



PO Box 675 • 61750 Chollita Road • Joshua Tree CA 92252
 Phone (760) 366-8438 • Fax (760) 366-9528 • www.jbwd.com
 An Equal Opportunity Provider

**JOSHUA BASIN WATER DISTRICT
 REGULAR MEETING OF THE BOARD OF DIRECTORS
 WEDNESDAY MAY 15, 2013 7:00 PM
 61750 CHOLLITA ROAD, JOSHUA TREE CALIFORNIA 92252**

AGENDA

- | | | |
|-------------------------------------|----|--|
| | 1. | CALL TO ORDER |
| | 2. | PLEDGE OF ALLEGIANCE |
| | 3. | DETERMINATION OF QUORUM |
| | 4. | APPROVAL OF AGENDA |
| | 5. | <p>PUBLIC COMMENT: At this time, any member of the public may address the Board on matters within the Board’s jurisdiction that are <u>not</u> listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.</p> <p>During either "Public Comment" Item, please use the podium microphone. State your name and have your information prepared and be ready to provide your comments to the Board. The District is interested and appreciates your comments. A 3-minute time limit may be imposed. Thank you.</p> |
| | 6. | <p>CONSENT CALENDAR: Items on the Consent Calendar are considered routine in nature and will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard.</p> <p style="margin-left: 40px;">A. Check Audit Report for April 2013</p> <p style="margin-left: 40px;">B. Approve Draft Minutes of the April 30, 2013 Special Meeting of the Board of Directors</p> <p style="margin-left: 40px;">C. Approve Draft Minutes of the May 1, 2013 Regular Meeting of the Board of Directors</p> |
| Pg. 1-14
Pg. 15

Pg. 16-19 | | |
| Pg. 20-22 | 7. | <p>LETTER OF RESIGNATION OF BARBARA DELPH FROM CITIZENS ADVISORY COMMITTEE</p> <p>Recommend that the Board accept Barbara Delph’s letter of resignation and authorize the Board President to send a letter of appreciation for her service to the Committee.</p> |
| Pg. 23-70 | 8. | <p>SUPPORT OF SB 246 (BIGHORN WATER AGENCY)</p> <p>Recommend that the Board authorize a letter in support of SB246, for modernization of the Bighorn-Desert View Water Agency Law.</p> |
| Pg. 71-106 | 9. | AWARD OF BID FOR ARCHITECTURAL SERVICES FOR OFFICE SPACE NEEDS |

Recommend that the Board take one of the following actions:

- 1) Authorize an agreement with Escalante Architects in an amount not to exceed \$5,000 plus expenses, with the ability to extend this in the future at the Board's discretion; or
- 2) Continue this report to a later date.

10. COMMITTEE REPORTS:

- A. PUBLIC INFORMATION COMMITTEE: President Luckman and Director Fuller: Kathleen Radnich, Public Outreach Consultant to report.
- B. RECHARGE BASIN AND PIPELINE PROJECT: Vice President Coate and Director Fuller
- C. HOSPITAL WASTEWATER PROJECT: President Luckman and Vice President Coate
- D. TANK RESTORATION PROJECT: Director Wilson and Vice President Coate
- E. RULES AND REGULATIONS UPDATE PROJECT: Director Fuller and Vice President Coate
- F. ADMINISTRATIVE CODE UPDATE PROJECT: Director Fuller and President Luckman

11. PUBLIC COMMENT

At this time, any member of the public may address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.

12. GENERAL MANAGER REPORT

13. DIRECTORS COMMENTS/REPORTS

14. DISTRICT GENERAL COUNSEL REPORT

15. FUTURE AGENDA ITEMS

16. CLOSED SESSION

- a. At this time, the Board will go into closed session pursuant to Government Code Section 54957 to consider the appointment of an Acting General Manager to take effect following Mr. Guzzetta's last day of service.
- b. Conference with labor negotiator regarding General Unit; pursuant with Government Code 54957.6. District Negotiator: Joe Guzzetta

17. ADJOURNMENT

INFORMATION

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

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

This meeting is scheduled to be broadcast on Time Warner Cable Channel 10 on May 22 at 7:00 pm and May 29 at 7:00 pm. DVD recordings of Joshua Basin Water District Board meetings are available at the District office and at the Joshua Tree Library.

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053023	4/09/2013	R	000263	W.G. HALL LLC	
			I-594670	TEMPORARY LABOR	2,339.82
			I-594970	TEMPORARY LABOR	2,774.85

					5,114.67
053024	4/09/2013	R	000501	ACWA/JPIA	
			I-JPIA040113	PUBL EE FIDELITY INS TO 4/1/14	418.00

					418.00
053025	4/09/2013	R	001002	BUSINESS CARD	
			I-BA0413	BUSINESS EXPENSE/OFFICE CHAIRS	1,155.79

					1,155.79
053026	4/09/2013	R	001004	BUSINESS CARD	
			I-BA0413	UNIFORMS/BUSINESS EXP/OFFC SUP	5,548.44

					5,548.44
053027	4/09/2013	R	001595	CHEM-TECH INTERNATIONAL, INC.	
			I-JBWD160	WATER TREATMENT EXPENSE	1,215.32

					1,215.32
053028	4/09/2013	R	002213	JOHN ZACCARIA	
			I-14257	OFFICE SUPPLIES	334.59

					334.59
053029	4/09/2013	R	004720	INLAND WATER WORKS	
			I-250611	PUMPING PLANT SUPPLIES	305.21
			I-250854	MAINLINE LEAK REPAIR/PUMP PLNT	1,469.02
			I-250855	MAINLINE LEAK REPAIR	605.07

					2,379.30
053030	4/09/2013	R	005621	KENNY STRICKLAND, INC	
			I-3094927	FUEL FOR VEHICLES	3,209.20
			I-3094928	FUEL FOR VEHICLES	1,165.40

					4,374.60
053031	4/09/2013	R	000069	LIONEL GOODROW	
			I-FI031413	BUILDING REPAIR	225.56

					225.56
053032	4/09/2013	R	000233	YUCCA VALLEY AUTO PARTS, INC.	

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
			C-22700	CREDIT: SALES TAX ON FRIEGHT	2.24CR
			I-021479	VEHICLE EXP/410G & 710G SUPPLY	457.14

					454.90
053033	4/09/2013	R	003930 NBS		
			I-3130090	CMM ADMIN FEES - 2ND QTR 13	2,065.40

					2,065.40
053034	4/09/2013	R	009878 SOUTHERN CALIFORNIA EDISON		
			I-SCE0313	POWER FOR PUMPING - MAR 13	21,409.38

					21,409.38
053035	4/09/2013	R	000267 DEBORAH ANN GUBLER		
			I-13-109	UNIFORMS	1,250.64

					1,250.64
053036	4/09/2013	R	010990 UTILIQUEST L.L.C.		
			I-193160-Q	CONTRACT LOCATING EXPENSE	232.55
			I-193409-Q	CONTRACT LOCATING EXPENSE	94.78

					327.33
053037	4/12/2013	R	002565 DUDEK AND ASSOCIATES, INC		
			I-20130891	CONST MGMT/LEIGHT/MSA:RECHARGE	25,540.56

					25,540.56
053038	4/12/2013	R	009072 LAW OFFICES REDWINE AND SHERRILL		
			I-RS0313	LEGAL SERVICES - MAR 13	7,442.50

					7,442.50
053039	4/12/2013	R	011114 VAN DYKE CORP		
			I-17648	HDMC WASTEWATER CONSTRUCTION	83,058.97

					83,058.97
053040	4/12/2013	R	000650 AKLUFU AND WYSOCKI		
			I-AK0313	LEGAL SERVICES - MAR 13	306.25

					306.25
053041	4/12/2013	R	001630 AT&T MOBILITY		
			I-829480028X04052013	COMMUNICATIONS - MAR 13	971.00

					971.00

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053042	4/12/2013	R	001526	CANYON AUTO SERVICES, INC	
			I-7478	VEHICLE REPAIRS	120.30
			I-7491	VEHICLE REPAIRS	188.65

					308.95
053043	4/12/2013	R	001865	COMPUTER GALLERY	
			I-307329CW	PRINTER MAINTENANCE - DEC 12	77.39
			I-307346CW	PLAT. MAINTENANCE - MAR 13	3,312.00

					3,389.39
053044	4/12/2013	R	000268	DIVERSIFIED INSPECTIONS/INDEPENDENT TESTING L	
			I-221948-DIITL	CRANE INSPECTIONS	850.00

					850.00
053045	4/12/2013	R	004201	SCOTT HUDSON	
			I-SH040113	REIMB: MILES: JANUARY 2013	146.90
			I-SH040113A	REIMB: MILES: MARCH 2013	149.16

					296.06
053046	4/12/2013	R	006029	LIEBERT CASSIDY WHITMORE	
			I-162011	LEGAL SERVICES - FEB 13	30.00
			I-162012	LEGAL SERVICES - EE MATTERS	660.00

					690.00
053047	4/12/2013	R	006200	HELEN A. MCALLISTER	
			I-5769B	JANITORIAL SERVICES - MAR 13	580.00

					580.00
053048	4/12/2013	R	006790	MOBILE MINI, LLC - CA	
			I-217005003	23' RECORD STORAGE RENTAL	227.18

					227.18
053049	4/12/2013	R	000070	ONLINE INFORMATION SERVICES, INC.	
			I-487488	ID VERIF. SERV. THRU 03/31/13	294.60

					294.60
053050	4/12/2013	VOID	000248	PAYCHEX	
			I-10113599	TIME & LABOR ONLINE USAGE FEE	60.00

					60.00
053051	4/12/2013	R	000236	PAYPRO ADMINISTRATORS	

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
			I-PP041213	EE FSA DEDUCTIONS 4-12-13	774.17

					774.17
053052	4/12/2013	R	008300	POSTMASTER	
			I-SD041212	POSTAGE FOR WATER BILLING	3,000.00

					3,000.00
053053	4/12/2013	R	008416	JOHN TERFEHR	
			I-PS040113	SECURITY MONTOR'G THRU 3/2014	960.00

					960.00
053054	4/12/2013	R	008415	PRUDENTIAL OVERALL SPLY.	
			I-20663933	SHOP EXPENSE	99.71

					99.71
053055	4/12/2013	R	010645	TROPHY EXPRESS	
			I-870073	NAME BADGE	13.77

					13.77
053056	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162057	HELLEIN, RICHARD K :US REFUND	27.33

					27.33
053057	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162058	GONZALES, CHRISTINA :US REFUND	18.51

					18.51
053058	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162059	WATSON, PATRICK C :US REFUND	92.88

					92.88
053059	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162060	HOGUE, RAYANA M :US REFUND	29.44

					29.44
053060	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162061	LESENEY, BRANDON :US REFUND	46.49

					46.49
053061	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
			I-000201304162062	PORTILLO, FREDRICK C:US REFUND	22.98

					22.98
053062	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162063	FIRST CHOICE PROPERT:US REFUND	54.74

					54.74
053063	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162064	RDC JERSON LLC :US REFUND	77.77

					77.77
053064	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162065	GONZALEZ, MICHAEL :US REFUND	70.86

					70.86
053065	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162066	PINES TO PALMS ENTER:US REFUND	48.87

					48.87
053066	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162067	CALLAWAY, BRIAN P :US REFUND	65.00

					65.00
053067	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162068	BERG, JOSEPH C :US REFUND	50.39

					50.39
053068	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162069	AIM RENTAL PROPERTIE:US REFUND	68.24

					68.24
053069	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162070	WITT, ALLIE :US REFUND	51.23

					51.23
053070	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162071	KIRKSEY, GENITA A :US REFUND	37.93

					37.93
053071	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	

CHECK NO	CHECK DATE	STATUS	VENDOR INFO			CHECK AMOUNT
			I-000201304162072	GARCIA, JANET	:US REFUND	64.65

						64.65
053072	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162073	BIENEK, DAVE E	:US REFUND	53.95

						53.95
053073	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162074	GOMES, VIVIAN A	:US REFUND	29.12

						29.12
053074	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162075	JEFF LITTON INC	:US REFUND	67.45

						67.45
053075	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162076	VARGAS, ABIGAIL S	:US REFUND	22.19

						22.19
053076	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162077	FREEMAN, MARK A	:US REFUND	53.52

						53.52
053077	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162078	BRYANT, RAYMOND E	:US REFUND	68.41

						68.41
053078	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162079	NORTH, JUSTIN T	:US REFUND	117.63

						117.63
053079	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162080	FUENTES, INES A	:US REFUND	9.48

						9.48
053080	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			
			I-000201304162081	TIBBLES, ZAC J	:US REFUND	60.72

						60.72
053081	4/18/2013	R 1	CUSTOMER REFUNDS (MISC.)			

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
			I-000201304162082	SWINSCOE, SHERIE :US REFUND	161.58

					161.58
053082	4/18/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304162083	BRULEY-BEGGS, JULIAN:US REFUND	78.56

					78.56
053083	4/18/2013	R	000985	AVALON URGENT CARE, INC	
			I-2015	EE RECRUITING EXPENSE	140.00

					140.00
053084	4/18/2013	R	001460	SHIRLEY BOLHA	
			I-SB041713	REIMBURSE MILEAGE	29.01

					29.01
053085	4/18/2013	R	001461	DEBORAH BOLLINGER	
			I-545	WATER CONSERVATION - MAR 13	3,550.00

					3,550.00
053086	4/18/2013	R	004110	BURRTEC WASTE & RECYCLING SVCS	
			I-BW0413	RECYCLING - APR 13	57.48
			I-BW0413B	TRASH REMOVAL - APR 13	255.48
			I-BW0413C	TRASH REMOVAL - APR 13	81.99

					394.95
053087	4/18/2013	R	001515	PATRICIA F CALDWELL	
			I-PC032613	CONSULT- STRATEGIC PLANNING	2,500.00

					2,500.00
053088	4/18/2013	R	001528	CARPI & CLAY, INC	
			I-CC0313	LOBBYIST - MAR 13	1,750.00

					1,750.00
053089	4/18/2013	R	001555	CENTRATEL	
			I-130403192101	DISPATCH SERVICES - MAR 13	209.15

					209.15
053090	4/18/2013	R	001560	CENTURY FORMS, INC.	
			I-71446	NEW WATER BILL	952.22

					952.22

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053091	4/18/2013	R	001850	CLINICAL LAB OF S.B. INC	
			I-927588	SAMPLING - MAR 13	1,211.00

					1,211.00
053092	4/18/2013	R	001935	COUNTY OF SAN BERNARDINO	
			I-2109	ELECTION SERVICES: 11/6/12	3,553.00

					3,553.00
053093	4/18/2013	R	001865	COMPUTER GALLERY	
			I-307440CW	PRINTER MAINTENANCE - FEB 13	61.71
			I-307446CW	PLAT. MAINTENANCE - APR 13	3,312.00
			I-307462CW	BDR BACKUP SERVICE - MAR 13	1,010.00
			I-307470CW	BDR BACKUP SERVICE - APR 13	1,010.00
			I-307490CW	PRINTER MAINTENANCE - MAR 13	80.57
			I-307495CW	PRINTER MAINT SHOP - MAR 13	41.50

					5,515.78
053094	4/18/2013	R	000253	THE COUNSELING TEAM INTERNATIONAL	
			I-21054	EE RECRUITING EXPENSE	300.00

					300.00
053095	4/18/2013	R	002201	DEPARTMENT OF JUSTICE	
			I-965664	EE RECRUITING EXPENSE	147.00

					147.00
053096	4/18/2013	R	002565	DUDEK AND ASSOCIATES, INC	
			I-20130634	ENG SERV: MULTIPLE PROJECTS	20,106.25
			I-20131087	WATER SMART GRANT SERVICES	35.00

					20,141.25
053097	4/18/2013	R	003025	FEDEX	
			I-2-237-91646	SHIPPING: LARGE METER TESTING	310.10

					310.10
053098	4/18/2013	R	000269	CHRISTOPHER J. FRASHER	
			I-2015	BOARD MEMBER PORTRAITS	215.00

					215.00
053099	4/18/2013	R	000058	GARDA CL WEST, INC.	
			I-161-160913	COURIER FEES - APR 13	479.37
			I-7155599	EVENXCHANGE FEES - MAR 13	7.61

					486.98

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053100	4/18/2013	R	004195	HOME DEPOT CREDIT SERVICES	
			I-HD0413	PUMP PLNT/MAINLINE/SMALL TOOLS	1,687.75

					1,687.75
053101	4/18/2013	R	004720	INLAND WATER WORKS	
			I-251029	MAINLINE LEAK REPAIR SUPPLIES	567.00
			I-251146	PUMPING PLANT SUPPLIES	4,191.26
			I-251251	MAINLINE LEAK REPAIR SUPPLIES	189.00
			I-251252	PUMPING PLANT SUPPLIES	445.17

					5,392.43
053102	4/18/2013	R	005080	J & J BROTHERS CONST CO., INC.	
			I-16701	RECHARGE PIPELINE	160,388.96

					160,388.96
053103	4/18/2013	R	005150	JOSHUA TREE CHAMBER	
			I-355	MEMBERSHIP RENEWAL THRU 4/14	99.00

					99.00
053104	4/18/2013	R	006504	MC CALL'S METERS, INC.	
			I-23771	CERTIFIED FLOW TESTS	287.02

					287.02
053105	4/18/2013	R	006507	McMASTER-CARR SUPPLY COMPANY	
			I-49524128	SHOP EXPENSE	398.91

					398.91
053106	4/18/2013	R	000233	YUCCA VALLEY AUTO PARTS, INC.	
			I-023603	410G BATTERIES	254.86

					254.86
053107	4/18/2013	R	008405	PRECISION ASSEMBLY	
			I-15434	MAR WATER BILLING & PUBL INFO	2,005.34

					2,005.34
053108	4/18/2013	R	008414	ROBERT L. STEPHENSON	
			I-1293	VIDEO TAPING BD MEETINGS - MAR	200.00
			I-1300	CONVERT VIDEOS FOR WEBSITE	40.00

					240.00
053109	4/18/2013	R	008415	PRUDENTIAL OVERALL SPLY.	

