Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director

Marina D West, PG, General Manager

A Public Agency

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

760/364-2315 Phone
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www.bdvwa.org

BOARD OF DIRECTORS' REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, February 26, 2013 - 6:00 p.m.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF AGENDA**

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.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

5. **LANDERS POST OFFICE WATER-WISE DEMONSTRATION GARDEN**
   Board considers taking the following action(s):
   1. Authorize expenditures, estimated at $4,250, for the installation of a "Water-Wise Demonstration Garden" at the Landers Post Office in the Bighorn-Desert View Water Agency pipeline easement along Reche Road (at Landers Lane).

6. **REQUEST FOR BILLING ADJUSTMENT FOR "LEAK RELIEF"**
   Board considers taking the following action(s):
   1. Board to consider written request by property owner requesting "leak relief"; and
   2. Recommend that the Finance Committee (FPREP) review the matter of leak relief and bring further recommendations back to the Board for consideration of a more definitive policy on billing relief due to "leaks".

7. **RESOLUTION NO. 13R-XX EXPRESSING UNQUALIFIED SUPPORT FOR THE ENACTMENT OF SENATE BILL SB 246, AND RESOLUTION 13R-XX EXPRESSING SUPPORT FOR SENATE BILL 246, AN ACT TO AMEND SECTION 33305 OF THE WATER CODE**

   Board considers taking the following action(s):

   1. Adopt Resolution No. 13R-XX Expressing Unqualified Support for the Enactment of Senate Bill SB 246, Amending the Bighorn Mountains Water Agency Law (1969 Chapter 1175); and
   2. Adopt Resolution No. 13R-XX Expressing Support for Senate Bill 246, an Act to Amend Section 33305 of the Water Code.

8. **AUTHORIZE BOARD PRESIDENT AND/OR GENERAL MANAGER TO TRAVEL TO SACRAMENTO TO ATTEND, IF NECESSARY, COMMITTEE HEARING REGARDING SB 246**

   Board considers taking the following action(s):

   1. Authorize travel to Sacramento for President McBride and/or General Manager West to testify of behalf of SB 246 at the appropriate Legislative Committee Hearing, if necessary.

9. **AWARD OF CONTRACT FOR RECOATING OF RESERVOIRS B3 AND B4 AND CLEANING OF THE JOHNSON VALLEY WELL 10 RESERVOIR**

   Board considers taking the following action(s):

   1. Waive two minor, correctable irregularities in the bid received from J. Colon Construction; and
   2. Award contract for recoating and repainting of Reservoir Nos. B3 and B4 and cleaning of the Johnson Valley Well 10 Reservoir in the amount of $263,550 to J. Colon Construction; and
   3. Authorize construction contingency of $30,000.

10. **RESOLUTION 13R-XX ESTABLISHING THE GUARANTEE (CASH) DEPOSIT FOR TWO (2) INCH BULK METER ACCOUNTS**

    Board considers taking the following action(s):

    1. Adopt Resolution No. 13R-XX establishing the guarantee (cash) deposit for two (2) inch bulk meter accounts.

11. **DISBURSEMENTS January 2013**

    Recommended Action:
    Ratify Check Register (payment of bills) for January 2013.

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

    a. Financial Statements January 2013
       1. Balance Sheet
       2. Statement of Revenue and Expense
       3. General Account (Union Bank)
       4. Disbursements
       5. Local Agency Investment Fund Balance Timeline
    b. Consumption & Billing Comparison Report, January 2013

c. Service Order Report, January 2013
d. Production Report, January 2013
e. Regular Board Meeting Minutes, January 22, 2013
f. Special Board Workshop Minutes, February 11, 2013
g. Work Order 5A: Proposal from Agency Engineer to Prepare Request for Proposal Arc Flash Hazard Study
h. Work Order 6A: Proposal from Agency Engineer to Prepare Contract Documents for Equipping Selected Pumping Plants with Manual Transfer Switches
i. Work Order 7A: Proposal from Agency Engineer to Prepare an Engineers Report Recommending Future Operational Configuration for the Production Area Encompassing Well Nos. 2, 3 and 4

Recommended Action:
Approve as presented (Items a - i):

13. MATTERS REMOVED FROM CONSENT ITEMS

14. PUBLIC COMMENT PERIOD

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

15. VERBAL REPORTS - Including Reports on Courses/Conferences/Meetings.

a. GENERAL MANAGER'S REPORT
b. DIRECTORS' REPORT
c. PRESIDENT'S REPORT

16. FUTURE AGENDA ITEMS

17. 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 if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.

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.

Copies of these materials and other discloseable public records 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.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

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's Secretary at 760-364-2315 during Agency business hours.

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

Budgeted: No
Budgeted Amount: est.

From: Marina D. West

General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Landers Post Office Water-Wise Demonstration Garden – Authorization of Expenditures

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SUMMARY

At the February Workshop, the Board of Directors confirmed its interest in developing a Water-Wise Demonstration Garden at the corner of Reche Road and Landers Lane. Staff has received no objection to the proposed project from the Yucca Valley Postmaster.

Staff and members of the Board have a goal of first developing the demonstration garden along Reche Road and then to encourage further public improvements to the site which ultimately could include participation by Morongo Basin Transit Authority (bus station shelter) and Morongo Basin Historical Society (kiosk featuring Landers history). These entities have been contacted and have expressed interest in making improvements but staff is ready to move forward so that the garden can be planted prior to summer.

Staff has developed the attached cost estimate for completing the project. We are working directly with the Landers Association Garden Club. Members of the club would like to donate plants, assist with the design and hopefully installation. At least one member of the club has donated $20. The Association for Water Alliance and Conservation (AWAC) has pledged a donation of $1,000 and other resource materials.

RECOMMENDATION

Board considers taking the following action(s):

1. Authorize expenditures, estimated at $4,250, for the installation of a "Water-Wise Demonstration Garden" at the Landers Post Office in the Bighorn-Desert View Water Agency pipeline easement along Reche Road (at Landers Lane).

BACKGROUND/ANALYSIS

No further background provided.

PRIOR RELEVANT BOARD ACTION(S)

2/11/2013 Board Workshop - prioritize installation of Landers Post Office Demonstration Garden

9/12/2012 Finance/Public Relations/Education/Personnel Standing Committee review proposal to US Post Office for permission to construct a demonstration garden on their property at the Landers Lane and Reche Road (Landers Post Office)

Landers Post Office Water-Wise Demonstration Garden

Cost Estimate

Install service line and 3/4-inch meter			$1,255
		Subtotal	**$1,255**
Plants			
large container trees	3	$200	$600
5-gal. plants	20	$20	$400
1-gal. plants	20	$10	$200
		Subtotal	$1,200
Irrigation Supplies			
4-station solar controller complete (controller, pedistal, enclosure)			$1,100
Drip Irrigation supplies (Anti-siphon valves, tubing, emitters, fittings, etc.)			$300
		Subtotal	$1,400
		SUB-TOTAL EST.	**$3,855**
		10% Contingency	**$386**
		TOTAL EST.	**$4,241**

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

From: Staff

Budgeted: No
Funding Source: Bad Debt
Cost: To Be Determined
General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Request for Billing Adjustment for "Leak Relief" from Mr. Ornelas; Parcel No. 629-301-14

SUMMARY

The Agency has received a written request (see attached) for reduction of a water bill incurred due to a water leak which was discovered by staff during the November 2012 meter reading cycle. The total bill was $2,646.19. The amount of water lost from the "leak" is estimated to be $2517.45 (excludes average usage and Basic Service Charge).

Staff later discovered that this is not the permanent residence of the owner and it appears that the "leak" originated from a break in the irrigation system which is left on and therefore unattended during his absence. Staff surmises that if the property was permanently occupied then the leak may have been discovered much sooner resulting in a much smaller water bill and relief request.

The Agency Board eliminated its "leak relief" program in 2011 because it equated to a "subsidy" which is essentially funded by the remaining customers. However, the law also provides all customers an opportunity to address the Board directly when they feel their issue has not been resolved at the staff level. Since 2011, the Board has generally granted an account adjustment of approximately 25%.

Based on Board history and in the interest of good customer service, staff made an offer to reduce this bill by $650. Staff has not been in direct contact with Mr. Ornelas but a relative that is assisting him declined the offer and insisted the matter go in front of the Board of Directors.

Staff seeks further direction from the Board regarding this matter and also recommends that the Finance Committee (FPREP) review this issue and returns a new recommendation to the Board for consideration and application to future requests.

RECOMMENDATION

Board considers taking the following action(s):

1. Board to consider written request by property owner requesting "leak relief"; and

2. Recommend that the Finance Committee (FPREP) review the matter of leak relief and bring further recommendations back to the Board for consideration of a more definitive policy on billing relief due to "leaks".

BACKGROUND/ANALYSIS

On February 13, 2013 a letter was received from the customer requesting to go before the Board to seek a reduction of the paid water bill. In the recent past the Board has given relief of approximately 25%, so in the interest of good customer service, GM West offered the customer a bill reduction of $650.00. After several attempts to determine if the customer would accept staff's offer a relative of the customer declined insisting that the matter be brought before Board. Staff never actually spoke to the property owner/customer.

Since declining staff's offer and in preparation for the Board meeting, staff has reviewed the rescinded "leak relief" policy and discovered the following concerning this property:

- The 2008 policy allowed "leak relief" once every three years.
    - Property had "leak relief" in 2010 (irrigation system).
    - Property had "leak relief" in 2004 (irrigation system).
- Under these circumstances line breaks and unattended water issues may continue in the future.
- This property is not the primary home of Mr. Ornelas.
    - In these types of cases, should the remaining customers be responsible for billing relief to an unoccupied residence where the water supply is deliberately left on to irrigate? Should relief ever be allowed for leaks on irrigation systems.
- $629.36 is 25% of the bill relating to the actual amount of "lost" water due to the leak (25% of $2517.45 is $629.36). Relief should exclude average usage and routine charges such as the Basic Service Charge.

Therefore, if the Board wishes to grant 25% then the amount of adjustment should be $629.36.

PRIOR RELEVANT BOARD ACTION(S)

10/03/2011 Motion No. 11-054 Ordinance No. 11O-01 Establishing Rules and Regulations for Water Service.
9/14/2011 Finance/Public Relations/ Education/Personnel Standing Committee (FPREP) discuss and concur with elimination of the "leak relief" program.
11/25/2008 Ordinance No. 080-01 Establishing Rules and Regulations for Water Service.

RECEIVED
FEB 13 2013
BY: _____

February 10, 2013

Bighorn Desert View Water Agency
622 S. Jemez Trail
Landers, CA 92284

Attention Marina West
General Manager

Dear Ms. West:

This letter is to request that I be placed on the Water Board agenda for Tuesday, February 26, 2013 to discuss my large water bill of $2, 645.46 (attached).

This large bill occurred as a result of an underground water break on my property. I do not know when the break occurred since I no longer live on the property full time. I have been living with my daughter since my wife's medical condition worsened.

This bill has placed a tremendous burden on my budget as I am retired and on a fixed income. Also, I recently lost my wife and her income (pension & social security) as well, not to mention the added expenses in 2012 of her funeral costs. The $2,645.46 water bill was such a shock and beyond my budget that I had to borrow the money to take care of this water bill.

In addition to this large water bill in October of 2012, I was charged $922.15 on my other property because someone left the water on. I am not disputing this bill because it was our fault, however, this bill also placed an additional burden on my budget.

Therefore, I respectfully request that you find it in your hearts to reduce in some way this large water bill. If you have any additional questions or concerns, you may contact me at (818) 845-9652.

Respectfully submitted,

Louis V Ornelas 2-10-13

Louis V. Ornelas
531 E Bethany Road
Burbank, CA 91504

S0043

57909 144282 86373	2,591.19	
BASIC SERVICE CHARGE	55.00	
PREVIOUS BALANCE	0.73CR	

LOUIS V ORNELAS
531 E. BETHANY ROAD
BURBANK CA 91504

	PLEASE PAY THIS AMOUNT		PLEASE PAY THIS AMOUNT
12/19/12	2,645.46	04-0360-0	2,645.46

55465 LILAC

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

Budgeted: No
Budgeted Amount: $0
Cost: Staff and Legal Counsel resources
Funding Source: Budget Line: 56007
General Counsel Approval: Yes
CEQA Compliance: Not Required

From: Marina D. West
Joe Aklufi

Subject: Resolution No. 13R-XX Expressing Unqualified Support for the Enactment of Senate Bill SB 246, Amending the Bighorn Mountains Water Agency Law (1969 Chapter 1175) and Resolution No. 13R-XX Expressing Support for Senate Bill 246, an Act to Amend Section 33305 of the Water Code

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SUMMARY

On the January 22, 2013, General Counsel Aklufi presented, to the Board and public, a "redlined" version of the Bighorn-Desert View Water Agency Law (Law). Following discussion and receipt of public comment, the Board, by motion, directed staff to proceed with "modernization" of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) through the California State Legislature.

The attached document includes amendments made following Board discussion and comment. This document was submitted to Senator Fuller's office for inclusion, as an amendment, to SB 246. SB 246 has already been introduced for the purpose of repealing Section 33305 from the existing Law which would then eliminate the requirement for separation of finances of the predecessor entities. Staff has prepared the attached Resolution to further memorialize the Board's actions.

In the same Motion the Board further directed staff to proceed with the request to repeal Section 33305 from the Bighorn-Desert View Water Agency Law (Law) through "spot bill" action by the California State Legislature. Staff has prepared the attached Resolution to further memorialize the Board's actions.

RECOMMENDATION

Board considers taking the following action(s):

1. Adopt Resolution No. 13R-XX Expressing Unqualified Support for the Enactment of Senate Bill SB 246, Amending the Bighorn Mountains Water Agency Law (1969 Chapter 1175); and
2. Adopt Resolution No. 13R-XX Expressing Support for Senate Bill 246, an Act to Amend Section 33305 of the Water Code.

BACKGROUND/ANALYSIS

The Agency has not strictly complied with Section 33305 of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) which requires funds of the predecessor entities to be "separately accounted for". In January 2012, following a thorough review of the issue, the Board directed staff to seek assistance from the State Legislature to modify the existing Bighorn-Desert View Water Agency Law (Law) limiting the financial separation to that of debt obligations of the predecessors only.

Senator Fuller (Senate District 18) subsequently agreed to carry a "spot bill" which would adequately resolve the issue. However, timing became an issue and the bill was pulled in mid-2012.

In preparation for the 2013 legislative session, staff was encouraged to obtain support for the "spot bill" from three specific entities: Local Agency Formation Commission (CA LAFCO and SB LAFCO), Association of California Water Agency's (ACWA) and California Special District's Association (CSDA). Letters in support of repealing Section 33305 of the Law have been received from ACWA and CSDA.

