

JOSHUA BASIN WATER DISTRICT  
Minutes of the  
REGULAR MEETING OF THE BOARD OF DIRECTORS

July 15, 2015

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Rebecca Unger	Present

STAFF PRESENT:

Curt Sauer, General Manager
Keith Faul, GIS Coordinator
Karyn Sernka, Administrative Assistant

CONSULTANTS PRESENT:

Gil Granito, District Counsel, Redwine & Sherrill
Kathleen Radnich, Public Outreach Consultant

GUESTS 27

4. APPROVAL OF AGENDA

MSC Luckman/Johnson 5/0 to approve the agenda for the July 15, 2015 meeting.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Unger	Aye
Reynolds	Aye

5. PUBLIC COMMENTS:

Al Marquez, Sunfair area, Joshua Tree: Regarding basic fees for inactive meters: Mr. Marquez states that he was previously against charging a basic fee for inactive meters. However, after some research he now believes inactive meters should be charged 1/2 of the basic fee.

David Fick, Joshua Tree: As a member of the Morongo Basin Conservation Association (MBCA) Mr. Fick wanted to clarify that while he has opposed many solar projects, he does not unconditionally oppose all solar projects.

6. CONSENT CALENDAR

MSC Luckman/Reynolds, 5/0 to approve Draft Minutes of the June 17, 2015 Regular Meeting of the Board of Directors.

Fuller	Aye
Johnson	Aye

Luckman	Aye
Unger	Aye
Reynolds	Aye

## 7. ALTAMIRA WILL SERVE LETTER

Curt Sauer gave the report; and read the conditional will serve letter. See staff report in the agenda packet for details.

### Public Comment:

Ron Schwartz, Altamira Project proponent: Mr. Schwartz stated to the Board that he believes the will serve letter offers appropriate protection to the Board.

Dawn Anderson, Joshua Tree: Ms. Anderson is concerned about the possibility of issuing a will serve letter in the midst of a drought, and while JBWD has water quality concerns with regards to Chromium 6. She urged the Board to vote against issuance of the conditional will serve letter.

Al Marquez, Joshua Tree, Sunfair area: Mr. Marquez is against large development. He asked the question: Will Altamira be required to pay a wastewater capacity fee? GM Sauer answered Mr. Marquez's question stating Altamira would be required to pay all fees, including mainline infrastructure and tanks, etc.

Fred Klintworth, Sunfair area, Joshua Tree: Mr. Klintworth expressed concern about funding for water availability and infrastructure maintenance, and indicated that the JBWD must prioritize our community needs first.

Tom Flouett, Joshua Tree: Mr. Flouett explained that he has been widely monitoring the media and has heard nothing optimistic about water in California, and states it is time to say "No."

Joe Batari, Friendly Hills area, Joshua Tree: Mr. Batari states Altamira does not fit into the Joshua Tree community image. He disagrees with Altamira, and is concerned that approving the will serve letter will create a precedent for other development.

Valarie Witter, Joshua Tree: Ms. Witter indicated she has been diligently conserving water, and expressed dismay that JBWD is saving 28% water only to provide it to larger projects such as Altamira and NextEra.

David Fick, Joshua Tree: Mr. Fick has concerns regarding setting a precedent. Mr. Fick also suggested that this development possibly requires an Environmental Impact Report (EIR), which will likely take longer than one year to complete. Meanwhile, the General Plan, Urban Water Management Plan, etc. are still up in the air.

Tom O'Key, Joshua Tree: Mr. O'Key stated that the current housing occupancy in Joshua tree is only 75%. Mr. O'Key further states that we need to take care of our own community before allowing newcomers.

Noreen Waller, Joshua Tree: Ms. Waller expressed appreciation with the public turnout. Ms. Waller's concerns were with regard to water conservation and environmental protection. Ms. Waller stated "The Altamira development doesn't make sense."

Julia Buckley: Ms. Buckley is opposed to any new construction during the drought. Ms. Buckley urged the Board not to issue the will serve letter.

Tom O'Key, Joshua Tree: Mr. O'Key expressed concern about letting Altamira move forward through the county process.

Frank Coate, Joshua Tree: Mr. Coate stated that the drought is not the only issue; Mr. Coate pointed out that the JBWD is already bringing supplemental water into the desert and thus we do not have an ample supply of water.

President Fuller clarified that the Board had not previously voted on a will serve letter for Altamira, but that Altamira withdrew their application.

Director Unger stated she still has unanswered questions about the project and would like to wait until the drought is lifted to issue a will serve letter.

Director Johnson states the conditional will serve letter is an equitable solution that considers the concerns of the JBWD regarding water availability during the drought.

Director Reynolds explained that JBWD is not a land use agency and encouraged the public to address their comments with the land use agencies and to the County Supervisors. Director Reynolds eloquently clarifies that JBWD does have the water to serve, but that the water is not available to serve due to the state mandates corresponding with the drought.