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
			I-20671207	SHOP EXPENSE	99.71

					99.71
053110	4/18/2013	R	009054	KATHLEEN J. RADNICH	
			I-03/31/13-13	PUBLIC RELATIONS SERVICES	720.00
			I-3/24/13-13	PUBLIC RELATIONS SERVICES	655.20
			I-4/7/13-13	PUBLIC RELATIONS SERVICES	720.00

					2,095.20
053111	4/18/2013	R	001932	COUNTY OF SAN BERNARDINO	
			I-105482	MAP REVISIONS - MAR 13	39.00

					39.00
053112	4/18/2013	R	009920	STANDARD INSURANCE CO	
			I-ST0413	EE LIFE INSURANCE - APR 13	718.32

					718.32
053113	4/18/2013	R	003596	SUPERMEDIA LLC	
			I-SM0413	MORONGO BASIN ADVERT - APR 13	22.50

					22.50
053114	4/18/2013	R	009898	THE GAS COMPANY	
			I-GAS0213	HEAT FOR SHOP - FEB/MAR 13	427.27

					427.27
053115	4/18/2013	R	000510	TIME WARNER CABLE	
			I-TW0413	CABLE & INTERNET - MAR 13	396.93

					396.93
053116	4/18/2013	R	010690	TYLER TECHNOLOGIES	
			I-025-65537	ONLINE PRODUCTS - APR 13	185.00
			I-025-66304	INSITE TRANS FEES: JAN-MAR	1,796.25

					1,981.25
053117	4/18/2013	R	010850	UNDERGROUND SERVICE ALERT	
			I-320130330	TICKET DELIVERY SERVICE - MAR	106.50

					106.50
053118	4/18/2013	R	000247	UNITED STATES PLASTIC CORP	
			I-3687847	PUMPING PLANT SUPPLIES	93.73

					93.73

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053119	4/18/2013	R	010990	UTILIQUEST L.L.C.	
			I-193646-Q	CONTRACT LOCATING EXPENSE	117.68
			I-193884-Q	CONTRACT LOCATING EXPENSE	856.73
			I-194156-Q	CONTRACT LOCATING EXPENSE	113.98
			I-194398-Q	CONTRACT LOCATING EXPENSE	178.73

					1,267.12
053120	4/18/2013	R	003595	VERIZON CALIFORNIA	
			I-V0413	TELEPHONE (SHOP) - APR 13	348.92

					348.92
053121	4/18/2013	R	003600	VERIZON CALIFORNIA	
			I-V0413	TELEPHONE (OFFICE) - MAR 13	978.66

					978.66
053122	4/18/2013	R	012020	XEROX CORPORATION	
			I-067327874	OFFICE EXPENSE12/30/12-3/25/13	1,701.25

					1,701.25
053123	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232084	HERNANDEZ, SARAH :US REFUND	66.03

					66.03
053124	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232085	HOUCK, PATRICK A :US REFUND	118.26

					118.26
053125	4/26/2013	Void	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232086	EVERSON, BRYAN P :US REFUND	49.36

					49.36
053126	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232087	FIRST CHOICE REALTY :US REFUND	61.89

					61.89
053127	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232088	YOCUM, CHRISTOPHER :US REFUND	35.00

					35.00
053128	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
			I-000201304232089	TRI VALLEY REALTY :US REFUND	23.82

					23.82

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053129	4/26/2013	R	1	CUSTOMER REFUNDS (MISC.)	
				I-000201304232090 PHILLIPS/NIETO , CRI:US REFUND	11.70

					11.70
053130	4/26/2013	R	000263	W.G. HALL LLC	
				I-595685 TEMPORARY LABOR	2,545.30
				I-596366 TEMPORARY LABOR	2,323.22

					4,868.52
053131	4/26/2013	VOID			
				C-CHECK VOID CHECK	0.00

					0.00
053132	4/26/2013	R	000501	ACWA/JPIA	
				I-ACWA0513 EE HEALTH BENEFIT & EAP MAY 13	8,461.08

					8,461.08
053133	4/26/2013	R	000501	ACWA/JPIA	
				I-JPIA033113 WORKERS COMP JAN-MAR 2013	6,971.72

					6,971.72
053134	4/26/2013	R	000575	AFSCME LOCAL 1902	
				I-AFSCME0413 EE UNION DUES - APR 13	429.00

					429.00
053135	4/26/2013	R	000237	COLONIAL LIFE & ACCIDENT INSURANCE CO, INC.	
				I-3990561-0405604 EE LIFE INSURANCE- APR 13	669.62

					669.62
053136	4/26/2013	R	001700	VALLERI JORGE	
				I-VJ041913 NOTARY SERVICES	30.00

					30.00
053137	4/26/2013	R	005672	WILLIAM H. KLINE	
				I-WK042413 REIMB: FUEL & PUMP PLANT SIGN	145.85

					145.85
053138	4/26/2013	R	000236	PAYPRO ADMINISTRATORS	
				I-PP042613 EE FSA DEDUCTIONS 4-26-13	774.17

					774.17

CHECK NO	CHECK DATE	STATUS	VENDOR INFO		CHECK AMOUNT
053139	4/26/2013	R	000091	SAN BERNARDINO COUNTY RECORDER I-SB042313	RELEASE OF 2 LIENS 28.00
					28.00
053140	4/26/2013	R	001932	COUNTY OF SAN BERNARDINO I-CSB042513	PARCEL DATA CD ROM 256.00
					256.00
053141	4/26/2013	R	009880	SOUTHERN CALIFORNIA EDISON CO I-SCE0413	POWER TO BUILDINGS - APR 13 2,139.60
					2,139.60
053142	4/26/2013	R	009920	STANDARD INSURANCE CO I-ST0513	EE LIFE INSURANCE - MAY 13 569.58
					569.58
*900344	4/12/2013	D	001517	CalPERS I-PPE 4-5-13	PAY PERIOD ENDING 4/5/13 9,216.12
					9,216.12
900345	4/12/2013	D	000248	PAYCHEX I-10113599A	TIME & LABOR ONLINE USAGE FEE 60.00
					60.00
900346	4/12/2013	D	000248	PAYCHEX I-192115	PAYROLL PROCESSING FEE 271.30
					271.30
900347	4/25/2013	D	001517	CalPERS I-PPE 4-19-13	PAY PERIOD ENDING 4/19/13 9,097.94
					9,097.94
900348	4/26/2013	D	000248	PAYCHEX I-193018	PAYROLL PROCESSING FEE 268.18
					268.18
900349	4/30/2013	D	000025	ICMA RC I-900349	457 REMITTANCE - APR 13 1,605.40
					1,605.40
TOTALS:	126				445,351.16
			LESS - PRIOR MONTH VOIDS:		
			LESS - CURRENT MONTH VOIDS:		
				53050	(60.00)
				53125	(49.36)
					445,241.80

JOSHUA BASIN WATER DISTRICT**APRIL 2013****DIRECTOR PAY****PAY PERIODS: 3/23/2013 - 4/19/2013**

Director	Date	Type	Amount	Notes
PAUL F COATE	04/03/2013	Director Pay	173.63	REG & SPECIAL JBWD BOARD MEETING
PAUL F COATE	03/28/2013	Director Pay	173.63	MWA MEETING
PAUL F COATE	03/28/2013	Mileage/Vehicle Expense	79.10	MILES: MWA MEETING
PAUL F COATE	04/17/2013	Director Pay	173.63	JBWD BOARD MEETING
			<u>599.99</u>	
VICTORIA J FULLER	04/17/2013	Director Pay	173.63	JBWD BOARD MEETING
			<u>173.63</u>	
MICKEY C LUCKMAN	04/03/2013	Director Pay	173.63	REG & SPECIAL JBWD BOARD MEETING
MICKEY C LUCKMAN	04/17/2013	Director Pay	173.63	JBWD BOARD MEETING
			<u>347.26</u>	
MICHAEL P REYNOLDS	04/03/2013	Director Pay	173.63	REG & SPECIAL JBWD BOARD MEETING
MICHAEL P REYNOLDS	04/17/2013	Director Pay	173.63	JBWD BOARD MEETING
			<u>347.26</u>	
GARY L WILSON	04/03/2013	Director Pay	173.63	REG & SPECIAL JBWD BOARD MEETING
			<u>173.63</u>	
			<u>1641.77</u>	

JOSHUA BASIN WATER DISTRICT
Minutes of the
SPECIAL MEETING OF THE BOARD OF DIRECTORS
April 30, 2013

1. CALL TO ORDER: 6:00 PM
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM: Mickey Luckman Present
Victoria Fuller Present
Mike Reynolds Present
Gary Wilson Present

STAFF PRESENT: Joe Guzzetta, General Manager
Keith Faul, GIS Coordinator
4. APPROVAL OF AGENDA
5. CLOSED SESSION
The Board did not enter into closed session to conduct the annual performance evaluation of the District's General Manager pursuant to Government Code Section 54957 [Public Employee Performance Evaluation].
6. ADJOURNMENT: TIME: 6:01 pm
MSC Reynolds/Fuller moved to adjourn

Respectfully submitted:

Joe Guzzetta

The next regular meeting of the Board of Directors is scheduled for May 1, 2013 at 7:00 pm

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS AND
SPECIAL MEETING OF THE CITIZENS ADVISORY COMMITTEE

May 1, 2013

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

Jay St. Gaudens

3. DETERMINATION OF QUORUM:

Mickey Luckman	Present
Frank Coate	Present
Victoria Fuller	Present
Mike Reynolds	Present
Gary Wilson	Present

DETERMINATION OF CITIZENS
ADVISORY COMMITTEE
QUORUM:

Jay St. Gaudens	Present
Shari Long	Present
Karen Tracy	Present
Douglas Buckley	Present
Amy Fauls	Present
Steven Whitman	Present
Frederick Klintworth	Present
Karyn Sernka	Present

STAFF PRESENT:

Joe Guzzetta, General Manager
Susan Greer, Assistant General Manager/Controller
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Gil Granito, District Counsel
Mike Metts, District Engineer; Dudek
Kathleen Radnich, Public Outreach Consultant
Alex Handlers, Catherine Tseng from Bartle Wells Associates
Deb Bollinger, Conservation Coordinator

GUESTS 8

4. APPROVAL OF AGENDA

MSC Reynolds/Fuller 5/0 to approve the agenda for the May 1st, 2013 Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

None.

6. CONSENT CALENDAR

MSC Fuller/Coate 5/0 to approve the minutes of the April 17, 2013 Regular Meeting of the Board of Directors and Comparative Negligence in Inverse Condemnation Cases – Letter supporting AB 436.

7. RATE AND FEE STUDY

Susan Greer introduced Alex Handlers and Kat Singh, consultants of Bartle Wells Associates, who have been retained to conduct Rate & Fee Study. Alex presented an overview of JBWD major revenue sources, current rate structure, and historic rate increases. He discussed the projects to be analyzed for a new rate and fee structure including potential recharge needs and capital improvement needs. He also noted the requirement for the rate structure to comply with AB 1420, and Proposition 218 requirements and procedures. He will also analyze the approximate 800 meters that are unused, and consider a composite rate for ¾” and 1” meters due to the new state law requiring fire sprinklers in all new residential structures. He will consider separate rates for commercial, industrial, and institutional users.

8. EXPENSE INVENTORY WITH INDIVIDUAL VALUE OF \$50 OR LESS AS RECOMMENDED BY AUDITOR

Assistant GM and Controller Susan Greer presented a report with recommendation that the Board approve recharacterizing as “expense”, \$22,889.80 of inventory items with values under \$50 as recommended by the Auditor.

Following Board discussion;

MSC Coate/Reynolds 5/0 to approve the expensing of \$22,889.80 of “Under \$50” inventory items as recommended by the Auditor.

9. WRITE-OFF SURPLUS INVENTORY IN THE AMOUNT OF \$34,430.86

Assistant GM and Controller Susan Greer presented a report with recommendation that the Board take the following actions: 1) Approve write off of \$34,430.86 of surplus inventory, and 2) Confirm Bidding Policy Surplus Property Disposal guidelines, including Staff authority to dispose of scrap surplus inventory in best way possible.

Gil Granito stated on the policy that the language on page 17, under Donation, it can be legally appropriate if the *or* is changed to *and*. This way, each donation can be a mutual benefit both ways. Standing alone, it will not be appropriate.

Following Board discussion;

MSC Fuller/Reynolds 4/1 moved to accept the write-off of the surplus inventory in the amount of \$34,430.86 with the modification in the donation policy in the sentence “policy allows GM with approval of the Board to donate surplus property to nonprofit organizations located in the district” and change the *or* to *and* to who benefit the district to a first come first serve basis.

Coate	Aye
Fuller	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

10. WATER REPLENISHMENT ASSESSMENT PROGRAM

GM Guzzetta presented a report of Water Replenishment Assessment Program with recommendation that the

Board take the following action: 1) Explore placing a measure on the November 2013 or 2014 general election ballot asking voters to approve a water replenishment assessment for all ground water producers, including the District. 2) If the Board wishes to explore the above measure, refer the matter to the Citizens Advisory Committee for further analysis and recommendation to the Board concerning various issues about the assessment.

Following Board discussion;

2) MSC Coate/Reynolds 5/0 moved that the Board wishes to explore the above measure, refer the matter to the Citizens Advisory Committee for further analysis and recommendation to the Board concerning various issues about the assessment.

11. CONSERVATION COORDINATOR REPORT

Conservation Coordinator Deborah Bollinger reported on the following:

- 1) Annual visit to JBWD by JT Elementary school and Friendly Hills Elementary school for a water conservation field trip;
- 2) Public Education program has a website update with Using Water Wisely tab, the Kids Corner and Demonstration Garden. Made three Board and Committee presentations on the Demonstration Garden. Also working on the garden signs. Additional outreach was completed to find local suppliers. Sixty-two percent of the cost of the sign project would be local vendors (graphic designers, images and layouts, welding company for the frameworks, and painting of the signs).
- 3) Reported attending the Alliance for Water Awareness and Conservation.
- 4) EPA Water Sense Annual Report – Water Sense is equivalent to the Energy Star label that the EPA certifies that products meet their specification. We are a Water Sense partner. We report each year what we have done to promote the Water Sense label.

12. STRATEGIC PLAN UPDATE

GM Guzzetta advised the Board that the Strategic Plan document has been revised to show updated estimated completion dates for several projects.

13. COMMITTEE REPORTS:

A. PUBLIC INFORMATION COMMITTEE: President Luckman and Director Fuller: Kathleen Radnich,

- 1) Public Outreach Consultant reported that Z107.7 station has announced our diversions for traffic downtown.
- 2) She attended the hospital health fair event. Every Hi-Desert Medical Center Board member came by the JBWD display in addition to the CEO, Chad Chadwick. The Waste Water Treatment Plan groundbreaking at the hospital will be coming soon. She observed that many people, probably renters, did not know they were on a septic system.
- 3) She and Deb Bollinger gave a presentation at the AWAC meeting about our docent program.
- 4) May 10th, Friday 2:00 – 6:00 pm is public garden days and we will have docents to train and learn and open to the public.
- 5) Received a confirmation from USGS that they will come out and do a public education seminar about the differences with the aquifers between the different water districts. It will be open to public but also intended for water people and will be around late September and before November.
- 6) Mike Metts gave a presentation on what is going on under the ground with the pipes.

B. RECHARGE BASIN AND PIPELINE PROJECT: Vice President Coate and Director Fuller: No report.

- C. HOSPITAL WASTEWATER PROJECT: President Luckman and Vice President Coate: No report.
- D. TANK RESTORATION PROJECT: Director Wilson and Vice President Coate: No report.
- E. RULES AND REGULATIONS UPDATE PROJECT: Director Fuller and Vice President Coate: No report.
- F. ADMINISTRATION CODE UPDATE PROJECT: President Luckman and Director Fuller: No report.
- G. AGENDA COMMITTEE: President Luckman and Vice President Coate:
- 1) President Luckman recommended putting Architectural Services for Office Space Needs back on the agenda for the meeting of May 15, 2013.
 - 2) President Luckman recommended that the joint meeting with the Citizens Advisory Committee for May 21, 2013 to be moved to Tuesday, May 28, 2013.

14. PUBLIC COMMENT

None.

15. GENERAL MANAGER REPORT

Mike Metts gave an update on the Hospital Project Update - Wastewater Treatment Plant.

16. DIRECTORS COMMENTS/REPORTS

Director Reynolds noted that one of our neighboring communities requires a water conservation certification inspection every time a house is sold or every time someone signs on for the water meter; and thought it was a good idea.

Director Fuller reported on attendance at the Mojave Water Agency Board Meeting.

President Luckman read Joe Guzzetta's resignation letter effective June 2013.

President Luckman appointed a sub-committee of Mike Reynolds and herself to evaluate the costs of executive search firms that is experienced in General Manager recruitment.

17. DISTRICT GENERAL COUNSEL REPORT

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT 9:18 PM

MSC Fuller/Reynolds 5/0 to adjourn the May 15, 2013 Regular meeting of the Board of Directors.

Respectfully submitted:

Joe Guzzetta, General Manager

The next regular meeting of the Board of Directors is scheduled for May 15, 2013 at 7:00 pm.

JOSHUA BASIN WATER DISTRICT
SUPPLEMENTAL DATA SHEET

Meeting of the Board of Directors

May 15, 2013

Report to: President and Board Members
From: Joe Guzzetta, General Manager



TOPIC: RESIGNATION OF BARBARA DELPH FROM CITIZENS
ADVISORY COMMITTEE

RECOMMENDATION: That the Board accept Barbara Delph's letter of resignation and
authorize a certificate of appreciation for her service to the
Committee

ANALYSIS: Attached is a letter of resignation from Barbara Delph, member of
the Citizens Advisory Committee. Ms. Delph has been on the CAC
since January 2011. During that time she has been a valued and
participative member of the Committee.

May 1, 2013

To The Joshua Basin Water District Directors /
Citizens Advisory Committee:

It is with a heavy heart that I am tendering my resignation from the CAC. This resignation is solely because of personal reasons that are all encompassing at this time. The opportunity I was afforded was both educationally and personally rewarding. I made many friends and I hope those friendships will continue even though I am no longer a member of the CAC. You have all touched my life in a very positive way and I will always keep those memories near and dear.

You all do so much for our community and deserve many more accolades than you will ever receive. Your dedication to the residents of Joshua Tree is commendable and your service is invaluable. I hope that everyone in this community appreciates the fine individuals who have chosen to serve them.

With great respect,

A handwritten signature in black ink, appearing to read "Barbara Delph". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Barbara Delph



Certificate of Appreciation

This certificate is presented to

Barbara Delph

In Appreciation for Service as a Member of the Joshua Basin Water District

Citizens Advisory Committee

Signature

President, Board of Directors

Date

JOSHUA BASIN WATER DISTRICT
SUPPLEMENTAL DATA SHEET

Meeting of the Board of Directors

May 15, 2013

Report to: President and Board Members
From: Joe Guzzetta, General Manager



TOPIC: SUPPORT FOR SB246

RECOMMENDATION: That the Board authorize a letter in support of SB246, for modernization of the Bighorn-Desert View Water Agency Law.

ANALYSIS: Unlike Joshua Basin Water District which was formed under County Water Districts Law, Bighorn-Desert View Water Agency was formed through special state legislation. Bighorn-Desert View is asking the State to enact new legislation that would update the law.

The "Bighorn Mountains Water Agency Law" was enacted by the State in 1969 and was amended in 1989 to facilitate the consolidation of Bighorn with the Desert View County Water District. At the time there was a requirement to keep the two water systems financially separate which continues today. The proposed bill does the following:

- 1) Eliminates references to the "future consolidation" of Bighorn with Desert View;
- 2) Reorganizes the Law to make it more useful for research purposes;
- 3) Updates certain financial provisions in order to reflect the current state of California law especially Propositions 13 and 218 with respect to the power of the board of Directors to enact taxes and water rates; and eliminates the requirement to maintain separate finances of the pre-consolidation entities.