President McBride and General Manager West met with Executive Officer Rollings-McDonald of SB LAFCO in early November 2012. While the idea of repealing Section 33305 is an acceptable solution to the issue of required financial separation, SB LAFCO encouraged, and would therefore support, a more comprehensive modernization of the entire Law.

"Modernization" equates to removing conflicting, confusing and inconsistent language; reorganizing and condensing similar sections; updating the Agency boundary description including annexations that have occurred since consolidation; and creating a document that is current and factual. While modernization is recommended, staff does not believe that the Agency is out of compliance with any other provision(s) of the Law except Section 33305.

Attached is the final version of the revised Law, prepared by General Counsel Aklufi. Staff is seeking Board approval of the attached Resolutions demonstrating more formal support to seek changes in the Law through the California State Legislature. As part of that effort, ACWA and CSDA will be approached for their continued support of our efforts.

PRIOR RELEVANT BOARD ACTION(S)

1/22/2013 Motion No. 13-005 To direct staff to proceed with "modernization" of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) through the California State Legislature; and direct staff to proceed with the request to repeal Section 33305 from the Bighorn-Desert View Water Agency Law (Law) through "spot bill" action by the California State Legislature.

11/27/2012 Motion No. 12-082 To Direct staff to continue processing request through the State Legislature to pursue a revision to Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 & Related Water Codes) retroactively repealing, in part, Section 33305; and Authorize staff to proceed with modifications/updates to "modernize" the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) as requested by San Bernardino Local Area Formation Commission Executive Officer.

1/24/2012 Motion 12-013 Authorize staff to solicit assistance from the State Legislature to pursue a revision to the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 & Related Water Codes) retroactively repealing Section 33305.

RESOLUTION NO. 13R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY EXPRESSING ITS UNQUALIFIED SUPPORT FOR THE ENACTMENT OF SENATE BILL SB 246, AMENDING THE BIGHORN MOUNTAINS WATER AGENCY LAW (1969 CHAPTER 1175)

WHEREAS, the Bighorn-Desert View Water Agency ("Agency"), previously known as the "Bighorn Mountains Water Agency", was created in 1969 as a special act water agency; and

WHEREAS, in 1990 the Bighorn Mountains Water Agency and the Desert View Water District were consolidated into the "Bighorn-Desert View Water Agency" and continues to operate under the 1969 Act, as amended; and

WHEREAS, the Act was last amended 24 years ago, in 1989; and

WHEREAS, since the last amendment, several provisions of the Act have become irrelevant and, therefore, unnecessary, and other provisions of the Act have been made obsolete by subsequent enactment of legislation and ballot initiatives, such as Prop. 13 and Prop. 218; and

WHEREAS, the Board of Directors has been advised, and has found and determined, that the Act is not only outdated, but disorganized and difficult to use as an efficient resource in the conduct of the Agency's business; and

WHEREAS, the Executive Officer of the San Bernardino Local Agency Formation Commission has urged this Board to consider updating and modernizing the Act in order to eliminate the irrelevant provisions and make it a more useful resource document for staff, elected officials and the general public; and

WHEREAS, the Board of Directors authorized Agency staff to prepare an updated draft of the Act and, after extensive review and discussion and further amendment, the Board of Directors approved the revised Act at its regularly scheduled meeting on January 22, 2013; and

WHEREAS, the revised Act has been reviewed and was approved by the Executive Officer of the San Bernardino LAFCO on January 30, 2013; and

WHEREAS, the revised Act has been introduced to the California State Legislature by State Senator Fuller as Senate Bill No. SB 246 on _____, 2013; and

WHEREAS, the enactment of this Senate Bill will not impact other public agencies.

NOW, THEREFORE, the Board of Directors of the Bighorn-Desert View Water Agency hereby expresses its unanimous and unqualified approval of, and support for, Senate Bill SB 246, introduced by Senator Fuller on February 12, 2013, and respectfully requests that the State Legislature to enact this measure at its earliest opportunity.

BIGHORN-DESERT VIEW WATER AGENCY

Dated: February 26, 2013

By _____
Mike McBride, Board President

CERTIFICATION

I hereby certify that this Resolution was duly adopted by the Board of Directors at its regularly-scheduled meeting on February 26, 2013, by the following vote:

AYES:
NOES:
ABSTENTION:

BIGHORN-DESERT VIEW WATER AGENCY

By _____
David Larson, Board Secretary

RESOLUTION NO. 13R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY EXPRESSING ITS SUPPORT FOR SENATE BILL 246, AN ACT TO AMEND SECTION 33305 OF THE WATER CODE

WHEREAS, the Bighorn-Desert View Water Agency ("Agency") was established in 1990 by Assembly Bill 1819 (Woodruff), as a consolidation between the Desert View County Water District and the Bighorn Mountains Water Agency for the primary purpose of increasing the operational efficiencies of the two entities; and

WHEREAS, Water Code Section 33305 required the consolidated Agency to comply with the provisions of Water Code Section 31012, which states, in relevant part, that "all funds derived from the operation of the former [county water] district shall be separately accounted for and used exclusively for . . . the acquired water system"; and

WHEREAS, although the Agency maintains separate accounting of pre-consolidation debt and associated revenue, it does not operate as two separate enterprise districts since its consolidation, creating legal uncertainty under Section 33305; and

WHEREAS, retroactive compliance with Section 33305 would be more costly than the operational efficiencies gained from the 1990 consolidation and would only be detrimental to its ratepayers; and

WHEREAS, the enactment of Senate Bill 246 will not impact other public agencies.

NOW, THEREFORE, the Board of Directors of the Bighorn-Desert View Water Agency hereby expresses its unanimous and unqualified approval of, and support for, Senate Bill 246, introduced by Senator Fuller on February 12, 2013, and respectfully urges the State Legislature to enact this measure at the earliest opportunity.

BIGHORN-DESERT VIEW WATER AGENCY

Dated: February 26, 2013

By_____
Mike McBride, Board President

CERTIFICATION

I hereby certify that this Resolution was duly adopted by the Board of Directors at its regularly-scheduled meeting on February 26, 2013, by the following vote:

AYES:
NOES:
ABSTENTION:

BIGHORN-DESERT VIEW WATER AGENCY

By _____
David Larson, Board Secretary

SENATE BILL No. 246

Introduced by Senator Fuller

February 12, 2013

An act to amend Section 33305 of the Water Code, relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as introduced, Fuller. Desert View Water District-Bighorn Mountains Water Agency.

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

This bill would instead specify procedures for the repayment of bonded indebtedness incurred prior to the consolidation and would prohibit the consolidation from being construed to impair any existing contract.

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 33305 of the Water Code is amended to
2 read:

33305. ~~Section 31012 applies to a county water district consolidated with the~~ *(a) The consolidated successor district shall separately account for and use funds derived from the operation of the Desert View Water District and the* Bighorn Mountains Water Agency *for the purpose of bond debt service for each of the former systems.*

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

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ACT 90
Bighorn-Desert View Water Agency Law

[Added Stats 1969 ch 1175, effective August 31, 1969. Amended Stats 1970 ch 104 operative January 1, 1971; Stats 1970 ch 447; Stats 1975 ch 586, operative July 1, 1976; Stats 1982 ch 1035; Stats 1983 ch 564; Stats 1984 ch696, 1128; Stats 1985 ch 950; Stats 1989 ch 570.]

AN ACT to provide for the organization and government of the Bighorn-Desert View Water Agency, prescribing its organization, management, and other powers and duties.

Section

1. Citation of act
2. Creation of agency; Description of territory
3. Board of Directors
4. Elections; Who are qualified voters
5. Applicability of Elections Code
6. Authorization to recall elective officers
7. Board of directors; Meetings; Quorum; President
8. Compensation
9. Vacancies on the board
10. Appointment of officers and employees
11. Duties of the general manager
12. Action by ordinance, resolution, or minute order
13. Authorization for voters to pass ordinances
13. Authorization for voters to veto ordinances
15. Powers of agency
16. Provisions governing claims for money or damages
17. Fixing of water rates
18. Fixing of water standby or availability charge
19. Power to levy and collect taxes
20. Levy, etc., of taxes
21. Bond elections; Proceedings
22. Improvement districts for purpose of incurring bonded indebtedness; Formation
23. Annexation of territory to an improvement district
24. Bonds; Issuance, form, sale, etc.
25. Force, value, and use; Exemption from taxation
26. Improvement districts for purposes other than incurring bonded indebtedness; Formation etc.
27. Advancement of general funds to improvement districts; Provisions for repayment
28. Payment of interest on bonds
29. Prohibition against dissolution before full payment of bonded indebtedness
30. Uninhabited improvement districts for purpose of incurring bonded indebtedness; Formation, etc.
31. Annexation of territory to improvement districts; Proceedings
32. Same; When notice and hearing not required
33. Exclusion of territory from improvement district formed for purpose other than incurring of bonded indebtedness; Proceedings
34. Dissolution of improvement districts
35. Severability of provisions

§1. Citation of act

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

§2. Creation of agency; Description of territory

The Bighorn-Desert View Water Agency is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, and shall include all territory lying within the following described boundaries:

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

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

Section 7

Section 8

Section 11

South 1/2 Section 2

Southwest l/4 Section 12

Section 13, excluding the North 1/2 of the Northeast l/4
Section 14
Section 15
Section 16
Section 17
East 1/2 Section 18
Northeast l/4, Northeast l/4, Section 20
North 1/2 Section 21
North 1/2 Section 22

(b) Township 3 North, Range 5 East, San Bernardino Base and Meridian:
South 1/2South 1/2, Southwest 1/4, Section 4
Section 8
Section 9, excluding the Northeast l/4
Southwest l/4 Section 10
Section 13
South 1/2 Section 14
Section 15, excluding the Northeast l/4
Section 16
Section 17
Section 18
Section 21
Section 22
Section 23
Section 24
West 1/2 Section 26
Section 27
Southeast 1/4 Section 33
Section 34
Section 35, excluding the Northeast 1/4
West 1/2, Northwest 1/2, Southwest 1/4, Section 36
Northeast 1/4, Northwest 1/4, Southwest 1/4, Section 36

(c) Township 2 North, Range 5 East, San Bernardino Base and Meridian:
Section 2
Section 3
Section 10
Section 11
Section 12
Section 13
Section 14
Section 15
Section 22
Section 23
Section 26
Section 27
Section 34

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

Section 5

Section 6

Section 7, except certain parcels (served by BDVWA, but within W-1 Service Area) described as:

630-032-04	W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
630-032-05	E 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RDS
630-032-09	W 1/2 NE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-10	W 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-11	W 1/2 NE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-15	E 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
630-032-49	W 1/2 SE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX W 110 FT N 100 FT S 422 FT THEREOF AND EX RDS
630-041-26	W 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD MNL RTS AS RESERVED BY USA 5 AC
630-041-30	E 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
630-041-39	W 1/2 SE 1/4 NE 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
630-041-42	N 280 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD
630-041-54	N 130 FT S 380 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD
630-041-55	S 250 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD
630-041-56	N 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD
630-041-57	S 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E

Section 18, except certain parcels (served by BDVWD, but within W-1 Service Area) described as:

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

West 1/2, Section 19

§3. Board of Directors

The Board of Directors of the Bighorn-Desert View Water Agency organized under this Act shall consist of five members, each of whom shall be a resident of the agency, and shall hold office until his/her successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law.

§4. Elections; Who are qualified voters

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

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

§5. Applicability of Elections Code

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

§6. Authorization to recall elective officers

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

§7. Board of directors; Meetings; Quorum; President

The board of directors shall be the governing body of the Bighorn-Desert View Water Agency. The board shall, by resolution, provide for the date, time and place of holding its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose from among its members a president, vice president and secretary.

§8. Compensation

Each of the members of the board of directors shall receive for each attendance at the meetings of the board compensation in an amount not to exceed the maximum amount authorized by Section 20200 et seq. of the Water Code.

§9. Vacancies on the board

Any vacancy in the board of directors shall be filled pursuant to the provisions of Government Code Sections 1770-1780.

§10. Appointment of other officers and employees

The board of directors shall appoint, by a majority vote of the board, an attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board. Members of the board of directors shall not serve as attorney, engineer, auditor or general manager.

§11. Duties of the general manager

The general manager shall:

(a) Have full charge and control of the maintenance, operation and construction of the waterworks of the Agency;
(b) Have full power and authority to employ and discharge all employees and assistants at pleasure;
(c) Prescribe the duties of employees and assistants;
(d) Fix and alter the compensation of employees and assistants subject to approval by the board;
(e) Perform other duties imposed by the board; and
(f) Report to the board in accordance with the rules and regulations as it adopts.

§12. Action by ordinance, resolution, or minute order

The board of directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution or minute order shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn-Desert View Water Agency as follows:" Except as otherwise provided by law, ordinances shall be adopted by the following procedure:

(a) Within 21 days after its passage the general manager shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated within the Agency's boundaries and shall cause it to be posted in at least three public places. An ordinance shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but summaries thereof shall be published as provided below; or

(b) The general manager may cause a summary of the proposed ordinance or proposed amendment to be published at least once in a newspaper of general circulation, and a copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Agency at least 5 days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 21 days after adoption of the ordinance or amendment, the general manager shall cause a summary of the ordinance or amendment to be published at least once in a newspaper of general circulation and posted in at least 3 public places; or

(c) If the general manager determines that it is not feasible to prepare a fair and adequate summary of the proposed adopted ordinance or amendment, a display advertisement of at least 1/6th of a page in a newspaper of general circulation shall be published and a copy of the full text of the proposed ordinance or amendment shall be posted in the office of the Agency at least 5 days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption, a display advertisement of a similar size shall be published and the full text posted in at least 3 public places.

