u>13,520.04</u>
Wages for Paydate 08/19/10		
Employee Tax Withholdings	1,784.22	
Employer Tax Expenses	202.42	
Wages check # 10409-10418	<u>9,891.00</u>	
		<u>11,877.64</u>
Transfers to LAIF	<u>                    </u>	<u>-</u>
Total Disbursements		<u><u>105,792.75</u></u>

Prepared By   
Date 9/16/10  
Reviewed By ymwest

**Local Agency Investment Fund Balance Timeline**  
**Balance as of August 31, 2010**

	FY 08/09	FY 09/10	FY 10/11
July	354,364	362,520	653,168
August	381,364	392,520	653,168
September	381,364	432,520	
October	414,076	558,397	
November	414,076	558,397	
December	436,076	638,397	
January	438,737	639,258	
February	471,737	593,258	
March	496,737	753,258	
April	518,901	804,136	
May	360,901	757,136	
June	360,901	652,136	



Prepared By AMC

Date 8/10/10

Reviewed By invest

- > Director McBride said that there was a "tentative date" set of August 11, 2010 at 10:30 AM for the Johnson Valley Ad Hoc Committee Meeting for public tabulation of the responses on the returned survey cards.
- > Director McBride also reported that he met with former Director Phil Johnson regarding his understanding of the Ames Agreement, and his present/future concerns that he might have pertaining to any proposed modifications.
- > Director Oswalt mentioned that the course she was planning on attending was cancelled. Other than that, she had nothing to report.
- > Director Larson had no comments.
- > Director Coulombe gave a report on several meetings that he had attended as a representative of the Agency:
  - > July 12, 2010 AWAC Meeting in Joshua Tree  
(Discussed Agency-sponsored Landscape Workshop planned for October 9, 2010);
  - > July 14, 2010 ACWA Region 9 Business Meeting  
(Mentioned speaker Bob Tincher from SB Valley Water District and the similarities of their recharge basin project and Principles of Agreement to ours); and
  - > July 27, 2010 AWAC / WCIP Meeting  
(Discussion focused on development of a conservation program that could be utilized by all members of the Mojave Water Agency).

- PRESIDENT'S REPORTS

- > Director Burkhart gave a report on her attendance at the July 14, 2010 ACWA Region 9 Business Meeting, stating that it was an "interesting" conference particularly the topic of the state SBX7 6 Groundwater Elevation Monitoring Program.

She told the Board that SBX7 6 affects all residential plumbing, in effect making the Agencies "toilet bowl inspectors". She further explained that this law would require groundwater monitoring for all basins in California (including Johnson Valley) with the intent of better managing water resources during normal, wet, and dry water years.

Director Burkhart noticed that there were some questions from the audience, so she opened for public comment.

Judy Corl-Lorono asked some questions about Director Burkhart's understanding of the new law, SBX7 6, wanting to know about the Agency's responsibility for checking water levels in the basin.

Director Burkhart said that currently the Agency is not affected by the new bill, nor are "private wells".

*Next, Director Oswalt asked President Burkhart if she could make some comments.*

Director Oswald then read from a written statement that she had prepared.

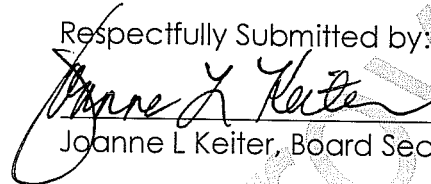
**6. COMMUNICATION AND PUBLIC INFORMATION ITEMS**

GM West announced a brief celebration commemorating the Agency's 20<sup>th</sup> Anniversary (1990-2010); she invited the public to join the Board of Directors and staff after the meeting was adjourned.

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

**8. ADJOURNMENT** - Director Burkhardt adjourned the meeting @ 7:38 PM

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary

# Bighorn-Desert View Water Agency



## Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
*Director Vacancy*

## Agency Office

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

760/364-2315 Phone  
760/364-3412 Fax

Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

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

## BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, August 10, 2010 - 6:00 PM**

### • CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:02 PM

### • PLEDGE OF ALLEGIANCE

Led by John Burkhart

### • ROLL CALL

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

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

Public Present: 8 noted

### • APPROVAL OF AGENDA - MSC Larson/McBride - 4 ayes

#### 1. PUBLIC PARTICIPATION - Addressing items not appearing on this agenda

- Duane Lisiewski inquired about the active and inactive meter count during the period of September 2008 through October 2009. He then commented about recent payments made to Directors Burkhart and Coulombe.
- Paul Dossey made some allegations pertaining to Director Burkhart driving an Agency vehicle and asked her to resign now, saving her a "recall petition" that he would start soon.

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

## **2. DISCUSSION AND ACTION ITEMS**

### **a. BOARD TO RECEIVE DIRECTOR'S RESIGNATION LETTER**

Director Burkhart opened this item by asking for any comments from the Board.

Director McBride asked about the notation on the letter, "Further explanation to follow", made by Director Oswalt and dated August 2, 2010, wanting to know if the Agency had received anything additional.

GM West confirmed, "No further communication had been received".

Director Burkhart asked for any public comment and hearing none, continued.

