



JOSHUA BASIN WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
WEDNESDAY, JUNE 19, 2019, AT 6:30 PM  
61750 CHOLLITA ROAD, JOSHUA TREE, CA 92252

**AGENDA**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **DETERMINATION OF A QUORUM**
4. **APPROVAL OF AGENDA**
5. **PUBLIC COMMENT**  
Members of the public may address the Board at this time with regard to matters within the Board's jurisdiction that are not listed on the agenda. State law prohibits the Board of Directors from discussing or taking action on items not included on the agenda. Members of the public will have the opportunity for public comment on any item listed on the agenda when it is addressed on the agenda. Please limit comments to three (3) minutes or less.
- Pages 3-8 6. **CONSENT CALENDAR –**
  - Special “Workshop” Meeting Draft Minutes May 30, 2019
  - Regular Meeting Draft Minutes June 5, 2019
  - Special Meeting Draft Minutes June 12, 2019
  - Approval and Adoption of the Strategic Plan
- Pages 9-25 7. **PUBLIC HEARING –** At this time the Board will conduct a Public Hearing to receive and discuss public input & comments regarding the water availability charges for 19/20 and authorizing collection by San Bernardino County.  
**The public hearing should be conducted as follows:**
  - HEARING OPENED BY PRESIDING OFFICER
  - RECEIVE STAFF REPORT
  - BOARD QUESTIONS
  - PUBLIC TESTIMONY OPENED BY PRESIDING OFFICER
  - RECEIVE PUBLIC COMMENTS
  - CLOSE PUBLIC HEARING
  - BOARD ACTION
- Page 26 -27 8. **JBWD BOARD MEMBER VACANCY –** Recommend that the Board discuss and determine how to proceed with the filling of the vacancy created by the passing of Mickey Luckman. Government Code Section 1780 provides that the Board may fill the vacancy by an appointment or by call for a Special Election.

- Pages 28-33 | 9. **APPOINTMENT OF INTERIM GENERAL MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT** – Recommend that the Board consider appointing Mark C. Ban to the position of Interim General Manager and approval of the Employment Agreement for said position/appointment which has been negotiated pursuant to the guidelines provided by the Board, a copy of which is included in the agenda packet.
- Pages 34-37 | 10. **ADOPTION OF RESOLUTION #19-1001, ESTABLISHING THE APPROPRIATION LIMIT FOR FISCAL YEAR 2018/2019** – Recommend that the Board adopt Resolution No. 19-1001.
- Pages 38-42 | 11. **APPROVAL AND ADOPTION OF THE EMERGENCY RESPONSE PLAN AND THE LOCAL HAZARD MITIGATION PLAN** – Recommend that the Board approve and adopt, in separate motions, Resolution No.19-1002 JBWD Hazard Mitigation Plan and Resolution No. 19-1003 JBWD Emergency Response Plan.
12. **DISTRICT GENERAL COUNSEL REPORT** – Mr. Gil Granito
13. **GENERAL MANAGER REPORT** – Curt Sauer
14. **DIRECTOR COMMENTS & REPORTS ON MEETINGS ATTENDED**
- Public Outreach Consultant – Kathleen Radnich
  - Association of San Bernardino County Special Districts (ASBCSD) Dinner at Percy Bakker Community Center, Hesperia, CA – June 17, 2019 - Director Reynolds.
15. **FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES**
- Mojave Water Agency Board of Directors Meetings- June 27, 2019 at 9:30 a.m. – Vice President Unger
  - Citizens Advisory Committee – July 9, 2019, at 6:00 p.m. – Chairperson Karen Tracy
  - Finance Committee – July 10, 2019, at 9:00 a.m. – President Johnson and Vice President Unger
  - Water Resources and Operations Committee – July 10, 2019, at 10:30 a.m.-Director Hund and Director Reynolds
16. **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) 974-0072, 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.

JOSHUA BASIN WATER DISTRICT  
SPECIAL "WORKSHOP" MEETING MINUTES  
WEDNESDAY, MAY 30, 2019

CALL TO ORDER/PLEDGE OF ALLEGIANCE – President Johnson called the meeting to order at 1:00 p.m.

DETERMINATION OF A QUORUM – President Johnson, Vice President Unger, Director Hund, Director Luckman, and Director Reynolds.

STAFF PRESENT -Curt Sauer, GM, Mark Ban, AGM-Operations, Susan Greer, AGM-Finance, Anne Roman, Accountant, and Sarah Johnson, Director of Administration

CONSULTANTS PRESENT – None

APPROVAL OF AGENDA –MSC' (Unger/Hund) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger

Noes: None

Absent: None

Abstain: None

PUBLIC COMMENT – None

STRATEGIC PLANNING WORKSHOP – The Board of Directors reviewed the Strategic Plan which was then followed by a brief Q&A period with the Board, staff and CAC members.

ADJOURNMENT –President Johnson adjourned the meeting at 2:30 p.m.

Respectfully Submitted:

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Curt Sauer, General Manager and Board Secretary

JOSHUA BASIN WATER DISTRICT  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 5, 2019

CALL TO ORDER/PLEDGE OF ALLEGIANCE – President Johnson called the meeting to order at 6:30 p.m.

DETERMINATION OF A QUORUM – President Johnson, Vice President Unger, Director Hund, Director Luckman, and Director Reynolds.

STAFF PRESENT -Curt Sauer, GM, Mark Ban, AGM-Operations, Susan Greer, AGM-Finance, Anne Roman, Accountant, Sarah Johnson, Director of Administration, and Beverly Waszak, Executive Assistant

CONSULTANTS PRESENT - Kathleen Radnich, Public Outreach, and Mr. Gil Granito, Redwine and Sherrill, District Counsel.

APPROVAL OF AGENDA – Director Hund moved to approve the Agenda. Director Luckman seconded.

MSC<sup>1</sup> (Hund/Luckman) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger

Noes: None

Absent: None

Abstain: None

PUBLIC COMMENT – None

CONSENT CALENDAR – Draft Minutes April 17, 2019, Draft Minutes May 1, 2019, Special Meeting Draft Minutes, May 15, 2019, and Draft Minutes May 15, 2019. Director Luckman moved to approve the Consent Calendar. President Johnson seconded.

MSC<sup>1</sup> (Luckman/Johnson) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger

Noes: None

Absent: None

Abstain: None

PRESENTATION BY MOJAVE WATER AGENCY – Jim Ventura, MWA Board, presented GM Curt Sauer with an award for his outstanding service and dedication to the Joshua Basin Water District.

Tom McCarthy also told GM Sauer what a pleasure it is to work with him then went on to inform every one of the leak on the Morongo Basin Pipeline since Friday, May 31, 2019, and then spoke about the State Water Project, which is in great shape, with a 70% allocation. Mr. McCarthy spoke on the California Water Fix with Governor Newsome. This was followed by a brief Q&A with the Board and staff.

PUBLIC COMMENT –

Al Marquez, Sunfair Community, asked who would be responsible for the pipeline once the bond is paid off in 2022 or 2023.

Jim Ventura stated that this concern was brought to the Commission 4 months ago that the Morongo Basin agencies should own the pipeline. An analysis was done by Marina West and Mike Simpson, and the MB Agencies would not be able to afford it. It was concluded that the Mojave Water Agency would be responsible for the pipeline.

PUBLIC COMMENT CLOSED

GM Sauer thanked Tom McCarthy and Jim Ventura for their support the last five (5) years and said he couldn't have done it without a supportive Board and staff to back him. He also thanked Yvonne, Michele, Lance, Christie, Daryl, Mike, Kathy, Matt, and the MWA Board for their support the last five (5) years.