§13. Authorization for voters to pass ordinances

Ordinances may be passed by the voters of the Agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

§14. Authorization for voters to veto ordinances

Ordinances may be disapproved and thereby vetoed by the voters of the Agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

§15. Powers of agency

The Bighorn-Desert View Water Agency, which may exercise the powers expressly granted and those necessarily implied, has all of the following powers:

1. To have perpetual succession.
2. To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, condemnation, or lease, hold, use, enjoy, and to lease, with or without the privilege of purchase, sell or dispose of real and personal property of every kind, within or without the Bighorn-Desert View Water Agency.
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain, and operate water wells, conduits, pipelines, reservoirs, works, machinery, and other property useful or necessary to produce, store, convey, supply, or otherwise make use of water for a waterworks plant or system for the benefit of the Agency, and to complete, extend, enlarge, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it.
6. To construct, maintain, improve, and operate public recreational facilities appurtenant to any waterworks and to provide regulations binding upon all persons to govern the use of those facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is an infraction.
7. To sell water to other public agencies within the Agency, and to the inhabitants of such public agencies for use within the Agency, and it may, whenever the board finds that there is a surplus of water above that which may be required by consumers within the Agency, sell or otherwise dispose of surplus water to any persons, firms, public or private corporations or public agencies, or other consumers.
8. To supply and deliver water to property not subject to Agency taxes at special rates, terms, and conditions as determined by the board.
9. To restrict the use of Agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of Agency water or the use of agency water during those periods, in accordance with the provisions of Water Code Section 350 et seq. or it successor statute.
10. To make contracts, employ labor, and do all acts necessary for the full exercise of the above powers.
11. To provide for the pensioning of officers or employees and the creation of a special fund for the purpose of paying the pensions, and the accumulation of contributions to the fund from the revenues of the Agency, the wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the officers or employees, and to provide for the terms and conditions under which pensions shall be awarded, and for the time and extent of service of officers or employees before pensions shall be available to them.
12. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, capture and recapture, and salvage any water, including sewage and storm waters, for the beneficial use and protection of the Agency or its inhabitants or the owners of right to water therein.
13. To contract with the federal government or the State of California or any department or agency thereof, a county or other public agencies, private corporations, or other persons for the purpose of carrying out any of the powers of the Agency and, for that purpose, to contract with the other public agencies, private corporations, or persons for the purpose of financing acquisitions, construction, and operations. Such contracts may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.
14. To commence, maintain, intervene in, defend and compromise, in the name of the Agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the Agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving

or affecting the ownership or use of water or water rights, used or useful for any purpose, of the Agency, or a common benefit to the lands within the Agency or its inhabitants.

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

16. To borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at the rate permitted by Government Code Section 53530, et seq. or its successor statute, and to refund or retire any indebtedness or lien against the Agency or its property.

17. To issue negotiable promissory notes which shall be general obligations of the Agency payable from revenues and taxes in the same manner as bonds of the Agency, at the rate permitted by Government Code Section 53530, et seq. or its successor statute.

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

19. To issue improvement bonds in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 [commencing with Section 5000] of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 [commencing with Section 8500] of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 [commencing with Section 1000] of the Streets and Highways Code), the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935) and the Revenue Bond Law of 1941 (Chapter 6 [commencing with Section 54300] of Part 1 of Division 2 of Title 5 of the Government Code).

20. To prescribe, revise and collect water system connection and capacity charges.

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

22. To construct, operate and maintain works to develop hydroelectric energy, for use by the Agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water, and to enter into contracts for the sale of such energy.

23. To contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy.

24. To prosecute an action to determine the validity of any bonds, warrants, promissory notes, contracts or other evidences of indebtedness, including those of the kind authorized by paragraphs 16, 17 and 19 above, brought pursuant to Code of Civil Procedure Section 860 et seq.

25. In addition to the powers granted in this Section 15, the Agency may exercise all powers previously or hereafter granted to or possessed by county water districts organized and governed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) to finance the acquisition of, and to acquire, waterworks and waterworks systems, waters, water rights, lands, rights or privileges, and may exercise all those powers to fund construction, maintenance, or operation of waterworks and waterworks systems.

§16. Provisions governing claims for money or damages

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

§17. Fixing of water rates

The board of directors, so far as practicable, shall fix such rate or rates for water in the Agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the Agency, and the

improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions, and enlargements, pay the interest on any debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the Agency and from other improvement districts therein.

§18. Fixing of water standby or availability charge

The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the Agency, or in any improvement district thereof to which water is made available by the Agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars ($10) per acre per year for each acre of land within the Agency or any improvement district thereof or ten dollars ($10) per year for any parcel of less than one acre. Alternatively, the board may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act, Government Code Section 54984 et seq., or its successor statute. The standby charge shall be adopted by the board only after compliance with the applicable provisions of the California Constitution and state law. The board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with such applicable procedures as are specified by the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the Agency. Charges fixed by the Agency shall be a lien on all the property benefited thereby. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

§19. Power to levy and collect taxes

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

§20. Levy, etc., of taxes

The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the Agency, in accordance with the provisions of the California Constitution and state law. Within a reasonable time before the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any debt of the Agency or of an improvement district thereof, as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the Agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the Agency, or improvement district thereof benefited by the debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any debt shall be levied on the property within the Agency, or improvement district thereof, benefited by the debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the Agency shall be levied on all property in the Agency or improvement district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when collected to pay the same to the Agency. Taxes for the payment of a debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the Agency shall be a lien on all the property in the Agency subject to the respective tax. Agency taxes, whether for payment of indebtedness and the interest thereon or for other

purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

§21. Bond elections; Proceedings

Whenever the board of directors deems it necessary for the Agency to incur a bonded indebtedness for the acquisition, construction, completion, replacement or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in the Agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the Agency. The resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed the rate permitted by Government Code Section 53530 et seq., or its successor statute, which may be payable semiannually, except that interest for the first year may be payable at the end of said year, and/or payable on a fixed or variable basis, on such dates as specified in the resolution; (e) the measure to be submitted to the voters; and (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in the Agency, if there is a newspaper published in the Agency, and the resolution shall be posted in three public places in such Agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this Act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within 30 days from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

§22. Improvement districts for purpose of incurring bonded indebtedness; Formation

Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement or repair of any or all improvements, works or property mentioned in this Act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the Agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the Agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the Agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvements, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements is on file with the secretary of the Agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the question of the formation of said proposed improvement district, the extent thereof, the proposed improvements and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the Agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Agency, if there is a newspaper printed and published in such Agency. Such notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

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

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the Agency, and by posting in three public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the Agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the Agency which will be benefited are set forth on a map on file with the secretary of the Agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the Agency set forth on said map shall thereupon constitute and be known as "Improvement District No. __ of Bighorn-Desert View Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Bighorn-Desert View Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the Agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the Agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed the rate permitted by Government Code Section 53530 et seq. or its successor statute, payable semiannually, except that interest for the first year may be payable at the end of the said year, and/or payable on a fixed or variable basis, on such dates as specified in the resolution; (h) the measure to be submitted to the voters; and (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Agency, if there is a newspaper printed and published in such Agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

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

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within 30 days from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

§23. Annexation of territory to an improvement district

Any portion of the Bighorn-Desert View Water Agency, whether contiguous or not to an improvement district thereof, may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the Agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the Agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the Agency; and (c) a request that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the Agency in sufficient sum to reimburse said Agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the Agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the Agency, the board of directors shall authorize the general manager to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the Agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the Agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

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

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

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

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said

annexed property had always been a part of said improvement district, and the board of directors of the Bighorn-Desert View Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within 30 days after the date of adoption of the resolution approving the annexation; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

§24. Bonds; Issuance, form, sale, etc.

If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 19 or of Section 20 of this Act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the Agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

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

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

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

If the bond election proceedings have been limited to and have applied only to an improvement district within said Agency, said bonds are bonds of the Agency and shall be issued in the name of the Agency and shall be designated "Bonds of the Bighorn Mountains Water Agency for Improvement District No. __" and each bond shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or negotiate the sale of the bonds. The board may determine by a two-thirds vote of the total vote of the board that the interest of the district and the public interest or necessity require that the bonds may be sold at private sale upon such terms and conditions as the board may deem necessary, convenient, or desirable. In addition to interest paid on a bond or evidence of indebtedness of the district, the board, in its discretion, may sell the bonds or evidence of indebtedness at less than its par or face value, but not to exceed 6% of the par or face value thereof.

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

The bonds of the district shall be legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for State school funds; and whenever any money or funds may

by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts and municipalities in the State of California, such money or funds may be invested in bonds of the district, issued in accordance with the provisions of this Act; and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, the bonds of the district may be so used.

§25. Force, value, and use; Exemption from taxation

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

§26. Improvement districts for purposes other than incurring bonded indebtedness; Formation etc.

Whenever the board of directors deems it necessary to form an improvement district of a portion of the Agency for a purpose other than the incurring of bonded indebtedness under Section 20 of this Act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the Agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the Agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the Agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the Agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Bighorn-Desert View Water Agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

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

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the Agency, if there is a newspaper printed and published in the Agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in such Agency. Such resolution shall

also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

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

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

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within 30 days from the effective date of the resolution forming such district, or if an election is held, within 30 days from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

§27. Advancement of general funds to improvement districts; Provisions for repayment

The board of directors may advance general funds of the Agency to accomplish the purposes of an improvement district and the district may repay the Agency from the proceeds of the sale of bonds authorized for such purpose, or from the special taxes levied exclusively upon the taxable property in said improvement district, at the rate of interest authorized by Government Code Section 53530 et seq. or its successor statute.

§28. Payment of interest on bonds

Interest on any bonds issued by the Agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, and interest on any bonds issued by the Agency coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of such bonds.

§29. Prohibition against dissolution before full payment of bonded indebtedness

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

§30. Uninhabited improvement districts for purpose of incurring bonded indebtedness; Formation, etc.

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

For the purposes of this law the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof.

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

The resolution of intention shall also state:

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

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

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

The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

The resolution of intention shall also state:

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

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

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

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

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

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

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

(b) The amount of the proposed debt.

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

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

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

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

Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within 30 days from the date of the resolution forming such district; otherwise the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

The board may advance general funds of the Agency to accomplish the purposes of an improvement district formed hereunder.

The board may repay the Agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

§31. Annexation of territory to improvement districts; Proceedings

The board, by resolution, may initiate proceedings for the annexation of territory within the Agency, whether contiguous or not to an improvement district, to such improvement district.

The resolution proposing annexation shall:

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

(b) State the reason for proposing the annexation.

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

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

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

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

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

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

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

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating. If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

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

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

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

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

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

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this section is contested, questioned, or denied shall be commenced within 30 days after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

§32. Same; When notice and hearing not required

Notwithstanding the provisions of Section 31, if the petition for annexation of land to an improvement district formed under Section 26 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

§33. Exclusion of territory from improvement district formed for purpose other than incurring of bonded indebtedness; Proceedings

Proceedings to exclude territory from an improvement district, formed pursuant to Section 26, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded, which states reasons such exclusion will be beneficial to the Agency or the improvement district or the territory to be excluded.

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

(a) The method by which said exclusion proceedings were initiated; by motion of the board or by petition of voters.

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

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

The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in said improvement district, is on file with the secretary and is available for inspection by any person or persons interested.

This map shall govern for all details as to the extent of the proposed exclusion. The resolution of intention shall also state:

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

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

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

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

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

(a) The reasons why such exclusion is necessary or desirable.

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

The determinations, made in the resolution of exclusion shall be final and conclusive.

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

A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the Agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

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

Any action or proceeding in which the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within 30 days from the effective date of the resolution of exclusion; otherwise the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

§34. Dissolution of improvement districts

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

As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 30.

The resolution of intention shall state:

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

(b) That no bonds, indebtedness or liability have been issued or incurred for the improvement district or are outstanding.

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

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

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

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

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

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

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

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

Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within 30 days from the effective date of the resolution dissolving the improvement district; otherwise, the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

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

§35. Severability of provisions

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

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

From: Marina D. West

Budgeted: No
Budgeted Amount: est. $1,000
General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Authorize Board President and/or General Manager to Travel to Sacramento to Attend, if Necessary, Committee Hearing Regarding SB 246

SUMMARY

On February 12, 2013, Senator Fuller introduced SB 246 for the purpose of repealing Section 33305 from the Bighorn-Desert View Water Agency Law (Law). Staff understands that SB 246 will be amended to include provisions for "modernizing" the entire Law.

Sen. Fuller's office has asked that, if necessary, the Agency be available to attend a Legislative Committee Hearing to testify on behalf of SB 246. No specific date has been provided but it could be as early as March 2013.

Staff recommends the Board authorize the President to attend the hearing(s) with or without General Manager West depending on the exact date of the hearing.

RECOMMENDATION

Board considers taking the following action(s):

1. Authorize travel to Sacramento for President McBride and/or General Manager West to testify on behalf of SB 246 at the appropriate Legislative Committee Hearing, if necessary.

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

1/22/2013 Motion No. 13-005 To direct staff to proceed with "modernization" of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) through the California State Legislature; and direct staff to proceed with the request to repeal Section 33305 from the Bighorn-Desert View Water Agency Law (Law) through "spot bill" action by the California State Legislature.

11/27/2012 Motion No. 12-082 To Direct staff to continue processing request through the State Legislature to pursue a revision to Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 & Related Water Codes) retroactively repealing, in part, Section 33305; and Authorize staff to proceed with modifications/updates to "modernize" the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) as requested by San Bernardino Local Area Formation Commission Executive Officer.

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

From: Marina D. West

Budgeted: Yes – Unrestricted Reserves
Budgeted Amount:
Bid Amount: $263,550 (Engineering Est.: $303,000)
Contract Contingency: $30,000
General Counsel Approval: Obtained
CEQA Compliance: Notice of Exemption filed September 10, 2012

Subject: Award of Contract to J. Colon Coatings, Inc. for Recoating of Reservoir Nos. B3 and B4 and Cleaning of the Johnson Valley Well No. 10 Reservoir

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SUMMARY

The Agency received a total of six (6) bids from qualified contractors to recoat up to two (2) reservoirs and washout the Johnson Valley Well No. 10 reservoir. J. Colon Construction was the apparent low bidder at $263,550.

The contract documents were written such that one or two reservoirs could be awarded for recoating but due to the competitive pricing received from the top four bidders, staff recommends awarding recoating of both B3 and B4.

Attached is the memorandum from Krieger & Stewart, Inc. outlining the results of the bidding process and their recommendation to proceed with J. Colon Construction.

RECOMMENDATION

Board considers taking the following action(s):

1. Waive two minor, correctable irregularities in the bid received from J. Colon Construction; and
2. Award contract for recoating and repainting of Reservoir Nos. B3 and B4 and cleaning of the Johnson Valley Well 10 Reservoir in the amount of $263,550 to J. Colon Construction; and
3. Authorize construction contingency of $30,000.

BACKGROUND/ANALYSIS

See attached Engineer's memorandum in support of the recommendation.

PRIOR RELEVANT BOARD ACTION(S)

2/6/2013 Planning/Legislative/Engineering/Grant/Security Committee project update
10/3/2012 Planning/Legislative/Engineering/Grant/Security Committee project update.
8/28/2012 M 12-066 Board of Director's accepts 8/16/2012 PLEGS recommendation to recoat and repaint up to two (2) reservoirs in FY2012/13.
8/16/2012 Planning/Legislative/Engineering/Grant/Security Committee review and reject proposed Change Order increasing scope of work for recoating and repainting by increasing the number of reservoirs from two (2) up to four (4).

7/24/2012 M12-057 Board of Director's authorizes General Manager to execute Work Order No 4A with Krieger and Stewart, inc for project management/construction inspection services for recoating and repainting of (up to) four reservoirs in conjunction with scope of services dated June 15, 2012 at a cost estimate of $85,900; and authorize filing of categorical exemption for the proposed project in accordance with CEQA; and authorize publication of notice inviting bids for recoating and repainting of (up to) four reservoirs; and authorize transfer of funds from the "unencumbered cash" fund to the "replacement and refurbishment" fund.
6/21/2012 Planning/Legislative/Engineering/Grant/Security Committee review of cost and scope of services for preparation of bid specifications, project management and on-site inspection services. The cost estimate to provide these engineering services is $85,900
2/10/2012 Board Goal Setting Workshop: Identifying Reservoirs B3 and B4 as priority tanks for recoating.