The following action was taken:

**MOTION NO. 10-061  
ACCEPTANCE OF MARTHA OSWALT'S RESIGNATION LETTER  
VACATING HER SEAT FROM THE BOARD OF DIRECTORS  
EFFECTIVE AUGUST 2, 2010**

The following vote was recorded:

***Upon motion by Director Coulombe, and seconded by Director McBride, the Board agreed to accept the resignation letter of Martha Oswalt from the Bighorn-Desert View Water Agency Board of Directors, effective August 2, 2010.***

***Board approved - 4 ayes, motion carried***

### **b. BOARD DISCUSSION PERTAINING TO THE PROCESS FOR FILLING VACANT BOARD SEAT**

GM West provided some background to the Board. She explained that Director Oswalt resigned her position effective July 31, 2010; however, the Board received her official, executed correspondence on August 2, 2010. Therefore, per Government Code 1780, the effective date of resignation would be August 2, 2010. The date was important since this Code only gave the remaining Directors 60-days (until October 1, 2010) to make a decision regarding filling the vacant seat on the Board.

GM West next mentioned the pros, cons and costs for the Directors to consider when reviewing the procedures outlined in Government Code 1780. Per this Code, the Board had the following options available:

- Authorize staff to call for an election; or
- Determine to fill the vacancy by appointment; or

- Do nothing and leave the decision to the San Bernardino County Board of Supervisors who would either appoint someone or order the Agency to call an election within 90 days of the resignation date.

GM West said that if the Directors chose to call for an election, the election would be March 8, 2011 and the person elected would hold office for the unexpired balance of the term, expiring in 2013. The estimated cost for a "precinct" election was \$25,000 and a "mail" ballot was \$17,500.

She continued that if the Directors chose to fill the vacancy by appointment, the recommended procedure would be to post a notice that applications would be accepted from interested members of the community with candidate interviews and possible selection of a new Director at a full Board meeting prior to the October 1, 2010 deadline. She further explained that this candidate would hold office until the next general election, scheduled for November 2011. The person elected during this "short term" election would then complete the remainder of the original term into 2013.

Then GM West stated that if no applications were submitted or if the Directors failed to make a majority decision on the appointment of one particular candidate, then the Board could always revert to the other two options, as long as this was decided before the October 1, 2010 deadline.

In conclusion, she reminded the Board that it was their sole decision as to whether a candidate would be selected or not. She remarked that if only one candidate submitted an application, then the Board would still be required to cast a majority vote for that individual to be appointed.

The following action was taken:

**MOTION NO. 10-062  
ESTABLISH PROCEDURE FOR FILLING  
VACANT DIRECTOR'S SEAT**

Director Burkhardt asked for questions from the Board.

Director McBride stated that he'd like to set a deadline for applications to be submitted to the Agency for consideration. He believed that would give the Board an opportunity to review the candidates' applications and prepare interview questions.

After some roundtable discussion, it was suggested that a special Board meeting on September 21, 2010 would be held to conduct candidate interviews; therefore, the deadline for application submissions would be the Friday prior, September 17, 2010. GM West noted that a 12 noon deadline would allow staff to include the applications in the Board packet in advance of the special Board meeting, the following Tuesday evening.

Director Coulombe thought a candidate "Meet and Greet" should be planned as well.

Director Larson said that he was opposed to a "costly" election and agreed with the other Directors about appointing someone to fill the vacancy. He then commented that

"he's confident that there'll be a number of qualified applicants" and that he too would like to see the applications in the Board packet (in advance of the meeting).

Director Burkhardt asked for any public comment.

Duane Lisiewski referred to the previous special election held by Bighorn-Desert View Water Agency, as well as the last time that the Board interviewed candidates to fill a Director's vacant seat. Mr. Lisiewski next commented about Government Code 1780 and the requirement to notify certain County officials within 15 days of Director Oswald's resignation from the Agency Board of Directors.

There were no other comments, so Director Burkhardt called for a vote.

The following was recorded:

***Upon motion by Director Larson, and seconded by Director McBride, the Board agreed to fill the current vacancy by appointment from interested parties within sixty (60) days of the resignation notice date (August 2, 2010). Additionally, in order for a candidate to be considered, applications must be completed and submitted to the Agency's business office prior to the established deadline of noon, Friday, September 17, 2010.***

***Board approved - 4 ayes, motion carried***

### **3. VERBAL REPORTS**

- GENERAL MANAGER'S REPORT - Nothing to report
- DIRECTORS' REPORTS
  - > Director McBride - No Comment
  - > Director Larson remarked that he regretted Director Oswald's resignation, adding that a "dissenting voice was healthy" and that he would "miss her". He then said that he would welcome the new Director and looked forward to the future.
  - > Director Coulombe - No Comment
- PRESIDENT'S REPORT
  - > Director Burkhardt commented about an article printed in the American Free Journal, written by Dean Gray and staff, which was terribly inaccurate and warranted a response from the Board. Director Burkhardt said that GM West had composed a letter, which she authorized to be sent to Dean Gray, Publisher and Managing Editor, on August 10, 2010. She next read the letter aloud to the Board and public.

Director Larson said that he "defends freedom of press, but the article was misinformed and misguided". He stated that he takes pride in the work done while he's been on the Board and confident that there have been no pre-existing decisions made.



Director McBride stated that he does prepare for the meetings and makes notes, but he never makes up his mind beforehand, preferring to listen to the other Directors' comments first. In conclusion, he expressed that he's upset by the allegations and personally "saddened by the whole experience".

Director Coulombe observed that a Director's greatest failing is the lack of understanding that a "Director is only one of five on the Board" when making decisions.