BUDGET APPROVAL – AGM Greer gave the staff report, and she informed everyone at the meeting that all 5 Board members were at both the Finance Committee and Water Resources Committee meetings to review the 2019/2020 Budget. This was followed by a brief Q&A by the Board.

President Johnson moved to approve the 19/20 Budget. Director Hund seconded.

MSC<sup>1</sup> (Johnson/Hund) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger  
Noes: None  
Absent: None  
Abstain: None

ADOPT RESOLUTION NO. 19-997 AND RESOLUTION NO. 19-998 OF INTENTION TO DISSOLVE IMPROVEMENT DISTRICT #1 AND IMPROVEMENT DISTRICT #2 – AGM Greer gave the staff report and informed the Board that Improvement District #1 and Improvement District #2 needed to be formally resolved. This was followed by a brief Q&A with the Board.

Vice President Unger motioned to adopt Resolution No. 19-997. Director Hund seconded.

MSC<sup>1</sup> (Unger/Hund) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger  
Noes: None  
Absent: None  
Abstain: None

Vice President Unger motioned to adopt Resolution No. 19-998. Director Reynolds seconded.

MSC<sup>1</sup> (Unger/Reynolds) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger  
Noes: None  
Absent: None  
Abstain: None

CONSIDER REPLACEMENT OF BALL AND CHECK VALVES AS WATER METERS ARE REPLACED AT A COST OF \$500,250 OVER FIVE YEARS – AGM Greer gave the staff report, and a brief Q&A followed with the Board.

Director Reynolds motioned to adopt Resolution No. 19-998. Director Luckman seconded.

MSC<sup>1</sup> (Reynolds/Luckman) motion carried by the following vote:

Ayes: Hund, Johnson, Luckman, Reynolds, and Unger  
Noes: None  
Absent: None  
Abstain: None

DISTRICT GENERAL COUNSEL REPORT – No report.

GENERAL MANAGER REPORT – GM Sauer updated the Board on the Resolutions for the Hazard Mitigation Plan and the Emergency Response Plan for the District and they have been approved by FEMA. AGM Ban followed with an update on the CIRP and the new equipment that was recently purchased.

DIRECTOR COMMENTS & REPORTS ON MEETINGS ATTENDED –

Kathleen Radnich, Public Outreach Consultant, reminded everyone that it is high water demand season. The Farmers Market June booth theme is “understanding our aquifer.” There will be a dunk tank at the JT Community Center on June 29, 2019, from 4-9 p.m.

Director Hund commented on the convenience of the 5-gallon water jugs in Home Depot and Walmart to store water at your home.

Director Reynolds commented that it is a good idea to also rotate your water stock. He also thanked Jim Ventura and Tom McCarthy for being a part of the Board meeting tonight.

Vice President Unger commented on GM Sauer’s learning about the District when he first began as GM.

President Johnson thanked all the first responders.

FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES – President Johnson read off the upcoming meetings for the Board members.

CLOSED SESSION - At approximately 7:42 p.m. the Board went into Closed Session as reflected in item #15 of the June 5, 2019, Agenda. The Closed Session ended at approximately 8:22 pm, and the Regular Session resumed. No reportable action was taken. Action on this matter will be considered in Open Session at the June 19, 2019, regular meeting of the Board of Directors.

ADJOURNMENT – President Johnson adjourned the Board of Directors meeting at 8:24 p.m.

Respectfully submitted,

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Curt Sauer, Board Secretary and General Manager

JOSHUA BASIN WATER DISTRICT  
SPECIAL BOARD OF DIRECTORS MEETING MINUTES  
WEDNESDAY, JUNE 12, 2019

CALL TO ORDER/PLEDGE OF ALLEGIANCE – President Johnson called the meeting to order at 10:30 a.m.

DETERMINATION OF A QUORUM – President Johnson, Vice President Unger, and Director Reynolds.

ROLL CALL;

Present: Johnson, Reynolds, and Unger

Absent: Hund and Luckman

STAFF PRESENT -Curt Sauer, GM, Mark Ban, AGM-Operations, Beverly Waszak, Executive Assistant

CONSULTANTS PRESENT – Mr. Gil Granito, District Legal Counsel

APPROVAL OF AGENDA –MSC<sup>1</sup> (Unger/Reynolds) motion carried by the following vote:

Ayes: Johnson, Reynolds, and Unger

Noes: None

Absent: Hund and Luckman

Abstain: None

PUBLIC COMMENT – None

CLOSED SESSION- At this time the Board will go into Closed Session pursuant to Government Code Section 54957 (b) (1) to consider the appointment/employment of an Interim General Manager, effective upon Mr. Sauer’s scheduled retirement.

RETURN TO OPEN SESSION – The Board returned to Open Session at 10:43 a.m.

REPORT ON CLOSED SESSION – District General Counsel reported that at approximately 10:33 a.m. the Board of Directors went into Closed Session as reflected in Item #6 of the June 12, 2019 Agenda. The discussion related to the appointment of an Interim General Manager. No reportable action was taken at this time. Action will be taken at the June 19, 2019 regular Board of Directors meeting.

ADJOURNMENT –President Johnson adjourned the meeting at 10:45 a.m.

Respectfully Submitted:

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Curt Sauer, Secretary of the Board and General Manager

## JOSHUA BASIN WATER DISTRICT

Report to: Board of Directors

June 19, 2019

Prepared by: Curt Sauer

TOPIC: APPROVAL AND ADOPTION OF THE STRATEGIC PLAN

RECOMMENDATION: Recommend the Board approve and adopt the 2019 to 2023 Strategic Plan

### ANALYSIS:

The Joshua Basin Water District (JBWD or District) embarked on an update of its Strategic Plan in mid-2018. This update was one of the high-importance, high-urgency recommendations made in a recent Organizational Assessment of the District (“Joshua Basin Water District Organizational Assessment,” Westin Technologies, April 6, 2018).

This document consists of the following:

- The public document, which primarily consists of the vision, mission, values, goals, objectives, and tagline, along with photos and graphics that help describe the District’s work. This is designed to be a stand-alone document that will be posted on the website and printed for distribution to customers and other members of the public (pages 1-12).
- This narrative, which describes in detail the process used to update the Strategic Plan and is written for an internal audience (pages 13-15).
- Attachments to this narrative, including reports on:
  - o Interviews and survey done to prepare for the strategic planning process (pages 16-45).
  - o The first strategic planning workshop, held October 16-17, 2018 (pages 46-50).
  - o The second strategic planning workshop, held November 14-15, 2018 (pages 51-56).
- A snapshot of a spreadsheet that includes the goals, objectives, and detailed tasks for each objective, along with timelines and year-by-year budget (pages 57-69).

The Strategic Plan itself consists of the public document plus the spreadsheet. The District intends to treat this plan as a flexible, living document. Management intends to review and update the plan every year during the budgeting process.

The Board held a two hour workshop on the final draft plan on May 30<sup>th</sup> and recommended adoption at that time, with minor edits. Those edits have been made.

Staff recommends the adoption of the Plan.



JOSHUA BASIN WATER DISTRICT  
AGENDA REPORT

Meeting of the Board of Directors

June 19, 2019

Report to: President and Members of the Board  
From: Susan Greer



TOPIC:

PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGES FOR FISCAL YEAR 2019/2020

RECOMMENDATION:

Adopt Resolution 19-1005, establishing water availability charges for 19/20 and authorizing collection by San Bernardino County.