KRIEGER & STEWART INCORPORATED

MEMORANDUM

TO: MARINA WEST, GENERAL MANAGER
BIGHORN-DESERT VIEW WATER AGENCY

FILE: 997-4.2.2 F/C

FROM: CHARLES A. KRIEGER CAK
KRIEGER & STEWART, INCORPORATED

DATE: 2/20/2013

SUBJECT: RECOATING AND REPAINTING B-3 AND B-4 RESERVOIRS
RECOMMENDATION OF AWARD

On Wednesday, February 13, 2013, the Agency received six bids for subject project. The bid amounts and the Engineer's estimate are as follows:

CONTRACTOR	BID AMOUNT
J. Colon Coatings, Inc.	**$263,550.00**
Olympos Painting, Inc.	$279,000.00
Industrial Coating & Restoration Services, Inc.	$287,200.00
Cor-Ray Painting Co.	$288,000.00
Advanced Industrial Services, Inc.	$370,400.00
Crosno Construction, Inc.	$401,550.00
Engineer's Estimate	$303,000.00

J. Colon Coatings, Inc. is the apparent low bidder.

J. Colon Coatings, Inc.'s bid contained two minor, correctable irregularities. First, the unit price for a bid item related to one tank was left blank, but was easily calculated using the total bid amount divided by the quantity. Further, an identical bid item for another tank matched the calculated amount. Second, J. Colon Coatings, Inc. failed to have their Bid Bond notarized on behalf of the Principal. Agency Counsel has advised that the irregularities can be waived; however, both irregularities have been corrected by J. Colon Coatings, Inc. All other components of J. Colon Coatings, Inc.'s bid were complete and met the requirements of the Contract Documents.

Because J. Colon Coatings, Inc. holds a current Class C-33 Contractor's License (California No. 735800) and can perform the work, Krieger & Stewart recommends awarding the contract to J. Colon Coatings, Inc. for $263,550.00.

SAN/lgn
997-4P2-RECAWARD

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

From: Marina D. West

Budgeted: N/A
Budgeted Amount: N/A
General Counsel Approval: Obtained
CEQA Compliance: N/A

Subject: Resolution No. 13R-XX Establishing the Guarantee (Cash) Deposit for Two (2) Inch Bulk Meter Accounts

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SUMMARY

Staff recommends that all future two (2) inch bulk meter accounts be subject to a guarantee (cash) deposit of $500 or two (2) times the average monthly water bill, whichever is greater. This amount is equal to the sum of the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the Agency's disconnect rule (i.e. "lock-off") becomes applicable.

The attached Resolution No. 13R-XX establishes the guarantee (cash) deposit for two (2) inch bulk accounts. In preparation for the Board's discussion and possible action, information regarding the proposed Resolution was mailed to all active two (2) inch bulk account customers on February 20, 2013.

RECOMMENDATION

Board considers taking the following action(s):

1. Adopt Resolution No. 13R-XX establishing the guarantee (cash) deposit for two (2) inch bulk meter accounts.

BACKGROUND/ANALYSIS

Current policy directs staff to collect a guarantee (cash) deposit on all newly established accounts, including two (2) inch metered bulk accounts. The current deposit amount is $100. This deposit is insufficient to cover the value of water that 2-inch meter bulk accounts can consume before the Agency can "lock-off" service for non-payment. This includes billed and unbilled water for a period of approximately two months since bulk accounts are billed monthly. Furthermore, bulk accounts are not incident to property ownership therefore bad debt cannot be recovered through the imposition of a secured property tax lien as is done for non-bulk (i.e. residential) accounts.

Staff recommends that all future two (2) inch bulk meter accounts be subject to a guarantee (cash) deposit of $500 or two (2) times the average monthly water bill, whichever is greater.

The attached Resolution No. 13R-XX establishes the guarantee (cash) deposit for two (2) inch bulk accounts. In preparation for the Board's discussion and possible action, information

regarding the proposed Resolution was mailed to all current two (2) inch bulk account customers on February 20, 2013.

PRIOR RELEVANT BOARD ACTION(S)

10/03/2011 Motion No. 11-054 Ordinance No. 11O-01 Establishing Rules and Regulations for Water Service.

RESOLUTION NO. 13R-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING THE GUARANTEE "CASH" DEPOSIT FOR 2-INCH BULK METER SERVICE ACCOUNTS

WHEREAS, Bighorn-Desert View Water Agency ("Agency") is required by law to fix and establish rates, fees and charges which will enable the Agency to operate and maintain its water system, provide for repairs and depreciation, reasonable surplus for improvement to cover its debt service payments; and

WHEREAS, Ordinance 11O-01 Rules and Regulations for Water Service was adopted on October 2, 2011; and

WHEREAS, the Ordinance provides for the amendment of the current schedule of water rates, fees and charges levied by the Agency by resolution of the Board of Directors of the Agency; and

WHEREAS, the Board of Directors desires to fairly allocate the costs of specific services in a fair and equitable manner to be paid by those persons who are the actual beneficiaries or recipients of the service; and

WHEREAS, Commercial Bulk Haulers are assigned a two-inch (2-inch) water meter which is not associated with a distinct Assessor's Parcel Number (i.e. real property) and are therefore considered "high risk" due to the inability of the Agency to impose secured property liens for unpaid water bills; and

WHEREAS, imposition of an account deposit equal to two (2) times the average monthly water bill would be a fair and equitable alternative to guarantee payment for water delivered in advance of billing; and

WHEREAS, the Agency desires to impose a guarantee deposit of at least $500 or two (2) times the average monthly water bill for <u>new accounts</u>, whichever is greater; and

WHEREAS, the required guarantee deposit for existing (i.e. open) accounts shall not be affected unless an existing account is locked-off for non-payment. At the time of re-activation of an account locked-off for non-payment the Agency desires to impose a guarantee deposit of at least $500 or two (2) times the average monthly water bill.

NOW, THEREFORE, BE IT RESOLVED that, effective immediately until further action by the Board of Directors, the guarantee deposit for two-inch (2-inch) Bulk Hauling Accounts be set as follows:

- New Two-Inch (2-inch) Bulk Hauling Meter Accounts: $500 or two (2) times the average monthly water bill, whichever is greater.

- Existing Two-Inch (2-inch) Bulk Hauling Meter Accounts which have been "locked-off" for non-payment: $500 or two (2) times the average monthly water bill, whichever is greater, in order to re-establish (activate) service.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 22th day of January 2013.

By _____
Mike McBride, Board President

Attest:

_____
David Larson, Board Secretary

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
JANUARY 31, 2013

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
12753	01/31/13	ANTONIO CASTILLO	
		VOID - CHK RETURNED	-37.78
12758	01/21/13	TROY LEE DEHART	
		VOID AND REISSUE	-181.73
12767	01/07/13	AKLUFI AND WYSOCKI	
		LEGAL FEES DEC 2012	2,516.25
12768	01/07/13	CARQUEST AUTO PARTS	
		MAINT FORD L-8000 FLATBED	32.80
12769	01/07/13	CLINICAL LABORATORY OF	
		GENERAL PHYSICAL	
		PLATE CT, BACT TEST	93.00
12770	01/07/13	JUDY CORL-LORONO	
		EXPENSED ACWA JPIA-FALL CONF	106.50
12771	01/07/13	DATASTREAM BUSINESS SOLUTIONS	
		SOFTWARE MAINT 010113-033113	750.00
12772	01/07/13	INLAND WATER WORKS	
		FIELD MATERIALS	
		FIELD MATERIALS	233.07
12773	01/07/13	KRIEGER & STEWART, INC	
		B3/B4 TANK REHAB NOV 2012	2,031.38
12774	01/07/13	MOJAVEWIFI.COM LLC	
		INTERNET	95.00
12775	01/07/13	OFFICE DEPOT	
		OFFICE SUPPLIES	
		REFUND FROM 635244101001	25.85
12776	01/07/13	SCOTT EQUIPMENT	
		BACKHOE REPAIR	5,379.89
12777	01/07/13	SOUTHERN CALIFORNIA EDISON	
		POWER EXP NOV 2012	5,421.57
12778	01/07/13	VERIZON CALIFORNIA	
		AUTO CONTROLS & PHONES	549.28
12779	01/07/13	XEROX CORPORATION	
		LEASE PAYMENT12/13/12-01/12/13	
		6 OF 60	215.39
12784	01/11/13	ACWA/JPIA	
		ACWA/JPIA HEALTH BENEFITS	791.87
12785	01/11/13	AT&T MOBILITY	
		COMMUNICATION EXP	108.65
12786	01/11/13	PAY ONLINE BURRTEC WASTE&RECYC	
		TRASH FEE JAN 2013	81.99
12787	01/11/13	CLINICAL LABORATORY OF	
		BACT TEST, GEN PHYICAL	110.00
12788	01/11/13	CYBERSPIKE	
		WEBSITE DESIGN	
		ANNUAL WEBHOST FEE	
		01/21/13-01/21/14	520.00
12789	01/11/13	DISCOUNT TIRE CENTERS	
		2012 DODGE 6959 OIL CHG	48.75
12790	01/11/13	JEFF DROZD	
		STANDARD SPECS	256.25

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
JANUARY 31, 2013

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
12791	01/11/13	GOODSPEED DISTRIBUTING INC	
		UNLEADED FUEL	1,838.14
12792	01/11/13	INLAND WATER WORKS	
		INVENTORY	
		VALUES FOR B1 & B4	2,699.86
12793	01/11/13	SDRMA	
		SDRMA MEDICAL BENEFITS FEB2013	6,242.53
12794	01/11/13	UNDERGROUND SERVICE ALERT	
		DIG ALERTS, 27 TICKETS	40.50
12795	01/11/13	WATERLINE TECHNOLOGIES	
		HYPOCHLORITE SOLUTIONS	737.86
12796	01/11/13	YUCCA VALLEY FORD CENTER	
		10 RANGER 9128 OIL CHG,REPAIRS	238.31
12807	01/21/13	CLINICAL LABORATORY OF	
		BACT TEST	70.00
12808	01/21/13	COUNTY TREASURER OF S.B.	
		LIEN FEE	25.00
12809	01/21/13	KRIEGER & STEWART, INC	
		DISTRICT ENGINEER CONSULTING	
		MAY 27, 2012-NOV 24, 2012	5,399.50
12810	01/21/13	MAID TO ORDER	
		SVC JEMEZ & MTG RM 12/08/12	
		SVC JEMEZ 12/22/12	221.00
12811	01/21/13	MCCROMETER, INC.	
		WELL 7, WELL 8 PRODUCTION	
		FLOWMETER TESTING/REPAIR	1,343.83
12812	01/21/13	OFFICE DEPOT	
		PAPER (GREEN BAR)	127.42
12813	01/21/13	QUILL	
		OFFICE SUPPLIES	
		COPY PAPER	
		INK FOR GREEN BAR PRINTER	198.38
12814	01/21/13	MARIA SALAS	
		REFUND DUPLICATE PAYMENT	165.72
12815	01/21/13	TROY LEE DEHART	
		BALANCE REFUND	181.73
12816	01/21/13	USA BLUEBOOK	
		FIELD MATERIALS	182.85
12832	01/30/13	GAYLA BLANTON	
		ACCT CLASS - GBLANTON	298.34
12833	01/30/13	CA SPECIAL DISTRICTS ASSN	
		2013 SPECIAL DISTRICT	
		LEGISTATIVE DAYS	
		BOD APPROVED 01/22/13	350.00
12834	01/30/13	CLINICAL LABORATORY OF	
		PLATE CT, BACT TEST GEN PHY	
		BACT TEST	83.00
12835	01/30/13	FERRELLGAS	
		OFFICE PROPANE	
		SHOP PROPANE	1,242.83
12836	01/30/13	FLAMINGO HEIGHTS COMMUNITY	
		NEWLETTER AD 2013	60.00
12837	01/30/13	GRAINGER	
		WELLS/BOOSTERS - HEAT CABLE	293.48

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
JANUARY 31, 2013

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
12838	01/30/13	IMAGE SOURCE, INC	
		XEROX PRINT CHARGE	
		12/03/12-01/02/13	81.98
12839	01/30/13	JOSE SOTO	
		BALANCE RFND ACCT# 0900489	81.91
12840	01/30/13	MARK STEPHANS	
		BALANCE RFND ACCT# 0902087	69.26
12841	01/30/13	MICHAEL BLACK	
		BALANCE RFND ACCT# 3121031	88.75
12842	01/30/13	MOJAVEWIFI.COM LLC	
		INTERNET	95.00
12843	01/30/13	PETTY CASH	
		SEMINAR DREWAL/GBLANTON	
		REIMBURSE ORCHID TICKETS	
		THANK-YOU CARDS, ORCH FEST KID	
		SMALL CLAIMS - DEMARIE	
		UPGRADE CUSTOMER COMPUTER	
		COMPUTER ZONE	
		FIELD SUPPLIES	
		ACCIDENT REPORT	
		HYDRANT ON ROCKY ACRES	
		BOD MEETING SNACKS, TRUCK WASH	
		BBQ PROPANE	
		OFFICE SUPPLIES	392.87
12844	01/30/13	SOUTHERN CALIFORNIA EDISON	
		POWER EXP DEC 2012	5,170.96
12845	01/30/13	USA BLUEBOOK	
		MONITORING & SAFETY TOOLS/EQUP	761.49
12846	01/30/13	XEROX CORPORATION	
		LEASE PAYMNT 01/13/13-02/12/13	
		7 OF 60	215.88
12847	01/30/13	YUCCA VALLEY FORD CENTER	
		RANGER '9128' REPAIR	151.19
		TOTAL	48,297.55

Prepared By GB
Date 2/21/13
Reviewed By MWest

PERIOD ENDING 01/31/13

GENERAL FUND

ASSETS

CASH & CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	178,794.30
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00
	TOTAL CASH & CASH EQUIVALENTS	180,344.30

INVESTMENTS

01 13303	LAIF UNENCUMBERED CASH FUND	462,425.49
01 13306	LAIF-BASIC FACILITIES CHGS	27,196.00
01 13307	LAIF-CUSTOMER DEPOSITS	50,000.00
01 13309	LAIF EMERGENCY CONTINGENCIES	100,000.00
01 13310	LAIF REPLACE & REFURBISH FUND	50,000.00
01 13311 01	LAIF B3 & B4 TANK REHAB	60,900.00
01 13312	LAIF BOND DEBT SERVICE	150,000.00
	TOTAL INVESTMENTS	900,521.49

