

JOSHUA BASIN WATER DISTRICT
Minutes of the
SPECIAL MEETING OF THE BOARD OF DIRECTORS

April 27, 2016

1. **CALL TO ORDER:** 6:30 PM

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Rebecca Unger	Present

STAFF PRESENT:

Curt Sauer, General Manager
Susan Greer, Assistant General Manager/Controller
Seth Zielke, Director of Water Resources and Operations
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Kathleen Radnich, Public Outreach Consultant
Gil Granito, District Counsel, Redwine & Sherrill
Gerry Eagans, Redwine & Sherrill

GUESTS 23

4. **APPROVAL OF AGENDA – MSC/ Luckman/Reynolds 5/0 to approve the Agenda**

Fuller	Aye
Luckman	Aye
Johnson	Aye
Reynolds	Aye
Unger	Aye

5. **PUBLIC COMMENT**

Al Marquez, Sun Fair Area, Joshua Tree, stated that the BoD doesn't have to meet at 6:30 p.m. just because other agencies are. It is still difficult for rate payers to attend the BOD meetings even at 7:00 p.m.

Steve Tuttle, N. Joshua Tree, referenced a BoD meeting in March where the GM mentioned the 5 generators that will need to be replaced in 2020 at 1.6M and suggested that there are other alternatives and asked the BOD to look at it again.

Tom O'Key, Joshua Tree, referenced past wins that the citizens of Joshua Tree have won against big businesses and they will continue to do so in order to protect Joshua Tree.

David Fick, Joshua Tree, suggested that the BoD establish a YouTube account since the Time Warner contract is coming to an end. Also, that the Alta Mira Project was approved on April 7th and was appealed on April 18th and is still in the appeal duration period.

Jett Tucker, Joshua Tree, agreed that the BoD needs to be on YouTube since a lot of individuals in Joshua Tree do not have TVs.

PUBLIC COMMENT CLOSED

6. **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.

- A. Approve Draft Minutes of the March 16, 2016 Regular Meeting of the Board of Directors.
- B. Approve Draft Minutes of the April 2, 2016 Regular Meeting of the Board of Directors.

MSC/ Reynolds/Johnson 5/0 to approve the March 16, 2016 Minutes of the Regular Meeting of the Board of Directors with the following changes:

Director Zielke to Director of Operations Zielke and to add the number 12 to the Future Meetings and Training Opportunities paragraph. Approve the April 2, 2016 Minutes of the Regular Meeting of the Board of Directors.

Fuller	Aye
Luckman	Aye
Johnson	Aye
Reynolds	Aye
Unger	Aye

7. UPDATE ON IMPLEMENTATION of ARTICLE 1.9, WATER SERVICE PERMIT APPLICATION

Recommend that the Board receive information on the requirement of obtaining a permit from the County prior to installation of meters on inactive accounts. Direct the General Manager on actions to be taken, if any.

General Manager Sauer stated that on February 17, 2016 the Board passed resolution 16-955, amending Section II and Article 13 of the District’s rules and regulations, incorporating changes related to transitional and inactive accounts. Article 1.9 states that a County assigned address and a county permit or proof of same be supplied. However, district staff and at least two of our customers are apparently receiving different information concerning the need for a permit, from different county personnel. This situation is creating confusion for our customers. While we are improving communications with the County, the present requirement to have a permit is causing consternation with our customers that want to stay involved in the District. Until this is resolved a suggestion would be for the BOD to tell General Manager Sauer to temporarily waive it or bring it back to the BOD to Amend the Resolution so that individuals can get their address and have a meter installed and be streamlined with the County or leave it the same.

PUBLIC COMMENTS

Steve Tuttle, Joshua Tree, suggested that the BoD doesn’t need to concern itself with permits and assigning addresses because we have entities that already do this such as code enforcement. Julian Gonzales, N. Joshua Tree, asked what the definition of an inactive meter is. Is it property with a meter already or a property that is paying but doesn’t have a meter on site?

PUBLIC COMMENT CLOSED

General Manager Sauer responded that it is actually all three. It is water service that has been installed but the meter is not taking water, the meter that was put in but has been pulled and is not taking water or it is rental properties that are at a transitional stage with no current renter.