#### **4. COMMUNICATION AND PUBLIC INFORMATION ITEMS**

GM West reminded everyone about the August 11, 2010 Johnson Valley Ad Hoc Committee Meeting (scheduled at 10:30 AM).

**5. ITEMS FOR NEXT AGENDA** - Many proposed action items would be announced.

**6. ADJOURNMENT** - Director Burkhardt adjourned the meeting @ 6:54 PM.

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary

# Bighorn-Desert View Water Agency



## Board of Directors

Terry Burkhart, President  
J. Larry Coulombe, Vice President  
Michael McBride, Director  
David Larson, Director  
*Director Vacancy*

**Agency Office**  
622 S. Jemez Trail  
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## BOARD OF DIRECTORS' REGULAR MEETING MINUTES

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Tuesday, August 24, 2010 - 6:00 PM**

### • CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6 PM

### • PLEDGE OF ALLEGIANCE

Led by Chris Gubler

### • ROLL CALL

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

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

Public Present: 17 noted

Before continuing, Director Burkhart called for a "moment of silence" in memory of Audrea Donnelly, former Director and President of the Bighorn Mountains Water Agency, who passed on August 16, 2010. Director Burkhart then read from Resolution 98R-07, which expressed appreciation to Ms. Donnelly "for her dedication to the community by way of her participation on the Agency's Board of Directors for the past 11 years".

### • APPROVAL OF AGENDA - MSC McBride/Larson - 4 ayes

### 1. PUBLIC PARTICIPATION - Addressing items not appearing on this agenda

- Duane Lisiewski made comments pertaining to Government Code 1780 and the sections addressing a vacancy on the Board. He next referenced some website postings found on the Johnson Valley Association Community Bulletin Board.

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

## **2. DISCUSSION AND ACTION ITEMS**

- a. **REVIEW AND DISCUSS AGENCY DRAFTED LETTER ADDRESSED TO LOCAL AGENCY FORMATION COMMISSION (LAFCO) PERTAINING TO THE EXCLUSION OF GUBLER'S ORCHIDS FROM THE SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR BIGHORN-DESERT VIEW WATER AGENCY (CASE NO. LAFCO 3148) AS REQUESTED BY MR. CHRIS GUBLER IN HIS JUNE 2, 2010 LETTER OF OPPOSITION PRESENTED TO THE BOARD.**

GM West explained that at the direction of the Board, she had prepared the draft letter (attached in the Agenda packet), provided for their review and consideration, in response to correspondence received from Mr. Chris Gubler, dated June 2, 2010.

She said following that original communication and a subsequent meeting with Mr. Gubler, the Board decided at their July 27, 2010 regular meeting to grant Mr. Gubler's request. At that time, the Directors authorized her to compose a letter notifying LAFCO that the Agency was requesting that Mr. Gubler's private properties be excluded from any further consideration, since the Agency had no plans to expand the Sphere of Influence (SOI) over Mr. Gubler's property, unless that service was desired by Mr. Gubler sometime in the future.

She then read the letter aloud and asked if there were any comments.

GM West asked the Board for any other names that should receive a copy of the letter; no additional names were mentioned.

The following action was taken:

**MOTION NO. 10-063  
APPROVE LETTER TO LOCAL AGENCY FORMATION COMMISSION (LAFCO)  
PERTAINING TO THE EXCLUSION OF GUBLER'S ORCHIDS  
FROM THE SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE**

Director Burkhart asked for questions from the Board.

Director Coulombe said that he thought the letter was very good.

Director Larson remarked that this was a "great example" of how effective public input could be, noting that this Board action was a result of Mr. Gubler's communicating his concerns with the Agency and its Directors resulting in a win/win situation.

Director Burkhart asked for any additional comments from the Directors or public.

Chris Gubler thanked the Board and expressed his pleasure that the Agency and Gubler's Orchids could continue to be "allies". He concluded his remarks by saying, "Now we need to convince LAFCO".

***Upon motion by Director McBride, and a second by Director Coulombe, the Board agreed to approve and mail a letter of concurrence to the Local Agency Formation Commission (LAFCO) pertaining to the exclusion of Gubler's Orchids from the Service Review and Sphere of Influence Update for Bighorn-Desert View Water Agency (Case No. LAFCO 3148) as requested by Mr. Chris Gubler.***

The following vote was recorded:

***Board approved - 4 ayes, motion carried***

**b. UPDATE ON WATER INFRASTRUCTURE RESTORATION PROGRAM PENDING CHANGE ORDER NO. 3 TO CANDIDA NEAL, AICP FOR CEQA/NEPA RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM, SPECIFICALLY THE AMES/MEANS RECHE RECHARGE FACILITY IN THE AMOUNT OF \$8,260**

GM West explained that the original 2007 proposal and scope of work awarded to Candida Neal did not include the biological monitoring services now being required by the Bureau of Land Management (BLM) for on-site protections of the desert tortoise. She continued that the \$8,260 for Change Order No. 3 included \$6,200 of additional costs for those biological monitoring services, and \$2,060 for documentation filing fees to the California Fish and Game, which the consultant paid on behalf of the Agency.

GM West reminded the Board that there would be no cost impact to the Agency since these amounts would be reimbursed through the EPA grant and our Memorandum of Understanding (MOU) for financial participation with the Mojave Water Agency.