ACCOUNTS RECEIVABLE, WATER

01 12050	HYDRANT ON ROCKY ACRES	10.00
01 13710	A/R WATER	130,268.62
01 13950	2009-2010 LIEN RECEIVABLE	22,266.36
01 13951	2010-2011 LIEN RECEIVABLE	18,265.08
01 13952	2011-2012 LIEN RECEIVABLE	30,511.65
	TOTAL ACCTS RECEIVABLE, WATER	201,321.71

ACCOUNTS RECEIVABLE, OTHER

	TOTAL ACCTS RECEIVABLE, OTHER	0.00

INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	61,992.50
	TOTAL INVENTORY	61,992.50

PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	1,064.00
01 14402	PREPAYMENTS PL & PD LIAB INS	11,601.78
	TOTAL PREPAID EXPENSES	12,665.78

FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11130 01	ACCUMULATED DEP ORGANIZATION	(94,499.70)
01 11135	FA LAND	76,611.39
01 11140	FA BUILDINGS	230,551.18
01 11140 01	ACCUMULATED DEP BUILDINGS	(209,985.38)
01 11150	FA YARDS	52,957.71
01 11150 01	ACCUMULATED DEP YARDS	(52,957.71)

GENERAL FUND

01 11160	FA FUELS TANKS	16,604.30	
01 11160 01	ACCUMULATED DEP FUEL TANK	(11,899.28)	
01 11170	FA WATER SYSTEM	7,865,319.10	
01 11170 01	ACCUMULATED DEP WATER SYSTEM	(4,707,543.18)	
01 11180	FA SHOP EQUIPMENT	41,327.36	
01 11180 01	ACCUMULATED DEP SHOP EQUIP	(39,026.50)	
01 11181	FA MOBILE EQUIPMENT	450,975.49	
01 11181 01	ACCUMULATED DEP MOBILE EQUIP	(385,150.24)	
01 11190	FA OFFICE EQUIPMENT	118,404.74	
01 11190 01	ACCUMULATED DEP OFFICE EQUIP	(117,137.51)	
01 14501	JV WELL	177,095.85	
	TOTAL FIXED ASSETS	3,747,918.98	
WORK IN PROGRESS (FOR OTHERS)			
	TOTAL WORK IN PROGRESS(OTHERS)	0.00	
WORK IN PROGRESS (AGENCY)			
01 12005	WIP EPA GRANT	542,023.47	
01 12048	FRONT ENCLOSURE	4,307.23	
01 12049	B3 & B4 TANK REHAB	24,759.11	
	TOTAL WORK IN PROGRESS(AGENCY)	571,089.81	
DEBT ISSUANCE COST			
	TOTAL DEBT ISSUANCE COST	0.00	
	TOTAL ASSETS		5,675,854.57

LIABILITIES

ACCOUNTS PAYABLE

	TOTAL ACCOUNTS PAYABLE	0.00	
ACCRUED PAYROLL			
01 22910	ACCRUED EMPLOYEE COMP BALANCES	32,464.00	
	TOTAL ACCRUED PAYROLL	32,464.00	
CUSTOMER DEPOSITS			
01 22540	UNCLAIMED FUNDS	192.16	
01 22550	CUSTOMER DEPOSITS PENDING	1,805.38	
01 22600	CUSTOMER DEPOSITS	55,731.39	
	TOTAL CUSTOMER DEPOSITS	57,728.93	
WORK IN PROGRESS DEPOSIT			

PERIOD ENDING 01/31/13

GENERAL FUND

TOTAL WORK IN PROGRESS DEPOSIT		0.00	
LIAB PYBL FRM RESTRICTD ASSETS			
TOTAL LIAB PYBL FRM REST ASSET		0.00	
LONG TERM DEBT			
01 21101	REVENUE BONDS PAYABLE - DV	260,977.05	
01 22300	REVENUE BONDS PAYABLE - BH	628,000.00	
TOTAL LONG TERM DEBT		888,977.05	
TOTAL LIABILITIES			979,169.98
EQUITY			
01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88	
01 30111	FMHA GRANTS	758,297.76	
01 31000	FUND BALANCE	3,080,243.52	
01 31001	FUND BALANCE FEMA & OES	427,895.00	
01 31111	CURR YEAR NET REVENUE/EXPENSE	139,212.43	
TOTAL EQUITY			4,696,684.59
TOTAL LIABILITIES & EQUITY			5,675,854.57

Prepared By GB
Date 2/21/13
Reviewed By mwest

PERIOD ENDING 01/31/13

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	1,255.00	0.00	1,320.00	-65.00	105.18%
01 41001	BASIC FACILITIES CHARGE	4,098.00	0.00	4,098.00	0.00	100.00%
01 41100	INCOME METERED WATER	372,808.00	25,482.36	259,218.72	113,589.28	69.53%
01 41300	BASIC SERVICE CHARGE	578,325.00	50,072.91	347,645.87	230,679.13	60.11%
01 41400	INCOME METERED BULK WATER	46,318.00	2,874.60	28,613.19	17,704.81	61.78%
01 41700	INCOME OTHER (OPERATING)	37,200.00	2,268.93	21,507.36	15,692.64	57.82%
01 41700 01	ORCHID FESTIVAL	0.00	-120.00	0.00	0.00	0.00%
TOTAL OPERATING REVENUE		1,040,004.00	80,578.80	662,403.14	377,600.86	63.69%
NON-OPERATING REVENUE						
01 49100	GA02 GEN LEVY IMP DIST A BH	52,100.00	1,889.73	24,861.58	27,238.42	47.72%
01 49101	DA01 DEBT SRVC IMP 1 (BH BOND)	175,900.00	9,241.70	81,490.54	94,409.46	46.33%
01 49102	GA01 GENERAL TAX LEVY (BDV)	52,100.00	1,873.58	24,647.26	27,452.74	47.31%
01 49103	INCOME REVENUE BONDS DV FMHA	48,825.00	12.10	25,005.48	23,819.52	51.21%
01 49200	INTEREST INCOME	2,800.00	0.00	1,587.87	1,212.13	56.71%
TOTAL NON-OPERATING REVENUE		331,725.00	13,017.11	157,592.73	174,132.27	47.51%
TOTAL REVENUE		1,371,729.00	93,595.91	819,995.87	551,733.13	59.78%
EXPENSE						
OPERATIONS EXPENSE						
01 54102	OPERATIONS COMPENSATION	151,538.00	14,554.85	98,925.39	52,612.61	65.28%
01 54103	UNIFORMS	2,150.00	100.00	1,969.22	180.78	91.59%
01 54105	AUTO CONTROLS	2,640.00	213.35	1,283.25	1,356.75	48.61%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	5,000.00	5,699.75	9,075.40	-4,075.40	181.51%
01 54107	VEHICLE EXPENSE - FUEL	18,000.00	1,989.33	13,663.72	4,336.28	75.91%
01 54109	FIELD MATERIALS & SUPPLIES	20,000.00	3,573.39	17,503.48	2,496.52	87.52%
01 54111	WATER TESTING	6,850.00	270.00	2,505.98	4,344.02	36.58%
01 54112	CONTRACTUAL SERV- ENGINEERING	65,000.00	5,655.75	6,712.00	58,288.00	10.33%
01 54114	WATER SYSTEM REPAIRS	25,000.00	1,343.83	4,363.15	20,636.85	17.45%
01 54115	BUILDING MAINTENANCE/REPAIR	7,500.00	346.65	5,092.22	2,407.78	67.90%
01 54119	COMMUNICATIONS EXPENSE	1,500.00	108.65	1,152.49	347.51	76.83%
01 54121	DISINFECTION EXPENSE	4,500.00	737.86	2,386.64	2,113.36	53.04%
01 54125	POWER WELLS & PUMPS	63,000.00	9,159.57	28,586.93	34,413.07	45.38%
01 54130	OTHER OPERATIONS EXPENSES	16,500.00	103.44	28,062.76	-11,562.76	170.08%
01 54150	PAYROLL LABOR TO PROJECTS	0.00	0.00	-56.97	0.00	0.00%
01 54160	VEH & EQUIP EXPENSE TO PROJECT	0.00	0.00	-36.36	0.00	0.00%
01 54170	INVENTORY EXP TO WIP PROJECTS	0.00	0.00	-164.78	0.00	0.00%

PERIOD ENDING 01/31/13

GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
TOTAL OPERATIONS EXPENSE		389,178.00	43,856.42	221,024.52	168,153.48	56.79%
BULK SYSTEM EXPENSE						
01 55001	PUMPING PLANT EXPENSE	6,500.00	929.51	3,003.05	3,496.95	46.20%
01 55002	BULK OPERATIONS & MAINTENANCE	5,000.00	29.90	29.90	4,970.10	0.60%
TOTAL BULK SYSTEM EXPENSE		11,500.00	959.41	3,032.95	8,467.05	26.37%
ADMINISTRATIVE EXPENSE						
01 56001	DIRECTOR FEES	16,000.00	600.00	5,400.00	10,600.00	33.75%
01 56002	DIRECTOR MEETING EXPENSES	0.00	-20.28	0.00	0.00	0.00%
01 56002 01	DIRECTOR MCBRIDE	4,200.00	175.00	1,937.47	2,262.53	46.13%
01 56002 02	DIRECTOR CORL-LORONO	4,200.00	781.50	2,231.61	1,968.39	53.13%
01 56002 03	DIRECTOR LARSON	4,200.00	0.00	0.00	4,200.00	0.00%
01 56002 04	DIRECTOR BURKHART	4,200.00	0.00	85.00	4,115.00	2.02%
01 56002 05	DIRECTOR STALEY	4,200.00	53.84	145.43	4,054.57	3.46%
01 56003	ADMINISTRATIVE COMPENSATION	245,494.00	17,680.53	126,626.61	118,867.39	51.58%
01 56005	ADMINISTRATIVE MEETING EXPENSE	1,000.00	0.00	140.66	859.34	14.07%
01 56006	CONTRACTUAL SERV-AUDITOR	30,000.00	0.00	27,054.00	2,946.00	90.18%
01 56007	CONTRACTUAL SERV-LEGAL	30,000.00	2,516.25	6,476.25	23,523.75	21.59%
01 56008	PERS CONTRIBUTION	41,000.00	4,680.65	24,317.94	16,682.06	59.31%
01 56009	PAYROLL TAXES	12,400.00	1,135.53	4,778.84	7,621.16	38.54%
01 56011	TELEPHONE/FAX/INTERNET/WEB	7,500.00	1,039.33	3,528.32	3,971.68	47.04%
01 56012	MAILING EXPENSES	11,500.00	676.61	3,625.79	7,874.21	31.53%
01 56014	CONTRACTUAL SERV-OTHER	19,100.00	1,470.47	8,678.47	10,421.53	45.44%
01 56016	PROPERTY/LIABILITY EXPENSE	27,000.00	2,320.35	16,212.38	10,787.62	60.05%
01 56017	WORKERS COMP INSURANCE	6,500.00	532.00	4,069.75	2,430.25	62.61%
01 56018	DUES & SUBSCRIPTIONS	9,630.00	100.50	8,334.52	1,295.48	86.55%
01 56020	POWER OFFICES & YARDS	5,600.00	586.05	2,844.07	2,755.93	50.79%
01 56022	BAD DEBT EXPENSE	2,000.00	185.00	963.68	1,036.32	48.18%
01 56025	PROPANE	1,800.00	1,242.83	1,242.83	557.17	69.05%
01 56030	OFFICE SUPPLIES	4,500.00	783.37	2,133.51	2,366.49	47.41%
01 56030 01	PAPER & INK	4,000.00	374.46	1,302.32	2,697.68	32.56%
01 56100	EMPLOYEE BENEFITS INSURANCE	94,090.00	5,911.43	52,498.79	41,591.21	55.80%
01 56101	FLEXIBLE SPENDING ACCOUNT	0.00	-357.69	-357.72	0.00	0.00%
01 56103	PLAN PARTICIPATION FEE	0.00	0.00	-.11	0.00	0.00%
01 56104	SUPPLEMENTAL LIFE	0.00	-143.64	-143.58	0.00	0.00%
01 56105	DISABILITY INS	0.00	-215.97	-215.93	0.00	0.00%
01 56110	EMPLOYEE EDUCATION	3,500.00	298.34	1,860.34	1,639.66	53.15%
01 56150	PAYROLL FRINGE EXP TO PROJECTS	0.00	0.00	-20.51	0.00	0.00%
01 56160	OVERHEAD TO PROJECTS	0.00	0.00	-33.43	0.00	0.00%
TOTAL ADMINISTRATIVE EXPENSE		593,614.00	42,406.46	305,717.30	287,896.70	51.50%
TOTAL OPERATING EXPENSE		994,292.00	87,222.29	529,774.77	464,517.23	53.28%

PERIOD ENDING 01/31/13

GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
NON-OPERATING EXPENSE						
01 56200	OFFICE EQUIPMENT EXPENSE	3,500.00	40.00	962.83	2,537.17	27.51%
01 56300	CUSTOMER RELATIONS	6,000.00	-89.00	2,577.39	3,422.61	42.96%
01 56400	OTHER ADMINISTRATIVE EXPENSES	3,500.00	352.41	1,327.25	2,172.75	37.92%
01 57000	INTEREST EXPENSE - BH BONDS	0.00	0.00	13,082.99	0.00	0.00%
01 57100	DEPRECIATION EXPENSE	0.00	17,994.50	128,412.79	0.00	0.00%
01 59100	INTEREST EXPENSE - DV BONDS	0.00	0.00	4,520.42	0.00	0.00%
01 59400	GAIN (LOSS) ASSET DISPOSAL	0.00	0.00	125.00	0.00	0.00%
TOTAL NON-OPERATING EXPENSE		13,000.00	18,297.91	151,008.67	-138,008.67	1161.61%
TOTAL EXPENSE		1,007,292.00	105,520.20	680,783.44	326,508.56	67.59%
NET REV/EXP GENERAL FUND		364,437.00	-11,924.29	139,212.43	225,224.57	38.20%

Prepared By JB
Date 2/21/13
Reviewed By mwest

SOURCES & USES OF FUNDS STATEMENT
GENERAL ACCOUNT (UNION BANK)
January-13

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES		
BAD DEBT EXPENSE		
A/R - WATER	91,189.03	
MISCELLANEOUS REVENUE	1008.86	
1% GENERAL TAX	3,763.31	
BIGHORN AD VALOREM TAX	9,241.70	
CUSTOMER DEPOSITS	1,460.00	
TOTAL		**106,662.90**

USE OF FUNDS:

A/R WATER		
CAPITAL PURCHASES (EPA GRANT)	570.64	
B3 & B4 TANK REHAB		
INVENTORY PURCHASES	3,211.82	
PAYMENTS FOR SALARIES & WAGES	338.98	
OPERATIONS EXPENSES	52,364.78	
ADMINISTRATIVE EXPENSE	31,059.79	
CUSTOMER DEPOSITS PENDING	15,380.53	
TRANSFER TO LAIF		
TOTAL		**102,926.54**