BOARD COMMENTS

Director Unger asked if they understood that the County had different interpretations. General Manager Sauer stated that he did understand that various people in the County have various interpretations of their own rules and regulations but we will continue to try and improve this. Director Unger asked if this was an action item or for information only. General Manager Sauer asked if the BoD could recommend action to take in the future, if any. Director Johnson asked for clarification on what they are asking for.

General Manager Sauer stated that he would like to remove the requirement for a permit. President Fuller stated that going forward if you don't have a County assigned address you need to go to the County and apply for one and not ask the JBWD for an address. Today we are recommending that General Manager Sauer go back and remove the permit process because the County does not have clarification on it. Director Reynolds asked General Counsel for what the law states. Vice President Luckman commented that everyone should have a County address and the permit can be removed.

MSC/Fuller/Reynolds 5-0 to Recommend to direct the General Manager to research and set up the information to remove the current permit requirement for inactive meters.

Fuller	Aye
Luckman	Aye
Johnson	Aye
Reynolds	Aye
Unger	Aye

8. UPDATE ON NEXTERA SOLAR PROJECT, PROPOSED WILL SERVE LETTER AND WATER SUPPLY AGREEMENT

Recommend that the Board authorize the General Manager to execute the Will Serve Letter and Water Supply Agreement in substantially the same format as discussed.

General Manager Sauer's report is attached.

PUBLIC COMMENT

Steve Tuttle, N. Joshua Tree, stated that there are other options to replenish the aquifer; however, the water is for Joshua Tee residents not a big corporation.

David Fick, Joshua Tree, stated that we are currently in the appeal duration stage and after May 3, 2016 we will know the outcome. The deadline for the PPA (Power Purchase Agreement) is at the end of the year. Mr. Fick highly recommends that this be tabled until after the appeal.

Jett Tucker, Joshua Tree, stated that the future needs of Joshua Tree existing customers should take precedent over new business. Recommended that the BoD decision be tabled till next month.

Al Marquez, Sun Fair, Joshua Tree, commented that the water would be drawn from Copper Mountain subbasin and there would be no way to recharge it. NextEra stated that it would purchase water through JBWD through the State Water Project. The water that will be purchased will be poured into the JBWD not Copper Mountain. Main concern is the community and 90% do not want this project.

Julian Gonzales, Joshua Tree asked when did the District start selecting what people we issue water to. There have been several commercial non-residential developments, why did we not do the same to them? Mr. Gonzales does not approve of the NextEra project.

Tom O'Key, Joshua Tree, commented that the State Water Mandates and Water Usage guidelines, is where the original concern came from and JBWD would not be able to give water until these were lifted, which was part of the last vote. 99% of the Joshua Tree residents do not want this project to move forward.

PUBLIC COMMENT CLOSED

General Manager Sauer clarified that this meeting is not a Special BoD meeting for NextEra. Per the Administrative Code the BoD meeting is a "Special" meeting when it is held on any other week other than the first or third week of the month. General Manager Sauer commented that he brought the NextEra project before the BoD and the community in order to get ahead of any potential decision on the part of NextEra to proceed with a well and to protect our aquifer.

BOARD COMMENTS

Director Reynolds commented that there is an Appeal in process and it is too soon to act upon this now. Director Reynolds stated his intent to make a motion to table this until the BoD receives the results from the Appeal process.

Vice President Luckman stated that to have someone, outside of Joshua Tree, be able to drill a well in our District and have water rights is a very dangerous thing.

Director Unger stated that we are not a land agency we are a water agency and water is not considered in a time when there is a draught. Director Unger agrees with Director Reynolds to table this until the next BoD meeting.

Director Johnson asked if the Motion goes forward and the Will Serve Letter is approved today will it be effective as of today or can it be on completion of the appeal?

Gerry Eagans, Redwine & Sherrill stated that even if the Will Serve Letter is approved it is contingent on the approval from San Bernardino County, which will be after the appeal process.