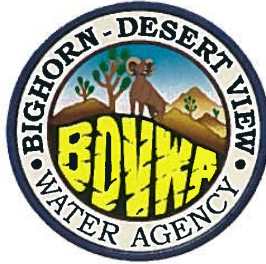
The bill will have no effect on Joshua Basin Water District and will facilitate the administration of Bighorn-Desert View Water Agency.

Attached is a summary of the law. The complete 40-page text is available.

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



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

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

Marina D West, P.G., General Manager

www.bdvwa.org

A Public Agency

March 15, 2013

Mr. Joe Guzzetta, General Manager
Joshua Basin Water District
P. O. Box 675
Joshua Tree, CA 92252

RE: 2013 Legislative Session: Senate Bill 246 for Repeal of Water Code Section 33305 AND "Modernization" of the Bighorn-Desert View Water Agency Law

Dear Joe:

Senator Jean Fuller (District 18) introduced SB 246 on February 12, 2013 and an extensive amendment was published on April 4, 2013. This bill essentially modernizes the Agency's enabling act with no direct impact to any other special district or entity.

Attached is the amended enabling act, Senate Governance and Finance Committee staff report analyzing SB 246 and a brief fact sheet describing its purpose.

On April 17, 2013 the Senate Governance and Finance Committee moved the bill forward on a 7/0 vote without opposition. At this time, the Agency respectfully requests your support for SB 246.

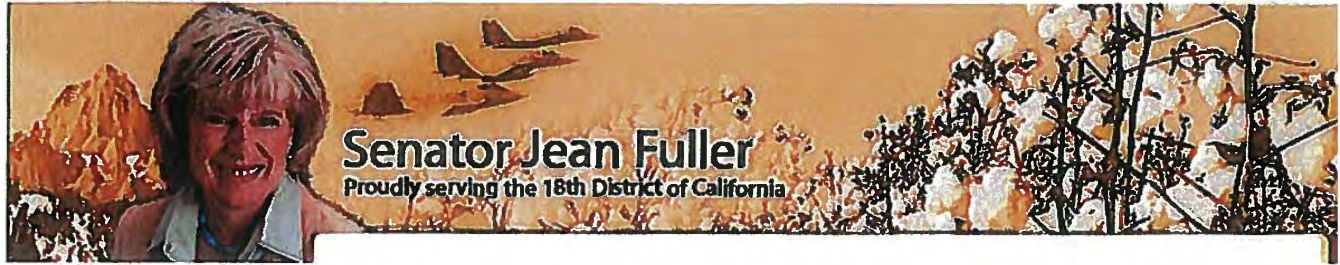
Please don't hesitate to contact me directly at (760) 364-2315 should you have any questions or seek further clarification on SB 246.

Sincerely,


Marina D. West, PG
General Manager

Enclosures

JBWD
APR 24 2013
RECEIVED BY 



SB 246

BIGHORN-DESERT VIEW WATER AGENCY: MODERNIZATION OF ENABLING ACT

SUMMARY

SB 246 helps clarify and reorganize the law that established the Bighorn-Desert View water district within San Bernardino County. This update and modernization should provide more transparency and accountability to ratepayers in that district.

BACKGROUND

The Bighorn-Desert View Water Agency enabling Act, the "Bighorn Mountains Water Agency Law", is an Uncodified Act of the Statutes of 1969, Chapter 1175, and effective August 31, 1969. The Law was amended in 1989 (Statutes of 1989, Chapter 570) through AB 1819 (Woodruff) to facilitate a proposed consolidation of the 1969 Water Agency with the Desert View County Water District, which was completed in 1990 without further amendment to the Water Agency Law.

Furthermore, there was a requirement to keep the two water systems financially separate which would essentially negate financial efficiencies expected from the consolidation.

Revisions proposed to the Water Agency Law increase transparency by (1) eliminating all references to the "future consolidation" of Bighorn with Desert View; (2) reorganizing the Law by grouping provisions that address a common theme in order to make the Law a more useful resource for research purposes; (3) updating and modernizing certain financial provisions in order to reflect the current State of California law, especially with respect to the power of the Board of Directors to enact taxes (now regulated by Prop. 13) and water service rates (now regulated by Prop. 218) and eliminating the requirement to maintain separate finances of the pre-consolidation entities.

EXISTING LAW

The current Water Agency Law is outdated because it does not reflect important additions to the California

Constitution, such as Articles 13A, B, C and D, which affect the Board of Director's authority to enact taxes and adopt water rates. Moreover, the original Act is not well organized, thereby reducing its usefulness as a reference for Agency staff, public officials and the general public.

Additionally, the requirement to keep the two water systems financially separate works against the economic savings that consolidation was expected to bring to the rate payers.

The revisions do not significantly alter the duties and responsibilities, or the power and authority, of the Bighorn-Desert View Water Agency; rather, this legislation is proposed for the exclusive purpose of eliminating outdated and irrelevant provisions, and reorganizing the Act to assist staff, the agency's officials and the public by making the Act easier to understand, and more transparent.

THIS BILL

SB 246 reorganizes the Act and eliminates the requirement that the two water systems finances are kept separate, thereby increasing transparency for its ratepayers and providing agency staff with a better reference document for operating purposes.

SPONSOR

Bighorn-Desert View Water Agency
Marina West, General Manager
(760) 364-2315

STAFF CONTACT

Todd Moffitt
(916) 651-4018
(916) 322-3304 (fax)
Todd.moffitt@sen.ca.gov

SENATE GOVERNANCE & FINANCE COMMITTEE
Senator Lois Wolk, Chair

BILL NO: SB 246
AUTHOR: Fuller
VERSION: 4/4/13
CONSULTANT: Weinberger

HEARING: 4/17/13
FISCAL: No
TAX LEVY: No

BIGHORN-DESERT VIEW WATER AGENCY
[REVISED]

Repeals and amends numerous state laws governing the Bighorn-Desert View Water Agency.

Background and Existing Law

The Legislature created the Bighorn Mountains Water Agency as a special act special district governed by the uncodified "Bighorn Mountains Water Agency Law" (SB 1175, Coombs, 1969). To allow the Agency to merge with the Desert View Water District, which was governed by the County Water District Law, the Legislature enacted the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law (AB 1819, Woodruff, 1989). The merged Bighorn-Desert View Water Agency provides retail water service to residents within a 45-square mile area encompassing the San Bernardino County communities of Flamingo Heights, Landers, and Johnson Valley.

The 1989 consolidation bill required the Bighorn-Desert View Water Agency to "separately account" for specified funds of the two precursor agencies. After two decades operating as a merged district, Bighorn-Desert View officials find this requirement for segregated accounting to be unnecessary and burdensome. They want the Legislature to repeal the entire Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and amend the Bighorn Mountains Water Agency Law to make it a more modern, transparent, and functional statute.

Proposed Law

Senate Bill 246 repeals the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and deletes cross-references to the law from the Bighorn-Desert View Water Agency's special act.

SB 246 requires the Agency to separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Wa-

ter Agency for the purpose of bond debt service for each of the former systems. The bill declares that its provisions must not be construed to impair any contract entered into prior to January 1, 2014.

SB 246 reduces, from 3 months to 30 days, the period during which legal actions can be initiated to contest, question, or deny the validity of the Agency's bonds, improvement districts, annexations, or other proceedings. SB 246 allows the Agency to file legal actions, pursuant to specified statutes in the Code of Civil Procedure, to determine the validity of the Agency's bonds, warrants, promissory notes, contracts, or other evidences of indebtedness.

SB 246 deletes a 50-year limit on the length of the Agency's contracts for selling hydroelectric energy or selling the right to use falling water for electric energy. The bill also deletes a requirement that the Agency only sell hydroelectric energy at wholesale to public agencies.

SB 246 reduces, from 6 to 3, the number of public places in which the Agency must post specified hearing notices.

SB 246 deletes current statutory language governing compensation for the Agency's board of directors. The bill requires the Agency's board members to receive compensation for attending board meetings that does not exceed the maximum amount authorized by specified statutes that govern compensation for water districts' directors.

SB 246 deletes current statutory language relating to vacancies on the Agency's board of directors and specifies that the Agency must fill vacancies on its board pursuant to specified statutes in the Government Code.

SB 246 reorganizes current statutory language allowing the Agency's board to appoint, define the duties of, and provide compensation for specified offices. The bill prohibits the board from appointing a sitting member of the board to one of those offices. The bill deletes statutory language authorizing the board to appoint a treasurer and to consolidate specified offices.

SB 246 requires the Agency's board to adopt a resolution specifying the date, time, and place of its meetings and deletes conflicting and redundant statutory language relating to board meetings.

SB 246 specifies that the Agency's board can act by minute order and details specific notice, posting, and publication procedures that the board must follow to adopt an ordinance.

SB 246 deletes current statutory language governing the Agency's elections and allows the Agency's voter to pass an initiative or disapprove of an ordinance by referendum subject to specified statutes in the Elections Code.

SB 246 specifies that the Agency's powers include the power to:

- Construct, maintain, and operate water wells.
- Construct, maintain, and operate property useful or necessary to produce water.
- Enlarge any waterworks or waterworks system acquired by the Agency.

SB 246 deletes a requirement that the Agency's board regulate specified recreational facilities' use by adopting an ordinance. The bill repeals language defining a violation of those regulations as a misdemeanor. Instead, SB 246 makes a violation of the specified regulations an infraction, punishable by a fine of \$300 or less.

SB 246 specifies that the Agency's board, to restrict the use of water during a drought or water shortage, must comply with specified statutes in the Water Code governing water shortage emergencies. The bill deletes language defining a violation of specified water restrictions as a misdemeanor and deletes other related statutory language.

SB 246 deletes statutory language requiring the board to adopt an ordinance to exercise specified powers related to pensions.

SB 246 amends the current statute governing the Agency's power to enter into contracts. The bill deletes a requirement that the Agency must get 2/3-voter approval for specified contracts that incur long-term debt.

SB 246 deletes current statutory language allowing the Agency to incur debt, issue bonds and promissory notes, and impose assessments. The bill authorizes the Agency to:

- Borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at an annual interest rate that must not exceed 12%, pursuant to state law.
- Refund or retire any indebtedness or lien against the agency or its property.
- Issue negotiable promissory notes that are general obligations of the Agency payable from revenues and taxes in the same manner as the Agency's bonds and subject to the same 12% annual interest rate limit.
- Cause taxes to be levied to pay the Agency's obligations, subject to constitutional and statutory requirements.
- To issue improvement bonds in accordance with and pursuant to the:
 - Improvement Act of 1911
 - Improvement Bond Act of 1915
 - Municipal Improvement Act of 1913
 - Refunding Assessment Bond Act of 1935
 - Revenue Bond Law of 1941

SB 246 specifies that the maximum allowable annual interest rate on debt issued by the Agency is 12%, pursuant to specified statutes in the Government Code.

SB 246 allows the Agency to sell bonds through negotiated sale or private sale subject to specified conditions. The bill prohibits bonds from being sold for less than 94% of par value.

SB 246 replaces the term "bonded debt" with the term "debt" in numerous places throughout the Bighorn-Desert View Water Agency Law and deletes outdated references to bonds' interest coupons.

SB 246 specifies the manner in which the Agency can record liens for unpaid water service charges.

SB 246 clarifies that bond proceeds and surplus revenues from water rates can be used to pay for replacement of the Agency's works.

SB 246 renames the special act governing the Bighorn-Desert View Water Agency as the "Bighorn-Desert View Water Agency Law." Throughout the Law, SB 246 replaces the name "Bighorn Mountains Water Agency" with "Bighorn-Desert View Water Agency."

SB 246 updates the statutory metes-and-bounds description of the Bighorn-Desert View Water Agency's boundaries.

The bill deletes statutory language relating to a potential future consolidation of the Bighorn Mountains Water Agency with the Desert View Water Agency.

SB 246 makes numerous technical, non-substantive amendments to the statutes governing the Bighorn-Desert View Water Agency to conform the statutes to other changes made by the bill and to modernize the statutory language.

State Revenue Impact

No estimate.

Comments

1. **Purpose of the bill.** The statutes that govern the Bighorn-Desert View Water Agency are outdated, disorganized, and difficult to use. Provisions of the Agency's special act have been rendered obsolete by changes that Propositions 13 and 218 made to the State Constitution. Although the District maintains separate accounting of pre-consolidation debt, it does not operate as two separate enterprise districts, as may be required under its consolidation statute. The amendments SB

246 makes to the Agency's governing statutes will eliminate legal uncertainties, reorganizes the statutes to make them more transparent, modernize the language governing some of the Agency's powers, and make the statutes easier to use.

2. Validations. Public officials can file validating lawsuits, asking the courts to validate their actions, contracts, agreements, and bonds. Successful validation suits reassure private investors and public agencies that their decisions are reliable. Generally, the Code of Civil Procedure allows public officials to initiate a validation suit within 60 days of taking the action to be validated. SB 246 reduces, from 3 months to 30 days, the amount of time during which members of the public can initiate a legal challenge against some of the Agency's actions. To make the deadline for legal challenges consistent with the Code of Civil Procedure's deadline for validation suits, *the Committee may wish to consider amending SB 246 to give individuals up to 60 days to initiate a legal challenge to specified Agency actions.*

3. Electricity contracts. SB 246 deletes a 50-year limit on the length of the Agency's hydroelectric contracts and deletes a requirement that the Agency only sell hydroelectric energy at wholesale to public agencies. These deletions may raise questions about the Agency's ability to enter into long-term retail contracts for hydroelectricity. *To eliminate uncertainty, the Committee may wish to consider amending SB 246 to restore the restrictions that current law places on the Agency's hydroelectric contracts.*

4. Findings and declarations. Proposition 59 (2004) requires that new statutes which limit public access to meetings of public bodies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. Because SB 246 reduces the number of public locations in which the Agency must post notices of some hearings, it could be interpreted as limiting access to public meetings. *The Committee may wish to consider amending SB 246 to include findings and declarations that comply with Proposition 59's requirements.*

Support and Opposition (4/11/13)

Support: Bighorn-Desert View Water Agency.

Opposition: Unknown.

AMENDMENTS TO SENATE BILL NO. 246

Amendment 1

In the title, in line 1, strike out "amend Section 33305" and insert:

repeal Part 9.2 (commencing with Section 33300) of Division 12

Amendment 2

In the title, in line 1, after "Code," insert:

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

Amendment 3

On page 1, before line 1, insert:

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

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

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

~~If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, this act shall thereafter be designated, and may be cited and referred to, by the full name of the consolidated successor district, followed by the word "Law."~~

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

Sec. 2. ~~The Bighorn Mountains Bighorn-Desert View Water Agency, formed by the consolidation of agencies authorized pursuant to former Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, is hereby created, organized, and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, 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:



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Substantive

(a) Township 3 North, Range 4 East, San Bernardino Base and Meridian:
Section 7
Section 8
Section 11
South $\frac{1}{2}$ $\frac{1}{4}$ Section 2
Southwest $\frac{1}{4}$ $\frac{1}{4}$ Section 12
Section 13, excluding the North $\frac{1}{2}$ $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ $\frac{1}{4}$
Section 14
Section 15
Section 16
Section 17
East $\frac{1}{2}$ $\frac{1}{2}$ Section 18
Northeast $\frac{1}{4}$, $\frac{1}{4}$, Northeast $\frac{1}{4}$, $\frac{1}{4}$, Section 20
North $\frac{1}{2}$ $\frac{1}{2}$ Section 21
North $\frac{1}{2}$ $\frac{1}{2}$ Section 22
(b) Township 3 North, Range 5, East, San Bernardino Base and Meridian:
South $\frac{1}{2}$, South $\frac{1}{2}$, $\frac{1}{2}$, Southwest $\frac{1}{4}$, $\frac{1}{4}$, Section 4
Section 8
~~Northwest $\frac{1}{4}$ and South $\frac{1}{2}$, Section 9, excluding the Northeast $\frac{1}{4}$~~
Southwest $\frac{1}{4}$ $\frac{1}{4}$ Section 10
Section 13
South $\frac{1}{2}$ $\frac{1}{2}$ Section 14
~~Northwest $\frac{1}{4}$ and South $\frac{1}{2}$, Section 15, excluding the Northeast $\frac{1}{4}$~~
Section 16
Section 17
Section 18
Section 21
Section 22
Section 23
~~Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 24~~
West $\frac{1}{2}$ $\frac{1}{2}$ Section 26
Section 27
Southeast $\frac{1}{4}$ $\frac{1}{4}$ Section 33
Section 34
~~Northwest $\frac{1}{4}$ and South $\frac{1}{2}$, Section 35, excluding the Northeast $\frac{1}{4}$~~
West $\frac{1}{2}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 36
Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, 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 3~~
- ~~Section 4~~
- Section 5
- Section 6

Section 7, except certain parcels described as:

- 630-032-04 W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 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 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 1/2 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 8~~
- ~~Section 9~~
- ~~Section 10~~
- ~~Section 14~~
- ~~Section 16~~

Section 18, except certain parcels described as:

630-021-18 E ½ SW ¼ NW ¼ NE ¼ SEC 18 TP 2N R 6E EX RD
630-021-67 N ½ E ½ NW ¼ NW ¼ NE ¼ 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 ½ ½, Section 19

~~Section 22~~

~~Section 30~~

North ½, Northwest ¼, Section 31

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

~~Sec. 3. If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, the board of directors of both entities may accept, as a San Bernardino County Local Agency Formation Commission condition of that consolidation, the selection of a different name for the agency. Thereafter, all statutory references to "Bighorn Mountains Water Agency" shall, from the effective date of the consolidation, be deemed to refer to the name of the consolidated successor district.~~

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

~~Sec. 5:~~

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

~~If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, the board of directors of the consolidated successor district shall consist of five members, in accordance with Section 33302 of the Water Code. In that event, the San Bernardino County Local Agency Formation Commission may, pursuant to Section 56844 of the Government Code, change or terminate existing elective terms of the directors of both the Desert View Water District and the Bighorn Mountains Water Agency in a manner approved by actions of the board of each of those entities in their respective applications for formation of a consolidated successor district.~~

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

~~Sec. 7:~~

~~Sec. 4. No person shall vote at any Bighorn Mountains Bighorn-Desert View Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code. For the purpose of registering voters who shall be entitled to vote at Bighorn Mountains Water Agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the Bighorn Mountains Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Bighorn Mountains Water Agency.~~

In case the boundary line of the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency crosses the boundary line of a county election precinct only those voters within ~~such Bighorn Mountains~~ the Bighorn-Desert View Water Agency and within ~~such the precinct~~ who are registered as being voters within the ~~Bighorn Mountains~~ 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 these~~ precincts, one containing the names of candidates for office in ~~said Bighorn Mountains~~ the Bighorn-Desert View Water Agency, and the other not containing ~~such the~~ names, and it shall be the duty of the election officers in ~~such these~~ precincts to furnish only those persons registered as voters within ~~such Bighorn Mountains~~ the Bighorn-Desert View Water Agency with the ballots upon which are printed the names of the candidates for office in the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency.