ANALYSIS:

The public hearing is a legal requirement, necessary each year whether or not there is a rate change. The proposed rates are *unchanged since 1996* and authorized by the Uniform Standby Charge Procedures Act (Government Code 54984 et seq.).

The public hearing should be conducted as follows:

- Receive Staff Report
- Board Questions
- Open Public Hearing; receive public comments
- Close Public Hearing
- Board Discussion and action

As required, the updated Engineer's Report from our new Standby Administrator NBS, is attached for 2019/2020. Although no change to the standby charges is proposed, the District is legally required to advertise and hold a public hearing and adopt a resolution setting the rates annually.

Water availability charges, also called standby charges, are levied annually on all non-exempt parcels within the District, whether or not there is water service to the parcel. Exempt parcels are government-owned. Since 1992, the Board of Directors has directed the standby assessments primarily for the Morongo Basin Pipeline expenses. Remaining water availability charge revenues will be used exclusively for other lawful purposes of the District, such as capital costs and operation and maintenance expenses of the District's water facilities benefiting the properties assessed or other debt service payments.

Standby charges are a major source of operating revenue for the District, totaling \$1,078,000 or 15% in the 19/20 approved budget. The budget was based on historical figures and approved before the final standby assessments were calculated. The final total is higher than budgeted; \$1,137,645 compared to budget of \$1,078,000, an increase of \$59,645. A budget adjustment to increase revenue will be made after Resolution 19-1005 is approved.

The Engineer's Report includes information about the County Land Use Zoning changes that had to be made. The District did not understand and never anticipated that the County Zones change over time, and that Zone is one of the components of the standby calculation. NBS reviewed all of the zoning and updated as needed, ensuring that the new zones assigned most closely fit the description of the old zones and that *in no cases would the rate to be charged be more than rates approved by the Board in 1996* when the current charges were initiated. In a few cases the new rates are lower.

Notice of the public hearing was published in the Hi-Desert Star. Individual mailed notification is not required since we are proposing no change to the rates or methodology. Any written protests will be counted at the public hearing and the data included to "fill in the blank" on page one of Resolution 19-1005

**STRATEGIC PLAN ITEM:**

N/A

**FISCAL IMPACT:**

Standby Revenues of \$1,137,645 will be billed to JBWD property owners as a result of this approval.

RESOLUTION 19-1005

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT ESTABLISHING A WATER AVAILABILITY CHARGE FOR FISCAL 2019-2020 AND AUTHORIZING THE COLLECTION THEREOF BY THE COUNTY OF SAN BERNARDINO

WHEREAS, the Board of Directors of the District has found and determined that the availability of a dependable supply of high quality water for domestic uses and purposes is a benefit conferred upon the lands proposed to be charged and, conversely, that the lack of such a supply diminishes the value of such lands; and

WHEREAS, that as a result of steadily-increasing overdraft of its groundwater supplies and in anticipation of the need for a supplemental source of water, the voters approved the formation of assessment districts and the issuance of bonds for the purpose of financing the construction of a supplemental water supply project, thereby obligating the District to repay the bonded indebtedness incurred thereunder; and

WHEREAS, in 1996, the Board of Directors engaged the services of a qualified engineer for the purpose of establishing a schedule of water availability charges varying according to land uses and benefit derived or to be derived from the use and availability of facilities to provide potable water for domestic uses and purposes, which schedule was the subject of a published and mailed notice of hearing and a public protest hearing; and

WHEREAS, the water availability charge for fiscal year 2019-2020 is proposed to be continued at the same rate and in the same manner, and pursuant to the same methodology as established in 1996, and which has been continued from year-to-year since then; and

WHEREAS, pursuant to Section 54984.7 of the Uniform Standby Charge Procedures Act, the Board of Directors conducted a public hearing pursuant to published notice in order to hear any and all objections to the proposed renewal of the water availability charge for fiscal year 2019-2020; and

WHEREAS, the written protests received represent less than \_\_\_\_\_ percent of the parcels subject to the water availability charge.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District hereby resolves as follows:

1. District Zones of Benefit. There is hereby established within the District four Zones of Benefit:

ZONE 1: Any size parcel served by one or more meters.

ZONE 2: Any size parcel within a half mile of a water mainline and in the same pressure zone as the mainline.

ZONE 3: Any size parcel within one mile of a water main and within one pressure zone of the mainline.

ZONE 4: All other parcels.

2. Adoption of Water Availability Charge. That there shall be adopted, for each parcel in the District, for fiscal year 2019-2020, a water availability charge established in accordance with the benefit conferred and in the amount as determined by the applicable District Zone of Benefit and the land use zoning adopted by the County of San Bernardino, which charge is more specifically shown on Exhibit "A" attached hereto and made a part hereof.

3. Rate and Methodology. The rate and methodology of the water availability charge adopted herein is the same and remains unchanged for this Fiscal Year, and that such charge is reasonable and necessary, and does not exceed the actual cost to the District of providing the service.

4. Dedication and Use of Revenue. The revenue generated by the water availability charge is hereby dedicated and shall be used to finance the capital costs of the District's water system, to repay bonded indebtedness incurred by the voters and operation and maintenance of the District's water facilities benefiting the properties assessed.

5. Exemptions. The water availability charge established hereunder is exempt from the California Environmental Quality Act in accordance with Section 21080 (b) (8) of the Public Resources Code, because the revenue generated by such charge shall be used for the repayment of debt related to capital projects necessary to maintain water service, and is also exempt from Article XIID of the California Constitution because (a) the charge was in existence prior to November 6, 1996, (b) because the rate and methodology used to establish the schedule of charges is the same as in previous years, and (c) because the charges are imposed to finance the capital cost of the District's water system and to repay bonded indebtedness. If and to the extent any charge is higher than in previous years, such increase is attributable solely to events other than an increased rate or revised methodology, such as a change in the density, intensity or nature of use of land, or consent of the landowner.

6. Water Service to Exempt Property. No new connection to the District's water system shall be allowed to any parcel which has been exempted from the water availability charge unless the applicant for water service pays an in-lieu water availability fee calculated as the total amount of water availability charges which would have been assessed against that parcel had it not been exempt, and unless the applicant agrees that the parcel will be subject to the water availability charge from that date forward.

7. Delinquent Charge. Water availability charges that have become delinquent shall, with a basic penalty of 6% for non-payment of the charge and

interest at the rate of 1/2 of 1 percent per month for each month of non-payment, become a lien on the property when a certificate is recorded in the office of the San Bernardino County Recorder pursuant to Government Code, Section 54984.9 (b) which lien shall have the force, effect and priority of a judgment lien.

8. Collection by the County. The water availability charge shall be collected on the San Bernardino County Tax Roll in the same manner, and by the same persons and at the same time as, together with and not separately from, the District's general taxes. The Secretary of the District is hereby authorized and directed to forthwith file a certified copy of this Resolution in the office of the Auditor of the County of San Bernardino on or before August 10, 2019.