Prepared By GB
Date 2/21/13
Reviewed By mwest

UNION BANK OF CALIFORNIA
DISBURSEMENTS JAN 2013

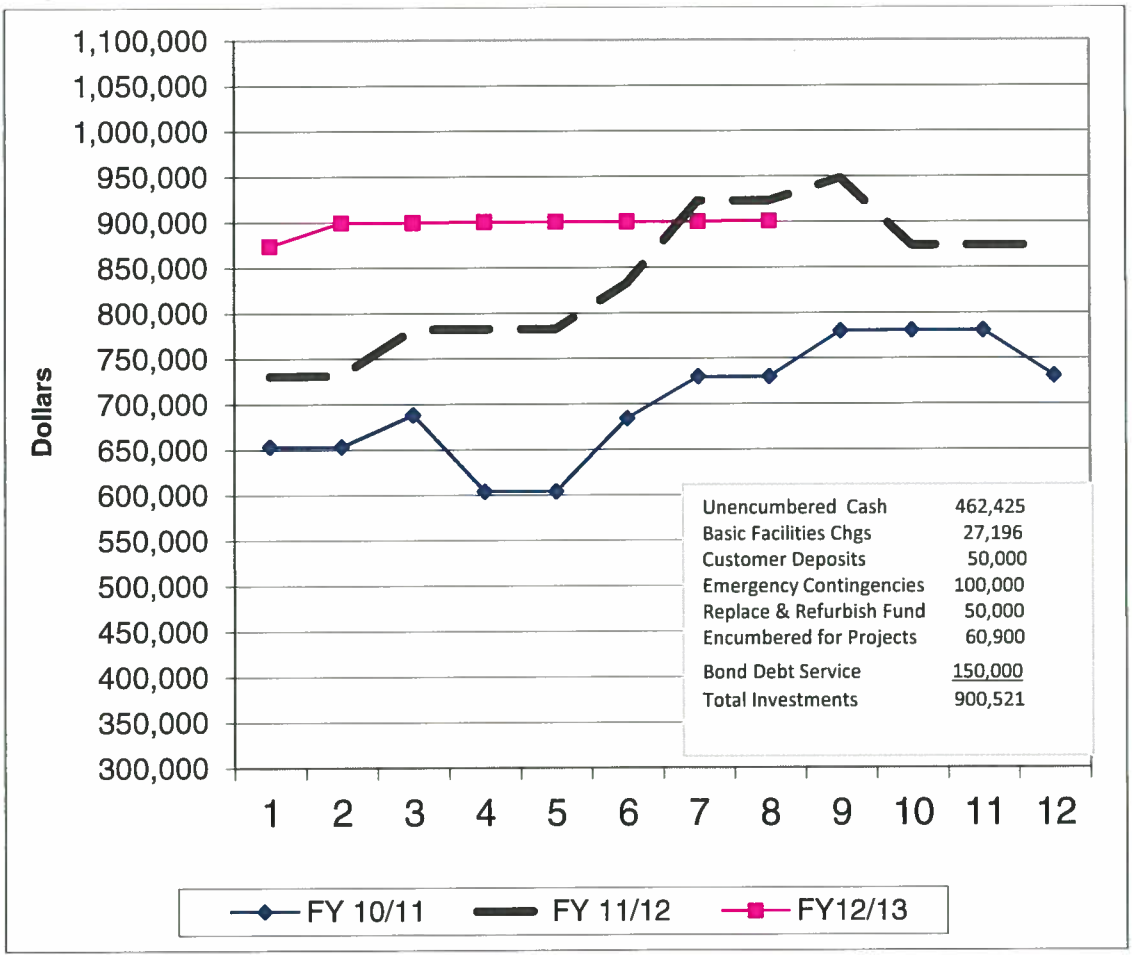
Datastream Check Register	48,297.55		
		48,297.55	
EFT for Vendor Services			
Bank Fees	289.20		
Vendors paid online	1,975.01		
Total EFT for Vendor Services		2,264.21	
Wages for Paydate 010313			
State & Fed Taxes plus PERS Paid	5,783.98		
Payroll checks 12579-12766 & 12780-12783	11,027.38		
		16,811.36	
Wages for Paydate 01/17/13			
State & Fed Taxes plus PERS Paid	5,692.42		
Payroll checks 12797-12806	10,432.36		
		16,124.78	
Wages for Paydate 01/30/13			
State & Fed Taxes plus PERS Paid	6,289.96		
Payroll checks 12817-12825	12,676.93		
Director Per Diem 12826-12829	461.75		
		19,428.64	
Total Disbursements			102,926.54

Prepared By GB
Date 2/21/13
Reviewed By MWeat

Local Agency Investment Fund Balance Timeline

Balance as of

	FY 10/11	FY 11/12	FY 12/13
July	653,168	730,685	873,934
August	653,168	731,593	899,726
September	688,168	781,593	899,726
October	604,025	782,302	900,521
November	604,025	782,302	900,521
December	684,025	832,302	900,521
January	729,762	923,069	900,521
February	729,762	923,069	901,252
March	779,762	948,069	
April	780,685	873,934	
May	780,685	873,934	
June	730,685	873,934	



Prepared By SB
Date 2/21/13
Reviewed By JWest

T:\A-Month End Reports\LAIF Graph

DATE: February 1, 2013
TO: Marina West
FROM: Lily Shelton
RE: Consumption & Billing Comparison January 2013

Consumption

Residential- North- Bighorn

	Meters	Usage (c.f.)
Book 1	148	141,403
Book 2	182	181,751
Book 3	162	144,300
Book 4	152	100,844
Book 5	128	105,819
Book 6	137	174,183
Total	**909**	**848,300**

Bulk -Kickapoo, Well 4, Cherokee

	Meters	Usage (c.f.)
Book 30	42	11,281
Book 31	5	4,598
Book 32	4	7,070
Total	**51**	**22,949**

Bulk - Well 10

	Meters	Usage (c.f.)
Book 33	51	10,869
Total	**51**	**10,869**

Residential- South- Desert View

	Meters	Usage (c.f.)
Book 7	164	171
Book 8	177	0
Book 9	188	564
Book 10	177	15
Book 11	191	0
Total	**897**	**750**

Construction Meters

	Meters	Usage (c.f.)
Book 40	0	0
Total	**0**	**0**

Billed Consumption	882,868
Non Billed Usage	69,191
Total Consumption	**952,059**

Active Residential Meters	1,806
Active Bulk Meters	102
Total Active Meters	**1,908**

Billing Comparison

	This Year JANUARY 2013	Last Year JANUARY 2012	Difference JANUARY (Less)
Statistics			
Total Customer Accounts	1,011	1,008	3
Usage in Cubic Feet	882,868	681,402	201,466
Percentage Increase/(Decrease)			30%
Revenues			
Water Revenues	28,356.96	22,606.78	5,750.18
Basic Service Charge	50,017.91	50,105.00	(87.09)
Miscellaneous	530.55	555.55	(25.00)
Delinquent Charges	1,539.25	1,466.76	72.49
Total Operating Revenues	**80,444.67**	**74,734.09**	**5,710.58**
Debt Service Revenues (pass through)			
FMHA **	12.10	33.21	(21.11)
Total Debt Service Revenues	**12.10**	**33.21**	**(21.11)**
Total Charges (Proof)	**80,456.77**	**74,767.30**	**5,689.47**

Additional Information Regarding Pass Through Revenues

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

Date: February 1, 2013
To: Marina West
From: Lily Shelton
Subject: Service Order Report For January 2013

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
After Hours Call	5	4	9	2	5	2	8						
AirVac Maintenance (New Category)							2						
Bulk Stations: Maintenance(New Category)	0	0	0	2	1	4	0						
Close Account	12	24	29	14	15	21	11						
Customer Asst:Leak/Other (Category Changed Jan 12)	4	7	6	9	2	3	12						
Destroy Service Line	1	0	0	0	0	0	0						
Exchange Meter	0	3	4	12	6	4	8						
Fire Flow Test	0	0	0	0	0	0	0						
Flush Deadend/Blowoffs	0	0	2	0	0	1	0						
Hangtag	3	16	6	8	9	11	19						
Hydrant Maint.	27	30	0	33	26	14	1						
Inspections (New Category)					2	1	3						
Install New Service	0	1	0	0	0	0	0						
Leak Response	6	9	5	2	4	8	6						
Lock-Off Service	12	11	31	15	24	25	6						
Lock-Off Service per Customer Request(New Category)							1						
Miscellaneous	19	12	21	14	6	4	11						
Office Repairs	3	1	0	0	2	0	0						
Open New Service	12	24	29	14	15	21	11						
Pressure Complaint	0	0	1	0	0	0	2						
Pull Meter	0	0	0	0	0	1	2						
Read Meter	0	2	3	8	2	0	2						
Repair Mainline	1	0	1	0	0	0	0						
Repair Service Line	14	9	11	9	2	1	1						
Replace Service Line	0	0	1	1	2	3	0						
Reread Meter	22	19	12	8	6	7	12						
Safety Meeting	1	1	0	4	3	2	2						
Tamper	1	1	0	1	0	0	2						
Tank/Reservoir Maintenance/Repairs (New Category)							3						
Taste/Odor Complaint				2	0	0	0						
Turn Off Service per Customer Request (New Category)							8						
Unlock Service	11	17	14	14	19	17	14						
Valve Maintenance	1	0		1	1	0	1						
Verify Meter Locked	4	2	10	2	0	6	0						
Water Issues **	0	0	0	0	0	0	0						
Water Level						0	1						
Water Test		0	4	0	0	0	0						
Well Repairs/Maint.	0	3	0	1	3	4	8						
TOTAL	159	193	199	175	152	156	157						1191

Fire Hydrant Maintenance and Overhaul activities began in November 2010

*** Includes Water Quality (taste, odor, color) as well as high or low pressure concerns.*

****Includes Inspections for Fire Extinguishers, Vehicles and Facilities*

DATE: 1/7/2013

TO: Board of Directors

FROM: Kit Boyd

RE: January

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	0	0	#DIV/0!	0	0.00
Well 3	147,470	1,103,076	386	47.6	3.39
Well 4	0	0	#DIV/0!	0	0.00
Well 6	675,390	5,051,917	436	192.9	15.50
Well 7	15,560	116,389	213	9.1	0.36
Well 8	137,300	1,027,004	882	19.4	3.15
Well 9	123,400	923,032	681	22.6	2.83
Well 10	10,150	75,922	27	46.1	0.23
Total	1,109,270	8,297,340			25.47

Well 2 Bac T sample only, all water discharged to waste after passing through flow meter.

Well 4 is in "inactive" status with the Department of Public Health

A Boosters	64,360	481,413	84	95.7
C Boosters	135,100	1,010,548	303	180.8
Total	199,460	1,491,961		

Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director

Marina D West, PG, General Manager

A Public Agency

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

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

www.bdvwa.org

BOARD OF DIRECTORS' REGULAR MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, January 22, 2013 - 6:00 p.m.

Pending Board Approval

CALL TO ORDER
Meeting convened by Board President Michael McBride at 6:03 p.m.

PLEDGE OF ALLEGIANCE
Led by Ms. Adams.

ROLL CALL

Directors Present:	David Larson Judy Corl-Lorono Michael McBride Terry Burkhart J. Dennis Staley
Staff Present:	Marina West Michelle Corbin

APPROVAL OF AGENDA
Motion to approve the agenda.
MSC[1] (Larson/Corl-Lorono) unanimously approved.

CLOSED SESSION
LIABILITY CLAIM (Gov. Code Section 54956.95)
Claimant: David Blair
Claim Against: Bighorn-Desert View Water Agency

Adjourned to closed session at 6:06 p.m. – Reconvened from closed session at 6:24 p.m.

MOTION NO. 13-001

CLOSED SESSION REPORT
President McBride reported that the claim was denied (ie insufficient) with a 5-0 vote.

BOARD TO APPOINT A VICE PRESIDENT

No public comment.

MOTION NO. 13-002

(After brief Board discussion), Director Burkhart made a motion choosing Director Judy Corl-Lorono to continue her position as Vice President of the Board. The motion was seconded by Director Staley.

MSC[1] (Burkhart/Staley) unanimously approved.

BOARD TO APPOINT A SECRETARY

No Public Comment

MOTION NO. 13-003

(After brief Board discussion), Director Burkhart made a motion choosing Director David Larson to continue his position as Secretary of the Board. Director Corl-Lorono seconded the motion.

MSC[1] (Burkhart/Corl-Lorono) motion carried.

STANDING COMMITTEE, AD HOC COMMITTEE & OTHER MEETING ASSIGNMENTS 2013

President McBride went over the list as presented and confirmed with each Director their assignments.

No public comment.

MOTION NO. 13-004

(Acceptance of Standing Committee, Ad Hoc and other Meeting Assignment list for 2013)

Planning/Legislative/Engineering/Grant & Security Committee

(Meeting Schedule: 1st Wednesday of every other even month at 9:15 a.m.)

Chairperson: Vice President Corl-Lorono
Member: Director Burkhart
Alternate: Director Staley

Financial/Public Relations/Education & Personnel Committee

(Meeting Schedule: 2nd Wednesday of every other odd month at 4:00 p.m.)

Chairperson: Director Larson
Member: President McBride
Alternate: Director Staley

Morongo Basin Pipeline Commission Representatives

(Meets quarterly on the 2nd Wednesday of March, June, September, & December)

Member: Vice President Corl-Lorono
Alternate: Director Burkhart

Mojave Water Agency Technical Advisory Committee Representatives

(Meets Feb 7, 2013, Apr 4, 2013, June 6, 2013, Aug 1, 2013, Oct 3, 2013, & Dec 16, 2013)

Member: Director Staley
Alternate: Director Burkhart

Pending Board Approval

Alliance for Water Awareness and Conservation (AWAC) Representatives

(Meets quarterly on the fourth Tuesday of January, April, July & October)

Member: Vice President Corl-Lorono
Alternate: President McBride

Homestead Valley Community Council

(Normally meets 3rd Monday of each month at 3:00 p.m.)

Member: Director Larson
Alternate: Director Staley

Ames/Means Ad Hoc Committee

Chairperson: Director Staley
Member: Vice President Corl-Lorono

W-1 Reorganization Ad Hoc Committee

Chairperson: Vice President Corl-Lorono
Member: Director Staley

Pending Board Approval

DRAFT MODERNIZED BIGHORN-DESERT VIEW WATER AGENCY LAW

General Manager West gave the staff report beginning with the events that led the Agency to the decision to modernize the Agency law. During the process of confirming support from various entities for the "proposed" spot bill it was suggested that the Agency modernize the Bighorn-Desert View Water Agency Law. San Bernardino Local Agency Formation Commission agrees that the draft copy presented to the Board today is in conformance with their suggested revisions.