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

~~Sec. 8.~~

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

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

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

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

~~Sec. 9. The Board of Directors of Bighorn Mountains Water Agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.~~

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

Sec. 9. Any vacancy in the board of directors shall be filled pursuant to Article 2 (commencing with Section 1770) of Chapter 4 of Division 4 of Title 1 of the Government Code.

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

~~Sec. 10.~~

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

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

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

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

~~Sec. 11.~~

Sec. 7. The board of directors shall be the governing body of the Bighorn Mountains Bighorn-Desert View Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it The board of directors shall, by resolution, provide for the date, time, and place of holding of its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January in each even-numbered year, the board of directors shall choose one of from among its members a president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions 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 one of its members president, vice president, and secretary.

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

Sec. 11. The general manager shall:

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

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

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances, the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but, on demand of any member, the roll shall be called minute order. No ordinance, motion, or resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the members of the board: board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn Mountains Bighorn-Desert View Water Agency as

follows:” Except as otherwise required by law, ordinances shall be adopted by one of the following procedures:

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 then current maximum amount which may be received by directors of a county water district organized under Division 12 (commencing with Section 30000) of the Water Code for attendance at meetings of the board of directors. No directors, however, shall receive pay for more than three meetings in any calendar month. A director shall be compensated for a meeting of the board if, at the time of the holding of the meeting, the director is on other business of the district, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of, and otherwise qualified to be a director of, the agency and shall hold office for the remainder of the unexpired term.

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

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

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

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

Sec. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said Bighorn Mountains Water Agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

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

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

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

~~Sec. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a vice president, secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.~~

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

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

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

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

1. To have perpetual succession.
2. To sue and be sued, ~~except as otherwise provided in this act or by law, 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 Mountains Water Agency 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 as authorized the agency.
6. To construct, maintain, improve, and operate public recreational facilities appurtenant to any ~~water reservoir operated or contracted to be operated by the Bighorn Mountains Water Agency, waterworks~~ and to ~~provide, by ordinance, 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 a ~~misdemeanor, an infraction punishable by a fine of not more than three hundred dollars (\$300).~~

~~7. To lease of and from any person, firm, or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation, or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of those cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within the agency without any preference; 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.~~

7. To sell water to other public agencies within the Bighorn-Desert View Water Agency and to the inhabitants of the territory of those public agencies for use within the Bighorn-Desert View Water Agency. The Bighorn-Desert View Water Agency may, whenever the board of directors finds that there is a surplus of water above that which may be required by consumers within the Bighorn-Desert View Water Agency, sell or otherwise dispose of surplus water to any persons, firms, public or private corporations, public agencies, or other consumers.

~~8. The agency may To supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as determined by the board for that service of directors.~~

~~9. To exercise the right of eminent domain to take any property necessary to supply the agency, or any portion thereof, with water. In lieu of compensation and damages for the taking or damaging of any public utility facility which is required to be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning the facility its actual cost incurred to replace in kind the facility so taken or damaged, less property deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of the public utility not taken or damaged, but required to be rearranged or rehabilitated by reason of the taking or damaging.~~

~~10. To issue bonds, borrow money, and incur indebtedness as authorized by law or in this act; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.~~

~~11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that the notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of the notes outstanding at any one time may be at least equal to seventy-five thousand dollars (\$75,000) in the Bighorn Mountains Water Agency, but shall not otherwise exceed the lesser of either one million five hundred thousand dollars (\$1,500,000) or 3 percent of the assessed valuation of~~

the taxable property in the Bighorn Mountains Water Agency or, if the assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his or her certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision:

~~12. To cause taxes to be levied, in the manner provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor.~~

~~13.~~

~~9. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the improper use of agency water during those periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of water during those periods for specific uses which the agency may, from time to time, find to be nonessential in accordance with Chapter 3 (commencing with Section 350) of Division 1 of the Water Code.~~

~~14. To prescribe and define, by ordinance, the restrictions, prohibitions, and exclusions referred to in subdivision 13 of this section. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect immediately upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published, and circulated in the agency within 10 days after adoption or, if there be no such newspaper, shall be posted within that time in three public places within the agency.~~

~~15.~~

~~10. To make contracts, employ labor, and do all acts necessary for the full exercise of the above powers.~~

~~16.~~

~~11. To provide, by ordinance of its board of directors, 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 in the ordinance 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.~~

~~17.~~

~~12. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, capture, recapture, and salvage any water, including sewage and storm waters stormwaters, for the beneficial use and protection of the agency or its inhabitants or the owners of right to water therein.~~

~~18. Subject to the limitations in subdivision 9 of this section, to join with one or more~~

~~13. To contract with the federal government, the state, any state agency, a county, or other public agencies agency, a private corporations corporation, or other persons person for the purpose of carrying out any of the powers of the agency and, for that~~

purpose, to contract with the other public agencies, private corporations, or persons for the purpose of financing acquisitions, constructions, and operations. ~~The contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of the acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect the acquisitions and to carry on the operations, and shall provide in the powers and methods of procedure for the agency the method by which the agency may contract. The contracts with other public agencies, private corporations, or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, means and includes the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, or other public district of this state. The term "private corporation," as used in this subdivision, means and includes any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress previously or hereafter enacted permitting cooperation. Any contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for that year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or the improvement district thereof, voting at a special election to be held for that purpose, the election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of the contract need not be available at the time of the special election, but the (a) purpose of the contract, (b) maximum amount of indebtedness created thereby, (c) maximum term of repayment, and (d) maximum interest rate on the indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or the improvement district thereof, at the special election. These contracts may contain any other and further covenants and agreements as may be necessary or convenient to accomplish the purposes of the contract.~~

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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.

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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 ~~or otherwise~~, and to assume the costs and expenses of any and all actions or proceedings, ~~now or hereafter begun, 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, 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.

21. Distribute water to persons in exchange for ceasing or reducing groundwater extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of groundwater, and to that end the agency may become a party to such a contract and pay from the agency funds that portion of the cost of the replenishment waters that will encourage the purchase and use of replenishment water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which revenue bonds could be issued under the Revenue Bond Law of 1942 or any other law which by its terms is applicable to this agency.

23. To use the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) for the construction of any facilities authorized to be constructed under this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the Bighorn Mountains Water Agency. In the application of the Improvement Act of 1911 to proceedings instituted by the Bighorn Mountains Water Agency, the terms used in the Improvement Act of 1911 have the following meanings:

(a) "City council" and "council" mean the Board of Directors of the Bighorn Mountains Water Agency.

(b) "Municipality" and "city" mean the Bighorn Mountains Water Agency.

(c) "Clerk" and "city clerk" mean the secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the chief engineer of the agency.

(e) "Tax collector" means the county tax collector.

(f) "Treasurer" and "city treasurer" mean the treasurer of the Bighorn Mountains Water Agency.

(g) "Mayor" means the president of the board of directors of the Bighorn Mountains Water Agency.

(h) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Bighorn Mountains Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Bighorn Mountains Water Agency.

24. To use the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) for the construction of any facilities authorized to be constructed under this act. The powers and duties conferred by the Improvement Bond Act of 1915 on the various boards, officers, and agents of cities or counties shall be exercised by the respective boards, officers, and agents of the Bighorn Mountains Water Agency. In the application of the Improvement Bond Act

of 1915 to proceedings instituted by the agency, the terms used in the Improvement Bond Act of 1915 have the following meanings:

- (a) "City" means the Bighorn Mountains Water Agency.
- (b) "Clerk" means the secretary of the Bighorn Mountains Water Agency.
- (c) "Legislative body" means the Board of Directors of the Bighorn Mountains Water Agency.
- (d) "Mayor" means the president of the board of directors of the agency.
- (e) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.
- (f) "Street superintendent," "superintendent of streets," and "engineer" mean, respectively, the officers or entities designated, from time to time, by the board of directors to perform the duties imposed on the street superintendent, superintendent of streets, and the engineer.
- (g) "Tax collector" and "auditor" mean the county tax collector and county auditor, unless otherwise designated by the board of directors.
- (h) "Treasurer" means the treasurer of the Bighorn Mountains Water Agency, or the county treasurer if so designated by the board of directors.

Any certificates or documents to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the agency.

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

17. To issue negotiable promissory notes that shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency, at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

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

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

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20. To prescribe, by ordinance, a system of revise, and collect water system connection charges and, if deemed appropriate by the board of directors, a refunding mechanism through water rates or pursuant to contract and capacity charges in the manner provided by the California Constitution and state law.

21. To record a certificate in the office of the county recorder of any county specifying the amount of unpaid charges for water or other services, plus interest and penalties. From the time of recordation of the certificate, the amount required to be

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

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

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, brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

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

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

~~Sec. 15.1. The agency shall have the power 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 for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.~~

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

~~Sec. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.~~

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

~~Sec. 15.3. In addition to the powers granted in 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 waterworks or waterworks systems, waters, water rights, lands, rights or privileges; and may exercise all those powers to fund construction, maintenance, or operation of new waterworks systems constructed after January 1, 1986.~~

~~The board of directors may, with respect to any improvement, assessment, special tax, or taxation district or area originally formed or existing under the County Water District Law, continue to exercise all of the powers held by a board organized under that law to fund, set, levy, or collect moneys, taxes, fees, or assessments reasonably required to be raised and collected from the improvement, assessment, special tax, or taxation district or area.~~

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

~~Sec. 16. All powers, privileges and duties vested in or imposed upon the Bighorn Mountains Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.~~

~~The board of directors shall have the power:~~

- ~~(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.~~
- ~~(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.~~
- ~~(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and reestablish the powers and duties and compensation of all officers and employes and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.~~
- ~~(4) To prescribe by ordinance a system of civil service.~~
- ~~(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal, and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.~~
- ~~(6) To prescribe a method of auditing and allowing or rejecting claims and demands.~~
- ~~(7) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation, shall be deemed to be a rate for a different class or condition of service.~~

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

~~Sec. 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act,~~

shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

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

~~Sec. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars (\$300), or by both such fine and imprisonment.~~

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

~~Sec. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

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

~~Sec. 21. The president, vice president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.~~

~~If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.~~

~~The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.~~

~~The general manager shall perform such duties as may be imposed on him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may direct.~~

~~The chief engineer shall be the engineering adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.~~

~~The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.~~

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

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

~~Sec. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume; or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the state. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code.~~

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

~~Sec. 23:~~

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

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

~~Sec. 25:~~

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

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

~~Sec. 26.~~

Sec. 19. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including payment of principal or interest on any bonded debt of the agency; or any improvement district thereof, as it becomes due, then the board of directors of this the agency must shall provide, in accordance with the provisions of the California Constitution and state law, for the levy and collection of a special tax sufficient to raise the amount of money determined by such the board of directors to be necessary for the purpose of paying such charges and the expenses, as well as providing in addition to the funds required under Section 25 17 of this act.

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

~~Sec. 27.~~

Sec. 20. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within by continuing to impose any ad valorem taxes or any other special taxes, or by levying assessments, in accordance with the provisions of the California Constitution and state law. Subject to Section 4 of Article XIII C of the California Constitution, the agency may impose new special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. Within a reasonable time previous to the time when 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 bonded 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 the board of supervisors shall levy to collect, in addition to such any other tax as may be levied by such the board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded 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 be. Taxes for the payment of the interest on or principal of any bonded debts debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded 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 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 bonded 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 a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

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

~~Sec. 28.~~

Sec. 21. (a) Whenever the board of directors deem 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 said the agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said the agency. Said The resolution shall state: (a) the state all of the following:

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

(2) The amount of debt to be incurred; (c) the incurred.

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

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

(5) The measure to be submitted to the voter; (f) the voters.

(6) The date upon which an election shall be held for the purpose of authorizing said the bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The incurred.

(b) The board of directors shall provide for holding such the special election on the day so date fixed and in accordance with the applicable provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such the agency, if there is a newspaper published in the agency, then such and the resolution shall be posted in three public places in such the agency not less than two weeks prior to the date of the proposed election. No other notice of such the election need be given. The returns of such the election shall be made, the votes canvassed by said board of directors within seven days following said

election, 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 the~~ board a statement of ~~such the~~ results. No irregularities or informalities in conducting ~~such the~~ election shall invalidate the ~~same result~~, if the election ~~shall have~~ has otherwise been fairly conducted.

~~Any~~

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

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

~~Sec. 29:~~

~~Sec. 22. (a) 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 that bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the state all of the following:~~

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

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

~~(3) That the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such that proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said that improvement district; (d) that district.~~

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

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

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

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

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

At

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

The

~~(d) The~~ purpose, amount of bonded debt, or boundaries shall not be changed by ~~said the~~ board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in ~~said Bighorn Mountains the Bighorn-Desert View~~ Water Agency, if there is a newspaper printed and published in ~~such the~~ agency, and by posting in ~~six three~~ public places within ~~said the~~ proposed improvement district. ~~Said The~~ notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on ~~such the~~ change, which time shall be at least 10 days after publication or posting of ~~said the~~ 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 the~~ proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency ~~which that~~ will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that ~~said the~~ portion of the agency set forth on ~~said the~~ map shall thereupon constitute and be known as "Improvement District No. ... of ~~Bighorn Mountains Bighorn-Desert View~~ Water Agency;" and the determinations made in ~~said the~~ resolution shall be final and conclusive. After the formation of ~~such an~~ improvement district within the ~~Bighorn~~

Mountains 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 the~~ bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After

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

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

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

(3) The amount of debt to be incurred; ~~(d) the incurred.~~

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

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

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

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

(8) The measure to be submitted to the voters; ~~(i) the voters.~~

(9) The date upon which an election shall be held for the purpose of authorizing ~~said the~~ bonded indebtedness to be incurred; and ~~(j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct~~ incurred.

The

(f) The board of directors shall provide for holding ~~such the~~ special election on the day so fixed and in accordance with the provisions of the Elections Code ~~so far as the same shall be,~~ as applicable, except as herein otherwise provided. Notice of the holding of ~~such the~~ election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in ~~such the~~ agency. ~~Such The~~ resolution shall also be posted in three public places in ~~such the~~ improvement district not less than two

weeks prior to the date of the proposed election. No other notice of ~~such the~~ election need be given.

~~The~~

~~(g) The returns of such the election shall be made, the votes canvassed by said board of directors within seven days following said election; 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 applicable. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such the board a statement of such the results. No irregularities or informalities in conducting such the election shall invalidate the same it, if the election shall have otherwise been fairly conducted.~~

~~Any~~

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

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

~~Sec. 30:~~

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

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

~~(2) The terms and conditions upon which said the proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that agency.~~

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

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

~~Within~~

~~(c) Within 10 days of the date of the filing of such petition the petition, the secretary of the agency shall examine the same it and ascertain whether or not such the petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him the general~~

manager to employ persons especially for that purpose, in addition to the persons regularly employed in his or her office, and shall provide for their compensation. When the ~~secretary of the agency~~ general manager has completed his or her examination of the petition, he or she shall attach to ~~the same~~ his or her certificate, properly dated, showing the result of ~~such the~~ examination; and if from ~~such the~~ examination ~~he shall find that said he or she finds~~ the petition is signed by the requisite number of property owners, or is not so signed, he or she shall certify that ~~the same~~ petition is sufficient, or insufficient, as the case may be.

If

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

If

(e) ~~If~~ by the certificate of the ~~secretary~~ general manager, the petition, or petition as amended, is shown to be sufficient, the secretary shall cause notice of hearing on the petition to be published and posted ~~without delay~~.

The

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

The

(g) ~~The~~ board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in ~~said the~~ agency or improvement district shall be entitled to appear and be heard at ~~such the~~ hearing. ~~Such The~~ hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at ~~said the~~ 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~~ the area is 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 the~~ annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and

conditions of annexation as theretofore determined by resolution of the board of directors.

From

~~(h) From~~ and after the date of the adoption of ~~such the~~ resolution, the area named therein shall be deemed added to and shall form a part of ~~said the~~ improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of ~~said the~~ improvement district, including the payment of the principal of and interest on bonds and other obligations of ~~such the~~ improvement district at the time authorized and outstanding at the time of ~~said the~~ annexation as if ~~said the~~ annexed property had always been a part of ~~said the~~ improvement district, and the board of directors of the Bighorn Mountains 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 in this section.

Any

~~(i) Any~~ action or proceeding wherein the validity of ~~any such an~~ annexation is contested, questioned or denied must be commenced within ~~three months~~ 30 days after the date of ~~issuance by the Secretary of State of his certificate; otherwise said adoption of the resolution approving the annexation.~~ or the annexation shall be held to be valid and in every respect legal and incontestable.

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

~~Sec. 31:~~

~~Sec. 24. (a) If from such the~~ returns it appears that more than two-thirds of the votes cast in ~~such the~~ election held pursuant to the provisions of Section ~~28 21~~ or of Section ~~29 22~~ of this act, ~~act~~ were in favor of and assented to the incurring of ~~such the~~ proposed indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as ~~the necessity thereof may appear are needed,~~ until the full amount of ~~such the~~ bonds authorized ~~shall have has~~ been issued. ~~Said full amount of bonds~~ Bonds may be divided into two or more series and different dates ~~may be~~ fixed for each of the series. The maximum term ~~which that~~ the bonds of any series shall run before maturity shall not exceed 40 years from the date of ~~each series respectively the~~ series.

The

~~(b) The~~ board of directors shall, by resolution, prescribe the form of the bonds ~~and the form of the coupons attached thereto~~ 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 ~~7 percent per annum, payable semiannually,~~ except that interest for the first year may be payable at the end of said year the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable on a fixed or variable basis, or payable on the dates specified in the resolution. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption

prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The

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

The

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

If

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

Before

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

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

Substantive

the property in the improvement district. ~~Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.~~

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

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

~~Sec. 32:~~

Sec. 25. Any bonds issued by the ~~Bighorn Mountains~~ 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.

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

~~Sec. 33:~~

Sec. 26. (a) Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section ~~29 22~~ of this act it shall by resolution so declare and state: (a) the state all of the following:

(1) The purpose for which the proposed improvement district is to be formed;
~~(b) the formed.~~

(2) The estimated expense of carrying out said purpose; ~~(c) that the purpose.~~

(3) That the board intends to form an improvement district of a portion of the agency which that in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district; ~~(d) that district.~~

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

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

(6) The time and place for a hearing by the board on the questions of the formation of said the 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 the purpose.