9. Effective Date. The effective date of this Resolution is the 30th day following the date of its adoption.

PASSED AND ADOPTED this 19th day of June, 2019 pursuant to the following votes:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

By \_\_\_\_\_  
Bob Johnson, President, Board of Directors

\_\_\_\_\_  
Curt Sauer, Board Secretary

**EXHIBIT A  
JOSHUA BASIN WATER DISTRICT  
WATER AVAILABILITY (STANDBY) CHARGES**

**SCHEDULE A  
MINIMUM PER PARCEL UP TO 1.25 ACRES**

NEW COUNTY ZONES	District Zone 1	District Zone 2	District Zone 3	District Zone 4
RM	\$30.00	\$50.00	\$50.00	
RS	\$30.00	\$50.00		
RS1	\$40.00	\$60.00	\$50.00	
RS10M	\$30.00	\$50.00		
RS14M	\$30.00	\$50.00		
RS20M	\$30.00	\$50.00		
RL	\$30.00	\$50.00	\$40.00	\$40.00
RL5	\$30.00	\$50.00	\$40.00	\$40.00
RL10	\$30.00	\$50.00	\$40.00	\$40.00
RL20	\$30.00	\$50.00	\$40.00	\$40.00
RC, OS, FW	\$40.00	\$60.00	\$40.00	\$40.00
CG-SCp, CS, CO, CN, IC, IN	\$40.00	\$60.00	\$50.00	

**SCHEDULE B  
COST PER ACRE FOR PARCELS OVER 1.25 ACRES**

District Zone 1	District Zone 2	District Zone 3	District Zone 4	ACREAGE
\$20.00	\$30.00	\$25.00		0-40 Acres
	\$25.00	\$15.00		41+ Acres
\$20.00	\$30.00			0+ Acres
\$20.00	\$30.00	\$20.00		0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$35.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00			0+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$10.00	\$15.00	\$10.00	\$10.00	81-160 Acres
\$5.00	\$8.00	\$5.00	\$4.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$12.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$8.00	\$10.00	\$8.00	\$8.00	81-160 Acres
\$4.00	\$5.00	\$4.00	\$3.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00				41+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0+ Acres
\$15.00	\$25.00	\$15.00	\$15.00	0-40 Acres
	\$12.00	\$10.00	\$8.00	41-160 Acres
	\$5.00	\$4.00	\$3.00	161-320 Acres
	\$1.00	\$1.00	\$1.00	321+ Acres
\$25.00	\$35.00	\$25.00		0-40 Acres
	\$25.00			41+ Acres

**JOSHUA BASIN WATER DISTRICT  
Water Availability (Standby) Zoning Descriptions**

**DISTRICT ZONE DESCRIPTIONS**

- ZONE 1** Any size parcel served by one or more meters
- ZONE 2** Any size parcel within 1/2 mile of a water mainline and in the same pressure zone as the mainline
- ZONE 3** Any size parcel within one mile of a water mainline and within one pressure zone of the mainline
- ZONE 4** All other parcels

**COUNTY ZONE DESCRIPTIONS**

- RM** Residential, multi-family
- RS** Residential, single family
- RS1** Residential, single family, 1 acre min.
- RS10M** Residential, single family, 10,000 sq. ft. min.
- RS14M** Residential, single family, 14,000 sq. ft. min.
- RS20M** Residential, single family, 20,000 sq. ft. min.
- RL** Rural Living
- RL5** Rural Living, one residence per 5 acres
- RL10** Rural Living, one residence per 10 acres
- RL20** Rural Living, one residence per 20 acres
- RC, OS, FW** Resource Conservation, Open Space, Floodway
- CG-SCp, CS** Commercial Properties, Sign Control
- CO, CN** Commercial Properties, Neighborhood Commercial
- IC, IN** Industrial and Institutional Properties



**Joshua Basin Water District**  
**Water Availability Standby Charge**  
**Annual Engineer's Report**  
**Fiscal Year 2019/2020**

**Main Office**  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592  
Toll free: 800.676.7516 Fax: 951.296.1998

**Regional Office**  
870 Market Street, Suite 1223  
San Francisco, CA 94102  
Toll free: 800.434.8349 Fax: 415.391.8439

**JOSHUA BASIN WATER DISTRICT  
WATER AVAILABILITY STANDBY CHARGE**

**61750 Chollita Rd,  
Joshua Tree, CA 92252  
Phone - (760) 366- 8438**

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**BOARD MEMBERS**

Robert Johnson, President

Rebecca Unger, Vice President

Geary Hund, Director

Mickey Luckman, Director

Mike Reynolds, Director

**DISTRICT STAFF**

Curt Sauer, General Manager

Susan Greer, Assistant General Manager

**NBS**

Pablo Perez, Client Services Director

Danielle Wood, Consultant



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# 1. ENGINEER'S LETTER

WHEREAS, the Board of Directors (the "Board") for the Joshua Basin Water District (the "District"), County of San Bernardino, State of California, directed NBS Government Finance Group, DBA NBS to prepare and file a report presenting the specifications describing the general nature and location of the facilities and an estimate of the costs of the maintenance and operations for the facilities for the Water Availability Standby Charge (the "Standby Charge") for Fiscal Year 2019/2020. The report includes an assessment of the estimated costs of the maintenance and operations of the facilities, the apportionment methodology and the net amount upon all assessable parcels within the District;

WHEREAS, on July 17, 1996, the District established and levied a standby charge with Resolution No. 96-564 under the authority of the Uniform Standby Charge Procedures Act (Section 54984 et. seq. of the California Government Code, hereinafter the "Act")

THEREFORE, the standby charge is estimated to generate revenues of \$1,137,500 for FY 2019/2020 and these revenues are dedicated to cover the cost of operations and maintenance together with incidental expenses outlined below:

## SUMMARY OF CHARGES

DESCRIPTION	AMOUNT
Morongo Basin Pipeline Debt Payment	\$220,033
Power Expense for System Operation	350,000
Preventative Maintenance Programs: Reservoirs	65,000
Pumping Plant Repair & Maintenance	35,000
Production Department Employee Salaries	417,150
Water Purchase for Recharge	29,433
Recharge Maintenance/Repair	3,000
Water Supply Monitoring (USGS)	40,000
<b>Total Levy</b>	<b>1,159,616</b>

In accordance with the requirements of the Act, the total standby charge costs are apportioned upon the lots, pieces, or parcels, or portions of lots or subdivisions of land that uniquely and especially benefit from the operation and maintenance activities. This apportionment process is more fully described in Section 3, Method of Apportionment.

## **2. OVERVIEW**

### **2.1 Introduction**

---

The Joshua Basin Water District owns and operates significant water-related infrastructure facilities. The purpose of the existence and construction of these facilities and, therefore, the responsibility of the District, is to provide potable water to property owners, residents, and businesses within the District.

The District obtains its supply of water from underlying ground waters. A study completed by the United States Geological Survey (USGS) determined that the amount of water extracted by the District exceeds the inflow or supply to the District's groundwater basins. In anticipation of the need for additional or supplemental water, the District's voters, in 1960, approved inclusion in the formation of the Mojave Water Agency which would have access to water provided by the State Water Project (SWP). As additional insurance, in 1991, voters of the District together with those of other nearby water districts, approved a bond issue to finance the construction of the 72-mile Morongo Basin Pipeline which conveys SWP water to the Morongo Basin area. The pipeline has been constructed and is maintained by the Mojave Water Agency. As one of the beneficiaries and future users, the District signed a contract and is responsible for a portion of the pipeline construction and maintenance costs.

To allow delivery and use of water from the SWP and the Morongo Basin Pipeline, the District completed design, property acquisition, and construction of a delivery pipeline and recharge basins in 2014. Funding of the \$9.4 million project was provided substantially by state and federal grants, the Mojave Water Agency, and excess funds in the Morongo Basin Pipeline Reserve Fund. The District funded \$1.3 million or 14%.