President Fuller thanked everyone for attending the meeting and the importance of the issue at hand. The biggest thing is we do not want to see a production well.

MSC/Reynolds/Johnson 3-2 to Recommend that the BoD postpone their decision until the May 18, 2016 Regular Board Meeting.

Fuller	No
Luckman	No
Johnson	Aye
Reynolds	Aye
Unger	Aye

9. STANDING COMMITTEE REPORTS:

- A. FINANCE COMMITTEE MEETING: President Fuller and Director Johnson. Next Meeting is scheduled for May 9, 2016.
- B. WATER RESOURCES & OPERATIONS COMMITTEE: Vice President Luckman and Director Johnson. Next Meeting is scheduled for May 24, 2016
- C. LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE: Vice President Luckman and Director Unger: Kathleen Radnich, Public Outreach Consultant to report. Next meeting is scheduled for June 1, 2016.

10. DISTRICT GENERAL COUNSEL REPORT – No Report

11. GENERAL MANAGER REPORT

- Susan Greer, Assistant General Manager – Informed the BoD that as an alternative for property owners with inactive meters (who don't need their water meters or want to pay the basic monthly fee), the property owners can agree, in writing, to terminate their connection to the water system and agree to pay all costs to provide a new water meter in the future and are exempt from basic the basic monthly fee. Property owners have until June 1, 2016 to opt out in order to not incur any basic monthly fee. If property owners choose to opt out and paperwork is received by June 1, 2016 charges will be reversed back to the February inception date.
- General Manager Curt Sauer stated that we will not be purchasing any new generators at this time or in the near future. The existing technology to update our generators to the State requirements does not exist. The State is rethinking the emissions requirements which may extend us out to 2020. GM Sauer reviewed the 2015 Urban Water Management Plan Schedule (attached). Plan will be submitted to the Department of Water Resources between June 8th and June 30th.

Since Flint, Michigan's lead issues have caused several customers to inquire about our lead levels, GM Sauer asked Director of Operations Zielke to report on lead. Director Zielke reported that lead is at a non-detectable level and we will continue to monitor, as requested, by State regulations.

May 18th a request will be brought to the BoD to update the Analog phone system to a digital system.

GM Sauer met with Zach Mullenix, County Fire Department, Office of the Emergency Service Liaison. With his support and that of Yucca Valley Emergency Support Coordinator Jessica Rice, there will be an Incident Command System training in July for all four water districts, to include two table top exercises in the fall, in order to prepare for a large scale emergency (earthquake).

GM Sauer commended Seth Zielke, Director of Operations and Water Resources and Susan Greer, Assistant General Manager, along with their staffs, for working with consultants, customers and going beyond their normal duties to provide excellent customer service.

12. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

- A. Mojave Water Agency Board of Directors Meeting April 14, 2016 – Rebecca Unger
- B. ASBCSD Meeting April 18, 2016 – Director Reynolds
- C. ACWA Spring Conference in Monterey, CA – May 3-6, 2016

13. DIRECTOR REPORTS ON MEETINGS ATTENDED, COMMENTS/FUTURE AGENDA ITEMS

- Vice President Luckman attended the High Desert Water Summit and commented that GM Sauer was able to include JBWD's Chromium 6 funding requirements in the Integrated Regional Water Management Plan, Mojave Water Agency.
- Director Reynolds attended the Special Districts Meeting at the E. Valley Water District, Highland, CA. Director Reynolds requested to add "YouTube" to the next meeting Agenda.
- Director Johnson – No meetings attended
- Director Unger – Attended the Mojave Water Agency meeting and requested that the San Bernardino County Planner come and meet with the BoD and add it to the next agenda.
- President Fuller commented that the State Water Resources Control Board is considering adding drinking water fees to all agencies and all comments need to be in by June 22, 2016.

14. ADJOURNMENT

MSC Unger/Reynolds, 5/0 to adjourn the Special Meeting of the Board of Directors of April 27, 2016 at 8:12 PM.

Fuller	Aye
Luckman	Aye
Johnson	Aye
Reynolds	Aye
Unger	Aye

Respectfully submitted:


Curt Sauer, GM and Board Secretary