

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

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

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

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

**STAFF PRESENT:** Joe Guzzetta, General Manager  
Susan Greer, Assistant General Manager/Controller  
Marie Salsberry, Executive Secretary

**CONSULTANTS PRESENT:** Gil Granito, District Counsel  
Kathleen Radnich, Public Outreach Consultant

**GUESTS** 11

4. **APPROVAL OF AGENDA**

President Luckman stated a request to remove Item 10 from the agenda.  
MSC Long/Reynolds 5/0 to approve the Agenda for April 20, 2011 Regular Meeting of the Board of Directors with the removal of Item 10.

5. **PUBLIC COMMENT**

Gary Lovelace of Joshua Tree commented on Director Luhrs demeanor and comments made at previous Board meetings. Barb Delph of Joshua Tree alleged that Director Luhrs is in violation of FPPC campaign policies; she requested that Directors Luhrs and Wilson resign from the Board. Gary Given of Joshua Tree commented that he and Director Luhrs had served on the same Board in the past; he commented that the community has voted twice in favor of taxes to import water to Joshua Tree, and quoted from a 1983 Resolution in which the Board expressed intent to have imported water available by 1990. Linda Camacho of Joshua Tree spoke in favor of Board and staff attendance at conferences for purpose of pursuing grant funds.

6. **CONSENT CALENDAR**

MSC Long/Reynolds 5/0 to approve the Minutes of the April 6, 2011 Regular Meeting of the Board of Directors.

7. **DEPOSITS REQUIRED FOR NEW ACCOUNTS AND ACCOUNTS THAT HAVE BEEN TURNED OFF FOR NON-PAYMENT**

General Manager Joe Guzzetta reported, reviewing the current policy regarding new account deposits. He stated the Citizens Advisory Committee's (CAC) recommendation to use the "green, yellow, or red" credit rating scores; to require no deposit for customers with a "green" credit rating and to require a \$100 deposit for customers with a "yellow" or "red" credit rating. Those with a "yellow" rating would have the deposit credited to the account after 24 months of excellent payment history and those with a "red" credit rating would have the deposit credited to the account after 48 months of excellent payment

history. Board and staff discussion ensued, with Citizens Advisory Committee members giving clarification as to how they arrived at the recommendation.

Several members of the public and Citizens Advisory Committee commented on the subject of having property owners responsible for water deposits and/or bills when the property is rented. GM Guzzetta and District Counsel Gil Granito clarified that the subject of owner responsibility versus tenant responsibility for water accounts could be discussed by the CAC only at the request of the Board to do so. The following action was taken:

MSC Long/Reynolds 4/1 to adopt Resolution 11-868 implementing the recommendation of the Citizens Advisory Committee regarding account guarantee deposits related to the “green, yellow, or red” credit rating scores where no deposit is required for a “green” score” and a \$100 deposit is required for either a “yellow or red” score, with deposit to be applied to the account after 24 months of excellent payment history for “yellow” and after 48 months of excellent payment history with “red”; and to revisit the subject in one year.

Long	Aye
Luckman	Aye
Luhrs	Aye
Reynolds	Aye
Wilson	No

#### **8. UNITED STATES GEOLOGICAL SURVEY (USGS) STUDY CONTINUATION AND STATUS REPORT**

GM Guzzetta reported on the contract renewal that is required by USGS in order to continue the study, although there is no additional cost to the District. The purpose of the continuing study is to complete the written report on work done to date. The multi-year study was done to determine rate of recharge and provide recommendations on future recharge management, and to study septic and determine at what density wastewater treatment will be required. It was noted that funding for the multi-year study was previously approved by the Board.

MSC Long/Reynolds 3/2 to approve staff recommendation to approve a “No Cost Extension Joint Funding Agreement” with USGS to complete the report for the ground water recharge project and the transport solute model septic study.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

#### **9. CRISIS COMMUNICATIONS AND DISASTER PREPAREDNESS TRAINING**

GM Guzzetta reported that the District is hosting a Crisis Communications and Disaster Preparedness training seminar on May 23<sup>rd</sup>. The 2-hour seminar is presented by California Emergency Management Agency and specifically targeted for public officials and staff. There is no fee for the training. The district has extended an invitation to other local water districts’ Boards and management staff. Directors were encouraged to attend.

#### **10. DIRECTOR LUHRS INFORMATION REQUESTS**

Not discussed, per Item 4.

#### **11. PROJECT PRIORITY LIST**

GM Guzzetta noted that staff is making progress on many of the projects listed.

#### **12. PUBLIC COMMENT**

None.