The District is in process of recharging water at fiscal year-end and projects recharge of 1,452 acre-feet of water in FY 2018/2019, and will budget for delivery of 48.25 acre-feet of SWP water in FY 2019/2020, total 1,500 acre-feet over two years

Following a review of the Report, the Board may continue the standby charge, per California Government Code Section 54984.7, may confirm the Report as submitted, and may order the levy and collection of the charges for Fiscal Year 2019/2020. If the standby charge is continued, the information is submitted to the County Auditor-Controller and included on the property tax roll for Fiscal Year 2019/2020.

### **2.2 Effect of Proposition 218**

---

On November 5, 1996, California voters approved Proposition 218 with a final vote of 56.5% to 43.5%. The provisions of the Proposition, now articles XIII C and XIII D of the California Constitution, added substantive and procedural requirements for standby charges.

Proposition 218 provides that property owned by local, state, and federal agencies may not be exempted from a benefit assessment, such as the District's standby charge, unless the Agency can demonstrate that it receives no special benefit from the services or facilities for which that charge is levied. (California Constitution Article XIII D, § 4(a).)

The standby charge has been in effect at the current rate since 1996, before the enactment of Proposition 218 and is grandfathered under Proposition 218 unless and until it is increased. (California Constitution Article XIII D, §5.) Legislation interpreting Proposition 218 clarifies that, as an exempt charge, the procedure is also exempt from the requirement that government-owned parcels be assessed. (Government Code §53753.5.) Unless and until the standby charge is increased, it may be re-authorized from year-to-year pursuant to the Uniform standby charge Procedures Act (Government Code §54984 et seq.), exempt from the Proposition 218 procedures.

Publicly owned property including lands owned by the federal government and the local school district have been exempted from the standby charge. When the District sent an assessment notice to the U.S. Bureau of Land Management ("BLM"), which owns extensive property within the District, the BLM responded by claiming an exemption under the California Statehood Act and declined to pay. The local school district was not assessed based upon the California Supreme Court decision in *San Marcos Water District v. San Marcos Unified School District*. After 1996, as local, state and federal government agencies have acquired lands which were previously privately-owned, the District has initiated standby charges on those parcels in compliance with Proposition 218.

### **2.3 Use of Funds**

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Availability of supplemental water benefits all of the land within the District. Therefore, a standby charge is collected from all of the ± 12,000 parcels within the District, except those exempt. The primary use of the revenues, since enactment in 1996, has been to pay the debt obligation and operation and maintenance costs for the Morongo Basin Pipeline as required by the District's agreement with the Mojave Water Agency. That obligation has now been reduced to debt payment only and is calculated to be approximately \$220,000 per year. Standby charge revenues over that amount will be used exclusively for capital costs and operation and maintenance of the District's water facilities benefiting the properties from which the standby charge is collected.

To the extent that water availability revenues exceed expenses indicated above, they will be used for other lawful purposes of the District that qualify for grandfathering under article XIII D, section 5.

Standby charge revenues are dedicated to the lawful purposes of (a) meeting the District's expenses of maintaining and operating permanent public improvements constituting the water system, (b) purchasing or leasing supplies, equipment, or material necessary for the operation of the District's water system, (c) meeting debt repayment obligations and financial reserve requirements, and (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

## **3. METHOD OF APPORTIONMENT**

### **3.1 General and Special Benefit**

---

All properties within the District receive a general benefit by virtue of the existence of the District in its sole power to purchase, extract and sell water within its boundaries. Properties within the District also receive a special benefit due to the availability of the supplemental SWP water source.

The benefit is related to the size and development potential of each parcel and proximity to an existing usable pipeline. Derivation of an availability amount, therefore, is based on the County's land use zoning, parcel size, and District-designated zone - the location related to a pipeline from which service can be provided. Larger parcels within the same District zone receive a greater benefit and, therefore, will be assessed a larger amount than smaller parcels. Additionally, parcels closer, but not connected to usable pipelines, will be assessed more than those further away as there is a greater benefit due to the availability of those existing pipelines, and therefore, accessibility to water. Parcels currently connected will be assessed less than others as they are already paying a basic fee in their user charge, a portion of which is used for system maintenance. It has been determined that every parcel proposed to be assessed standby charge in the District for Fiscal Year 2019/2020 receives a special benefit.

The adoption and approval of the standby charge pre-dates the passage of Proposition 218 by the State's voters and follows the methodology and rates existing before the adoption of Proposition 218.

### **3.2 Definitions**

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**County Zone:** County Land Use Zoning District designation assigned by the County Land Use Zoning Services Department.

**Parcel:** any legal part or portion of land.

**Parcel Size:** acreage of land.

**District Zone One Parcel:** any size parcel served by one or more meters as of April 1 of the calendar year in which the standby charges are being calculated.

**District Zone Two Parcel:** any size parcel within 0.5 miles of a water main and in the same pressure zone as the main.

**District Zone Three Parcel:** any size parcel within 1.0 miles of a water main and within the same pressure zone of the main.

**District Zone Four Parcel:** all remaining parcels not designated in another District Zone.

**Miles:** miles are determined using the most accurate measuring tools available to the District at the time in which the standby charges are being calculated. For FY 2019/2020 the District measured miles using Geographic Information Systems based on the parcels closest vertex and a state plane projection.

### 3.3 Apportionment Formula

The standby charges are determined by:

1. Parcel Size
2. County Zone
3. District Zone

The following table indicates the basis for the assessment amount per parcel and per acre for lands within the District related to the County Zone designation and District Zone location.

**EXHIBIT A**  
**JOSHUA BASIN WATER DISTRICT**  
**WATER AVAILABILITY (STANDBY) CHARGES**

**SCHEDULE A**  
**MINIMUM PER PARCEL UP TO 1.25 ACRES**

CURRENT COUNTY ZONES	District Zone 1	District Zone 2	District Zone 3	District Zone 4
RM	\$30.00	\$50.00	\$50.00	
RS	\$30.00	\$50.00		
RS1	\$40.00	\$60.00	\$50.00	
RS10M	\$30.00	\$50.00		
RS14M	\$30.00	\$50.00		
RS20M	\$30.00	\$50.00		
RL	\$30.00	\$50.00	\$40.00	\$40.00
RL5	\$30.00	\$50.00	\$40.00	\$40.00
RL10	\$30.00	\$50.00	\$40.00	\$40.00
RL20	\$30.00	\$50.00	\$40.00	\$40.00
RC, OS, FW	\$40.00	\$60.00	\$40.00	\$40.00
CG-Scp, CS, CO, CN, IC, IN	\$40.00	\$60.00	\$50.00	

**SCHEDULE B**  
**COST PER ACRE FOR PARCELS OVER 1.25 ACRES**

District Zone 1	District Zone 2	District Zone 3	District Zone 4	ACREAGE
\$20.00	\$30.00	\$25.00		0-40 Acres
	\$25.00	\$15.00		41+ Acres
\$20.00	\$30.00			0+ Acres
\$20.00	\$30.00	\$20.00		0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$35.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$10.00	\$15.00	\$10.00	\$10.00	81-160 Acres
\$5.00	\$8.00	\$5.00	\$4.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$12.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$8.00	\$10.00	\$8.00	\$8.00	81-160 Acres
\$4.00	\$5.00	\$4.00	\$3.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00				41+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0+ Acres
\$15.00	\$25.00	\$15.00	\$15.00	0-40 Acres
	\$12.00	\$10.00	\$8.00	41-160 Acres
	\$5.00	\$4.00	\$3.00	161-320 Acres
	\$1.00	\$1.00	\$1.00	321+ Acres
\$25.00	\$35.00	\$25.00		0-40 Acres
	\$25.00			41+ Acres

### 3.4 Exemptions

In recognition of the benefit to all properties, the District proposes to assess and collect from each benefiting property, an amount related to the benefit received. Because BLM lands and other publicly owned lands not previously assessed are, for practical purposes, not subject to assessment, the District proposes to

clarify that such lands, which are not subject to the standby charge and are not currently connected to the water system, shall not be entitled to connect to the District's water system or to receive water service from the District, unless a fee is paid which is equivalent to the standby charge which would have been assessed against the property had it not been exempt and unless the owner agrees to be subject to future assessment of standby charges.