In summary, GM West said that she anticipates there may be additional, out of scope tasks and other related costs (for the completion of NEPA and tasks to finalize the lease with BLM for their facility). She stated that the "actual increases are unknown at this time", but future change orders will be brought before the Board as these tasks are determined and amounts negotiated.

The following action was taken:

**MOTION NO. 10-064  
APPROVE CHANGE ORDER NO. 3 FOR \$8,260  
TO CANDIDA NEAL, AICP FOR CEQA/NEPA  
RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM  
SPECIFICALLY THE AMES/MEANS RECHE RECHARGE FACILITY**

Director Burkhart asked for comments from the Board.

Director Larson stated that he believes the "Agency's main mission is to be a friend to the environment, so if that means a financial hit...then it's our obligation to do so".

Director Burkhart called for any additional Board or public comments; there were none.

***Upon motion by Director Larson, and a second by Director McBride, the Board approved Change Order No. 3 in the amount of \$8,260 to Candida Neal, AICP for CEQA/NEPA related to the Water Infrastructure Restoration Program specifically the Ames/Mean's Reche Recharge Facility.***

The following vote was recorded:

***Board approved 4 ayes; motion carried***

Board adjourned at 6:28 PM and reconvened at 6:35 PM

**c. DISCUSSION OF FINAL DRAFT "PRINCIPLES OF AGREEMENT" BETWEEN BIGHORN-DESERT VIEW WATER AGENCY, HI-DESERT WATER DISTRICT, COUNTY SPECIAL DISTRICTS (W-1 AND W-4) AND MOJAVE WATER AGENCY PROVIDING GOVERNANCE STRUCTURE TO THE FUTURE GROUNDWATER MANAGEMENT PLAN FOR THE RECHE GROUNDWATER SUBBASIN**

GM West began that this item was for discussion and informational purposes only and that there would be no Board decision. She said that the goal was to review updated information, receive additional public input and allow the Board to supply feedback to staff regarding the project. She mentioned that she had also presented this information to the Finance/Public Relations/Education and Personnel (FPREP) Committee during their August 18, 2010 Special Meeting.

GM West provided the following background to the Board:

- Participants - BDVWA, HDWD, County Special Districts (W-1 & W-4) and MWA
- Six years of discussions focused on sustainability of the basin's groundwater supplies
- New POA - Foundation for new GWMP and court-administered amendment to the Ames Valley Water Basin Agreement
- Major benefit for BDVWA - Relatively little "out of pocket" costs (Funded by MWA)

Then, GM West briefly reviewed the major points of the new formal agreement:

- Allowable baselines for each municipal producer (based on 5 year average);
- MWA to monitor areas & data (adjustments possible every 5 yrs); savings to BDVWA
- Water transfers between parties permitted
- Storage accounts for each entity (maintained by MWA)
- State Water Project deliveries result in 5% to BDVWA storage account
- MWA to operate and maintain the spreading grounds facility.

GM West next addressed some recent concerns raised by the public.

In summary, GM West acknowledged the cooperative efforts of the participants. She said that this would resolve a number of open issues regionally and allow BDVWA to gain a reliable water supply while limiting others to negatively influence the current and future water supplies that BDVWA relies on to serve its customers.

Director Burkhart asked for Board comments and questions.

Director McBride said that it was important to think regionally and work cooperatively. He liked the idea of "banking" water and that the new agreement had expanded the number of participants to four. He then asked for clarification of whether the "facility" would reside permanently with BDVWA. He also thought a "sunset date" of approximately 40 years should be added to the final terms. He concluded with a word of "thanks" to the public for asking the hard questions.

Director Larson stated that he was "satisfied" that we were serving the interests of our children and grandchildren; he said he was "proud to be a part of this history".

Director Burkhart congratulated GM Marina West for all of her "hard work" on this endeavor.

Next, Director Burkhart asked for any public comment.

David Cooper applauded GM West for the excellent draft agreement; he also mentioned two items of concern: baseline amounts (native supplies and natural recharge) and the length of time (every 5 years) for planned evaluation of monitoring data. He thought it should be yearly.

Phil Johnson spoke about the need to "reconcile ownership of the facility" and to confirm the "assurances" (terms and conditions) that MWA is asking of BDVWA.

Ruth Rieman, a former Agency Director, spoke about the new agreement, saying it was "well stated". She then encouraged the Board to continue to "look for regional solutions with long-term benefits".

There were no additional comments from the Board or public, so Director Burkhart moved to the next agenda item.

#### **d. BOARD TO CONSIDER INCREASE IN CREDIT CARD LIMITS FOR AUTHORIZED STAFF**

GM West explained that this item had been presented to the Finance/Public Relations Education & Personnel Committee (FPREP) at their August 18, 2010 meeting and it was with their recommendation that she was now bringing this before the Board.

She stated that currently the Agency had two credit cards issued to authorized staff with a purchasing limit of \$1,000 and \$1,500 each. She was asking the Board to consider an increase of \$1,000 for each card, so that staff could avoid credit card denials when trying to purchase items between credit card billing cycles.

In conclusion, GM West reported that if the Directors' chose to approve an increase in the credit card limits, there would be no effect on the existing Purchasing Policy (04P-02), which caps the General Manager's approval limit to \$1,500 per transaction.

The following action was taken:

#### **MOTION NO. 10-065 APPROVED INCREASED LIMITS FOR AGENCY CREDIT CARDS ASSIGNED TO AUTHORIZED STAFF**

Director Burkhart asked for Board comments and questions.

