

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
November 16, 2011

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

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

STAFF PRESENT: Joe Guzzetta, General Manager
Susan Greer, Assistant General Manager/Controller
Keith Faul, GIS Coordinator

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

GUESTS 14

Following the Pledge of Allegiance, President Luckman requested a moment of silence in memory of late Director Michael Luhrs.

4. APPROVAL OF AGENDA

MSC Reynolds/Long 4/0 to approve the agenda for the November 16, 2011 Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

None.

6. CONSENT CALENDAR

Director Wilson requested that item C be removed from the Consent Calendar.

MSC Long/Reynolds 4/0 to approve the minutes of the November 2 regular meeting of the Board of Directors and to approve the Financial Report for October 2011

MSC Wilson/Luckman 4/0 to continue Item C of the Consent Calendar, "Agreement between Hi-Desert Medical Center and Joshua Basin Water District for Package Waste Water Treatment Plant" to the December 7th meeting.

7. FILLING OF BOARD VACANCY

Director Long commented supporting filling the vacant position by appointment in order to save the cost of holding a special election. Director Reynolds stated support for filling the vacancy by appointment due to the cost that would be incurred to hold a special election. Director Wilson stated his opinion that the Board is unable to take action on the vacancy until a death certificate is received confirming the death of Director Luhrs. Legal Counsel Gil Granito stated that judicial notice could be taken of Director Luhr's death. Al Marquez of Joshua Tree stated that Legal Counsel Granito was incorrect in his advice. Legal Counsel Granito recommended that the Board take action conditional on receiving evidence of death before making an appointment.

MSC Long/Reynolds 3/1 to fill the Board vacancy by appointment and to conduct interviews on December 7 with the intent of appointment at that time provided that legal evidence of Director Luhr's death is obtained prior to the appointment

Long Aye
Luckman Aye
Reynolds Aye
Wilson No

8. METER INSTALLATION FEE INCREASES

Assistant General Manager/Controller Susan Greer gave the staff report recommending increases in the meter fees based on projected costs for the next year, and answered questions from the Board.

MSC Long/Reynolds 4/0 to adopt Resolution 11-878 relating to meter installation fee increases.

9. COMMITTEE REPORTS:

A. **Public Information Committee:** Kathleen Radnich, Public Outreach Consultant, reported on the recent "ABC's of Water" workshop with the topic of "Careers in Water" which was hosted by JBWD, and noted the exceptional presentation by Distribution Supervisor Jim Corbin. She also reported that JBWD will take a hiatus from the Saturday Joshua Tree Farmers Market during December, January, and February. Director Luckman commented on the positive reaction she has received from the "ABC's of Water" presentations.

B. **Ad Hoc General Manager Performance Facilitated Review Process:** Vice President Reynolds and Director Long reported the committee has not received the proposal yet.

10. PUBLIC COMMENT

None.

11. GENERAL MANAGER REPORT

General Manager Guzzetta presented a report on behalf of Judy Corl-Lorono, Director, Bighorn Desert View Water Agency, who is seeking a seat on the Association of California Water Agencies Health Benefits Authority Board of Directors. Nomination for the appointment requires the concurring support of three other member water agencies, and Director Corl-Lorono has requested support from Joshua Basin Water District. This request came to the attention of Joshua Basin Water District on Monday, November 14, after posting of the agenda and can only be considered by the Board with the appropriate findings

MSC Reynolds/Long 3/1 to determine that there is a need to take immediate action due to the December 2 deadline for action; and that the need for action came to the attention of the Joshua Basin Water District subsequent to the agenda being posted.

Long Aye
Luckman Aye
Reynolds Aye
Wilson No

MSC Reynolds/Long 3/1 to adopt a resolution nominating Judy Corl-Lorono for the Association of California Water Agencies Health Benefits Authority Board of Directors.

Long Aye
Luckman Aye
Reynolds Aye
Wilson No

12. DISTRICT COUNSEL REPORT

Legal Counsel Granito stated he had no report for open session and that he would report to the Board in Closed Session regarding Item B.

13. DIRECTORS COMMENTS/REPORTS

Director Reynolds extended condolences to the family of Director Luhrs on his passing. There were no other comments.

14. CLOSED SESSION

- A. 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).
- B. 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 entered closed session to consider item B at 7:36 pm.

15. REPORT ON CLOSED SESSION ITEMS


Counsel Gil Granito reported that during the Closed Session he gave a status report to the Board on Item B and no reportable action was taken.

16. ADJOURNMENT 7:50 PM

The Board adjourned the meeting in memory of Director Michael Luhrs.

MSC Long/Reynolds 4/0 to adjourn the November 16, 2011 Regular Meeting of the Board of Directors in memory of Director Michael Luhrs.

Respectfully submitted;



 Joe Guzzetta, General Manager

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