## ***4. Method for Updating County Zoning***

The following pages provide a framework for the activities necessary to determine the classification of parcels into newly created County Zones.



## **5. PARCEL LISTING**

The parcel listing is available at the District.



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**GOVERNMENT CODE - GOV**

**TITLE 1. GENERAL [100 - 7914]** ( Title 1 enacted by Stats 1943, Ch 134 )

**DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]** ( Division 4 enacted by Stats 1943, Ch 134 )

**CHAPTER 4. Resignations and Vacancies [1750 - 1782]** ( Chapter 4 enacted by Stats. 1943, Ch. 134. )

**ARTICLE 2. Vacancies [1770 - 1782]** ( Article 2 added by Stats. 1943, Ch 134 )

**1780.** (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

*(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)*

**EMPLOYMENT AGREEMENT  
BETWEEN  
JOSHUA BASIN WATER DISTRICT  
AND  
MARK C. BAN**

This Employment Agreement (“Agreement”) is made and entered into effective as of June 22, 2019, by and between Joshua Basin Water District (hereinafter “District”) and Mark C. Ban (hereinafter “Ban”).

**RECITALS**

- A. **WHEREAS**, the District is a county water district organized and operating pursuant to Division 12 of the California Water Code; and
- B. **WHEREAS**, Ban is currently employed by the District as the Assistant General Manager-Operations.
- C. **WHEREAS**, the District, through its Board of Directors (sometimes referred to herein as “Board”), wishes to engage the services of Ban as the District’s Interim General Manager; and
- D. **WHEREAS**, Ban affirms that he has read the functions, responsibilities, and duties of the General Manager position set forth in Exhibit “A” attached to this Agreement and represents that he is qualified to perform such services as Interim General Manager.

**NOW, THEREFORE**, the parties agree as follows:

**AGREEMENT**

**Section 1. Incorporation of Recitals.** The Recitals set forth above are hereby made a part of this Agreement and are incorporated herein as though set forth in full by this reference.

**Section 2. Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter of this Agreement.

**Section 3. Employment.** The District hereby employs Ban, who accepts such employment, to serve as the District’s Interim General Manager.

**Section 4. Term.** The term of this Agreement shall commence on the effective date of this Agreement and continue to December 31, 2019, unless otherwise terminated as provided for in Section 5 of this Agreement.

**Section 5. Termination.**

A. It is expressly understood that Ban, in his capacity as District Interim General Manager, is an at-will employee serving at the pleasure of the Board, subject to termination by the Board at any time with or without cause. Nevertheless, in the event the District exercises its Right to Terminate this Agreement, the effective date of said termination shall be the lesser of 90 days or the unexpired term of this Agreement. It is further expressly understood that Ban will be serving as District Interim General Manager while performing the duties associated with his current position of Assistant General Manager-Operations. Should the Board exercise its right to terminate this Agreement for anything other than “just” cause, Ban will return to the position of Assistant General Manager-Operations at the compensation scale previously in place for Ban before undertaking the Interim General Manager position.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Ban or the District to voluntarily terminate this Agreement.

C. Due to the significance of the Interim General Manager position and the difficulty of finding a replacement for said position, Ban shall give the Board at least thirty (30) days written notice of his resignation. After which, Ban will return to the position of Assistant General Manager-Operations at the compensation scale previously in place for Ban, before undertaking the Interim General Manager position.

**Section 6. Duties & Authority.**

A. Ban shall perform the functions and duties specified in Exhibit “A,” and such other duties and functions as shall, from time to time, be assigned by the Board, or be required by law. In addition, during the time that Ban serves as Interim General Manager, he shall have the authority to designate and appoint an “Acting General Manager” to serve during temporary absences by Ban.

B. Ban will devote his full time and best efforts to performing his duties and to the District’s business affairs.

C. Ban may devote an appropriate amount of time to water district associations and meetings that support the District so long as the time devoted to these activities does not interfere with the performance of his duties to the District. Participation at these professional, organizational activities will be subject to the review and approval of the District’s Board of Directors.

**Section 7. Compensation.**

A. Ban's current annual salary in the position of Assistant General Manager-Operations is \$159,927.04. During the term that Ban serves as Interim General Manager, Ban's monthly salary shall be increased by five percent (5%).

B. **Overtime Pay.** As an exempt managerial employee, under no circumstances will Ban be entitled to any overtime pay regardless of the number of hours he may work in any work week.

C. **Benefits.** Ban will be entitled to and receive the following benefits.

During the term that Ban serves as Interim General Manager, the District will provide Ban with the same benefits provided to him in his current position of Assistant General Manager-Operations.

D. **Business Expenses.** Ban will be reimbursed for documented and reasonable business expenses in connection with the performance of his duties under this Agreement and in accordance with the District's general policies on business expenses.

**Section 8. Performance Reviews.** During the term of this Agreement, the Board and/or its designated representative (Ad Hoc Committee) shall meet and confer with Ban in regard to his performance and the conclusions to be reached therefrom.

**Section 9. Reimbursement to District.**

Notwithstanding anything to the contrary in this Agreement, if Ban is convicted of a crime involving an abuse of his office or position, Ban shall fully reimburse the District as follows:

A. For any paid leave salary provided by the District pending an investigation. (*See Government Code Section 53243.*)

B. For any funds provided by the District for the legal criminal defense of BAN. (*See Government Code Section 53243.1.*)

C. For any cash settlement provided by the District related to the termination of BAN's employment. (*See Government Code Section 53243.2.*)

D. For purposes of this Section 8, "abuse of office or position" means either of the following:

(i) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority. (*See Government Code Section 53243.4(a).*)

(ii) A crime against public justice, including, but not limited to,

a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code. (See Government Code Section 53243.4(b).)

**Section 10. Successors and Assigns.** The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the District's successor agency or entity as the case may be.

**Section 11. Modifications.** Modifications of this Agreement may only be made by formal, written amendment approved and executed by both parties.

**Section 12. Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

**Section 13. Construction.** This Agreement shall not be construed more strongly against either party regardless of which party prepared it.

**Section 14. California Law and Venue.** This Agreement shall be governed by the laws of the State of California. Proper venue for any litigation concerning this Agreement shall be in San Bernardino County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by the Parties, all as of the day and year first above written.

JOSHUA BASIN WATER DISTRICT:

By \_\_\_\_\_  
Robert Johnson, President  
Board of Directors

By \_\_\_\_\_  
Rebecca Unger, Vice President

MARK C. BAN:

\_\_\_\_\_  
Mark C. Ban

<p style="text-align: center;"><b>JOSHUABASIN WATER DISTRICT</b></p> <p style="text-align: center;"><b>CLASS DESCRIPTION</b></p>	<p>Revised <u>07/03/2013</u></p> <p>Description Approved <u>3/15/00</u></p>
<p><b>Title: General Manager</b></p>	<p><b>Status: Exempt</b></p>

**Summary**

Under the direction of the Board of Directors, this General Manager directs the administrative, finance, engineering, construction and operations and maintenance functions in order to achieve efficient and cost effective operation of the District. Serves as Secretary to the Board of Directors.