Director Larson remarked that he had read the current Purchasing Policy and is "OK with this request" to increase the individual card limits; he then added that he thought, "This would allow for greater efficiency" by staff.

***Upon motion by Director McBride, and a second by Director Larson, the Board approved to increase the individual limits for each agency credit card by \$1000.***

The following vote was recorded:

***Board approved - 4 ayes, motion carried***

Director Burkhart continued with the agenda.

**MOTION NO. 10-066  
APPROVING CASH DISBURSEMENTS**

Director Burkhart opened for comments from the Directors or public; there were none.

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

The following vote was recorded:

***Board approved - 4 ayes, motion carried***

**3. CONSENT ITEMS**

The following action was taken:

**MOTION NO. 10-067  
APPROVING CONSENT ITEMS**

***Director McBride made a motion approving the July consent items a through f, as presented; seconded by Director Larson.***

No Board comment; no public comment

The following vote was recorded:

***Board approved - 4 ayes; motion carried***

**END OF THE CONSENT CALENDAR**

**4. MATTERS REMOVED FROM CONSENT ITEMS - None**

**5. VERBAL REPORTS**

- GENERAL MANAGER'S REPORT

- > GM West responded to public comments made earlier in the meeting that pertained to several blogs posted on the Johnson Valley Association Community Bulletin Board website and to compliance issues with Government Code 1780. She reassured the Directors that the Agency had complied with all Code sections and that copies of the correspondence had been supplied in the last Board packet.

- DIRECTORS' REPORT

- > Director McBride commended GM West for all of her work preparing and presenting the Ames Agreement to the Board and public.
- > Director McBride and GM West reported that the Johnson Valley Ad Hoc Committee had met on August 11, 2010 and although the survey responses had been counted, there had been no analysis done with only the "raw" tally data distributed.

*Next, President Burkhart "officially dissolved" the JV Ad Hoc Committee.*

- > Director Coulombe gave a report on several meetings that he had attended as a representative of the Agency:
  - > August 11, 2010 AWAC Meeting  
(Continuation of previous session - discussed Landscape Workshop planned for October 9, 2010 to be hosted by BDVWA);
  - > August 12, 2010 San Bernardino Water Conference - Ontario, CA  
(Attended courtesy of Mojave Water Agency - Event sponsored by the Building Industry Association).
- > Director Larson commented about a Hi-Desert Star article pertaining to water conservation and a "cash for clunkers" type rebate program for front-load washers.

#### PRESIDENT'S REPORT

- > Director Burkhart stated that she would now be joining Director Coulombe on the Finance Ad Hoc Committee, which would remain open until the final FY2009/10 Audit Report is presented to the Board.

## 6. COMMUNICATION AND PUBLIC INFORMATION ITEMS

GM West announced:

- > A "special" Board Meeting to be held on 9-21-10 at 6 PM;
- > Agency's participation in Gubler's Orchid Festival on October 2<sup>nd</sup> and AWAC's Landscaping Seminar on October 9<sup>th</sup> (at Cherokee Office).

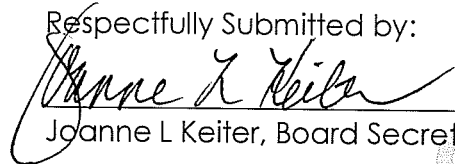


## 7. ITEMS FOR NEXT AGENDA

- > Candidate Interviews - Director's vacancy
- > Biennial Review of the Agency's Conflict of Interest
- > Pending Change Order - Todd Engineers

## 8. ADJOURNMENT - Director Burkhart adjourned the meeting @ 8:46 PM

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary

**DATE:** SEPTEMBER 2010  
**TO:** JOANNE KEITER  
**FROM:** MICHELLE CORBIN  
**RE:** Consumption & Billing Comparison August 2010

### Consumption

<b>Residential- North- Bighorn</b>		
	Meters	Usage (c.f.)
Book 1	149	0
Book 2	183	0
Book 3	160	0
Book 4	153	0
Book 5	129	0
Book 6	137	0
<b>Total</b>	<b>911</b>	<b>0</b>

<b>Bulk -Kickapoo, Well 4, Cherokee</b>		
	Meters	Usage (c.f.)
Book 30	40	14,131
Book 31	5	1,369
Book 32	4	34,510
<b>Total</b>	<b>49</b>	<b>50,010</b>

<b>Bulk - Well 10</b>		
	Meters	Usage (c.f.)
Book 33	45	29,849
<b>Total</b>	<b>45</b>	<b>29,849</b>

<b>Residential- South- Desert View</b>		
	Meters	Usage (c.f.)
Book 7	165	257,987
Book 8	177	364,307
Book 9	188	453,116
Book 10	179	372,312
Book 11	191	415,003
<b>Total</b>	<b>900</b>	<b>1,862,725</b>

<b>Construction Meters</b>		
	Meters	Usage (c.f.)
Book 40	0	0
<b>Total</b>	<b>0</b>	<b>0</b>
Billed Consumption		1,942,781
Non Billed Usage		4,196
<b>Total Consumption</b>		<b>1,946,977</b>

Active Residential Meters	1,811
Active Bulk Meters	94
<b>Total Active Meters</b>	<b>1,905</b>