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

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

~~At~~

~~(c) At the time and place so fixed of the hearing,~~ 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 the proposed~~ improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, ~~the~~ estimated expense of carrying out ~~said the~~ purpose, that the exterior boundaries of the portion of the agency ~~which that~~ will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that ~~said the~~ portion of the agency set forth on ~~said map, the map~~ shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the ~~Bighorn Mountains Bighorn-Desert View Water Agency,~~" and the determinations made in ~~said the~~ resolution shall be final and conclusive. After the formation of ~~such the~~ improvement district within the ~~Bighorn Mountains Bighorn-Desert View Water Agency~~ pursuant to this section all taxes levied for the ~~carrying out of said purpose for which the~~ improvement district is formed shall be levied exclusively upon the taxable property in the improvement district.

~~A~~

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

~~The~~

~~(e) The board of directors shall provide for holding such fix a date for this special election on the day so fixed and in accordance with the applicable provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such the election shall be given by publishing the~~

resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, election in at least one newspaper printed and published in the Bighorn Mountains Bighorn-Desert View Water Agency, if there is a newspaper printed and published in such the agency. Such The resolution shall also be posted in three public places in such the improvement district not less than two weeks prior to the date of the proposed election. No other notice of such the election need be given.

~~The~~

(f) The returns of such the election shall be made, the votes canvassed by said board of directors within seven days following said election, canvassed, and the results thereof ascertained and declared in accordance with the applicable 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 the board a statement of such the results. No irregularities or informalities in conducting such the election shall invalidate the same it, if the elections election shall have otherwise been fairly conducted.

~~If~~

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

~~Any~~

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

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

~~Sec. 34.~~

Sec. 27. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may and the district may repay the agency from the proceeds of the sale of bonds authorized for such purpose those purposes, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 7 percent from the special taxes levied exclusively upon the taxable property in said the improvement district, at the rate of interest authorized by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

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

~~Sec. 35.~~

Sec. 28. 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 the bonds are available, and interest on any bonds issued by the agency coming due before the

expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of such ~~those~~ bonds.

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

~~Sec. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency.~~

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

~~Sec. 40. Ordinances may be passed by the voters of the Bighorn Mountains Water Agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.~~

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

~~Sec. 41. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.~~

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

~~Sec. 42. It is the intention that the Bighorn Mountains Water~~

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

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

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

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

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

~~Sec. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this state. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Bighorn Mountains Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The term "indebtedness" shall mean all indebtedness other than bonded indebtedness unless the latter is expressly used. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.~~

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

~~Sec. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the Bighorn Mountains Water Agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.~~

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

~~Sec. 48:~~

~~Sec. 35.~~ If any section, subsection, sentence, clause, or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the act or the application of such the 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 circumstances may be held invalid.

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

~~Sec. 49.—The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.~~

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

~~Sec. 50.—The agency;~~

Sec. 18 The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. ~~The ordinance fixing a~~ Alternatively, the board of directors may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code). A standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after two works' notice and a public hearing. Notice to all landowners whose property may be made subject to a water standby or availability charge shall be by publication pursuant to Section 6061

of the Government Code and by first class mail addressed to each person or entity to whom land is assessed, as shown on the last equalized roll of the county, at the address shown on the assessment roll in compliance with the applicable provisions of the California Constitution and state law. The ordinance fixing a standby charge board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect agency standby charges with the regular tax payments to the county. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with the applicable procedures of the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby charged pursuant to this section. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Notwithstanding any other provision, the water standby or availability charge for Improvement District "B" of the agency and the charge for any improvement district of the agency formed after January 1, 1986, shall not exceed thirty dollars (\$30) per year for each acre of land within the improvement district, or thirty dollars (\$30) per year for any parcel of less than one acre within the improvement district.

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

Sec. 51. The agency may issue negotiable promissory notes pursuant to this section, bearing interest at a rate not to exceed the rate specified in Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar agency purposes and for the acquisition of land for agency purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to one hundred thousand dollars (\$100,000), but shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the agency or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to subdivision 11 of Section 15 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

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

~~Sec. 52.~~

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

~~For~~

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

~~The~~

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

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

~~(a)~~

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

~~(b)~~

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

~~(c)~~

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

~~The resolution of intention shall also state that~~

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

~~The resolution of intention shall also state:~~

~~(a)~~

~~(5) 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)~~

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

~~Notice~~

~~(d) Notice~~ of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing

in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. ~~Such notice~~ 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~~

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

~~At~~

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

~~If~~

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

~~(a)~~

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

~~(b)~~

(2) The amount of the proposed debt.

~~(c)~~

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

~~(d)~~

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

~~The~~

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

~~After~~

~~(i)~~ After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at ~~such the~~ time or times as that it deems proper, issue bonds of the ~~agency, pursuant to Section 31 of this law,~~ 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

(i) ~~Any action or proceeding in which contesting, questioning, or denying 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 three months 30 days from the date of the resolution forming district, otherwise that district, or the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.~~

The

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

The

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

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

~~Sec. 53:~~

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

The

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

(a)

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

(b)

(2) ~~State the reason for proposing the annexation.~~

(c)

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

(d)

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

(e)

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

(f)

(6) ~~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

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

A

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

The

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

If

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

If

(g) If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines for the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve ~~such~~ the annexation.

The

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

If

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

From

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

The

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

The

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

Any

(m) ~~Any~~ action or proceeding ~~in which contesting, questioning, or denying~~ the validity of an annexation to an improvement district pursuant to this section ~~is contested,~~

questioned, or denied shall be commenced within ~~three months~~ 30 days after the date of the resolution of the board approving the annexation of the territory to an improvement district, ~~otherwise, district, or~~ the annexation shall be held valid and in every respect legal and incontestable.

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

~~Sec. 53.1.~~

Sec. 32.5. Notwithstanding the provisions of Section ~~53.32~~, if the petition for annexation of land to an improvement district formed under Section ~~33.26~~ is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

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

~~Sec. 53.2.~~

Sec. 33. (a) Proceedings to exclude territory from an improvement district, formed pursuant to Section ~~33.26~~, 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. The petition shall state reasons that the~~ exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

Upon

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

(a)

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

(b)

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

(c)

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

~~The resolution of intention to exclude shall also state that~~

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

~~This map shall govern for all details as to the extent of the proposed exclusion.~~

~~The resolution of intention shall also state:~~

(a)

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

(b)

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

Notice

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

At

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

At

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

(a)

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

(b)

(2) That the exterior boundaries of the improvement district following ~~such the~~ 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, the resulting~~ improvement district.

The

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

After

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

A

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

The

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

Any

(j) ~~Any action or proceeding in which contesting, questioning, or denying 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 three months 30 days from the effective date of the resolution of exclusion; otherwise, exclusion, or the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.~~

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

~~Sec. 54.~~

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

~~As~~

~~(b) As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 52 31.~~

~~(c) The resolution of intention shall state:~~

~~(a)~~

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

~~(b) If the improvement district was formed pursuant to Section 29 or Section 52 of this act, that~~

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

~~(c) If the improvement district was formed pursuant to Section 33 of this act, that no indebtedness or liability was incurred for the improvement district or is outstanding.~~

~~(d)~~

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

~~(e)~~

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

~~(f)~~

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

~~Notice~~

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

~~At~~

~~(e) At the time and placed 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~~

~~(f) At the conclusion of the hearing the board shall, by ordinance resolution, determine whether it is necessary to dissolve the improvement district. If so, the ordinance 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 ordinance resolution shall be final and conclusive.~~

~~When~~

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

~~The~~

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

~~Any~~

~~(i) Any action or proceeding in which contesting, questioning, or denying 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 three months 30 days from the effective date of the ordinance resolution dissolving the improvement district; otherwise, or the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.~~

~~After~~

~~(j) After a bond election has been held in an improvement district formed pursuant to Section 29 of this law and less than two-thirds of the votes cast in such the election were in favor of the measure, the board may within one year of the date of such that election, call and hold another election as provided in Sections 28 and 29 of this law for the purpose of resubmitting said the measure to the electors of said the improvement district. If said the measure is not so resubmitted said, the improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said the measure is resubmitted and fails to receive more than two-thirds of the votes cast in such the election in favor of said the measure said, the improvement district is dissolved following the canvass of the election returns.~~


Amendment 4

On page 1, strike out lines 1 and 2 and strike out page 2

JOSHUA BASIN WATER DISTRICT
SUPPLEMENTAL DATA SHEET
AGENDA ITEM #

Meeting of the Board of Directors

May 15, 2013

Report to: President and Board Members
From: Joe Guzzetta, General Manager 

TOPIC: AWARD OF BID FOR ARCHITECTURAL SERVICES FOR OFFICE SPACE NEEDS

RECOMMENDATION: That the Board take one of the following actions:
1) Authorize an agreement with Escalante Architects in an amount not to exceed \$5,000 plus expenses, with the ability to extend this in the future at the Board's discretion; or
2) Continue this report to a later date

ANALYSIS: The Board considered this item previously and continued it to this date. Staff is seeking additional information to determine why only one bid was received for this project.

An oral presentation will be made, and the Board can take action depending on what information is received.

Attached is the previous staff report and proposal from Escalante Architects.

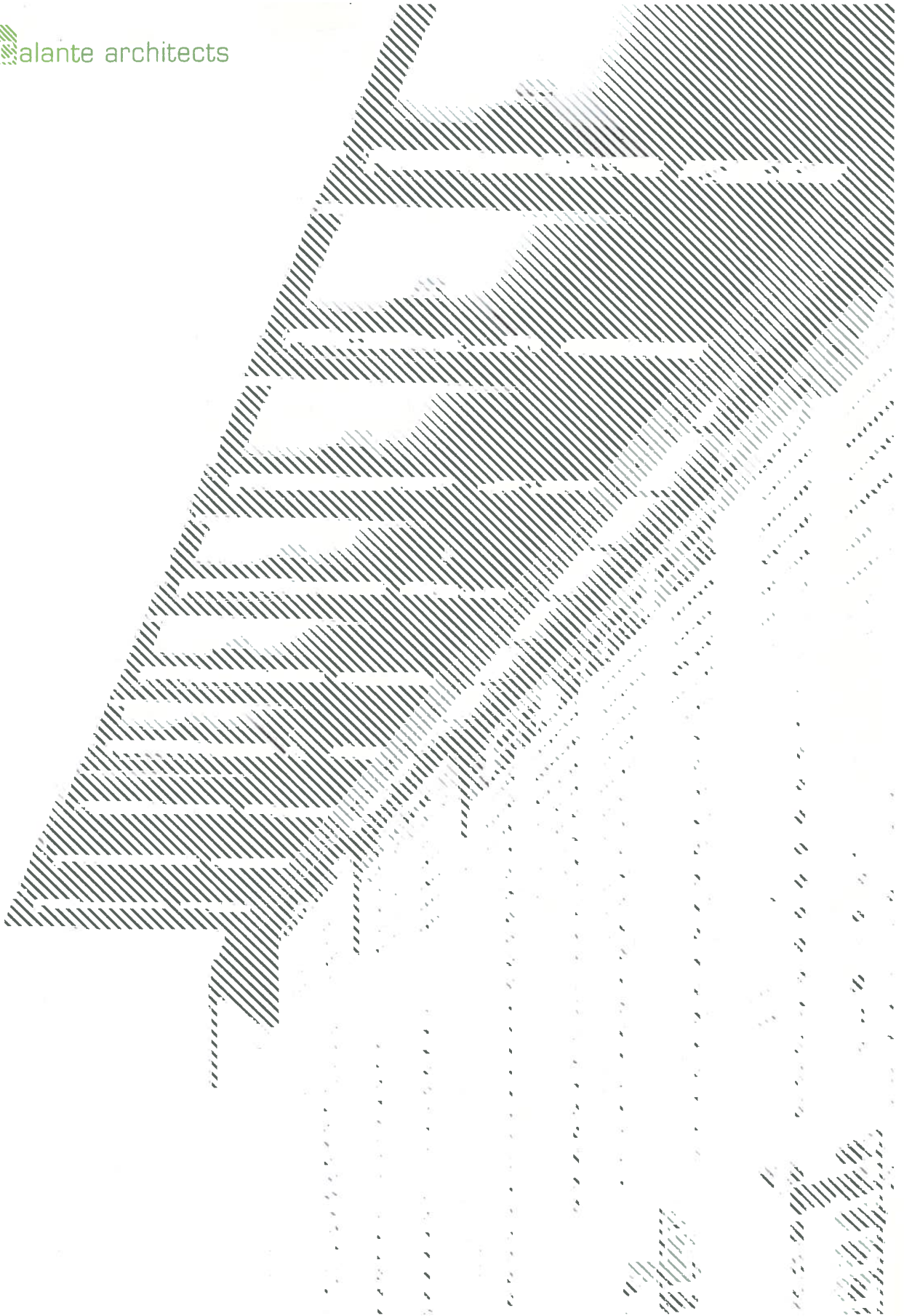


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CVEP Headquarters - Historical Adaptive Reuse

INTRODUCTION



121 South Palm Canyon Drive - Suite 222 - Palm Springs - California - 92262 - p. 7603231925 - contact email: office@escalantearchitects.com
Architecture - Master Planning - Interior Design - Historic Restoration - Entitlements - Design/Build - website: https://www.escalantearchitects.com

February 19, 2013
Mr. Joe Guzzetta
Joshua Basin Water District
71750 Chollita Road
Joshua Tree, CA 92252

RE: ARCHITECTURAL SERVICES ASSOCIATED WITH MASTER PLANNING & BUILDING IMPROVEMENTS JOSHUA BASIN WATER DISTRICT.

Dear Mr. Guzzetta:

It is with great pleasure and enthusiasm Escalante Architects' is submitting a Proposal for Architectural Services associated with Master Planning and Building Improvements for the current facilities of the Joshua Basin Water District, in Joshua Tree, California.

Escalante Architects has analyzed the needs of your project for building improvements and Master Planning services, and we understand the overall vision of the project. All must be achieved with a level of efficiency, functional clarity and elegance in the end-product. We believe after viewing the existing conditions of the site and the architectural square footage, in addition to, analyzing the District's Master Planning vision, climatological conditions, the project offers an opportunity to provide functional spaces for the your staff's needs in order to achieve its potential. We pride ourselves of never repeating a design, but rather taking each new project as an opportunity to discover functional and sustainable solutions to all projects we undertake to surpass the Client's values and aspirations.

Escalante Architects, located in downtown Palm Springs, is well known in the Coachella Valley for our sensitivity to unique challenges associated with designing in our desert communities. We continue to receive accolades for the integrity and function of our work and we are also recognized for our approach to **high quality public project's design** and collaborative practice. Highlights among the many projects we have completed in our 19 year history, to are the Department of Mental Health Outpatient Clinic for Children with Mental & Behavioral Disorders for the County of Riverside, Renovation and Expansion of Desert Water Agency, in Palm Springs, and Renovation, Master Planning for Fire Department Station 50, in Rancho Mirage. Each of these built-projects exhibits the result of positive exchanges with all stake holders in achieving an end-product meeting our Client's goals for quality, budget and schedule.

As you will see in our proposal, our firm is experienced and invested in carefully designed, well-built public facilities and Master Planning, design, with expertise in the pre-design and entitlement phase and also from design through building permitting and complete project delivery. Our firm's background and relevant experience are included, as well as our team capabilities and samples of our work, focusing on our public projects relevant to your needs. I am very proud of each project we've executed has surpassed our Client's expectations. I hope you will see that our attention to detail, site and climate, and great spaces produce unique results for each of our clients.

As a team, we are committed to our clients and strongly believe in fostering respectful and long-term relationships with them and providing service that supports those relationships. As founding principal of our firm, I am dedicated to making your project and your efforts everything they can be and I will remain active in your project from the start until the very end. Each project we undertake is a special opportunity, and we would enjoy designing a project you will enjoy from the very beginning of the process and for a long time to come. We currently have the resources available to successfully accomplish your project. We look forward to your favorable response and hope we will have the opportunity to work with you and provide professional services beyond excellence.

Sincerely,

Ana Escalante, AIA
President

SUSTAINABILITY = DESIGN + ADDED VALUE without ADDED COST + TEAM/WORK+SITE DRIVEN SOLUTIONS + INTEGRATED SYSTEMS APPROACH > TIMELESS AESTHETIC

FIRM QUALIFICATIONS

FIRM HISTORY & EXPERIENCE

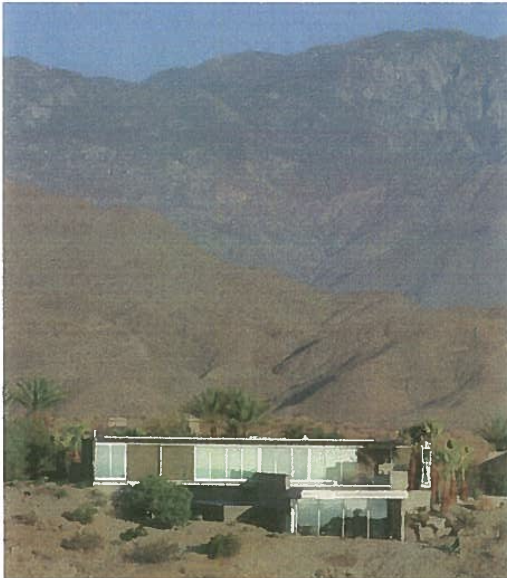
ESCALANTE ARCHITECTS, located in downtown Palm Springs, is well known in the Southern California and the Coachella Valley for our sensitivity to unique challenges, whether physical, political, or practical, associated with designing and building in the desert communities. The firm continues to receive accolades for the beauty and function of our built work; we are also recognized for our approach to *Public Buildings Design, Master Planning and Sustainability*.

Ana Escalante began her practice, (Escalante Architects) in June 1993, with one person in a garage, and the basic principles by which the firm operates have remained true. Still, we continue to hone our skills and re-evaluate perspectives through each project and project delivery we undertake.

Since the onset of our practice, the firm has been dedicated to designing and building *elegant, sophisticated and well-crafted projects, buildings and spaces*. We believe that successful projects are responsive to the environment, meet clients' budgetary and schedule goals, have a timeless archi-

tectural quality to them, and belong to the place. Today, Escalante Architects employs five professional staff and two contract employees and two intern architects, in addition to, regionally recognized consultants in the fields of Engineering and allied professions.

Escalante Architects continues to produce very carefully planned and detailed projects with a high level of creativity and innovation. Rigorous attention is paid to development of the buildings' components and systems, using Building Imaging Technology (BIM) to share with the Client, the development of the project in a realistic and three-dimensional form. BIM is a design tool used by Escalante Architects to convey the quality of space, views, etc. Ultimately, our goal is to provide each project with a unique architectural expression, extraordinary performance and savings to the Client without sacrificing the end-product, as well as ensuring that information is clear and flows well to Clients, Consultants, Regulatory Agencies, and Collaborators.



