

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
July 20, 2011

1. **CALL TO ORDER: 7:00 PM**

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

Bill Long	Present
Mickey Luckman	Present
Michael Luhrs	Absent
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 25

4. **APPROVAL OF AGENDA**

MSC Long/Reynolds 4/0 (1 Absent) to approve the Agenda for the July 20, 2011 Regular Meeting of the Board of Directors.

5. **PUBLIC COMMENT**

Michael McCourt of Joshua Tree commented. The Board had no objection to allow Mr. McCourt to exceed the three minute time limit for his comment, due to an accommodation under the Americans with Disabilities Act. Mr. McCourt commented on Director Luhrs actions and demeanor in the past, during Mr. Luhrs' previous terms on the Board of Directors. Mr. McCourt noted that Director Luhrs brought lawsuits against the District, and against Mr. McCourt; that Director Luhrs made several unfounded allegations against the District, micromanaged, and has tried to create problems for fifteen years. Mr. McCourt stated he was appalled at Director Luhrs' recent behavior.

Al Marquez of Joshua Tree commented on "The Rule of Law", which he quoted as California Government Code 54954.3(c); stating ratepayers' comments should be addressed to the Board, not an individual Director.

Fred Klintworth, ratepayer, recalled Director Luhrs statement from a prior meeting that he would not pay for documents requested by him whether or not the District requested payments. Mr. Klintworth questioned if this is the role of Directors, how they show leadership, and how this benefits the ratepayers of JBWD.

Barbara Delph, ratepayer, commented in favor of the annual Consumer Confidence Report being included in the water bills. She questioned whether there are any laws in California regarding an elected official slandering the public. She stated she is community-minded and comments because she cares about the District and the water. She stated Director Luhrs should choose decorum and class.

Gary Lovelace of Joshua Tree commented that he saw Director Luhrs at the local Post Office; Mr. Lovelace questioned Director Luhrs about his hospital stay. Mr. Lovelace stated when he spoke to Director Luhrs he heard Director Luhrs apparently calling law enforcement. Mr. Lovelace stated he has received harassing phone calls.

Steven Whitman of Joshua Tree commented that notes of previous meetings should be more specific. District Counsel Gil Granito stated he knows of no Government statute that precludes a citizen from criticizing a public official and that statements of criticism made to a government official are permissible; furthermore, the Board President is precluded from suppressing such comments. Janet Tucker, ratepayer, asked if the District was informed in advance that Director Luhrs would be absent; she was answered that the District was not.

6. CONSENT CALENDAR

MSC Long/Reynolds 4/0 (1 Absent) to approve the minutes of the Regular Board Meeting of July 6, 2011.

7. REVIEW AND COPY OF DISTRICT DOCUMENTS BY DIRECTORS

GM Guzzetta and District Counsel Gil Granito presented the staff report providing options for a proposed policy regarding providing copies of documents to Directors. Barbara Delph, ratepayer, commented in favor of the current “Board of Directors Best Practices” policy, which states requests for documents at no charge should be limited to occasional small documents. Jerry Reynolds, ratepayer, commented on a request for documents from superior court where the cost was fifty cents per copy. Steven Whitman, ratepayer, commented this decision is complicated. He attended the Hi-Desert Water District Board meeting where attorneys from Best Best and Krieger gave a presentation on public records act. Mr. Whitman stated there is a difference in requests from public and requests from a Director. Gary Lovelace of Joshua Tree, ratepayer, commented that he, Bill Long, Karl Wyne and Director Luhrs ran together for the JBWD Board and were elected in 2003; he recalled reviewing records Director Luhrs had requested, and that it took him (Mr. Lovelace) an entire day to review invoices and compile figures. Mr. Granito stated that there is a distinction between Directors’ right to inspect records, and the right to have copies of records.

After continued discussion between the Board and staff, the following action was taken: Reynolds/ Long 3/1 (1 Absent) to approve staff recommendation to approve the proposed policy with one minor change: “...provide up to 25 copies (pages) per week...” to be changed to “...provide up to 25 copies (pages) per month...” and amend the District’s Administration Code to adopt the policy.