### Billing Comparison

	This Year AUG 2010	Last Year AUG 2009	Difference More (Less)
<b>Statistics</b>			
Total Customer Accounts	994	1005	(11)
Usage in Cubic Feet	1,942,781	1,965,689	(22,908)
Percentage Increase/(Decrease)			-1%

<b>Revenues</b>			
Water Revenues	62,633.14	65,856.14	(3,223.00)
Basic Service Charge	49,455.98	49,947.32	(491.34)
Miscellaneous	431.10	2,296.65	(1,865.55)
Delinquent Charges	2,248.61	1,663.54	585.07
<b>Total Operating Revenues</b>	<b>114,768.83</b>	<b>119,763.65</b>	<b>(4,994.82)</b>

<b>Debt Service Revenues (pass through)</b>			
FMHA **	8,355.82	8,421.97	(66.15)
<b>Total Debt Service Revenues</b>	<b>8,355.82</b>	<b>8,421.97</b>	

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

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

Total Charges (Proof)	<b>123,124.65</b>	<b>128,185.62</b>	<b>-5,060.97</b>
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DATE: 8/2/2010  
 TO: Board of Directors  
 FROM: Kit Boyd  
 RE: August Production

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>Average</u> <u>GPM</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well 2	0	0	#DIV/0!	0	0.00
Well 3	0	0	#DIV/0!	0	0.00
Well 4	0	0	#DIV/0!	0	0.00
Well 6	454,690	3,401,081	438	129.5	10.44
Well 7	522,320	3,906,954	389	167.4	11.99
Well 8	962,100	7,196,508	992	120.9	22.09
Well 9	185,300	1,386,044	683	33.8	4.25
Well 10	28,520	213,330	68	52.4	0.65
<b>Total</b>	2,152,930	16,103,916			49.42

Wells 2, 3 and 4 did not run this month

<b>A Boosters</b>	145,450	1,087,966	189	95.7
<b>C Boosters</b>	258,200	1,931,336	285	113.1
<b>Total</b>	403,650	3,019,302		



DATE: September 1, 2010  
 TO: Joanne Keiter  
 FROM: Michelle Corbin  
 SUBJECT: Service Order Report July 2010 through June 2011

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
Mainline Leaks:	0	0											0
Service Line Repairs:	8	6											14
Service Line Replacements:	11	2											13
Service Line Installations:	0	1											1
Meter Changeouts*	1	0											1
Water Quality Complaints:**	2	0											2
48 Hour Tags for NSF Checks:	1	1											2
Lock Offs for Non-Payment:	12	14											26
Unlocks After Payment Made:	4	6											10
All Other Miscellaneous:	114	207											321
Total	153	237											390

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

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

# TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

September 8, 2010

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

**From:** Daniel Craig, Project Manager

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

Todd Engineers (Todd) is pleased to submit this Monthly Progress Report for the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project* (Project) for the period of August 1 through August 31, 2010.

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

## **Work Completed During August 2010**

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

*Task 2 Regulatory Permitting* – Todd and Kennedy/Jenks followed up with several permitting agencies regarding recently-submitted applications/letters including the Streambed Alteration Agreement Application submitted to the California Department of Fish and Game, and the discharge permit applications submitted to the California RWQCB. Drilling permits were obtained from the San Bernardino Department of Public Health.

*Task 3.1 Vadose Zone Investigation and Monitoring Well Installation* – Todd and Kennedy/Jenks along with drilling contractor initiated the drilling and installation of the monitoring wells. Construction work on the wells began in mid-August and is ongoing.

*Task 3.2 HDWD Well No. 24 Aquifer Test* – Todd developed water level measurement protocols for the aquifer test, and evaluated the 1988 test data.

*Task 3.5 Water Quality Evaluation* – Todd developed water quality sampling and analysis protocols for new monitoring well BDVWA MW1, and interfaced with the analytical laboratory.

*Task 3.6 Recharge Feasibility Study Report* – Todd continued development of the Recharge FS Report including preparation of scope of work text and supporting tables and figures. The scope of work, methodology, and model simulation results were documented. A draft final of the report will be completed after performance of the Recharge FS field investigations.

*Task 4.1 Groundwater Management Plan Report* – Todd continued development of the GWMP Report. Todd discussed options and requirements for an AB3030-compliant GWMP or GWMP in support of the water agreement amendment with the GM.

*Task 4.2 Water Agreement Amendment* – Todd contacted Mr. James Markman, Esq., regarding legal support for the water agreement amendment

### **Work Planned for September 2010**

*Task 2 Regulatory Permitting* – Todd and Kennedy/Jenks Consultants will follow up with permitting Agencies regarding the letters/applications for necessary regulatory agency permits.

*Task 3.1 Vadose Zone Investigation and Monitoring Well Installation* – Todd will complete the drilling and installation of the monitoring wells in September.

*Task 3.2 HDWD Well No. 24 Aquifer Test* – Todd will work with Hi Desert Water District to facilitate the aquifer test, to be performed likely in September or October 2010.

*Task 3.5 Water Quality Evaluation* – Todd and subcontractors will sample new monitoring well BDVWA MW1 for comprehensive water quality parameters.

*Task 3.6 Recharge Feasibility Study Report* - Todd will continue development of the Recharge FS Report incorporating the results of the field investigations.

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

*Task 4.2 Support for MOU and Water Agreement Amendment* - Todd and Kennedy/Jenks will provide support as-needed for the MOU/Agreement amendment.