Greenbaum Residence: Facing East

DESIGN PHILOSOPHY

ESCALANTE ARCHITECTS was recently honored by the Architecture & Design Museum's board and advisors to **The 20/20**, "a select group of Los Angeles preeminent architects and designers" - <http://www.aplud.org/20-20> - As Pritzker Laureate Frank Gehry stated: "Escalante Architects work shows a pristine and distinctly original voice in today's world of architectural confusion"

Escalante Architects has established its roots in Southern California and Palm Springs contributing in the evolution of the distinctive Architecture initiated by the California Modern Masters. We are focused on sustainable design which contributes to the healthy and harmonious future of our communities. Escalante team offers a thorough understanding of public buildings, climatology and architectural heritage, total principal involvement throughout the project, and most importantly, creativity and commitment to bring the Client's goals to completion in a timely manner, with cost-effective and elegant design solutions.

These basic fundamentals establish Escalante Architects' core values:



Linsky Residence. Underground Passage

- Philosophically, our firm was founded on the knowledge that the practice of architecture is not a single-track journey. Our firm is continually sustained by the actual practice of the profession, but also balanced and enriched by research, teaching and exploration of the latest technological developments in sustainability, building modeling and system integration. This variety of practical commitment is reflected in the rich, versatile and yet purposeful buildings we create and build.
- We have spent much of our lives in the desert communities and our experience with its extreme climate brings an indelible influence to our architectural design approach. We understand at a visceral level the impact of *climatology and site planning*, and apply those sensibilities from the inception of a project.
- We are aware that a project should be viewed and developed simultaneously from both macro- and micro- perspectives. A design's impact on the Client's "Needs Assessment" and its contextual relationship to its neighbors are our vital concerns, as are addressing the human aspect of comfort, clarity of spaces and feasibility of construction, cost and maintenance.
- Our work is dedicated to fostering a sense of connection and interaction for building's users (Staff and Public). We seek to create spaces of openness and accessible purpose. In public work, we provide spaces bringing people together and foster productivity, propinquity & connections to the landscape and surroundings.
- Escalante Architects is devoted to exploring these complementary ideas about Architecture: challenging conventions of material, enclosure, structure and technology in order to create sustainable solutions. These solutions also express a story about a place

and its inhabitants, the site and the neighborhood, to make buildings and spaces that are innovative and lasting assets to the client and to the community at large.

- As practitioners, we are keenly in touch with cutting-edge advances in the field of Architecture, and our designs reflect an enthusiasm for establishing creative opportunities, rather than an architecture that simply re-applies current knowledge and formulas.

- We systematically assess and interpret ideas, form and space from a variety of starting points, which lend great freedom. Then, as a design progresses, we rely on a solid foundation of architectural science to develop levels of depth and detail, while instilling the residence with real value and a definite integrity of the architecture.

- Our work often exhibits a *present-time modern appearance*, reflecting our commitment to making architecture which responds to its time and conditions with the most relevant means, materials, and ideas. However, there is often a necessary and rational way to integrate new buildings with an established context. Design is a process of evolution and synthesis, incorporating elements of existing styles and contexts requires a careful assessment of the background, function and meaning of those elements. We enhance the design process by our dedication to refine each project with clarity and usefulness which respect the Client, the program, and the sense of place which our buildings create.

- We value the character of communities, both in our participation and in the ways in which we build. This reinforces our commitment to greater sustainability, and it manifests our enthusiasm for great design projects. Our Clients benefit by thoughtful use of land resources, and each effort we make

within our cities helps to reduce and resist sprawl and consumption, while enhancing the places we inhabit.

- In order to maximize the value of our design services, we carefully review our drawings and perform full reviews of all project team submittals. Coordination and cost and quality control are part of each phase of project work. Particular care is given to developing the construction package to provide clear and comprehensive information to builders and reviewers. Continuing attention by senior staff help maintain consistency, respect, and efficiency throughout the design and construction of each of our projects.

Over the past 20 years, Escalante Architects has evolved to provide expanding yet quality-focused service and achieve success with a wide array of design challenges. As an efficient firm, we maintain the involvement of our principals and senior staff through all stages of design, and we understand this is a vital factor in our success. We have carefully managed our growth by several selective and strategic priorities:



Tahquitz Visitor Center : Entry Bridge

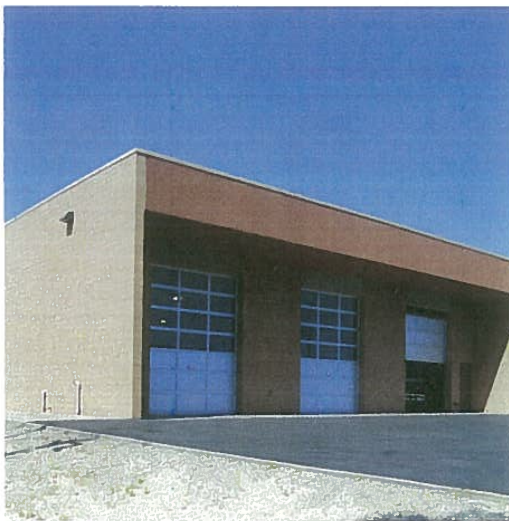
- We take on projects that match our interests, experience and capabilities. We will not propose on projects if we feel we cannot meet either the Client or the Community expectations, or where we and the Community cannot support and appreciate the project's priorities.

- We are selective in our partnering policies. Collaboration is a key value for Escalante Architects, with our clients as well as with consultants, city officials, community participants and builders. The gathering of experience, insight, and talent is crucial to the success of any project, and we push to work with and learn from the best, in order to also bring our best to fruition.

- Thoughtful management, cultivation, and assessment of the myriad opinions, voices, and personal priorities on each project is a key aspect of our role as architects. We work hard to maintain the clarity of the project and its core values while assuring respect and productivity among the team and to the larger community context.

- The commitment we make to maintain principal attention on each project requires careful planning and organized communication and scheduling. We recognize the value of timely action and response, and we strive to provide our clients with excellent service, a well-managed process, and a lasting, beautiful project.

Additionally, Escalante has an intimate knowledge of the nuances of getting projects approved and built in the County of San Bernardino and Riverside, providing our Clients and the project team with strategic insight into how and when to engage regulatory agencies having jurisdiction over the project and seeking community in support of the project.



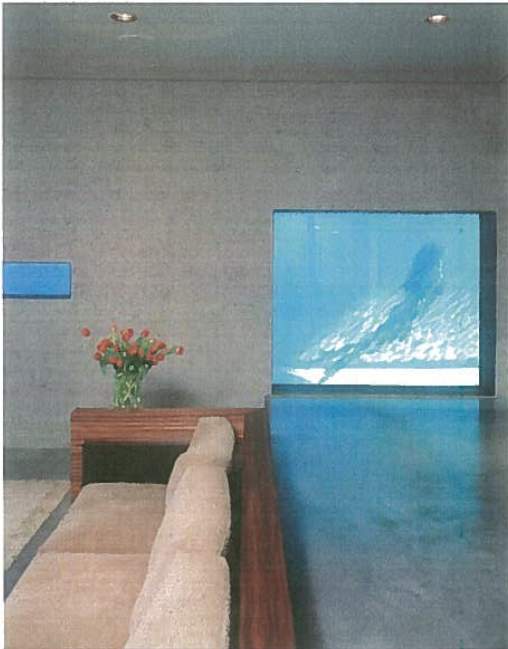
Desert Water Agency Maintenance Facility, Palm Springs, California

PROJECT DESIGN APPROACH

With the expanding awareness of the public sector's needs of repurposing & maximizing existing facilities, and impact of new projects in the built environment, Escalante Architects focuses on the careful analysis of Client's needs and the larger community allows us to develop a "consensus-building methodology", expediting the approval process. We have been trained to respect resources and impacts of our designs places on the environment. , Our firm has always maintained a commitment to providing a comprehensive approach to design and sustainable practice.

Taking advantage of careful site analysis, climatology and systems integration in architectural projects, Escalante Architects has been successful in reinterpreting local vernacular, historical detailing and spatial conception while searching for an economical solution in improving existing facilities designing new buildings and Masterplanning.

For example, at the MATES - Manueving Area



Greenbaum Residence: Swimmer viewed through glass

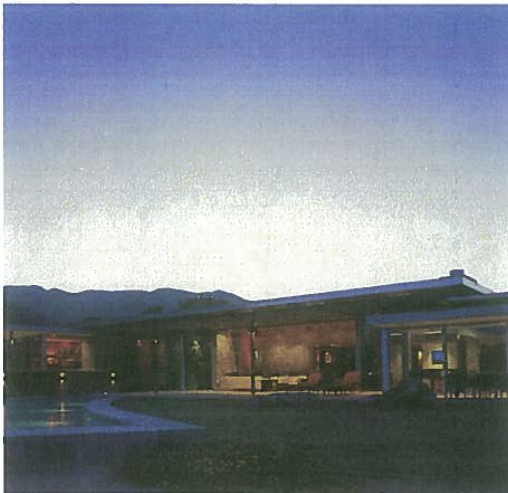
Training Equipment Site, for the US Army, the Client's need to insure daily training becomes an integral part of the design of the project. Incorporation of maintenance pods into a restricted area, in addition to, a two mile circulation columnnade between pods became a challenge. We were able to satisfy the Client's request by attaching the pods to the administration environment, and articulating the reamining parts of the architectural program around it. Furthermore, we incorporated a series of mechanical portals varying in size from 5 ft by 160 SF to 200 SF, throughout the complex separating Incompatible functions required by the project . In addition, the client's request for a "LEED" qualified project within a \$350.00 construction cost were satisfied by using sustainable systems as part of the architectural aesthetics, resulting in a highly modern and functional building.

Scale, efficiency and security of the Complex was tailored to provide spaces that can be conducive to interaction and work, during the different seasons of the year, Summer and winter outdoor/indoor areas were incorporated in the overall project, to maximize human comfort even during the diurnal nocturnal variations typical of the extreme climates, where temperatures can oscillate up to 40 degrees in a single day. Thus, the complex facility, like the US Army philosophy embodies a disciplinarian statement of the venerable institution, its philosophy, life style and values.

REGULATORY AGENCY EXPERIENCE

ESCALANTE ARCHITECTS has worked effectively with a range of regulatory and service agencies to bring our projects to fruition, and we have established relationships of respect and appreciation which have continued to expand our opportunities.

- *City of Rancho Mirage:* The firm's working relationships established with the City of Rancho Mirage has been one of mutual respect and trust, with all departments. From the Planning Department, Building & Safety and Engineering. In fact, at public hearings our projects have been selected as "milestones" that other local firms should emulate, for their resolution, sensitivity and elegance.
- *City of Palm Springs:* Service to the City's Architectural Advisory Committee and active involvement with all levels of City government have fostered our reputation as a respected design resource. Numerous private and public projects within Palm Springs have been produced with great success, and our relationships with the Planning, Building, and Economic Development & Fire Department, provide a continuing source of opportunity and involvement.



Linsky Residence. View at Dusk

- *City of Yucca Valley:* The firm's working relationships established with the City of Yucca Valley can be traced to the inception of Escalante Architects. Our projects in the City have received accolades by the Planning Department, Planning Commission and City Council, through out the the years. They have varied in scope and building type, have-fostered a positive reception with staff and led to a referral to renovate a City public building.
- *Division of the State Architect:* Careful attention to detail and responsive coordination of projects under the jurisdiction of DSA, has placed Escalante Architects in a position to negotiate approvals for projects yielding appreciation by the Client for its thoroughness beyond expectations.
- *Agua Caliente Band of Cahuilla Indian Tribe:* Thoughtful exploration of a new aesthetic which incorporated a philosophy of site- and resource-conscious design helped establish a relationship which continued through several projects and services.
- *County of San Bernardino:* We worked in conjunction with the City's Planning and Building Departments to assure approvals of a lodge, an existing building requiring significant improvements, seismic retrofit and expansion. However, the positive impact of the project, now represents the County's desire to foster a comprehensively designed commercial presence in the hospitality arena.
- *Riverside County Economic Development Agency:* Our work with the County, has allowed us to establish a good reputation by diligently collaborating with officials, project managers and all regulatory agencies in achieving a variety of project delivery at an efficient construction cost.

PROJECT TEAM

Project staffing is guided by our fundamental approach to partner commitment through all phases of each project Escalante Architects undertakes. Escalante Architects staff members provide a wide range of architectural expertise, from conceptual design to project management to CAD specialists, planners, and renderers. The roles and responsibilities for each of our key staff members are:

- Ana Escalante, AIA, Founder / President. Ana personally leads each design and construction procurement effort, and she is responsible for setting the direction of projects and monitoring them on a regular basis to assure that things are done to the expectations of the Client.

Ana also has extensive experience with public projects and with agency approval processes. Ana served on the American Institute of Architects Inland Chapter as a Director & Treasurer for six years, the City of Palm Springs Architectural Review Board for seven years, where she offered critiques, recommendation and referrals to numerous new projects in the City/Counties at every scale. Her broad familiarity with design challenges of the area helped her assist different public entities to refine their projects and helped guide Coachella Valley, Riverside and San Bernardino County, continuing existing facilities improvements and Master Planning.

- Peter Blackburn, Project Manager. In this role he will coordinate the activities of the entire team from beginning to completion of projects. He will also work closely with Ana Escalante to develop the design and meet the project's milestones.

Peter has over 18 years experience in architecture and construction. Since joining Escalante Architects in 2001, Peter has managed and contributed to numerous complex private residences, such as

the Unitarian Fellowship and Desert Water Agency Expansion and Fire Station 50, in addition to, a wide range of other institutional, educational, commercial and residential buildings.

- Guadalupe Morin, Project Technical Manager. In this role Lupe will manage the project scope and needs of the facility and communicate with the client, local, county and state agencies and job captain from beginning to completion of projects. Guadalupe will also work closely with Ana Escalante and the project team to coordinate activities to meet the schedule and budget.

Guadalupe worked in the public sector architectural and masterplanning projects for ten years. He has been the superintendent and managed many commercial, industrial, institutional and educational facilities. He is well versed in the State requirements and funding sources working closely with DGS, ADA and DSA.

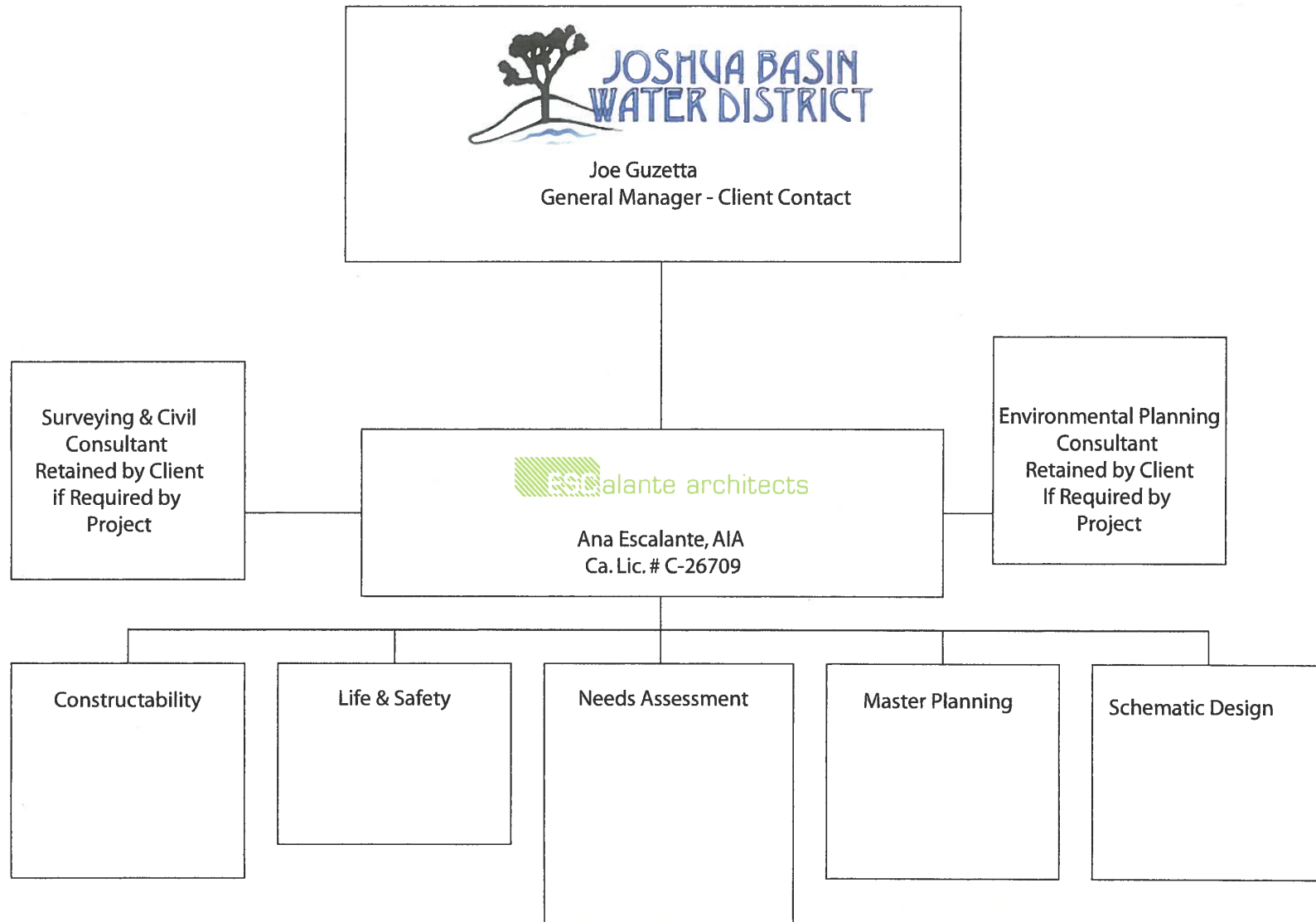
- Ashi Martin, Associate Designer, will be responsible for coordinating all written documentation between the Owner, Architect and County staff, as well as contributing to the design and CD drawings.

- Fernando Olaiz supports CADD services and is responsible for streamlining CAD documentation among all disciplines for the project.



FIRE STATION 50 Renovation, Rancho Mirage, California

ORGANIZATIONAL CHART



Ana Escalante, AIA

POSITION:

Founding Principal, Escalante Architects

EDUCATION:

California State Polytechnic University,
Pomona,

Master of Architecture, 1991

Universidad Albert Einstein

El Salvador

B. S. Architecture, 1987

LICENSE:

California Board of Architectural Examiners

License C-26907

PROFESSORSHIP:

Adjunct Architecture Professor, California
State Polytechnic University, Pomona,
1997

AFFILIATIONS:

Treasurer, American Institute of Architects
Inland Chapter

Chair, Aim for the Restoration of Hope

Development Committee, Diocese of San
Bernardino

EMAIL:

ana.escalante@escalantearchitects.com



Ana Escalante founded Escalante Architects in 1993 with the idea that building systems and technology derived from a deep understanding that the environment should be integrated into the architecture of a project. She has been active in the field of architecture and teaching since graduating from California State Polytechnic University at Pomona, a registered architect and member of the American Institute of Architects (AIA).

