

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
April 6, 2011

1. **CALL TO ORDER** 7:00 PM
2. **PLEDGE OF ALLEGIANCE**
3. **DETERMINATION OF QUORUM:**
- | | |
|----------------|---------|
| Bill Long | Present |
| Mickey Luckman | Present |
| Mike Luhrs | Present |
| Mike Reynolds | Present |
| Gary Wilson | Present |

STAFF PRESENT: Joe Guzzetta, General Manager
Terry Spurrier, HR/Administrative Services Supervisor

CONSULTANTS PRESENT: Gil Granito, District Counsel
Kathleen Radnich, Public Outreach Consultant

GUESTS 8

4. **APPROVAL OF AGENDA**
MSC Long/Wilson 5/0 to approve the Agenda for the April 6, 2011 Regular Meeting of the Board of Directors.
5. **PUBLIC COMMENT**
Cynthia Leahy commented on her experience when the District solicited for bids from landscape contractors in 2008. Gary Lovelace of Joshua Tree commented on statements made by Director Luhrs in the past. Kathleen Radnich, JBWD Public Outreach Consultant, invited the community to the anniversary of the *Water Wise Demonstration Garden* on April 16th where there will be an art show and activities.
6. **CONSENT CALENDAR**
Director Luhrs requested that the Draft Minutes of the March 16th Regular Meeting be revised with the deletion of President Luckman's reference to the ACWA conference under Item 17.
MSC Reynolds/Long 5/0 to approve the Minutes of the March 16, 2011 Regular Meeting with the revision as noted; and to approve the Financial Report for February 2011.
7. **REPORT ON UPCOMING JBWD/AWAC FREE TOILET GIVEAWAY**
General Manager Guzzetta reported that Mojave Water Agency has provided a grant that will supply 300 high efficiency toilets to JBWD customers. JBWD customers can apply online to qualify to exchange toilets that use more than 1.6 gallons per flush for high efficiency toilets.
8. **CONSIDER ADOPTION OF RESOLUTION 11-868 REGARDING GUARANTEE DEPOSITS**
GM Guzzetta reported on the proposed policy that would provide for new account deposits of zero, one hundred dollars, or two hundred dollars, based on "green, yellow, or red" scores from a credit-rating agency. Board and staff discussion ensued. Barbara Delph of Joshua Tree commented that many people might not be able to afford a higher deposit at this time. Discussion continued. It was suggested that the

District's Citizens Advisory Committee review the subject and make a recommendation to the Board. MSC Long/Wilson 5/0 to table the item; to refer the item to the Citizens Advisory Committee to review and make recommendation to the Board, and that the Board will revisit the subject at a future date.

9. WATER ACCOUNT ASSISTANCE PROGRAM

GM Guzzetta reported that the District is considering some revisions to the Water Account Assistance Program, which is in place to offer assistance to customers who are victims of unusual or extraordinary circumstances that result in high water bills. Staff has requested feedback from the Board regarding guidelines for the program. President Luckman noted that this program is different from a service that pays bills for low-income customers. Vice-President Reynolds suggested that a customer should be allowed assistance only one time. The consensus of the Board was that the program should continue. District Counsel Gil Granito stated he will review the legal aspects of any proposed changes.

10. PROJECT PRIORITY LIST

GM Guzzetta reported that a public hearing for the Urban Water Management Plan update will be scheduled for June 15th; the Citizens Advisory Committee will review the drafted chapters.

11. PUBLIC COMMENT

None.

12. GENERAL MANAGER REPORT

GM Guzzetta reminded the Board that volunteers are needed to help with the toilet exchange program on May 7th and May 21st. Director Wilson asked whether rates charged by Canyon Automotive are the same now as when the District contracted with them; GM Guzzetta replied that rates have not increased.

13. DIRECTORS COMMENTS/REPORTS

Director Luhrs asked if GM Guzzetta and President Luckman attended ACWA conference in Washington DC; GM Guzzetta answered they did not, they met with legislators. Director Luhrs asked several questions related to his prior request for documents. GM Guzzetta commented that, according to Board policy, staff provides document copies to Directors who request information, and if information requested by a Director requires staff to research and compile a report, Board authorization is needed. District Counsel Gil Granito stated that Director Luhrs is correct in that Directors should be provided information as requested and that GM Guzzetta is also correct in requesting Board authorization for information requests that cause extraordinary work effort from staff. President Luckman stated that Director Luhrs' request can be put on the agenda for the next Board meeting in two weeks.

Director Wilson commented on statements made by the GM Guzzetta regarding attending meetings. President Luckman commented that she and GM Guzzetta had gone to Washington DC to attend the ACWA Conference but after arriving, she decided the time would be better spent in other meetings that were already arranged. Director Wilson stated his opinion that Board approval was not needed for the ACWA Conference but was needed for other travel.

14. CLOSED SESSION

1. At this time, the Board will go into Closed Session pursuant to Government Code Section 54956.8 to confer with & instruct the District's Real Property Negotiator, Joe Guzzetta, as to terms & conditions of the potential purchase of land for a reservoir site.

It is anticipated that negotiations will be with the record owners of the specific sites/parcels under consideration which are as follows: 0607-041-06; 0600-271-09; 0602-011-10; 0602-011-16; 0602-011-03; 0588-131-73; 0589-192-21; 0588-121-22; 0588-121-68

2. At this time, the Board will go into Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Robert

Ellis, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 900168).

3. At this time, the Board will go into Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Ironhead LLC a California Limited Liability Company, Praxedes Beard and Does 1 – 10 inclusive, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 1100087).

The Board went to closed session at: 8:18 pm and returned at 8:58 pm.

15. REPORT ON CLOSED SESSION ITEMS

District Counsel Granito reported that Closed Session Item 2 was heard first. Director Luhrs recused himself, not due to any financial relationship with Mr. Ellis but because he had had several conversations with Robert Ellis prior to becoming a board member.

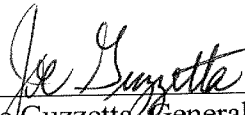
The Board met in Closed Session with Joe Currie of CE Prime who is assisting in the negotiations, and who will present a proposal at the next Board meeting; no reportable action was taken during discussion of item 3.

No reportable action was taken for item 1.

20. ADJOURNMENT 9:00 PM

MSC Long/Reynolds 5/0 to adjourn the April 6, 2011 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 Wednesday April 20, 2011 at 7:00 pm.