

JOSHUA BASIN WATER DISTRICT
Minutes of the
ADJOURNED REGULAR MEETING OF THE BOARD OF DIRECTORS
December 14, 2011 Adjourned from December 7, 2011

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Bill Long	Present
Mickey Luckman	Present
Mike Reynolds	Present
Gary Wilson	Present

STAFF PRESENT:

Joe Guzzetta, General Manager
Susan Greer, Assistant General Manager/Controller
Keith Faul, GIS Coordinator
Marie Salsberry, Executive Secretary

CONSULTANTS PRESENT:

Gil Granito, District Counsel
Kathleen Radnich, Public Outreach Consultant

GUESTS 20

4. APPROVAL OF AGENDA

MSC Long/Reynolds 4/0 to approve the agenda for the December 14, 2011 Adjourned Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

None.

6. APPOINTMENT OF BOARD MEMBER TO FILL VACANCY

Al Marquez of Joshua Tree stated his opinion that Mr. Coate and Mr. Johnson should be considered as they each had four votes when the "straw vote" was taken during the December 7th meeting. Legal Counsel Gil Granito confirmed that the straw vote was done correctly and procedurally according to legal code.

Steven Whitman of Joshua Tree commented that the four remaining applicants are all very good and any of them would serve the Board well.

President Luckman stated that in the interest of fairness, the applicants could voluntarily leave the room in order to be interviewed individually; it was stressed that this was voluntary and that the law does not require that anyone leave the room during the public meeting. President Luckman stated that Karen Tracy would be interviewed first. Paul F. Coates, Robert Johnson and Barbara Delph left the room voluntarily and Ms. Tracy was interviewed by the Board. A door to the meeting room was left open in order to provide access to the public, and the other three applicants were interviewed in turn.

Board discussion ensued and the following action was taken:

MSC Luckman/Long 4/0 to nominate and appoint Paul F. Coate to fill the Board vacancy.

General Manager Joe Guzzetta administered the oath of office to Mr. Coate who then joined the other Board members at the dais.

7. AMENDMENT OF ARTICLES III AND VII TO PROVIDE RULES AND REGULATIONS RELATED TO THE WASTE WATER SYSTEM AND TO PROVIDE FOR DEVELOPMENT AGREEMENT WITH PROVISIONS TO EXTEND THE COLLECTION OF CAPACITY FEES

President Luckman stated that Item seven and Item eight would be taken off this meeting agenda.

8. AGREEMENT BETWEEN HI-DESERT MEDICAL CENTER AND JOSHUA BASIN WATER DISTRICT FOR PACKAGE WASTE WATER TREATMENT PLANT

This item was deferred.

9. REVISION OF JBWD ADMINISTRATION CODE SECTION 3.07.02 PROVIDING FOR BOARD AGENDA ITEMS NEEDING TO BE ADDRESSED SUBSEQUENT TO POSTING OF AGENDA

GM Guzzetta reported.

Al Marquez of Joshua Tree commented that the District Administration Code has been updated numerous times over the last year. Counsel Granito stated that the proposed change will bring the District Administration Code in conformance with state law.

MSC Reynolds/Long 4/1 to approve staff recommendation to adopt revised Section 3.07.02 to conform with the California Brown Act.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

Legal Counsel Gil Granito stated that GM Guzzetta would suggest that this meeting be adjourned to a time certain in order to discuss Item seven (Amendment of Articles III and VII to Provide Rules and Regulations Related to the Waste Water System and to Provide for Development Agreement With Provisions to Extend the Collection of Capacity Fees), and Item eight (Agreement between Hi-Desert Medical Center and Joshua Basin Water District for Package Waste Water Treatment Plant).

GM Guzzetta stated that these items should be acted on before the end of the year, and recommended adjourning this meeting to another meeting in order to discuss Item seven and Item eight in a workshop format and that the Board should be prepared to vote.

Legal Counsel Granito stated that the suggestion is to take the two items off calendar for this meeting and adjourn the meeting to a time certain. He clarified to President Luckman that the date for the adjourned meeting could be chosen at the end of the current meeting.

10. COMMITTEE REPORTS:

- A. **Public Information Committee:** Kathleen Radnich, Public Outreach Consultant, reported that Executive Secretary Marie Salsberry negotiated a \$113 monthly cost reduction for newsletter printing early this year, and an additional \$85 monthly reduction recently, with a paper quality upgrade.
- B. **Ad Hoc General Manager Performance Facilitated Review Process:** Director Long reported that this is in process.

11. PUBLIC COMMENT

Barbara Delph of Joshua Tree congratulated Mr. Coate on being selected as the new Director of the Board. Al Marquez of Joshua Tree commented opposing the expenditure for a facilitated review process for the general manager.

12. GENERAL MANAGER REPORT

GM Guzzetta reported that the District received a certificate from the Joint Powers Insurance Authority for having an excellent safety record for the last year. He reported that Executive Secretary Marie Salsberry has been certified by the California Emergency Management Agency as a Crisis Communication Specialist; he congratulated her for effort noting that she is one of 18 certified Crisis Communications Specialists in the state.

13. DISTRICT COUNSEL REPORT

Mr. Granito stated that there would be no need for a closed session tonight. He reported on Assembly Bill 1344 that will require agencies to post agendas and minutes on their websites; noting that JBWD already does this. He also reported on Senate Bill that will allow the state personnel board to provide mediation services if negotiations with between agencies and their employees reach an impasse.

14. SELECTION OF BOARD OFFICERS

Mickey Luckman nominated Mike Reynolds for President of the Board; Bill Long seconded the motion: MSC Luckman/Long 4/1 to select Mike Reynolds as President of the Board for 2012.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

Director Long nominated Mickey Luckman for Vice President of the Board; Director Coate seconded the motion:

MSC Long/Coate 5/0 to select Mickey Luckman as Vice President of the Board for 2012.

15. APPOINTMENT OF BOARD REPRESENTATIVES TO MOJAVE WATER AGENCY, MORONGO BASIN PIPELINE COMMISSION, AND ASSOCIATION OF THE SAN BERNARDINO COUNTY SPECIAL DISTRICTS

This item was deferred.

16. DIRECTORS COMMENTS/REPORTS

Director Coate thanked the Board for his appointment, stating that he hopes to serve the community and be an asset to the District. Director Long welcomed Director Coate to the Board. Vice President Reynolds welcomed Director Coate and thanked the eight people who applied for the position. President Luckman welcomed Director Coate. She stated that this meeting would be adjourned to a future date; some discussion ensued regarding a date for the adjourned meeting. Mr. Granito suggested Friday December 16 at 10:00 am; the Directors agreed on that time and date and President Luckman noted that the agreement with Hi-Desert Medical Center and proposed changes to the District Rules and Regulations will be discussed and action may be taken. She stated that the December 14th meeting was adjourned to Friday at 10:00 am at the Joshua Tree Community Center.

17. CLOSED SESSION

- A. 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).
- B. 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).

- C. Closed Session to confer with labor negotiator regarding MSC unit pursuant to Government Code 54957.6.
District negotiator: Joe Guzzetta.

There was no closed session.

18. REPORT ON CLOSED SESSION

None.

19. ADJOURNMENT 8:37 PM

MSC Long/Coate 5/0 to adjourn the December 14th, 2011 meeting of the Joshua Basin Water District Board of Directors.

Respectfully submitted;



Joe Guzzetta, General Manager