Ms. Escalante has concentrated her professional activities in the areas of energy efficiency and sustainable design. She has been recognized by the California Energy Commission as one of the innovative leaders for incorporating regenerative strategies in design projects. Having taught architectural design to undergraduate and graduate students at Cal Poly Pomona for the past 15 years, Ms. Escalante is currently holds a professorship appointment at the College of Environmental Design.

Honors include being selected by the AIA California Chapter as one of the four talented architects emerging in California, and Ana was invited to lecture about her work in the 2001 AIA Monterey Design Conference. In addition, she has been awarded the "Certificate of Recognition for Leadership & Design Excellence" granted by the California Energy Commission in 1996-98; and, the "1996 Commendation for the Enrichment of National Culture" granted by the government of El Salvador. Ms. Escalante is the former Chair for Aim for the Restoration of Hope, a charity caring for AIDS orphans in Uganda, East Africa and served as Treasurer of the American Institute of Architects Inland Chapter.

KEY PROJECTS:

- **Department of Mental Health Behavioral Center**, 80,000 sq. ft. facility in Riverside, California, for Riverside County Department of Mental Health and EDA. Ms. Escalante is the project architect and co-designer of the entire institutional facility, comprised of two buildings, 45,000 sq. ft. (two levels) and a 35,000 sq. ft. psychological clinic & day program (two floors). The complex provides a multitude of programs for children with mental and behavioral disorders, IT Department, Storage, Solar Field & Generators for the entire campus. The complex is classified by the 2010 CBC as I-2 and I-4 type of occupancy, under OSHPOD3. The campus includes a complete system integration of Fire Protection, Occupancy Separations, Visual and Acoustic systems, as well as strict security between patients and public. In addition, the project includes auxiliary buildings, as well as administrative offices, plaza, courtyards, playground, parking and landscape & public amenities in order to provide a non-institutional environment for children. Project is under construction in a fast-track delivery method

- **Coachella Valley Enterprise Partnership**, Palm Springs, California. Mr. Blackburn was the project manager in the adaptive reuse of the former County of Riverside Detention Center into the Incubation Hub and CVEP's 18,000 sq. ft. headquarter. The original building is a historically designated building design by Modernist John Potter Clark, across from City Hall. Working along with all agencies having jurisdiction over the project, (HSPB, AAC, PC & CC) as well as Palm Springs Citizens, the project was completed from initial design meeting to certificate of occupancy in 5 months in a design-build project delivery method. Project met stringent standards of life & safety, accessibility, electrical, mechanical and structural, in addition to asbestos, lead and other hazardous materials.

- **South Palm Canyon Mixed Use Project**, a 5-story multi-occupancy in downtown Palm Springs, California. Client contracted Escalante Architects exclusively to design and develop the project in its entirety. Ms. Escalante is the Project and Design Architect of the complex comprising of 48,000 sq. of Retail, 200,000 sq. ft. of underground parking, surface parking, public plaza and promenade, in addition to 225 variety of housing units, gym, swimming pool on the 5th floor, and a variety of private gardens, water features, and courtyards at different levels. The project was originally designed by a prominent Los Angeles architectural firm, but after 2 years of



Water Purification System, Uganda, East Africa

submitting to regulatory agencies, it was not granted a final approval. Client retained Escalante Architects to redesign the project based on a performance and viability criteria. Escalante Architects and its consultants reprogrammed the facility, achieved community involvement as well as all agencies having jurisdiction over the project, resulting in a product rooted in the vernacular of Palm Springs Architectural Heritage. Project schedule from design to entitlement approvals was achieved in 9 months. Project is in a Design Development phase and expected to proceed to construction documents and building in 2013.

- **St. Theresa Library, Palm Springs California.** Ms. Escalante is the principal architect of a 5,000 sq. ft. learning center to replace the old library, was designed to provide a highly technological signature building to St. Theresa School, without compromising their limited open space. Project is in the Construction Document phase.

- **Palm Springs Visitor Center, Palm Springs California.** Ms. Escalante led the team in the restoration and expansion of a significant Palm Springs' architectural landmark. The fast-track project was completed in 90 days, from design to construction, by using shop fabricated steel components.

- **College of the Desert Hilb Student Center, Palm Desert California.** Ms. Escalante, a codesigner in the project, participated in the conversion of the former college library into a viable student center, by retrofitting ADA, mechanical, lighting, daylight and electrical systems.

- **Agua Caliente Band of Cahuilla Indians Center, Palm Springs California.** Ms. Escalante is the lead designer of a 30,000 sq. ft. communal facility housing a variety of services for local tribal members, such as educational, child care and a medical clinic.

- **Tahquitz Canyon Visitor Center, Palm Springs California.** Ms. Escalante co-designed the 2000 sq. ft. interpretative center located at the entrance of ancient burial grounds of the Agua Caliente Band of Cahuilla Indians. The building was designed, entitled and built in a 12 month tight schedule while coordinating approvals with multiple regulatory agencies.

- **Aim for the Restoration of Hope Master Plan, Uganda, East Africa.** Ms. Escalante lead a team of planners, architects, engineers, structural and mep and architecture students in developing the master plan for Aim for the Restoration of Home in Uganda, East Africa. The master plan included residential pods, rural medical clinic/hospital, preschool and elementary schools, water purification system and wells and sustainable agriculture program. AROH presently serves 300 orphans and widows that are victims of the civil war. The project includes the re-education of former child soldiers and orphans from newborns to fifteen years of age.

- **Rural Medical Clinic, Aim for the Restoration of Hope, Uganda, Africa.** Ms. Escalante was the principal for this project. The 10,000 sq. ft. facility includes exam rooms, reception, nurses' station, medical offices, dispensary, lab and ancillary facilities as well as an overnight-stay component to triage patients requiring transfer to a distant hospital. Under Ms. Escalante's leadership, AROH has been able to forge partnerships with community partners and corporations committed to promoting public health in development countries by providing resources and as part of their business models.

- **Early Childhood and Elementary School, Uganda, East Africa.** Ms. Escalante lead a team of architects, engineers and architecture students in the design and construction of a 9,000 sq. ft. educational facility designed for an orphanage in Uganda, East Africa. The building currently under construction is designed to perform as an energy surplus producer and its architecture incorporates passive and active sustainable systems as an integral part of the architecture. This project results in provision of new technical skill to empower widows of the AIDS epidemic and civil war.





Hermosa Apartments, Palm Springs



Hermosa Apartments, Palm Springs

- **AROH Water Purification System, Uganda, East Africa.** Under Ms. Escalante's direction four clean water wells were designed, funded and constructed by our office and others based upon the information provided by hydrology and plumbing engineers. These wells replaced existing contaminated surface ponds which had long been used as a source of drinking water for villagers in the areas of the orphanage. Infant mortality as a result of waterborne disease has been virtually from these nearby villages eliminated as a result of these new wells.

- **AROH Orphanage Pods, Uganda, East Africa.** Under Ms. Escalante's direction research performed at California Polytechnic University Pomona resulted in the development and implementation of new residential prototype at the AROH orphanage. Using culturally sensitive practices to de-institutionalize former child soldiers, orphans were provided with housing in small housing units modeled after family structures and led by a house mother. This program provided for

- **AROH Sustainable Agriculture Program, Uganda, East Africa.** Under Ms. Escalante's direction AROH developed a sustainable agriculture program. Escalante Architects purchased land in the vicinity of AROH and then provided the land for AROH to teach sustainable agricultural skills to the community. This program provides for a direct local economic impact to the community by using a multiple-layered agricultural program, increasing crop yields and featuring sustainable practices which maximize limited land resources. The program employs in crop rotation to preserve the limited soil, fix soil nitrogen and increase harvest yield and productivity by using sustainable agricultural practices. This program has been successful in increasing the economic self-sufficiency of the orphanage and reducing the use of pesticides and also reducing deforestation.

- **Fire Station #37 expansion, City of Desert Hot Springs, California.** Renovation and 1000 sq.ft. expansion of Fire Station No. 1, in compliance with the Essential Service Act.

- **Cabot Pueblo Museum ADA Compliance program, City of Desert Hot Springs, California.** Designed an ADA Compliance program, which included new rest rooms for the Historic Cabot Museum.

- **Senior Center renovation, City of Desert Hot Springs, California.** Escalante Architects designed the renovation of Senior Center, which included an ADA compliance program and upgraded kitchen.

- **City of Desert Hot Springs, California. Designed the façade improvement program** for the intersection of Palm Drive and Hacienda Avenue.

- **Claire S. Johnson Apartments, County of Riverside EDA.** Designed the renovation of a 40 unit farm worker housing complex.

- **Agua Caliente Band of Cahuilla Indians Headquarters, Palm Springs California.**

- **MATES- Maneuver Area Training Equipment Site (MATES), Fort Irwing Barstow, California.** Ms. Escalante collaborated in the design of a 500,000 sq. ft. tank maintenance facility for the US Army as a design Architect.

- **Alejo Mixed -Use Project, Palm Springs California.** Ms. Escalante is the Project Architect for this 4 story retail, underground parking and residential units on the edge of Las Palmas neighborhood and North Palm Canyon Commercial District.

- **Desert Son-Shine Preschool & Kindergarten, Palm Springs California.** An 11,000 sq. ft. LEED rated facility designed to perform as an energy surplus producer by incorporating passive and active sustainable systems and strategies as integral part of the architecture and site design.



Greenbaum Residence. Great Room

- **The Towers**, Palm Springs California. Ms. Escalante is the architect-in-charge of a 30 unit residential development located in an emerging neighborhood, designed to weave itself with the surrounding neighborhood while developing a contemporary modern appearance.

- **Hanson House**, Palm Springs, California. Ms. Escalante was the lead designer of a 20,000 sq. ft. hospitality type of facility for Desert medical Regional Center. The facilities included a chapel, guest-rooms, cafeteria, lobby, medical consultation/counseling rooms.

- **Lockheed Martin Headquarters**, Palmdale, California. Ms. Escalante participated in the design and construction documents of a \$40 million new headquarters. The building represents a collaborative effort of all architectural and engineering disciplines to maximize systems and minimize construction cost. Construction was completed in 1994.

- **Yucca Valley Animal Shelter**, Ms. Escalante & Swatt/Miers from San Francisco lead a team of architects, planners and environmental consultants to evaluate and design a "non-kill Animal Shelter Facility" to design and masterplan a 5 acre site which included relocation of endangered species, preservation of local vegetation and the incorporation of passive and active sustainable strategies for a 10,000 initial phase of the project. Project is in cost-estimating phase.

- **SBB College**. Ms. Escalante was the lead designer of the upcoming facilities for a 30,000 sq. ft. (2 story) technical facility to be located in Rancho Mirage dedicated to provide technical education in the medical and nursing allied fields. Project is in the entitlement Field.

- **Carl May Council Chamber** for the City of Desert Hot Springs. Ms. Escalante has lead a the programming, design and implementation of the new Council Chambers for the City of Desert Hot Springs.

HONORS AND AWARDS:

- 2013 Selected by the Architecture & Design Museum, Los Angeles as one of the "Top 20/20 Distinguished and Preeminent Designers in Southern California"

- 2012 "Escalante Architects" exhibit at the A+D Museum, Los Angeles, (forthcoming)

- 2012 "The Architecture of Ana Escalante" a book by Stephanie Lewis, to be published in the Summer of 2012 by McGraw Hill.

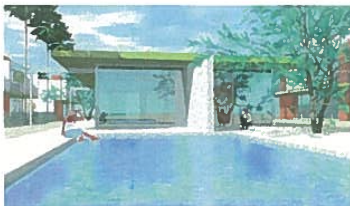
- 2011 "Redefining HO₂ Sustainability in the Desert" published by Buildipedia, by Stephanie Lewis, writer from the NY Times

- 2011 "Architecture and Legacy of Don Wexler" exhibit at the Palm Springs Art Museum, included the Greenbaum Residence and Linsky Residence.

- 2010 "Best Business Woman of the Year" granted by the City of Palm Springs .

- 2010 A+D Museum Exhibit (upcoming October, 2010) of Educational and Humanitarian Work by Escalante Architects.

- 2009 "Humanitarian of the Year" granted by the Government of Uganda through the work and fundraising executed for "Aim for Restoration of Hope - Uganda", an NGO who cares for the victims and orphans of the AIDS epidemic and rehabilitation of child soldiers victims of the Civil War in East Africa.



Hermosa Apartments, Palm Springs

- 2009 Dwell Magazine, Escalante Architects identified as Architects to watch today.
- 2009 Dwell Magazine, Nice Modernist, Restoration of Hope.
- 2008 Director, Executive committee for the American Institute of Architects Inland Chapter. (AIAIC)
- 2008 BuilderNews Magazine, Trends in Residential Architecture, Ideas that Are Driving the Market, Green Multi-Family Housing, September 08 edition.
- 2007 Secretary and Board Member, Aim for the Restoration of Hope, an NGO and charity organization assisting AIDS orphans in Uganda, East Africa.
- 2007 Shelter Magazine, project featured "Rancho Mirage Revisited" by Holly Demaray, July edition.
- 2007 Los Angeles Times front page and cover West Magazine and project featured "Soak Zone – Green Architecture by Barbara Thornburg, May 20, edition.
- 2007 California Home & Design cover and article "Oasis in the Desert" by Lydia Lee, March 07 edition.
- 2007 Palm Springs Life Home Edition cover and article featured "A River Runs Through it" by Samantha Comby.
- 2007 Los Angeles Times West Magazine featured "A Room with a View" by Barbara Thornburg, May 18, Edition.
- 2006 California Home & Design cover and article "Top Ten Architects to Watch" by Lydia Lee, October 06 edition.
- 2006 Work exhibited at the A+D Museum, Los Angeles, California under the title, "New Blood, New Gen" June-Sept 06.
- 2006 Published on CA-MODERN magazine, under the title, "Building Boom – Palm Springs is Erupting with Architecture backed by Modern Principles".
- 2006 "Architect of the Year" Universidad Albert Einstein, San Salvador, El Salvador.
- 2005 Jury member for the 2005 AIA Inland Empire Design Awards.
- 2005 "Architectural Treasures Lecture" at the Palm Springs Art Museum's Architecture and Design Council Lecture Series.
- 2004 "Golden Nugget Community Spirit Award", for Hanson House, a residential facility for families of patients critically injured or terminally ill at Desert Regional Medical Center. Palm Springs, California.
- 2003 Work featured in the 11.03 of Architectural Record magazine, "Three Classic California Homes (Iserman, Barlow and Lane Residences).
- 2003 Lecturer at the 2003 AIA National Convention, under the title "Architecture Vanguard in Southern California". San Diego, California.
- 2002 Lecturer and moderator at the "7th International Congress of Architecture" at the Monterrey Institute of Technology, along with Isaac Broid, Marc Barani and Alfred Berger, among others. Monterrey, Mexico.
- 2001 Featured on the 06.01 Architectural Record Publications: "Inventing Architecture in the Desert".



Greenbaum Residence. View of pool portal at entry

PETER BLACKBURN

POSITION:

Principal, Escalante Architects

EDUCATION:

Yale University

M. Architecture, 1992

University of Florida,

B. Des. Architecture, 1986

LICENSE:

NCARB registration exam passed
(license pending)

EMAIL:

peter.blackburn@escalantearchitects.com

Peter Blackburn joined Escalante Architects in 2001, after working for Moshe Safdie, Gensler-Boston and Arquitectonica. His involvement with Escalante Architects has focused on design detailing, project management, construction documents and construction administration for residential, institutional, commercial, college and hotel projects.

Mr. Blackburn has worked closely with Ana Escalante for the last 7 years, and he has worked continually to understand the challenges of designing in the extreme desert environment. He has also lead projects on his own through design development, construction documents and construction administration in a seamless fashion. His attention to detail, coordination and communication skills has made Peter valuable to each project he undertakes at Escalante Architects. Peter has passed the national architectural license exam, and since his relocation to the desert he has been active in co-teaching at California State Polytechnic University at Pomona. He also taught a drawing and studio methods seminar at Yale University for 14 years, as well as courses elsewhere in structures, construction process, and design studio.

PROJECTS:

- **College of the Desert Aquatic Center Conversion**, Palm Desert California. Mr. Blackburn was the lead designer in the renovation of a former swimming complex into a plaza featuring tensile structures, outdoor seating around an elliptical plaza, lanscape amenities and accessibility upgrades. a co-designer in the project, participated in the conversion of the former Construction scheduled to start in December 2007.
- **Desert Son-Shine Preschool & Kindergarten**, Palm Springs California. Mr. Blackburn is the project manager for the 11,000 sq. ft. LEED rated facility designed to perform as an energy surplus producer by incorporating passive and active sustainable systems and strategies as integral part of the architecture and site design. Construction is scheduled to start on January 2008.
- **St. Theresa Library**, Palm Springs California. Mr. Blackburn is the co-designer and project manager for the 5,000 sq. ft. learning center replacing the old library. Programming and code compliance retrofit is among his duties, besides acting as a liason between regulatory agencies and the Diocese of San Bernardino. Project is in the Pre-design phase.
- **Unitarian Fellowship Center**. Rancho Mirage, California. Mr. Blackburn was the lead designer and project manager in the design of the 5,000 sq. ft. building, in a windy and sand blowing site, integrating sustainable principles and systmes which minimized heat gain while protecting visitors from the extreme climatological conditions. Construction was completed in 2004.
- **Rancho Mirage Fire-Station 50 Renovation**, Rancho Mirage, California. Mr. Blackburn was the project manager in the renovation of the existing facilities. His accurate assessment and prioritizing of remedial strategies to update the building was instrumental in bringing the construction cost under budget and on time. Construction was completed on January 2005.
- **St. Theresa Preschool**, Palm Springs, California. Mr. Blackburn was the project manager for the conversion of the former Catholic convent (designed by Modern Architect William Cody) into the new St. Theresa Preschool. The challenge of the project was to maintain the historical integrity of the building while updating systems, accessibility performing a seismic





Linsky Residence. Kitchen-Family Room

retrofit. Project was built under budget and schedule. Project was completed in 2004

- **Hanson House**, Palm Springs, California. Mr. Blackburn was the co-designer and project manager of a 20,000 sq. ft. hospitality type of facility for Desert medical Regional Center. The facilities included a chapel, guest-rooms, cafeteria, lobby, medical consultation/counseling rooms. Construction was completed in 2005.

- **Tahquitz Canyon Visitor Center**, Palm Springs California. Mr. Blackburn was the project manager for the 2000 sq. ft. interpretative center and he was responsible for coordinating the utilities and infrastructure for the remote site. In addition, he performed construction administration duties throughout the duration of the project. Construction completed in 2001.

AWARDS/HONORS/PARTICIPATION:

- 2007 *California Home & Design* cover and article "Oasis in the Desert" by Lydia Lee, March 07 edition.

- 2007 Lecturer, Architecture in the Desert course series, CSU San Bernardino, Palm Desert, California.

- 2006 Wagon Station Customization, Whitney Museum Altria Gallery, New York City.