### **13. GENERAL MANAGER REPORT**

GM Guzzetta reported that the flushing program is about half completed. Field staff developed a skimmer to clean dust and oils from the surface of water in reservoirs and it is being tested. In the first trial, this method saved over 40,000 gallons of water, compared to the usual practice of overflowing the tanks. GM Guzzetta clarified a situation regarding a company that was interested in bidding for District work some time ago, that had resulted in some confusion. Director Luhrs commented that he still had some concerns about the situation; further discussion ensued, and Director Luhrs and GM Guzzetta agreed to discuss this at another time. GM Guzzetta reported that staff continues to working on a solution to provide a secondary source of water to the county buildings and hospital. Director Wilson asked what happened to the barbecue that existed before construction of the demonstration garden.

### **14. DIRECTORS COMMENTS/REPORTS**

#### **1. PRESIDENT LUCKMAN: REIMBURSED EXPENSES FOR BOARD MEMBERS:**

President Luckman reported that, although the District is in compliance with its policies, District Counsel has advised that due to pending legislation it would be a good idea to revise the Administrative Code to more clearly define the specific activities that will be reimbursable expenses for the Board of Directors and qualify for daily pay. President Luckman suggested directing staff to survey other local agencies and return to the Board with recommendations for changes to the Administration Code. The following action was taken:

MSC Long/Reynolds 5/0 to direct staff to propose revisions of the Administrative Code to designate specific conferences or meetings that qualify for daily pay and reimbursement of expenses.

#### **2. AD HOC GENERAL MANAGER PERFORMANCE "FACILITATED REVIEW PROCESS": VICE PRESIDENT REYNOLDS AND DIRECTOR LONG**

Vice President Reynolds reported that he and Director Long solicited proposals from four firms and received three. The committee recommends to contract with Rausch Communications to administer the project; the cost would be approximately \$4,440 plus travel expenses. Discussion ensued. District Counsel Granito clarified that the committee was reporting and not expecting a decision to be made on this subject at this meeting. It will be agendized at a future meeting for discussion and possible action by the Board.

#### **3. AD HOC PIPELINE REPLACEMENT FUNDING COMMITTEE: DIRECTOR LUHRS AND DIRECTOR WILSON**

Director Luhrs reported that the committee recommends that a pipeline replacement project that the District in 2008 approved to have designed, should be the first to be constructed. Director Luhrs spoke on the District's expenditure of funds to an engineering firm for the design. GM Guzzetta clarified that this project consisted of about 15,000 feet of pipe in need of replacement. With further research, District staff identified another 70,000 to 90,000 feet of pipeline considered high priority for replacement. The question of how to finance replacement of all of the identified pipeline led to the formation of the committee; the District can decide to borrow at low interest, or "pay-as-you-go", replacing segments of the identified pipeline as the budget allows. Director Wilson noted that the District paid \$41,900 for the plans to be repaired for the original 15,000 feet of pipeline to be replaced.

### **15. CLOSED SESSION**

Director Luhrs commented that he was recusing himself from item 2 of the Closed session, not because of financial interest, but because before he was elected he had several conversations with the named party and he feels it would be unfair for both the District and the other party if he took part in discussion.

The Board went to closed session at: 8:14 pm

1. At this time, the Board will go into Closed Session pursuant to Government Code Section 54956.8 to confer with & instruct the District's Real Property Negotiator, Joe Guzzetta, as to terms & conditions of the

potential purchase of land for a reservoir site. It is anticipated that negotiations will be with the record owners of the specific sites/parcels under consideration which are as follows: 0607-041-06; 0600-271-09; 0602-011-10; 0602-011-16; 0602-011-03; 0588-131-73; 0589-192-21; 0588-121-22; 0588-121-68.

2. At this time, the Board will go into 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).
3. At this time, the Board will go into 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).

The Board returned from Closed Session at 8:48 pm.

**16. REPORT ON CLOSED SESSION ITEMS**

District Counsel Gil Granito reported that during Closed Session Item 2 and Closed Session Item 3, he provided the Board with status reports. He also reported that during Closed Session Item 1 the Board conferred with CE Prime. No reportable action was taken at any time.

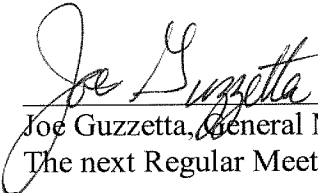
**17. ACQUISITION OF PROPERTIES FOR FUTURE RESERVOIR SITES**

GM Guzzetta reported. The Board gave direction to prioritize the sites and have CE Prime provide preliminary data and cost of acquisition.

**18. ADJOURNMENT 9:03 PM**

MSC Reynolds/Long 5/0 to adjourn the April 20, 2011 Regular Meeting of the Board of Directors.

Respectfully submitted;

  
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Joe Guzzetta, General Manager

The next Regular Meeting of the Board of Directors is scheduled for Wednesday May 4, 2011 at 7:00 pm.