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

Charges to date and budget remaining (through August 31, 2010) are summarized in the attached tables. Total professional charges for the Period August 1 through August 31, 2010 are \$62,404.81, bringing total charges to date to \$ 258,701.73 out of the approved project budget of \$469,228.45. The remaining budget is \$ 210,526.72.

Attachments:

Table 1. Charges to Date and Budget Remaining

Table 2. Project Costs to Date



**Todd Engineers and Kennedy/Jenks Consultants**

**Table 2. Charges to Date and Budget Remaining (through August 31, 2010)**

<b>Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan</b>			
<b>Task Name</b>	<b>Task Budget</b>	<b>Charges to Date (August 31, 2010)</b>	<b>Remaining Budget</b>
Task 1 – Project Management	\$36,831.60	\$17,011.83	\$19,819.77
Task 2 – Permitting Support	\$39,356.00	\$27,165.15	\$12,190.85
Task 3 – Hydrogeology Feasibility Studies			
3.1 Vadose Zone Investigation and Monitoring Well Installation	\$132,916.25	\$55,358.89	\$77,557.36
3.2 HDWD Well No. 24 Aquifer Test	\$18,638.40	\$1,698.30	\$16,940.10
3.3 Perennial Yield Assessment	\$15,361.60	\$15,018.70	\$362.90
3.4 Groundwater Flow Evaluation	\$79,574.40	\$72,271.90	\$7,302.50
3.5 Water Quality Evaluation	\$15,867.00	\$7,238.65	\$8,628.35
3.6 Hydrogeology FS Report	\$34,399.60	\$19,153.05	\$15,246.55
Task 3 Total	\$296,777.25	\$170,739.49	\$126,037.76
Task 4 – Groundwater Management Plan and Water Agreement Amendment			
4.1 GWMP	\$40,330.80	\$27,139.65	\$13,191.15
4.2 Agreement Amendment	\$41,451.20	\$16,645.60	\$24,805.60
Task 4 Total	\$81,782.00	\$43,785.25	\$37,996.75
Task 6 - Support Stakeholder/Public Outreach Support	\$14,481.60	\$0.00	\$14,481.60
Project Total	\$469,228.45	\$258,701.73	\$210,526.72



**Todd Engineers and Kennedy/Jenks Consultants**

**Table 1. Charges to Date and Budget Remaining (through August 31, 2010)**

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

**Accrued Hours by Task**

Classification	Project Manager	Principal Geologist	Senior Geologist	Associate Geologist	Staff Geologist	Graphics	Total Labor Hours	Total Labor	Comm Fee	Travel Admin Costs	Subcontractors Driller/Lab Other Direct Costs	Expense Fee	Subcontractor Kennedy/Jenks	Total Costs
2010 Hourly Rates	Craig \$185	Stanin \$190	Lin \$160	Taylor \$150	\$150	\$95								
Task 1 – Project Management														
	80	0.25	4	0	0	0	84.25	\$ 15,487.50	\$ 309.75	\$ 1,188.56	\$ 38.16	\$ 5.87	\$ -	\$ 17,011.83
Task 1 – Project Management														
	80	0.25	4	0	0	0	84.25	\$ 15,487.50	\$ 309.75	\$ 1,188.56	\$ 38.16	\$ 5.87	\$ -	\$ 17,011.83
Task 2 – Permitting Support														
	30.75	0	11	0	0	0	41.75	\$ 7,448.75	\$ 148.88	\$ -	\$ -	\$ -	\$ 19,567.43	\$ 27,165.15
Task 3 – Hydrogeology Feasibility Studies														
3.1 Vadose Zone Investigation and Monitoring Well Installation														
	127.5	0	24.5	0	0	0	152	\$ 27,507.50	\$ 550.15	\$ 384.91	\$ 3,595.57	\$ 539.34	\$ 22,771.43	\$ 55,358.89
3.2 HDWD Well No. 24 Aquifer Test														
	9	0	0	0	0	0	9	\$ 1,665.00	\$ 33.30	\$ -	\$ -	\$ -	\$ -	\$ 1,698.30
3.3 Perennial Yield Assessment														
	24	0	57	0	0	0	81	\$ 13,560.00	\$ 271.20	\$ -	\$ 1,187.50	\$ -	\$ -	\$ 15,018.70
3.4 Groundwater Flow Evaluation														
	269	0	131.75	0	0	0	400.75	\$ 70,845.00	\$ 1,416.80	\$ -	\$ 10.00	\$ -	\$ -	\$ 72,271.90
3.5 Water Quality Evaluation														
	17	0	0	0	0	0	17	\$ 3,145.00	\$ 62.90	\$ -	\$ 3,505.00	\$ 525.75	\$ -	\$ 7,238.65
3.6 Hydrogeology FS Report														
	101.5	0	0	0	0	0	101.5	\$ 18,777.50	\$ 375.55	\$ -	\$ -	\$ -	\$ -	\$ 19,153.05
Task 3 Total	548	0	213.25	0	0	0	761.25	\$ 135,500.00	\$ 2,710.00	\$ 394.91	\$ 9,298.07	\$ 1,065.09	\$ 22,771.43	\$ 170,739.49
Task 4 – Groundwater Management Plan and Water Agreement Amendment														
4.1 GWMP														
	79.5	10	62.5	0	0	0	152	\$ 26,807.50	\$ 532.15	\$ -	\$ -	\$ -	\$ -	\$ 27,339.65
4.2 Agreement Amendment														
	38	18	3.5	0	0	0	59.5	\$ 11,010.00	\$ 220.20	\$ -	\$ 1,625.00	\$ -	\$ 3,790.40	\$ 16,645.60
Task 4 Total	117.5	28	66	0	0	0	211.5	\$ 37,817.50	\$ 752.35	\$ -	\$ 1,625.00	\$ -	\$ 3,790.40	\$ 43,785.25
Task 6 – Support Stakeholder/Public Outreach Support														
							0	\$ -	\$ -	\$ -	\$ 3,250.00	\$ -	\$ -	\$ 3,250.00
Total Charges to Date through August 31, 2010	776.25	28.25	294.25	0	0	0	1098.75	\$ 196,053.75	\$ 3,921.08	\$ 1,564.46	\$ 9,862.23	\$ 1,070.86	\$ 46,129.25	\$ 258,701.73