Long	Aye
Luckman	Aye
Luhrs	Absent
Reynolds	Aye
Wilson	No

8. WAIVER OF COST FOR PUBLIC INFORMATION DOCUMENTS

GM Guzzetta presented the staff report. Discussion ensued; Director Long made a motion to deny waiving the cost of \$224.75 for documents copied in response to a request for information by Director Luhrs; Vice President Reynolds seconded the motion. Steven Whitman of Joshua Tree questioned whether the motion was appropriate considering the recommendation made by staff; it was determined that the pending action was appropriate. Gary Lovelace of Joshua Tree commented that only the copy cost was under consideration and that there was also value in the employee time used to collect the documents for copying. The following action was taken; MSC Long/Reynolds 3/1 (1 Absent) to deny waiving the cost of \$224.75 for documents copied in response to a request for information by Director Luhrs.

Long	Aye
Luckman	Aye
Luhrs	Absent
Reynolds	Aye
Wilson	No

9. PROJECT PRIORITY LIST

GM Guzzetta stated that staff is preparing for a new year of priorities; there were no questions or comments.

10. COMMITTEE REPORTS:

A. Public Information Committee: Kathleen Radnich, Public Outreach Consultant

Ms. Radnich reported that volunteer docent training is coming up and invited anyone interested to attend. The Public Information Committee will meet August 8th. The District is hosting a landscape irrigation workshop on August 31st.

B. Ad Hoc General Manager Performance Facilitated Review Process: Vice President Reynolds and Director Long: Director Long stated a proposal was received that was preferred by the committee. The recommendation will be brought to the Board at the next Board meeting

C. Ad Hoc Pipeline Replacement Funding Committee: Director Luhrs and Director Wilson: Director Wilson reported that the committee had no further recommendations other than those given at the July 6th Board meeting.

11. PUBLIC COMMENT

Janet Tucker of Joshua Tree, a volunteer docent, commented on the District's *Water Wise Demonstration Garden* and encouraged people to visit the garden and to become involved in the volunteer docent program. GM Guzzetta noted that Ms. Tucker is the lead volunteer docent for the garden and that she works at the garden every Wednesday maintaining and keeping our garden beautiful; he thanked her for her hard work.

Fred Klintworth, ratepayer, noted that the flag outside the office needs a light for nighttime display, or the flag should be taken down after dark.

Mike McBride, Director of Bighorn-Desert View Water Agency (BDVWA), invited people to come to the agency Board meetings. He also invited the public to attend "The ABCs of Water" hosted by BDVWA tomorrow night at the Yucca Valley Nature Museum at 5:30.

12. GENERAL MANAGER REPORT

GM Guzzetta had nothing further to report.

13. DIRECTORS COMMENTS/REPORTS

Vice President Reynolds reported that the mayor of Colton passed away as a result of a traffic accident, and expressed his condolences. Vice President Reynolds reported attending a conference in Orange County covering ethics, conduct, and professionalism; he noted that he will not request any reimbursement for attending that meeting. He attended the change of command ceremony at MCAGCC where he met the new brigadier general; he will not request reimbursement or compensation for that event. He attended a Mojave Water Agency (MWA) Board meeting in MWA's new boardroom; he noted the MWA is moving to "paperless" meetings; he stated that he noticed respect and courtesy on the part of Directors and audience at that meeting. He also attended an Association of San Bernardino County Special Districts meeting where Jim Rickert of the Marine Corps Air Ground Combat Center spoke on the Marine base, construction, modern warfare and live fire training facilities as well as emergency preparedness partnerships.

14. 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).

President Luckman called a five minute recess at 8:12 pm; the meeting resumed in closed session at 8:17 pm.

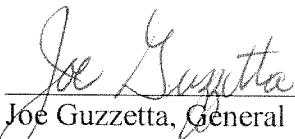
15. REPORT ON CLOSED SESSION ITEMS

The Board reconvened in open session at 8:40 pm. District Counsel Granito reported that the Board met in closed session and received a status report from Counsel on both items. No reportable action was taken during the closed session discussions.

16. ADJOURNMENT 8:42 PM

MSC Long/Reynolds4/0 (1 Absent) to adjourn the July 20, 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 August 3, 2011 at 7:00 pm.