

JOSHUA BASIN WATER DISTRICT
SPECIAL MEETING MINUTES
WEDNESDAY, MARCH 13, 2019

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

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

STAFF PRESENT -Curt Sauer, GM, Mark Ban, AGM-Ops, Susan Greer, AGM-Controller, Sarah Johnson, HR Manager, and Beverly Waszak, Executive Assistant

CONSULTANTS PRESENT - Kathleen Radnich, Public Outreach, Jennifer Farrell, Rutan & Tucker, LLP, and Jeff Tilton, National Demographics Corporation (NDC) Research.

APPROVAL OF AGENDA –Director Reynolds made a motion to approve the Agenda. Director Luckman seconded.

MSC¹ (Reynolds/Luckman) motion carried by the following vote:

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

PUBLIC COMMENT – None.

PUBLIC HEARING – Vice President Unger opened the Public Hearing to receive and discuss public input & comment regarding the potential transition from an “at large” election system to a “district-based election” pursuant to Elections Code Section 10010 (a) (1).

Ms. Jennifer Farrell, Rutan & Tucker began by introducing Mr. Jeff Tilton, National Demographics Corporation (NDC), who will lead the discussion tonight on a “District-Based Election”. As in where we want the Districts to be and what we want them to look like. Mr. Tilton is looking to the Board and the community tonight for direction as to what the community interests are and what makes sense to us.

Ms. Farrell asked everyone to amend the Tentative Timeline under 03/20/2019 Public Hearing #2 and to remove “after maps drawn,” this is a typo.

Mr. Jeff Tilton gave a presentation on an Introduction to Districting, which was followed by a Q&A with the Board.

Ms. Jennifer Farrell, Rutan & Tucker LLP, stated that the rules are a little difficult to comprehend; you cannot use race as your predominate factor in drawing any of the Districts. Taking away race completely, how does your community naturally divide into five different subsections? This is the type of information are we seeking from the Board and community tonight. A discussion followed, on how to divide out the District, continued with the staff and Board.

PUBLIC TESTIMONY –

Gayle Austin, Joshua Tree commented that the thing she loves about this area is the diversity, the fact that old live with young, hippies hang out with engineers, and everyone gets along and yet we are all so dynamic. If you lump people into Monument Manor, or Copper Mountain Mesa, they are different, but now they are too much together. Ms. Austin strongly suggested to the Board for a more diversified re-districting, and break up Copper Mountain Mesa and Monument Manor.

Tom Floen, Joshua Tree said that his initial impression was the letter, which he has been disregarding because he has been focused more on how we will comply with the law. Are we supposed to put an even amount of protected class into each District, which is actually deluding their voting power? Or do we form these Districts in a way that they are concentrated on the protected class electing someone that looks like they do, which is it?

Ms. Farrell, Rutan and Tucker, LLP responded that under the law we should look at whether or not there is a majority/minority District. If you do not have a majority/minority District then you are endeavored to make one. However, looking at the map, we are probably not going to have one, and the fall back is to make the District's equal in population for all of the ethnicities.

Tom Floen, Joshua Tree responded that if you add the criteria of trying to continue with the same set of Directors, on a map based on where they are living, it will add a layer to this that would make this whole experience impossible.

Kathleen Radnich, Public Outreach Consultant, asked that once the boundaries are drawn, does each District have to have someone from it. As in three incumbents can be from one District and two can be "at large"?

Ms. Farrell, Rutan and Tucker, LLP replied that this is called the transition period, so of five total Districts, (once they are drawn out for 2020) the three Directors that will be up for re-election will likely go to District-Based seats, depending on how the Directors have the Districting set up, the other two will remain "at large". This was followed by more Q&A with the Board.

PUBLIC TESTIMONY CLOSED –

Ms. Farrell, Rutan and Tucker, LLP clarified that the instruction she has received from the Board is to work with the GM and Board to provide a large map for everyone to look at that includes; roads, census, and the communities you have identified. We will not be drawing the maps on March 20, 2019, but you will have more detail on what the Districts may look like on March 20, 2019.

EMPLOYEE RECOGNITION AND AWARDS PROGRAM – GM Sauer gave the staff report on the Employee Recognition and Awards Program.

HR Manager Johnson stated that the last time she had brought this to the Board, monetary and non-monetary were separated, now it is guarded by the budget threshold of \$5,000.00.

A Q&A period continued with the Board.

Director Hund made a motion to approve the Employee Recognition and Awards Program. Director Luckman seconded.

MSC¹ (Hund/Luckman) motion carried by the following vote:

Ayes: Hund, Luckman, Reynolds, and Unger

Noes: None

Absent: Johnson

Abstain: None

REQUEST FOR STAFF REPORT ON EMPLOYEE BENEFITS - GM Sauer gave the staff report on Employee Benefits. An in-depth discussion continued with the Board.

PUBLIC COMMENT –

Gayle Austin, Joshua Tree stated that all of the Board members put in a lot of their time reading reports, researching information, and writing reports. We realize, as rate payers, that this is what their job is. Ms. Austin said that she realizes that the Board members may all have a different definition of what your job is but you have to answer to the rate payers and a report that could take 8 to 10 hours of staff time, I don't want to pay for that.

PUBLIC COMMENT CLOSED -

Vice President Unger recommended that GM Sauer proceed with a meeting between staff, Director Reynolds and President Johnson to review the State Controller report and upcoming budgets.

CLOSED SESSION - At this time the Board will go into Closed Session pursuant to Government Code Section 54957 (b) (1) – General Manager Performance Evaluation; and

Pursuant to Government Code Section 5497.6 to consult with the Board's designated representatives (Ad Hoc Negotiation Committee, (President Johnson and Vice President Unger) with regard to potential compensation adjustments and the potential extension of the General Manager's Employment Agreement.

CLOSED SESSION REPORT-

Mr. Granito reported that the Board went into closed session at approximately 8:15 p.m. pursuant to the authority and purposes noted in Item 9 of tonight's agenda. Mr. Granito further reported as follows:

In Part 1 of the Closed Session, the Board conducted the annual performance evaluation of the District's General Manager, as reference in Item 9 of tonight's agenda.

In Part 2 of the Closed Session, during which the General Manager was excused for the most part, the Board consulted with Vice President Unger as a member of the Board's designated representatives (Ad Hoc Negotiation Committee (President Johnson and Vice President Unger), as referenced in item 9 of tonight's Agenda, with regard to the potential extension of the General Manager's Employment Agreement and the potential for a merit increase in the General Manager's compensation during any such extension. Action on the potential extension and the potential merit increase in compensation would be considered in open session at the March 20, 2019 Regular Meeting of the Board of Directors. Mr. Sauer participated only in the later stage of Part 2.

The Closed Session ended at approximately 9:45 p.m. and the Board returned to Open Session.

ADJOURNMENT- The Board meeting was adjourned at 9:50 p.m.

Respectfully Submitted:


Curt Sauer, GM and Board Secretary