

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
August 17, 2011

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

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

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

STAFF PRESENT:

Joe Guzzetta, General Manager
Susan Greer, Assistant General Manager/Controller
Randy Little, Water Production Supervisor
Jim Corbin, Construction & Maintenance Supervisor
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Gil Granito, District Counsel
Mike Metts, Dudek & Associates
Kathleen Radnich, Public Outreach Consultant

GUESTS 16

4. **APPROVAL OF AGENDA**

MSC Long/Reynolds 5/0 to approve the Agenda for the August 17, 2011 Regular Meeting of the Board of Directors.

5. **PUBLIC COMMENT**

Barbara Delph, JT Ratepayer Stated her appreciation for hearing the report from USGS citing the need for ground water recharge to protect the groundwater, stating that it showed the need for recharge and that supporting recharge did not indicate support for new development. She spoke in support of the grant proposal on the agenda for the recharge project.

Al Marquez stated that the engineer for Earthwise Organic Farms has said that there is enough water for 500 years. He cited other reports citing various quantities of water in the aquifer.

Jean McLaughlin Stated her opposition to the recharge project as not being needed at this time. She expressed her opposition to the location chosen and to the adequacy of the biological study due to its location on a fault and wildlife corridor.

Fred Klintworth, JT Rate Payer, referred to the USGS report of the prior meeting and his concern for the findings that nitrates are too high; he spoke in support of the groundwater recharge project sooner rather than later.

6. **CONSENT CALENDAR**

MSC Long/Reynolds 5/0 to approve the minutes of the Regular Board Meeting of August 3, 2011.

7. AUTHORIZATION TO APPLY FOR GRANT FOR GROUND WATER RECHARGE PROJECT

General Manager Joe Guzzetta reported. Board discussion followed. Director Luhrs spoke in opposition to the grant stating that it will allow growth; that water will not be available from Mojave Water Agency; that USGS is in existence to build new water projects which explains their conclusions. Director Wilson asked if the Board previously authorized Dudek \$7,000 to prepare a grant proposal; GM Guzzetta responded no. Director Wilson questioned the authority to spend Morongo Pipeline Reserves for this project. Staff indicated Mojave Water Agency has approved use of the reserve funds for this project. Director Long spoke in support of the studies that have been conducted by USGS as the best scientific data available. Director Reynolds noted that the decision to have a ground water recharge project was determined many years ago including support by voters of the District as well as by Board action; and that the matter before the Board was whether or not to authorize a grant proposal to be submitted.

MSC Long/Reynolds 3/2 to approve staff recommendation to adopt Resolution 11-874 authorizing the General Manager to apply for a Proposition 84 grant in the amount of approximately \$4 million and authorize Dudek Engineering to prepare the grant application at a cost of up to \$11,000.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

President Luckman asked if there were any public comments on this item.

Barbara Delph spoke in opposition to behavior by Director Luhrs; Director Luhrs asked whether this was a personal attack. President Luckman called a brief recess at 7:22 pm; the meeting resumed at 7:31 pm.

Barbara Delph commented that USGS representatives were well qualified; and observed that the County, not JBWD, is the agency responsible for regulating growth in Joshua Tree.

Director Luhrs stated that the JBWD facilities have an impact on growth and that a recharge project allows JBWD to say that development can occur. He stated that a treatment plant would be a preferable option because it would provide water for existing customers while allowing the District to deny water to new development.

Al Marquez referred to the County comments on the Draft Environmental Impact Report as needing this project for future development.

Barbara Delph commented that older reports refer to a substantial amount of water existing that would accommodate growth even without a ground water recharge program.

Director Luhrs expressed his opinion that a developer would need to provide the facilities to build a project and would need to find an agency to provide water if JBWD does not provide it.

Al Marquez stated his opinion that studies show water is available for 80 years.

Director Wilson stated that nitrates are high near the recharge project and that the District will have substantial nitrate problems with a recharge project.

Director Long commented that it is less expensive to import water than to treat contaminated water. He asked District Counsel Gil Granito to comment. He also speculated who would take over the water in Joshua Tree if JBWD were to be dissolved as an agency.