# Bighorn-Desert View Water Agency



## Board of Directors

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

## Agency Office

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

760/364-2315 Phone

760/364-3412 Fax

Marina D West, P.G., General Manager  
Joanne L Keiter, Board Secretary

A Public Agency

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

## THE BOARD OF DIRECTORS' JOHNSON VALLEY WATER SUPPLY SURVEY AD HOC COMMITTEE MEETING REPORT

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
**Wednesday, August 11, 2010, 10:30 AM**

### • CALL TO ORDER

Meeting convened by Director McBride at 10:34 AM

### • PLEDGE OF ALLEGIANCE

Led by Jim Hanley

### • ROLL CALL

Director Presiding: Michael McBride, Chair

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

Public Present: 6 noted (Director J. Larry Coulombe attended as an observer)

**APPROVAL OF AGENDA** - Approved, as presented

**1. PUBLIC PARTICIPATION** - None

**2. DISCUSSION AND ACTION ITEMS**

**a. TABULATION OF THE JOHNSON VALLEY WATER SUPPLY SURVEY RESPONSES RECEIVED BY THE AGENCY**

GM West began by thanking the four members of the public who volunteered to assist with the tabulation of survey responses that had been received by the Agency.

GM West then provided some background information, accompanied by a brief slide presentation. She said that in December 2009, during the Directors' Workshop and Special Meeting, the Board had set a "goal" to design and send a direct mailing to Johnson Valley property owners. The intent of the "survey" was to determine if a majority of the property owners were interested in a future pressurized water system serving their water supply needs. Based on those results, the Board could consider justifying the initiation of a cost analysis, which would then lead to the formation of a specific benefit area or assessment district, from which the funds to develop such a system, would have to originate. She emphasized that ultimately, approval of this would come from the property owners themselves through an official process per the Government Code.

She continued that early in 2010, both standing committees reviewed the layout and content of the survey (containing 2 brief questions and space for written comments) before it was presented to the full Board for approval. During the March 23, 2010 Board of Directors' regular meeting, the Directors authorized staff to prepare and mail a water supply survey to all privately owned properties located within the "Johnson Valley" area. At the direction of the Board, the surveys were "anonymous" except for being colored-coded, based on tax rate area. No government-owned parcels were included in the survey and staff made every effort to avoid mailing a survey card to existing Agency customers.

GM West confirmed that approximately 1,122 surveys were mailed to two separate areas of the Agency and approximately 390 were returned. She showed a slide of the map outlining the survey areas, and described that the tan survey cards represented 236 properties, very near to the existing pressurized water system, while the blue survey cards represented 886 properties, further to the west and farther away from the existing pressurized water system.

In keeping with the intent of the Board, staff only counted the number of cards returned to determine the response rates; no tabulation of the actual responses or written comments had taken place prior to the public Committee meeting. The results of the Committee's tabulation would be reported at the August 24, 2010 Board meeting.

Then, GM West briefed the "volunteers" on how the surveys would be counted:

- Color-coded cards were bundled into packs of 50 or less;
- Team of two (reader / counter) would tally results;
- "Tick mark" symbols would document the count on score sheet;
- Cards with written comments separated from those without;
- Categorize written comments as either pro / con;
- Report "raw" totals to group; and
- Committee to announce totals to Board.

The "counting" commenced and approximately an hour later, the volunteers confirmed that all cards had been reviewed and tallied. Next, GM West compiled all of the preliminary information into a spreadsheet format, which was then shown to all those who participated and/or observed the meeting. She explained that, "Not all respondents selected an answer to all questions" so the "counts" varied in some categories. Regarding the written comments received, GM West read those aloud.

Director McBride asked if there were any questions or comments.

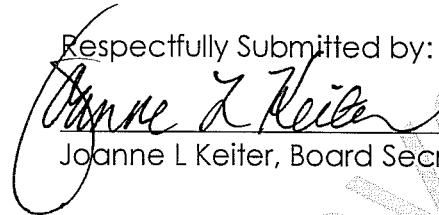
Jim Hanley asked for a copy of GM West's "preliminary" report.

No other comments noted.

**3. ITEMS FOR NEXT COMMITTEE AGENDA** - None

**4. ADJOURNMENT** - Director McBride adjourned the meeting @ 12:32 PM

Respectfully Submitted by:

A handwritten signature in cursive script, appearing to read "Joanne L. Keiter", is written over a horizontal line.

Joanne L Keiter, Board Secretary