**Distinguishing Characteristics**

This position is characterized by the exceptional skills required to perform the principal duties of the position, as well as the accountability and responsibility this position has to the Board of Directors and customers of the District. Position reports directly to the Board of Directors and provides general supervision to subordinate employees.

**Examples of Duties**

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.

**Public and Board of Director Relations:** Implements the District's goals and objectives in order to achieve the District's mission. Ensures resolution of customer complaints; communicates politely with customers. On a frequent basis and in a comprehensive manner, communicates with the Board of Directors regarding District business. Attends and participates in all Board of Directors, standing and ad-hoc committee meetings. Performs the duties of Secretary to the Board in compliance with all laws, regulations and codes pertaining thereto.

**Management:** Formulates the policies, procedures, projects and schedules necessary for the orderly and lawful operation of the District and recommends them to the Board for adoption. Acts as an agent for the Board to ensure that policies and programs are implemented. Acts as Secretary to the Board and fulfills Water Code record keeping requirements. Compiles and analyzes data for reports and presentations. Organizes, directs and administers the operations and maintenance activities of the water district. Oversees consultant work and interfaces with the public and Board of Directors. Oversees the District's Strategic Planning process. Represents the District in all negotiations, transactions and liaison with state and federal officials. Acts as District spokesman with the media, community leaders, public officials and personnel at all levels. Performs or has performed studies, surveys, reports and economic appraisals as required by the Board of Directors. Ensure compliance with all state, federal and local regulations. Responsible for the safe operation of the water system.

**Financial:** Oversee the preparation of and submit the annual operating and capital budgets for the District. Has responsibility for several million dollar annual budget; oversees cost control systems as necessary. Oversee the review of expenditures throughout the fiscal year to determine if such expenditures are necessary and in accordance with Board policy. Oversees long-range financial planning, including procurement of grant funding.

**Personnel:** Oversees the application of personnel rules, regulations and the provisions of bargaining unit agreements to employees. Oversees bargaining unit negotiations, grievance resolution and compliance with all Federal and State employment laws.

**EXHIBIT "A"**



<p style="text-align: center;"><b>JOSHUABASIN WATER DISTRICT</b></p> <p style="text-align: center;"><b>CLASS DESCRIPTION</b></p>	<p>Revised <u>07/03/2013</u></p> <p>Description Approved <u>3/15/00</u></p>
<p><b>Title: General Manager</b></p>	<p><b>Status: Exempt</b></p>

**Construction:** Oversees the planning and implementation of complex construction projects. Directs the solicitation and review of consultant services including engineers, construction contractors, geologists, and environmental services. Directs the work of professional and construction related services.

**Supervision:** Coordinates and directs the work of subordinates. Communicates effectively and regularly with subordinates and the Board. Consistently applies District policies, procedures and rules to subordinates in a legal and equitable manner. Prepares written evaluations of subordinate personnel and participates in disciplinary and complaint procedures.

**Training and Problem Solving:** Actively participates in the training of directly subordinate employees. Handles difficult and complex assignments with minimal oversight.

**Safety:** Follows proper safety practices at all times; ensures safety compliance when performing supervisory duties.

**Job Requirements**

**Education, Training & Experience:** Bachelor of Arts Degree in Business Administration, Engineering, Public Administration or related field required. Any combination of experience and/or training that could likely provide the required knowledge and ability to perform the job duties (e.g., 10 years of experience at a management level in a California water district). Water Treatment Operations and Distribution System certification desirable.

**Skills and Abilities:** Ability to work efficiently and productively when completing work tasks. Ability to function effectively as a manager. Knowledge of the laws, rules, principles and practices of water treatment and distribution, budgeting; long-term financing; contract administration; District policies, rules and regulations; supervision; labor relations and public administration. Ability to work effectively and proactively with the Board of Directors. Ability to understand and carryout verbal instructions. Ability to read and understand complex documents, drawings and financial information; interpret and carry-out written instructions. Ability to make mathematical calculations with speed and accuracy. Ability to establish and maintain cooperative and respectful working relationships with those contacted in the course of work. Ability to maintain accurate records.

**Physical:** Subject to reasonable accommodation in accordance with the requirements of the Americans with Disabilities Act (ADA), possess the ability to lift and/or carry objects (no greater than 40 lbs) on a periodic basis. Ability to bend, twist, turn, push, pull and reach routinely, as well as perform repetitive motion tasks. Ability to stoop, bend and kneel routinely. Work in an environment with exposure to dust, dirt, fumes, vapors, noise, and extremes in weather and temperature conditions.


**Other:** Position subject to extensive work hours, evening meetings and periodic travel. Must possess a valid California Class C Driver's License.

JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

June 19, 2019

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:

ADOPTION OF RESOLUTION #19-1001, ESTABLISHING THE APPROPRIATION LIMIT FOR FISCAL YEAR 2018/19

RECOMMENDATION:

Adopt Resolution #19-1001

ANALYSIS:

The appropriation limit calculation for fiscal year 18/19 is attached. This is another routine matter, requiring annual calculation, posting and approval by the governing body. We posted the calculation as required by law, at least 15 days prior to tonight's consideration for adoption. The appropriation limit is also reviewed annually in conjunction with the audit.

The appropriation limit (also known as the Gann Limit) was enacted in 1980. The purpose of the Limit is to place an annual limit or restriction on the growth of tax-funded programs and services. The Limit provides for an annual increase no greater than the increase in the cost of living, plus the increase in population. The proceeds of taxes in excess of appropriations must be designated for purposes exempt from limitation or returned to taxpayers. Proceeds of taxes have been interpreted to include general tax revenues, proceeds from investment of tax revenue, revenue from user fees and charges that exceed the cost of providing the service and state/federal grant revenue unrestricted as to use. The cost of living decreased slightly from 3.69% to 3.67%, while the population for unincorporated portions of San Bernardino County, which applies to us, nearly doubled from .62% to 1.14%. The combination of these two numbers results in a total increase of 4.852%.

The District anticipates approximately \$437,000 in general tax revenues (the "free" portion of the 1% property tax) plus approximately \$99,000 in interest revenue this year which is subject to the Limit. All other revenues, such as for debt service or user fees (because they do not exceed the cost of service) are not subject to the Limit. The total of these subject revenues, \$536,000 is significantly below the 18/19 appropriation limit of \$1,770,368.

Note that staff overlooked this approval which is typically done in the summer, and noticed it when the 19/20 appropriation limit calculation was being prepared. While the calculation was prepared last July, and the notice has been posted in our lobby for nearly a year since that time, the formal approval by the Board was never completed. The appropriation limit is also reviewed each year as part of the financial audit. Note that approval of the 19/20 calculation

will be forthcoming in just a few months.