- 2006 A-Z West, Joshua Tree, California. Collaboration with Veronica Fernandez and Andrea Zittel in the design and construction of a semi-domestic desert shelter.

- 2006 Member, Palm Springs Modernism Committee (MOD-COM).

- 2004-06 Volunteer, Desert Aids Project Steve Chase Humanitarian Award Committee.

- 2004-06 Volunteer, Palm Springs Desert Museum Architecture and Design Council.

- 2005-07 Volunteer, Palm Springs Desert Museum benefit gala.

- 2006 Work exhibited at the A+D Museum, Los Angeles, California under the title, "New Blood, New Gen" June-Sept 06 .

- 2006 Published in CA-MODERN magazine, under the title, "Building Boom – Palm Springs is Erupting with Architecture backed by Modern Principles".



Tahquitz Visitor Center. Exterior View

- 1996-2001 Volunteer, Big Brothers of Greater Boston.

- 1992-2006 Adjunct Faculty Appointment at Yale University, New Haven.

- 1990-1992 Selected Photographs, Etchings and Drawings Exhibit. Art & Architecture Gallery, New Haven.

GUADALUPE MORIN

POSITION:

Intermediate Designer, Escalante Architects

EDUCATION:

ITT Technical University
Los Angeles, 2011

EMAIL:

l.morin@escalantearchitects.com

Guadalupe Morin joined Escalante Architects after working for Meaux Architecture, California. Guadalupe's extensive knowledge of digital technology and Building Imaging Management (BIM) has contributed to the refinement of the CADD department at Escalante Architects. He is also an expert in Code's Interpretative Reviews including Municipal, State and County required by various governing agencies. *Guadalupe's* skills, creativity and work ethic has earned him to become an important asset to our firm. His involvement with Escalante Architects focused on public and institutional project management, construction documents and construction administration.

Mr. Morin has over 10 years of experience and expertise in construction and planning, as well as, having precise knowledge of materials and systems required in a project. Guadalupe identified and corrected code and access violations for the newly constructed \$9 million Behavioral Center for the Department of Mental Health, in Riverside, California, allowing safe and permitted public use. His administrative, coordination and communication skills has made him valuable to each project he has undertaken. Mr. Morin has administered as much as 80,000 SF in renovations and new construction. Guadalupe has been a guest lecturer at Cal Poly Pomona Department of Architecture in Analog Technology as a Design and interactive tool.

PROJECTS:

- **Department of Mental Health Behavioral Center**, Riverside, CA
Mr Morin was the project manager for the two building; 80,000 sq. ft. two-story outpatient program facilities. He was responsible for coordinating all engineering and architectural disciplines and developing the construction documents. The project is currently in plan check.

- **Lake Port Unified School District Multi-Purpose Building**, Clear Lake, California. Mr Morin lead the design team, during schematics, design development and construction documents for the project. In addition he was responsible for the construction administration phase. Construction was completed in 2011.

- **Terrace Middle School**, Lake Port, California. Mr Morin was the lead designer of the 35,000 sq. ft. facility from start to completion. He also acted as the project manager and accessibility compliance coordinator. Construction was completed in 2012.

- **Clear Lake High School Modernization**, Clear Lake, California. Mr Morin was the project manager for an extensive seismic retrofit, accessibility and systems upgrade on the existing buildings. He was responsible for the design, design development, construction documents and construction administration for the project.

- **Rehabilitation Center for Brain Injury Patients**, Palm Springs. Mr Morin led the BIM effort and entitlement process for the design of a complete Masterplan for the Jackie Lee Houston Rehabilitation Center Project is ready to proceed to design entitlements.

- **Exhibit A+D Museum Product Design**, Los Angeles, California. Mr Morin was responsible for developing the a BIM model and 3d-plotting (manufacturing) of a "Silent Auction Traveling Product" for the 10,000 sq. ft. facility.

- **Cathedral City Historical Renovation**, Cathedral City, California. Mr Morin was the lead designer in the master planning and execution of the construction documents and construction administration of a mixed-use project for the well known retailer.



PROJECT PROPOSAL

PROJECT DESCRIPTION & SCOPE OF WORK

PROJECT DESCRIPTION: The project existing facilities include the general manager's office, kitchen, two accounting offices, vault, assistant general manager's office, general office floor area, restrooms, connecting hallway, cashier area, human resource manager's officer, copy and computer server room, board room, engineering service office, and outdoor storage building.

The project will encompass reviewing existing plans and facilities, meeting with staff, preparing "Record Drawings" (floor plan(s) reflected ceiling plan(s) and site plan) and "Architectural Programming" quantifying the District's office and spatial needs. Deliverables will result in the preparation of an "Architectural Program" and a "Conceptual Floor Plan" of the existing space consists of approximately 3,500 square feet of interior space and 1,000 square feet of exterior enclosed storage space. Escalante Architects will provide an efficient layout for the optimization of the existing space in order to for improve efficiency and to provide a cohesive layout of office space, working cubicles and storage in the building housing District offices.

SCOPE OF WORK: (Predesign Services) included in this proposal focuses in ascertaining a space allocation study and pre-design the remodel of District office building and identification of new construction that is required to meet District needs described as follows:



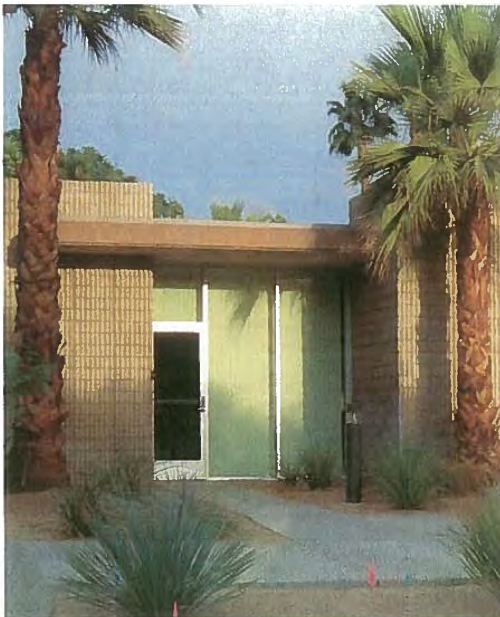
- a. Review existing building plans and related documents. Develop "Record Drawings" based on, on-site measurements and existing conditions, drafted in AutoCAD Release 2011 minimum. Record drawings should be specific enough to generate a demolition plan and shall be used as base drawings for proposed design solution.
 - b. Meet with District employees to understand and quantify their physical and spatial needs to increase district operational efficiency.
 - c. Present findings and recommendations to the District in the form of a "Preliminary Draft" of the "Architectural Program".
 - d. Review by the "District". Following review of the spatial analysis and related findings and recommendations, the District will provide direction to the selected architect regarding allocation and prioritization to meet the identified spatial requirements
 - e. Architect shall submit as part of deliverables, three "Alternatives of Conceptual Plan" addressing building improvements. The District will select the preferred concept, based on budget, quality and schedule.
 - f. Preparation of "Final Conceptual Design" deliverables for this scope of work to ascertain @ the preliminary level, the new interior layout, including but not limited to plans, elevations and Material Board.
 - g. Master Plan for additional facilities expansion.
- In summary, the scope of Work described in this proposal is expected to generate the space allocation study, record drawings, interview users (3 meetings max.) of the facility and prepare spatial allocation recommendations for approval of the stakeholders and a schematic floor plan document for review and approval by the District.

BASIC ARCHITECTURAL & MASTER PLANNING SERVICES

Escalante Architects will furnish the following Basic Architectural Services described as follows:

- Review the existing facilities and generate a space allocation study and new office floor plan required to meet the changing spatial needs of the Joshua Basin Water District, ("District") located at 71750 Chollita Road, Joshua Tree, CA 92252. The primary purpose is to improve the efficiency of the existing space and to establish the requirements for workspace needed, for submittal for federal funding and expansion of facilities.
- Record Drawings
- User's interviews & working sessions to ascertain program needs
- Programming & Program Verification
- Site Master Plan

- Project Design of 3 conceptual design alternatives
- Conceptual Master Plan
- Schematic Design



PROFESSIONAL FEE

BASIC PROFESSIONAL FEE - & ADDITIONAL SERVICES

ARCHITECTURAL FEES - NOT TO EXCEED

Services and deliverables included in this proposal for Architectural & Master Planning Services shall not exceed \$5,000.00 (Five Thousand Dollars) plus Reimbursable Expenses.

Reimbursable Expenses include but are not limited to plotting, authorized "out of town" mileage, renderings and any expense directly attributable to the project, or additional deliverables requested by the District or Client.

Any Additional Architectural Services not included in this proposal, furnished at the District or Client request shall be billed an hourly basis as described below:

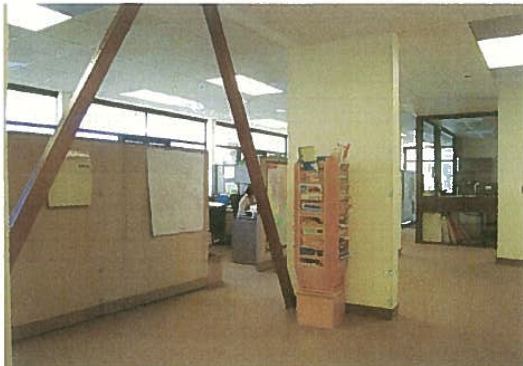
ADDITIONAL ARCHITECTURAL FEES - HOURLY RATE

Escalante Architects will invoice for professional fees not included in the basic scope of services, on an hourly basis as established in our 2013 Hourly Billing Rates described as follows:

Principal Architect	\$185/hr
Senior Designer/ Project Manager	\$135/hr
Sr. Technical Staff	\$100/hr
Intermediate Technical Staff	\$75/hr
Technical Staff	\$65/hr
Clerical Staff	\$55/hr

If required by the Project or requested by the Client, Engineering Consultant will be retained on the Client's behalf.

Escalante Architects will directly retain the following consultants (if required by the Client or agencies having jurisdiction over the project) : Structural Engineer, Mechanical Engineer, Plumbing Consultant, Title 24 consultant, and will bill the Owner at cost plus 30% (1.3%) for coordination and implementation of their work into the construction documents.



SAMPLES OF WORK

PUBLIC PROJECTS EXPERIENCE



Zoll Residence. Motorcourt & Glass Screen

ESCALANTE ARCHITECTS track record in the successful completion of public projects, regardless of its size and complexity, is outstanding. Our dedicated project leadership, careful detailing and thorough involvement, help make for clear communication and efficient building efforts, which helps maintain both the schedule and the bottom line.

Relevant projects are described as follows:

- *Riverside County Economic Development - 3075 & 3125 Myers Street - Department of Mental Health Outpatient Clinics.*

Riverside, California, 2008

Services: Architecture & Engineering, Needs Assessment, Space Planning, ADA Retrofit & Fire Protection for the repurposing of two existing 35,000 and 49,000 SF facilities for the Department of Mental Health, including Administration, IT serving a proposed Outpatient Clinic for Children with Mental and Behavioral Disorders, (Age 0-5 and 6-18)

- *Desert Water Agency Expansion*

Palm Springs, California, 2009

Services: Architecture & Engineering; Master Planning & Entitlements, Interior Design Consultation Landscape Design & Construction Administra-

tion for the expansion of the current facilities of the Client.

- *Riverside County Fire Station 51*

Rancho Mirage, California, 2008

*Services: Architecture & Engineering; Planning & Entitlements, Landscape Design; Interior Design & procurement & **design-build project delivery by re-purposing existing spaces to compatible and needed spaces by staff & "Essential Buildings Act".***

- *Maneuver Area Training Equipment Site (MATES)*

Fort Erwing, Barstow, California, 2008

*Services: Architecture Consultant (Design Architect) in collaboration with Sverdrup-Jacobs (Executive Architect) in order to provide Engineering; Planning & Entitlements, Landscape Design; Interior Design & procurement & **design-build project delivery.***

- *Unitarian Church*

Rancho Mirage, California, 2006


Services: Architecture & Engineering; Planning & Entitlements, Construction Documents for a 20,000 SF facility in a windy area using passive methods & sustainable strategies to achieve a low cost of construction and life-cycle cost.

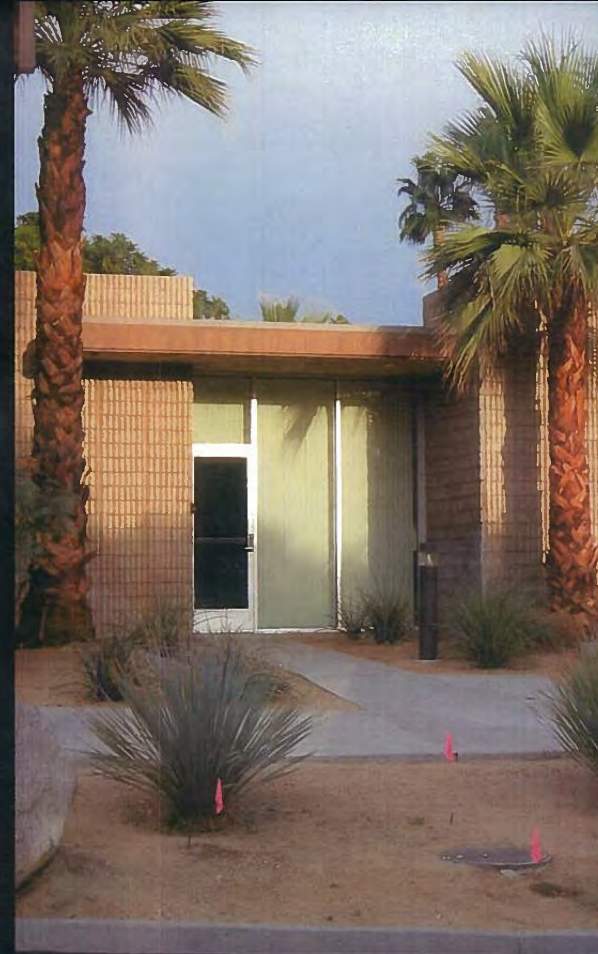


Zoll Residence. Dining Room & Screen




DWA - MAINTENANCE FACILITY

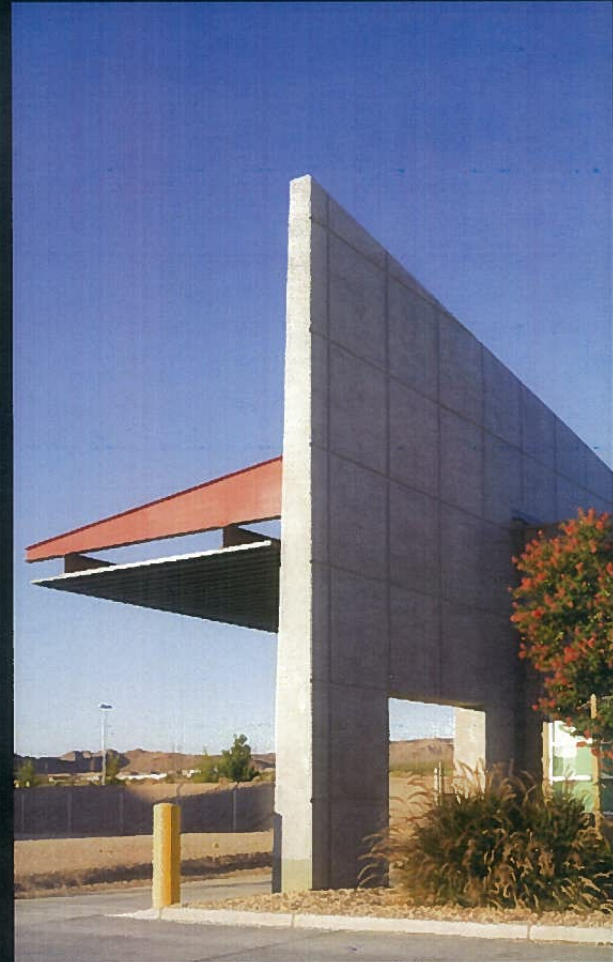
 Salante architects




A 20,000 square foot building originally designed in 1972, was in a state of disrepair and inadequately meeting the needs of the fire personnel. Architectural services included a complete replacement and updating of all the building systems, including but not limited to, glazing, plaster, doors, mechanical systems, roofing and interior planning, in addition to new landscaping, parking and expansion of the administrative offices.

Rancho Mirage Fire Station 50 Renovation

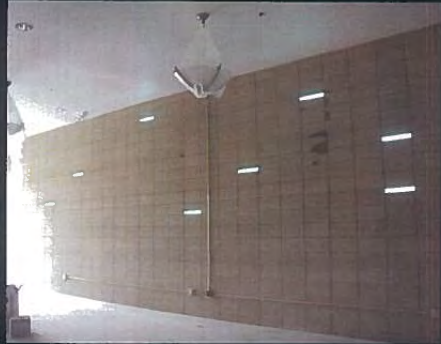
 Salante architects



MATES Tank Maintenance Facility

 Salante architects

PROJECT DESCRIPTION: Design of a 500,000 square foot maintenance building for Army tanks near Barstow, CA. The building alternates materials to anchor it in its High Desert site and expresses its lightweight, large-span functions. Large building components are balanced and scaled to avoid monotony and disorientation, and office, workshop and people-scaled areas are located to reduce travel distances and increase visibility and convenience to the users. Daylight and ventilation are modulated by louvered openings and shades, which create key design elements across the long southern facade.



FLOOR PLAN

Unitarian Fellowship Center

salante architects

PROJECT DESCRIPTION: The Unitarian Fellowship Center integrates principles which minimize heat gain while protecting visitors from blown sand and strong sun, in addition to the simple yet expressive use of basic and economic building materials.

A carefully planned landscape design sought to sustain the character of the site well beyond the encroaching nearby development patterns. By creating an underlying structure which was its own artful expression of space, the material usage and expense could be kept within the budget of a small community of users and also provide an easily maintained, lasting and flexible facility.

CLIENT REFERENCES

CLIENT REFERENCES

CITY OF PALM SPRINGS

Contact: Mayor Steve Pougnet,
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
760.323.8299

CITY OF DESERT HOT SPRINGS

Contact : City Manager, Mr. Rick Daniels
City of Desert Hot Springs
65950 Pierson Blvd.
Desert Hot Springs, California
92240
760.329.6411

DESERT REGIONAL MEDICAL CENTER

Hanson House Family Temporary
Residence & Support Center

Contact: Dr. Frank R. Ercoli, M.D., Director
Desert Regional Medical Center
1150 N. Indian Canyon Drive
Palm Springs, California 92262
760.323.6325 (Dr. Frank Ercoli)

COLLEGE OF THE DESERT

Contact: Mr. Mac McGuinns, AIA
Desert Community College
43-500 Monterey Avenue
Palm Desert, California 92260
760.346.8041

RIVERSIDE COUNTY

Contact: Mr. Charles Waltman
Director, Economic Development
3403 10th. Street Suite 500
Riverside, California 92501
951.955.4560