General Counsel Joe Aklufi was present for this meeting. Having prepared the proposed draft, he discussed with the Board various portions of the document.

GM West stated she is looking for public and Board input on what modernization entails as well as direction on proceeding with both the modernization of the Agency Law and request to repeal Section 33305 from the Bighorn-Desert View Water Agency Law through "spot bill" action by the California State Legislature.

Public comments:
Anonymous stated that she supports the decision to consolidate and make the document more understandable.

MOTION NO. 13-005

(After brief Board discussion), After Board discussion, Director Burkhart made a motion to direct staff to proceed with "modernization" of the Bighorn-Desert View Water Agency Law (California Water Code Appendix 112 and Related Water Codes) through the California State Legislature; and to proceed with the request to repeal Section 33305 from the Bighorn-Desert View Water Agency Law (Law) through "spot bill" action by the California State Legislature. The motion was seconded by Director Larson.

MSC[1] (Burkhart/Larson) unanimously approved.

RESOLUTION NO. 13R-01 ESTABLISHING AN INVESTMENT POLICY
General Manager West gave the staff report. West stated that the Agency Investment Policy was last reviewed in 2005. A few typos and minor adjustments were corrected. To date all money outside of Union Bank is in the Local Agency Investment Fund (LAIF). Currently she is not recommending any other investments.

No public comment.

MOTION NO. 13-006

(After brief Board discussion), Vice President Corl-Lorono made a motion to adopt Resolution No.13R-01, a Resolution of the Board of Directors Establishing its Investment Policy. Director Larson seconded the motion.

MSC[1] (Corl-Lorono/Larson) unanimously approved.

MIDYEAR BUDGET REVIEW – Information Only
General Manager West gave the staff report beginning with revenue. Water sale charges are budgeted on 95% of last year's actual sales. To date the Agency has sold 12% more water than budgeted. The Basic Service Charge is budgeted on the number of accounts that are expected to pay. West reminded the Board the numbers today are only an estimate.
On the expense side West discussed various items such as overtime pay and projects like the reservoir recoating, arc flash labeling and analysis of Wells 2, 3 and 4. Uranium testing is complete and the Agency is now on the regular schedule of every three years. Many line items will use up their budgeted amounts early in the year or late in the year depending on the timeline of the service or project completion. Overall the midyear budget is on track. West stated the Board is to be commended for their work in helping the Agency stay on budget.

Anonymous commented that the Board of Directors and General Manager have done an excellent job.

Adjourned for a Break at 7:37 p.m. - Reconvened from Break at 7:47 p.m.

SCHEDULING OF BOARD WORKSHOP FOR FEBRUARY 2013
The Board agreed set the date for Monday, February 11, 2013 at 10:00 a.m.

No public comment.

DISBURSEMENTS NOVEMBER AND DECEMBER 2012

No Public Comments

MOTION NO. 13-007

Director Burkhart made a motion to approve the Disbursements (Check Register - Payment of Bills) for November and December 2012. Vice President Corl-Lorono seconded the motion.

MSC[1] (Burkhart/Corl-Lorono) unanimously approved.

Pending Board Approval

CONSENT ITEMS

- **a.** Financial Statements November and December 2012
  1. Balance Sheet
  2. Statement of Revenue and Expense
  3. General Account (Union Bank)
  4. Disbursements
  5. Local Agency Investment Fund Balance Timeline
- **b.** Consumption & Billing Comparison Report, November and December 2012
- **c.** Service Order Report, November and December 2012
- **d.** Production Report, November and December 2012
- **e.** Regular Board Meeting Minutes, November 27, 2012
- **f.** Ames/Reche Groundwater Storage and Recovery Program – Receive and File Executed California Department of Fish and Game Incidental Take Permit No. 2081-2012-020-06
- **g.** Special Districts Legislative Days, May 14-15, 2013 at a Cost Estimate of $1591.00 Per Director

No Public comment.

MOTION NO. 13-008

Director Burkhart made a motion to approve consent items b – g with the exception of item a. The motion was seconded by Vice President Corl-Lorono.

MSC[1] (Burkhart/Corl-Lorono) unanimously approved.

MATTERS REMOVED FROM CONSENT ITEMS

- **a.** Financial Statements November and December 2012
  1. Balance Sheet
  2. Statement of Revenue and Expense
  3. General Account (Union Bank)
  4. Disbursements
  5. Local Agency Investment Fund Balance Timeline

No Public comment.

MOTION NO. 13-009

Vice President Corl-Lorono made a motion to approve consent item a. The motion was seconded by Director Burkhart.

MSC[1] (Corl-Lorono/Burkhart) unanimously approved.

PUBLIC COMMENT PERIOD

Anonymous requested clarity on the Special District Legislative Days and the reason for its attendance.

VERBAL REPORTS

Vice President Corl-Lorono reported on the Alliance for Water Awareness and Conservation Conference she had recently attended.

Director Staley commented on the 2013 calendar the Agency produced.

Pending Board Approval

Director Larson reported on the Homestead Valley Community Council Meeting he had attended.

President McBride had earlier that day attended the Alliance for Water Awareness and Conservation meeting. He reported that $1,000.00 will be given to the Agency to help landscape the Landers Post Office.

FUTURE AGENDA ITEMS
No items were suggested.

ADJOURNMENT - President McBride adjourned the meeting at 8:27 p.m.

Approved by:

_____
David Larson, Secretary of the Board

MSC[1] – Motion made, seconded, and carried.

Pending Board Approval

Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director

Marina D West, PG, General Manager

A Public Agency

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

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

www.bdvwa.org

Pending Board Approval

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES "BOARD STRATGEIC PLANNING WORKSHOP"

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Monday, February 11, 2013 - 10:00 a.m.

CALL TO ORDER
Meeting convened by Board Vice President Judy Corl-Lorono at 10:10 a.m.

PLEDGE OF ALLEGIANCE
Led by John Burkhart.

ROLL CALL

Directors Present:	Judy Corl-Lorono David Larson Terry Burkhart J. Dennis Staley Michael McBride – absent with prior notice
Staff Present:	Marina West Michelle Corbin

APPROVAL OF AGENDA
Motion to approve the agenda.
MSC[1] (Burkhart/Larson) unanimously approved.

WORKSHOP DISCUSSION – AN OPEN FORUM DISCUSSION OF FUTURE GOALS AND OBJECTIVES OF EACH DIRECTOR FOR 2013 – BOARD ACTION WILL BE LIMITED TO SUMMARIZING AND PRIORITIZING GOALS

The Board followed the published agenda and GM West began the meeting with a review of the Workshop Objectives beginning with a status report on the 2012 established short term (1 – 2 year) goals and objectives (ref. minutes Board Workshop 2/10/2012). GM West gave the status report.

2012 Workshop Update:

1. Board Policies: Moderate progress on the creation of a "Policy and Administrative" Manual for directors but significant progress behind the scenes including adoption of records retention policy in 2012. The Board also reviewed the cost of benefits for directors. Regarding Public Information Requests it was noted that a written policy is in place.
2. Capital Improvement Projects (CIP)
    - Ames/Reche Project – GM West reported that the Agency's share of the project objectives nears completion with three remaining tasks: Close escrow on the off-site mitigation lands; Approve a Memorandum of Understanding with Mojave Water Agency for Operations and Maintenance of the facility; and file the revised "Stipulated Judgment" once the facility is operational.
    - Reservoirs B3/B4 – Prebid meeting held 2/7/2013 with 7 bidders present. Consideration to award the reservoir recoating contract for either one or two reservoirs, plus a "washout" of the Well 10 reservoir, will be before the Board on February 26, 2013.
    - Generator Transfer Switches – Engineering staff proposal to design/bid and inspect contracted installation of multiple transfer switches will be before the Board on February 26, 2013 for consideration.
    - Johnson Valley Community "Pressurized" Water Supply – GM West summarized saying this Board has put forth significant efforts in evaluating how to achieve that goal. At this time, staff is recommending that this project be listed as a "long-term goal" (10-20 year planning horizon).
    - Consolidation with W-1 (County Special District Zone Landers) – In was noted that the Agency was granted Sphere of Influence over this adjacent County Service Area (CSA) in early 2012. Furthermore, that the Ad Hoc Committee recognizes that the community needs more awareness of the opportunities available through reorganization with BDVWA.
    - Engineer's Study on Uranium in Well Nos. 2, 3 and 4 – Work Order for Engineer to prepare report summarizing operational status of this wellfield including review of water treatment options/costs will be considered by the Board on February 26,2013.
3. Operations and Maintenance – GM West reported that an "in-house" meter testing program has been established to monitor residential meter accuracy. In addition, production meters are being tested and repaired this fiscal year. Agency staff completed exercising and flushing of all fire hydrants.
4. Personnel – GM West reported that in 2012 the Board completed the goals of determining the methodology for calculating Cost-of-Living-Adjustments and that all job descriptions have been updated and approved.
5. Communications (Public Relations & Outreach) – of the specific goals listed GM West highlighted the Agency's emergency preparedness efforts in 2012. She also reported that relationships with local, state and federal legislators are strong. They are familiar with the Agency's progress and achievements and regularly show support for our goals and objectives. Communication regarding W-1 was reviewed earlier.
6. Revenue Enhancing Measures – GM West reported there was no progress in the realm of standby fees on vacant parcels. GM West reported that water transfers cannot occur until the revised Judgment is finalized.

Pending Board Approval

Following the status report of last year's goals and objectives a "straw poll" was taken to ascertain the importance of those goals which remain incomplete. The Board concluded the following issues of importance, in no particular order.

- Bring Director compensation to the Board for review and possible adjustment.
    - Suggestion that different types of meetings receive lower per diem compensation.
    - Research the "reverse 911" call system for emergency notification, etc.
    - Direct Engineering to draft memorandum outlining the purpose of property stand-by fees and procedures for instituting standby fees.
    - Pursue equipment for valve exercising and other maintenance activities.
    - Pursue "letter-sized" billing
    - Test the "Coffee with the President" idea for local communication forum.

VP Corl-Lorono solicited input from each director, staff and members of the public and each was recorded on poster paper. Each goal or objective was categorized within one of the six above listed subject areas but no ranking took place.

1. Board Policies:
    a. Institute a routine review of important Board Policies, Rules and Regulations, Duties Policy, Resolutions, etc.
    b. Complete Director Handbook, consider SDRMA template
    c. Pursue "spot bill" repealing Section 33305 from the Bighorn Law
    d. Pursue "modernization" of Bighorn Law through State Legislative action
    e. Reorganization with CSA 70/W-1 Landers (County Special Districts)
2. Capital Improvement Projects (CIP):
    a. Complete 1-2 reservoir refurbishments
    b. Well site enhancements following Well 2, 3, 4 engineering study
    c. Automated control enhancements for wells, boosters, reservoirs
    d. Bulk station improvements
    e. Engineered controls for reservoir draining
    f. Water System Master Plan (inc. connection fee assessment)
    g. Solar power (especially where no power exists)
3. Operations and Maintenance:
    a. meter testing program
    b. Evaluate purchasing power and other benefits of membership in CSDA, ACWA, etc.
4. Personnel: No Suggestions
5. Communications (Public Relations & Outreach):
    a. 3rd of July venue for outreach
    b. Landers Post Office demonstration garden
    c. Increase email communication (i.e. Consumer Confidence Report)
    d. SDRMA Certificate of Achievement – Transparency
    e. Correct references to predecessor entities (Fed. Tax ID, USDA, etc.)
    f. Agency address change from Yucca Valley to ?
    g. Public involvement
        i. annual calendar photo submittal
        ii. elementary school water programs
        iii. Landers P.O. garden
6. Revenue Enhancing Measures:
    a. Review of "standby" charges/mechanism
7. Other:

Pending Board Approval

GM West described the Integrated Regional Water Management Plan update being prepared by Mojave Water Agency and how it relates to the future needs of BDVWA. She explained that any project the Board may conceive as being needed or potentially needed in the next 10-20 years should be listed in this report. She noted that the deadline for identifying projects for the IRWMP is in June leaving ample time to develop ideas. The following projects were immediately identified for inclusion on the list.

- Johnson Valley Pressurized Water System
- Uranium treatment plant
- Additional recharge focused on storm water capture
- Increase capacity of the Ames/Reche Recharge Facility
- Supervisory Control and Data Acquisition System (SCADA) – automation of facility wells, pumps and reservoirs
- Backbone pipeline projects (increase Fire Flow)

The Board took the following breaks:
Adjourned for a Lunch Break at 11:24 a.m. – Reconvened from Break at 12:00 p.m.

Four members of the public participated throughout the workshop.

PUBLIC COMMENT PERIOD – No Public Comment

ADJOURNMENT – Vice President Corl-Lorono adjourned the meeting at 1:10 p.m.

Approved by:

David Larson, Secretary of the Board

MSC[1] – Motion made, seconded, and carried.

Pending Board Approval

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

Budgeted: Partially – Engineering Services
Budgeted Amount:
Engineering: $7,500
Southern California Edison: $1,600
Arc Flash Study: TBD

From: Marina D. West

General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Work Order 5A: Proposal from Agency Engineer to Prepare Request for Proposal Arc Flash Hazard Study

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SUMMARY

The February 6, 2013 Planning/Legislative/Engineering/Grant/Security (PLEGS) Standing Committee received a report from the Agency's Engineer, Chuck Krieger regarding the basics of Arc Flash Hazards and the scope of work to bring the Agency into compliance with the arc flash labeling standards. In some instances this is not an Occupational Safety and Health Administration (OSHA) requirement but this is a safety related item which staff believes should be implemented, on all existing facilities, regardless of the actual written mandates.

The Agency's Engineer does not have the in-house resources to complete this specialized type of analysis. Therefore, engineering staff will prepare a Request for Proposals (RFP) so that qualified firms can be solicited for costs to perform the exact studies needed based on a review of Agency facilities. As part of the RFP, staff will obtain a "short circuit duty letter" directly from Southern California Edison at a cost estimate of $1,600.

Attached is Work Order 5A from Krieger & Stewart to prepare the RFP.

RECOMMENDATION

Board considers taking the following action(s):

1. Authorize General Manager to execute Work Order 5A with Krieger & Stewart, Inc. to prepare a Request for Proposals for an Arc Flash Study at a cost of $7,500 and to obtain the necessary "short circuit duty letter(s)" from Southern California Edison.

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

2/6/2013 **Planning/Legislative/Engineering/Grant/Security Committee** review and discuss proposed Work Order 5A.