Legal Counsel Gil Granito stated that the Board's job and only job is to provide water; and that the Local Agency Formation Commission has threatened to dissolve agencies that attempted not to provide water. He stated that the District's goal should be to plan for providing water for the future; he stressed that using lack of water or poor planning to control growth would be irresponsible and illegal and that the fundamental reason for the existence of the District is to provide water for the present and for the future.

8. 2011/2012 SUPPLEMENTAL BUDGET APPROVAL

General Manager Joe Guzzetta provided an overview of the Supplemental Budget and reviewed each project in year 1 of the budget.

The Board discussed moving the reservoir earthquake shutoff valves to year one; reviewing the \$200,000 estimate for installing 15,000 feet of replacement pipe which appeared very low.

Al Marquez commented that the 15,000 feet of pipe would cost \$1,275,000 at \$85 per foot.

MSC Reynolds/Long 5/0 to approve the Supplemental Budget, with the \$80,000 for the reservoir shutoff valves to be moved to the first year, re-evaluating the \$200,000 for the 15,000 foot pipe replacement project, prioritizing the hospital pipeline project and moving the \$10,000 space needs assessment to year two.

9. COMMITTEE REPORTS:

A. **Public Information Committee: Kathleen Radnich, Public Outreach Consultant:** Ms. Radnich reported that JBWD and Toro Company will sponsor a drip irrigation workshop on Wednesday, August 31. The public is invited to attend. The next Public Information Committee, open to the public, will be on September 6 at 1:00pm. The Farmers Market water theme for September will be water-saving fixtures.

B. **Ad Hoc General Manager Performance Facilitated Review Process: Vice President Reynolds and Director Long:** Vice President Reynolds reported that the Committee is checking references of a proposed consultant and should have a report by the next board meeting.

10. PUBLIC COMMENT

Al Marquez commented on prior interaction between directors and the public. He noted that in the past Director Long requested documentation of board expenditures for meetings, travel, and education that had been reported; and that has not been provided by staff. Director Long and staff clarified that the source of the original financial data was Director Wilson and that Director Wilson had not provided the information to staff.

11. GENERAL MANAGER REPORT

General Manager Joe Guzzetta reported his attendance at the Alliance for Water Awareness and Conservation strategic planning workshop where it was reported that AWAC has very limited funding this year for water conservation activities. He also reported that the US Environmental Protection Agency has completed its environmental review of the ground water recharge project and has issued a Finding of No Significant Impact, completing the NEPA process, and opening the way for federal funding.

12. DIRECTORS COMMENTS/REPORTS

Director Wilson commented that a JBWD employee had entered his property to install a check valve on his garden hose without his permission.

Director Long acknowledged the attendance at the meeting of JC Titsworth, a former Joshua Tree resident who moved away and was back visiting.

Vice President Reynolds reported attending the ABC's of Water where Bighorn Desert View Water Agency General Manager Marina West, gave a presentation on the Ames ground water recharge project. He did not request reimbursement for attending that meeting.

In reference to Legal Counsel Gil Granito's earlier comments Vice President Reynolds stated his opinion that the District is "putting our head in a noose," by supporting growth or no growth through water decisions.

Director Luhrs, responding to a bill from the District for copying of documents he requested, stated that he

didn't receive the list that he had requested; he demanded that staff provide more documents by a week from Friday or he would take action.

President Luckman reported on the agencies participating in the Open Space Group and encouraged people to participate.

13. 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).

14. REPORT ON CLOSED SESSION ITEMS

There was no closed session. Legal Counsel Gil Granito advised the Board of SB931 that is about to be passed and that prohibits special districts to pay for outside legal counsel regarding public employee union rights. It would not limit counsel for negotiating contracts. SB293 would cap contract retention to 5% rather than the current 10% for construction projects.

There is a Federal Bill sponsored by Senator Charles Shumer, (NY) to require utility plants to provide FBI background checks.

15. ADJOURNMENT 8:44 PM

MSC Long/Luhrs 5/0 to adjourn the August 17, 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 September 7, 2011 at 7:00 pm.