STRATEGIC PLAN ITEM:

N/A

FISCAL IMPACT:

N/A



P.O. BOX 675 • 61750 CHOLLITA ROAD • JOSHUA TREE • CALIFORNIA 92252  
 TELEPHONE (760) 366-8438 FAX (760) 366-9528 E-mail: [customerservice@jbwd.com](mailto:customerservice@jbwd.com)  
[www.jbwd.com](http://www.jbwd.com)

**2018/2019 APPROPRIATION LIMIT CALCULATION**

PER CAPITA INCOME FACTOR CHANGE: 3.67%  
 POPULATION FACTOR CHANGE: 1.14%  
 (unincorporated San Bernardino County)

Per Capita Conversion to Ratio: 3.67 + 100 / 100 = 1.0367  
 Population Conversion to Ratio: 1.14 + 100 / 100 = 1.0114

CHANGE FACTOR CALCULATION: 1.0367 x 1.0114 = 1.0485 4.852 %

2017/2018 APPROPRIATION LIMIT	\$ 1,688,477
2018/2019 CHANGE FACTOR	x 4.85%
2018/2019 CHANGE LIMIT	<b>\$ 81,891</b>

2017/2018 APPROPRIATION LIMIT	\$ 1,688,477
2018/2019 CHANGE LIMIT	+ 81,891
2018/2019 APPROPRIATION LIMIT	<b>\$ 1,770,368</b>

Posted July 11, 2018

RESOLUTION NO. 19-1001

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE JOSHUA BASIN WATER DISTRICT  
ESTABLISHING THE APPROPRIATION LIMIT OF  
THE DISTRICT FOR THE FISCAL YEAR 2018/2019

BE IT RESOLVED by the Board of Directors of the Joshua Basin Water District as follows:

1. That in accordance with Article XIIB of the California Constitution and Section 7910 of the Government Code of this State, the appropriation limit for this District is established at \$1,770,368.
2. The Board of Directors selects the per capita personal income as the cost-of-living factor to compute the appropriation limit.
3. That documentation used in the determination of such appropriation limit has been available to the public at least fifteen days prior to this meeting of the Board of Directors.
4. This resolution is effective June 19, 2019.

ADOPTED this 19<sup>th</sup> day of June, 2019.

Ayes:

Noes:

Absent:

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Bob Johnson, President, Board of Directors

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Curt Sauer, Board Secretary

## JOSHUA BASIN WATER DISTRICT

Report to: Board of Directors

June 19, 2019

Prepared by: Curt Sauer

**TOPIC: APPROVAL AND ADOPTION OF THE EMERGENCY RESPONSE PLAN AND THE LOCAL HAZARD MITIGATION PLAN**

**RECOMMENDATION:** Recommend the Board approve and adopt, in separate motions, the Resolution for the Emergency Response Plan ( Resolution 19 – 1002) and the Local Hazard Mitigation Plan (Resolution 19 – 1003)

**ANALYSIS:**

Both the Emergency Response Plan and the Local Hazard Mitigation Plan are required to be approved by the Board in order for the District to be able to be reimbursed for natural disaster costs and/or be eligible for State and Federal Emergency Management Agency mitigation funding for certain projects.

The Board retained the services of Gary Sturdivan to complete the writing of these plans and to coordinate with California agencies and FEMA on both plans.

Cal OES and FEMA have reviewed both plans and is ready to approve both documents, once the Board adopts them.

Staff recommends you adopt them.

RESOLUTION NO. 19-1002

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE JOSHUA BASIN WATER DISTRICT

THE JOSHUA BASIN WATER DISTRICT'S HAZARD MITIGATION PLAN

WHEREAS, the Joshua Basin Water District is committed to protecting the constituents of the District from potential harm from natural and human-caused errors;

WHEREAS, the preservation of life, property and the environment an inherent responsibility of local, state and federal government;

WHEREAS, the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (OES) require that all governmental entities within the state have a Hazard Mitigation Plan (HMP);

WHEREAS, the Joshua Basin Water District has developed an HMP that conforms to the State of California and Federal Emergency Agency HMP guidelines;

WHEREAS, this HMP is an extension of the County of San Bernardino's Hazard Mitigation Plan and the State of California Hazard Mitigation Plan; that the HMP is only good for a term of five (5) years and the plan must be up-dated and re-approved by FEMA;

WHEREAS, upon adopting this Plan and approval by FEMA, the District is eligible to receive and write Federal and State grants for Mitigation projects and is eligible for pre and post-disaster funding;

WHEREAS, upon adoption of the 2019 Hazard Mitigation Plan, all other previous Hazard Mitigation Plans are no longer valid;

NOW, THEREFORE BE IT RESOLVED the Joshua Basin Water District Board of Directors gives its support to this plan and urges staff, and employees to collectively incorporate mitigation measures into all District planning and facilities and funding opportunities;

PASSED AND ADOPTED as a Resolution of the Joshua Basin Water District, at a regular meeting of the Joshua Basin Water District Board of Directors held on the 19<sup>th</sup> day of June 2019.

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Robert Johnson, President, Board of Directors

ATTEST:

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Curt Sauer, Board Secretary

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO) ss  
CITY OF                                )

I, Curt Sauer, Secretary of the Board of Directors of the Joshua Basin Water District do hereby certify that the foregoing Resolution No. 19-1002 was duly adopted and passed at the regular meeting of the Board of Directors on the 19<sup>th</sup> of June 2019, by the following vote to wit:

AYES:           Hund, Johnson, Reynolds, and Unger

NOES:

ABSTAIN:

ABSENT:

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Curt Sauer, Secretary  
Joshua Basin Water District and of the  
Board of Directors thereof;



RESOLUTION NO. 19-1003

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE JOSHUA BASIN WATER DISTRICT

THE JOSHUA BASIN WATER DISTRICT'S EMERGENCY RESPONSE PLAN

WHEREAS, the Joshua Basin Water District is committed to protecting the constituents of the District from potential harm from natural and human-caused errors;

WHEREAS, the preservation of life, property and the environment an inherent responsibility of local, state and federal government;

WHEREAS, the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (OES) require that all governmental entities within the state have an Emergency Response Plan (ERP);

WHEREAS, the Joshua Basin Water District has developed an ERP that conforms to the State of California and Federal Emergency Agency ERP guidelines;

WHEREAS, this ERP is an extension of the County of San Bernardino's Emergency Response Plan and the State of California Emergency Response Plan; that the ERP is only good for a term of five (5) years and the plan must be up-dated and re-approved by FEMA;

WHEREAS, upon adopting this Plan and approval by FEMA, the District is eligible to receive and write Federal and State grants for Mitigation projects and is eligible for pre and post-disaster funding;

WHEREAS, upon adoption of the 2019 Emergency Response Plan, all other previous Emergency Response Plans are no longer valid;

NOW, THEREFORE BE IT RESOLVED the Joshua Basin Water District Board of Directors gives its support to this plan and urges staff, and employees to collectively incorporate mitigation measures into all District planning and facilities and funding opportunities;

PASSED AND ADOPTED as a Resolution of the Joshua Basin Water District, at a regular meeting of the Joshua Basin Water District Board of Directors held on the 19<sup>th</sup> day of June 2019.

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Robert Johnson, President, Board of Directors

ATTEST:

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Curt Sauer, Board Secretary

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO) ss  
CITY OF    )

I, Curt Sauer, Secretary of the Board of Directors of the Joshua Basin Water District do hereby certify that the foregoing Resolution No. 19-1003 was duly adopted and passed at the regular meeting of the Board of Directors on the 19<sup>th</sup> of June 2019, by the following vote to wit:

AYES:            Hund, Johnson, Reynolds, and Unger

NOES:

ABSTAIN:

ABSENT:

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Curt Sauer, Secretary  
Joshua Basin Water District and of the  
Board of Directors thereof;