Recommended by Committee

WORK ORDER

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284
(760) 364-2315

K&S Project (Billable) No. 997-5
K&S File No. 997-5.1A
Consultant Work Order No. 5A

Consultant's Name: Krieger & Stewart, Incorporated
Address: 3602 University Avenue
City, State, Zip: Riverside, CA 92501
Office Phone: (951) 684-6900
Fax: (951) 684-6986

Not to Exceed Fee: $7,500.00

Liaison's Name: Charles A. Krieger
Liaison's Phone: (951) 684-6900

Project Name: Arc Flash Hazard Study RFP

Description: (See Work Order No. 5A Exhibit "A", attached)

The Work(s) to be performed, time of performance, and not to exceed compensation shall be as described in Exhibit "A" attached hereto and made a part hereof and shall be performed in accordance with the "Master Professional Services Agreement" dated July 28, 2010 with services billed in accordance with Krieger & Stewart's 2013 Fee Schedule. Consultant certifies that as of the date of execution of this Work Order all insurance is as stated in the "Master Professional Services Agreement" and will be maintained in good standing for the term of this Work Order.

BIGHORN-DESERT VIEW WATER AGENCY

By:
Name: Marina West
Title: General Manager
Date:

KRIEGER & STEWART, INCORPORATED

By:
Name: Charles A. Krieger
Title: President
Date:

WORK ORDER NO. 5A
EXHIBIT "A"
BIGHORN-DESERT VIEW WATER AGENCY
ARC FLASH HAZARD STUDY RFP
SCOPE OF SERVICES

Consulting services under Work Order No. 5A will include: conferences with Agency staff; field investigation; preparation of informal (telephone solicitation only, no formal advertisement for bid) Request for Proposals (RFP) for Arc Flash Hazard Study for a total of four site conditions (one 75 hp pump, one 200 hp pump, 240V service at Agency office, and two 75 hp pumps), which will provide details adequate to address all Agency sites; distribution of RFP to selected Contractors/Engineers and conferences and correspondence with same to provide additional information and answer questions regarding the proposed project; evaluation of received proposals (including performance of reference checks) and participation in selection of Contractor/Engineer for performance of Arc Flash Hazard Study; and participation in coordination of Contractor's/Engineer's services and review of work product.

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

Budgeted: Partially – Engineering Services
Budgeted Amount:
Engineering:
Phase I: $16,900 (design and admin.)
Phase II: $13,000 (field inspection)
Construction Est.: TBD

From: Marina D. West

General Counsel Approval: TBD
CEQA Compliance: TBD

Subject: Work Order 6A: Proposal from Agency Engineer to Prepare Contract Documents for Equipping Selected Pumping Plants with Manual Transfer Switches Necessary to Utilize a Portable Generator During Extended Power Outages and Emergencies

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SUMMARY

The Agency's Engineer, Chuck Krieger, will be present to review Work Order 6A Phases I and II for design, bidding and construction related services to upgrade selected facilities with manual transfer switches. Transfer switches are necessary so that portable generators can be utilized during extended power outages and emergencies.

Attached is Work Order 6A from Krieger & Stewart to prepare the RFP.

RECOMMENDATION

Board considers taking the following action(s):

1. Authorize General Manager to execute Work Order 6A Phases I and II with Krieger & Stewart, Inc. for preparation of contract documents for equipping selected pumping plants/facilities with manual transfer switches necessary to utilize a portable generator at a total cost of $16,900 (Phase I) and $13,000 (Phase II).

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

2/6/2013 Planning/Legislative/Engineering/Grant/Security Committee review and discuss proposed Work Order 6A.
2/10/2012 Board Workshop: Capital Improvement Project priority list.
12/15/2011 Planning/Legislative/Engineering/Grant/Security Committee identifying Engineering priorities including installation of transfer switches at selected facilities.

Recommended by Committee

WORK ORDER

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284
(760) 364-2315

K&S Project (Billable) No. 997-6
K&S File No. 997-6.1A
Consultant Work Order No. 6A

Consultant's Name: Krieger & Stewart, Incorporated
Address: 3602 University Avenue
City, State, Zip: Riverside, CA 92501
Office Phone: (951) 684-6900
Fax: (951) 684-6986

Phase I Not to Exceed Fee: $16,900.00
Phase II Not to Exceed Fee: $13,000.00

Liaison's Name: Charles A. Krieger
Liaison's Phone: (951) 684-6900

Project Name: Equipping Pumping Plants with Manual Transfer Switches

Description: Our Scope of Services is divided into two phases: Phase I for Design Engineering Services and Phase II for Construction Engineering Services

(See Work Order No. 6A Exhibit "A" and Exhibit "B", attached)

The Work(s) to be performed, time of performance, and not to exceed compensation shall be as described in Exhibit "A" attached hereto and made a part hereof and shall be performed in accordance with the "Master Professional Services Agreement" dated July 28, 2010 with services billed in accordance with Krieger & Stewart's 2013 Fee Schedule. Consultant certifies that as of the date of execution of this Work Order all insurance is as stated in the "Master Professional Services Agreement" and will be maintained in good standing for the term of this Work Order.

BIGHORN-DESERT VIEW WATER AGENCY

By:
Name: Marina West
Title: General Manager
Date:

KRIEGER & STEWART, INCORPORATED

By:
Name: Charles A. Krieger
Title: President
Date:

WORK ORDER NO. 6A
EXHIBIT "A"
BIGHORN-DESERT VIEW WATER AGENCY
EQUIPPING PUMPING PLANTS WITH MANUAL TRANSFER SWITCHES
SCOPE OF SERVICES

Consulting services under Work Order No. 6A will include the following design engineering and construction engineering services:

A. Design Engineering Services:

1. Conferences with Agency Staff
2. Field Investigation
3. Preparation of Single Line Diagrams and Review of Same with Agency Staff
4. Preparation of Contract Documents
5. Bidding Phase Support

B. Construction Engineering Services:

1. Attend Preconstruction Meeting
2. Review of Equipment and Material Submittals (up to 6 submittals)
3. Contract Administration
4. Construction Inspection (up to 40 hours)
5. Final Inspection and Project Acceptance

WORK ORDER NO. 6A EXHIBIT "B"
BIGHORN-DESERT VIEW WATER AGENCY
EQUIPPING PUMPING PLANTS WITH MANUAL TRANSFER SWITCHES
ESTIMATED FEES FOR ENGINEERING SERVICES

TASK / COMPONENT	KRIEGER & STEWART														TOTAL
	PRINCIPAL IN CHARGE (1)		PROJECT MANAGER (2)		PROJECT ENGINEER (3)		STAFF ENGINEER (4)		CADD SERVICES (5)		CLERICAL (6)		CONSTRUCTION INSPECTOR (7)		
	HOURS	$	HOURS	$	HOURS	$	HOURS	$	HOURS	$	HOURS	$	HOURS	$	$
A. PHASE I - DESIGN ENGINEERING SERVICES															
1. CONFERENCES WITH AGENCY STAFF	4	780	4	648											1,428
2. FIELD INVESTIGATION (INCLUDED IN GENERAL CONSULTING ENGINEERING SERVICES)															0
3. PREPARATION OF SINGLE LINE DIAGRAMS AND REVIEW OF SAME WITH AGENCY STAFF	2	390	2	324	16	2,416			20	2,340					5,470
4. PREPARATION OF CONTRACT DOCUMENTS	4	780	16	2,592	12	1,812	10	1,230	2	234	16	1,360			8,008
5. BIDDING PHASE SUPPORT			6	972							2	170			1,142
SUBTOTAL	10	1,950	22	4,536	28	4,228	10	1,230	22	2,574	16	1,530	0	0	16,048
REIMBURSABLES @ 5%:															802
DESIGN ENGINEERING SERVICES TOTAL:															16,850
DESIGN ENGINEERING SERVICES TOTAL (ROUNDED):															16,900
B. PHASE II - CONSTRUCTION ENGINEERING SERVICES															
1. ATTEND PRECONSTRUCTION MEETING			6	972							2	170			1,142
2. REVIEW OF EQUIPMENT AND MATERIAL SUBMITTALS (UP TO 6 SUBMITTALS)	1	195	4	648	12	1,812									2,655
3. CONTRACT ADMINISTRATION			8	1,296							2	170			1,466
4. PART-TIME CONSTRUCTION INSPECTION (UP TO 40 HOURS)	2	390	8	1,296									40	4,320	6,006
5. FINAL INSPECTION AND PROJECT ACCEPTANCE			1	162							1	85	8	864	1,111
SUBTOTAL	3	585	27	4,374	12	1,812	0	0	0	0	5	425	48	5,184	12,380
REIMBURSABLES @ 5%:															619
CONSTRUCTION ENGINEERING SERVICES TOTAL:															12,999
CONSTRUCTIONENGINEERING SERVICES TOTAL (ROUNDED):															13,000
TOTAL DESIGN AND CONSTRUCTION ENGINEERING SERVICES:															29,900

HOURLY RATES PER K&S 2013 FEE SCHEDULE

(1) PRINCIPAL ENGINEER I	@	$195	/Hr
(2) SENIOR ENGINEER I	@	$162	/Hr
(3) ASSOCIATE ENGINEER II	@	$151	/Hr
(4) STAFF ENGINEER II		$123	/Hr
(5) SENIOR OPERATOR II	@	$117	/Hr
(6) SENIOR SECRETARY I	@	$85	/Hr
(7) CONSTRUCTION INSPECTOR	@	$108	/Hr

BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL

Meeting Date: February 26, 2013

To: Board of Directors

From: Marina D. West

Budgeted: Yes – Engineering Services
Budgeted Amount: $21,800
General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Work Order 7A Proposal from Agency Engineer to Prepare an Engineers Report Recommending Future Operational Configuration for the Production Area Encompassing Well Nos. 2, 3 and 4

SUMMARY

Following discussion at the Planning/Legislative/Engineering/Grant/Security Standing Committee on February 6, 2013, the Agency's Engineer, Chuck Krieger, has modified Work Order 7A for the purpose of evaluating present conditions at Well Nos. 2, 3 and 4 and guiding the Agency in the future operation of this well field. This analysis will include a review of treatment options for the well field should uranium exceed the Maximum Contaminant Level in the future. At this time, the wells are compliant with all drinking water standards.

Attached is Work Order 7A from Krieger & Stewart to prepare the Engineers Report summarizing the condition of the wells and recommending which wells, if any, should remain in service. Therefore, evaluation of treatment alternatives is not included in this work order. Instead results from the well evaluation report will be used to identify the need and approach for treatment alternatives and costs will be presented at that time.

RECOMMENDATION

Board considers taking the following action(s):

1. Authorize General Manager to execute Work Order 7A with Krieger & Stewart, Inc. (Agency Engineer) to prepare an Engineer's Report recommending future operational configuration for the production area encompassing Well Nos. 2, 3 and 4.

BACKGROUND/ANALYSIS

No further information provided.

PRIOR RELEVANT BOARD ACTION(S)

2/6/2013 **Planning/Legislative/Engineering/Grant/Security Committee** review and discuss Work Order 7A for preparation of an Engineer's Report recommending future operational configuration for the production area encompassing Well Nos. 2,3 and 4.
2/10/2012 Board Workshop: Capital Improvement Project priority list.
12/15/2011 Planning/Legislative/Engineering/Grant/Security Committee identifying Engineering priorities including assessment of Uranium at Well Nos. 2, 3, and 4.

Recommended by Committee

WORK ORDER

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284
(760) 364-2315

K&S Project (Billable) No. 997-7
K&S File No. 997-7.1A
Consultant Work Order No. 7A

Consultant's Name: Krieger & Stewart, Incorporated
Address: 3602 University Avenue
City, State, Zip: Riverside, CA 92501
Office Phone: (951) 684-6900
Fax: (951) 684-6986

Not to Exceed Fee: $21,800.00

Liaison's Name: Charles A. Krieger
Liaison's Phone: (951) 684-6900

Project Name: Evaluation of Wells 2, 3, and 4

Description: (See Work Order No. 7A Exhibit "A" and Exhibit "B", attached)

The Work(s) to be performed, time of performance, and not to exceed compensation shall be as described in Exhibit "A" attached hereto and made a part hereof and shall be performed in accordance with the "Master Professional Services Agreement" dated July 28, 2010 with services billed in accordance with Krieger & Stewart's 2013 Fee Schedule. Consultant certifies that as of the date of execution of this Work Order all insurance is as stated in the "Master Professional Services Agreement" and will be maintained in good standing for the term of this Work Order.

BIGHORN-DESERT VIEW WATER AGENCY

By:
Name: Marina West
Title: General Manager
Date:

KRIEGER & STEWART, INCORPORATED

By:
Name: Charles A. Krieger
Title: President
Date:

WORK ORDER NO. 7A
EXHIBIT "A"
BIGHORN-DESERT VIEW WATER AGENCY
EVALUATION OF WELLS 2, 3, AND 4
SCOPE OF SERVICES

Consulting services under Work Order No. 7A will include: conferences with Agency staff; review of Agency water quality records, including CDPH reports for Wells 2, 3, and 4; site visit and field investigation; and preparation of memorandum summarizing existing site conditions and limitations, hauling station location/modifications, security issues (access, enclosures, etc.), well rehabilitation, water quality issues, discharge limitations (absence of pump-to-waste facilities), and recommendation regarding which well(s) should remain in service and which wells should be converted to monitoring wells. Evaluation of treatment alternatives for uranium removal is not included in this work order; however, results from the services described above will be used to identify the need and approach for such an evaluation, for which scope of services and fee will be covered by a subsequent work order.

WORK ORDER NO. 7A EXHIBIT "B"
BIGHORN-DESERT VIEW WATER AGENCY
EVALUATION OF WELLS 2, 3, AND 4
ESTIMATED FEES FOR ENGINEERING SERVICES

TASK / COMPONENT	KRIEGER & STEWART										TOTAL
	PRINCIPAL IN CHARGE (1)		PROJECT MANAGER (2)		PROJECT ENGINEER (3)		CADD SERVICES (4)		CLERICAL (5)		
	HOURS	$	HOURS	$	HOURS	$	HOURS	$	HOURS	$	$
1. CONFERENCES WITH AGENCY STAFF	4	780	4	648							1,428
2. REVIEW OF AGENCY RECORDS			8	1,296	8	1,208					2,504
3. SITE VISIT AND FIELD INVESTIGATION			12	1,944							1,944
4. PREPARATION OF SUMMARY MEMORANDUM	12	2,340	48	7,776	4	604	24	2,808	16	1,360	14,888
SUBTOTAL	16	3,120	72	11,664	12	1,812	24	2,808	16	1,360	20,764
REIMBURSABLES @ 5%:											1,038
CONSTRUCTION ENGINEERING SERVICES TOTAL:											**21,802**
CONSTRUCTIONENGINEERING SERVICES TOTAL (ROUNDED):											**21,800**

HOURLY RATES PER K&S 2013 FEE SCHEDULE

(1)	PRINCIPAL ENGINEER I	@	$195 /Hr
(2)	SENIOR ENGINEER I	@	$162 /Hr
(3)	ASSOCIATE ENGINEER II	@	$151 /Hr
(4)	SENIOR OPERATOR II	@	$117 /Hr
(5)	SENIOR SECRETARY I	@	$85 /Hr