Director Luckman stated the conditional will serve letter was masterfully written, and while Ms. Luckman stated she does not generally support the project, she believes she has the obligation to pass the conditional will serve letter as written.

Director Fuller clarifies that the letter states a decision is not being made until the drought mandates are lifted. Ms. Fuller expressed appreciation for the public comments.

GM Sauer clarifies that the conditional will serve letter only allows the applicant to move forward in their planning, and emphasized that water will not be provided to the project during any declared emergency.

MSC Luckman/Johnson, 4/1 to approve the conditional will serve letter for the Altamira project:

Fuller	Aye
Johnson	Aye
Luckman	Aye
Unger	No
Reynolds	Aye

## 8. REQUEST FOR WILL SERVE LETTER OF THE NEXTERA SOLAR PROJECT

GM Sauer gave the report. Detailed information can be referred to in the agenda packet. NextEra currently has 10 parcels. NextEra is in the process of requesting of the County that the parcels be merged into one parcel, and is requesting a will serve letter based upon having only one parcel.

Jess Melin from NextEra states they prefer to use local area water instead of trucking water in. NextEra is currently in the initial study phase of the project.

Public Comment:

David Fick, Joshua Tree: Mr. Fick stated that consideration of a will serve letter for NextEra is not appropriate until after the drought mandates are lifted and parcels are merged. Regarding dust control, Mr. Fick questions water usage calculations by the project proponent. Mr. Fick recommends that the Board not provide a will serve letter for the NextEra project.

Al Marquez, Sunfair area, Joshua Tree: Mr. Marquez states he has been in the community for 14 years and lives approximately a half mile from the airport. Marquez compared the NextEra project to the Cascade Solar project and

questions water availability, citing there is already an overdraft of water from the aquifer. Mr. Marquez is opposed to the solar project.

GM Sauer clarified that water availability is defined in the Urban Water Management Plan.

Tom Flouett, Joshua Tree: Mr. Flouett asked the following questions:

Would any cleaning agents be used to clean the solar panels?

Is the project proponent planning to remove the pavement?

Would there be a water capture system when cleaning panels?

Jess Melin answered the questions stating there would not be any cleaning solvents used to clean the panels, and they would be leaving the runway in place.

Tom O'Key, Joshua Tree: Mr. O'Key stated the solar project will defoliate and use will use chemicals that will negatively impact our aquifer.

Jess Melin from NextEra states he does not believe they have plans to use defoliant or use chemicals. Director Fuller requested Mr. Melin get clarification on that issue for the Board.

Joe Batari, Joshua Tree: Mr. Batari stated he is against the project due to water usage, and emphasized that there should be no new projects during the drought.

Fred Klintworth, Sunfair area, Joshua Tree: Mr. Klintworth stated there should not be a will serve letter considered at this time while parcels are not joined. Mr. Klintworth also expressed concern about dust, and he believes water use for cleaning the panels will be higher than estimated by project proponent.

MSC Luckman/Fuller, 5/0 to pull item until parcels are joined:

Fuller	Aye
Johnson	Aye
Luckman	Aye
Unger	Aye
Reynolds	Aye

## 9. REVIEW OF AGRICULTURAL REQUESTS AND INQUIRIES

Keith Faul gave the presentation and briefed the Board on agricultural use in the desert. The Board received for information only.

President Fuller suggested that the CAC look at agricultural issues, and a drought administrative surcharge.

Merriam Seager, Joshua Tree: Ms. Seager commented that the olive trees shown in the presentation were only saplings and that they will increase exponentially in their need for more water.

Frank Coate, Joshua Tree: Mr. Coate questioned – Is R1 zoning Residential only? Is a backflow device required for liquid herbicide? Keith Faul answered no.

Tom O'Key, Joshua Tree: Mr. O'Key stated the county has no permit requirement on crop trees. Mr. O'Key has the following environmental/water quality impact concerns: Fertilizer, chemicals to aquifer, invasive species (tumbleweeds and insects). Also, regarding Chromium 6 – Mr. O'Key is concerned about Chromium 6, stating that the human body should have no level of Chromium 6, and he is questioning whether the 10% autism in our community may be linked with Chromium 6.

10. AUTHORIZATION BY THE BOARD FOR THE DIRECTOR OF WATER RESOURCES AND OPERATIONS TO HAVE A DISTRICT CREDIT CARD

MSC Luckman/Fuller, 5/0 to approve the issuance of a credit card to the Director of Water Resources and Operations:

Fuller	Aye
Johnson	Aye
Luckman	Aye
Unger	Aye
Reynolds	Aye

11. STANDING COMMITTEE REPORTS

Legislative and Public Information Committee: Kathleen Radnich states there will be an event on July 21 collecting native plant seeds from 7-8:30AM. There will also be a drip irrigation workshop held on Saturday August 15.

Finance Committee: There has not been a Finance Committee meeting since the last Board Meeting.

Water Resource and Operations Committee: Meeting will be Wednesday July, 29<sup>th</sup>.

12. PUBLIC COMMENT

Al Marquez, Sunfair Area, Joshua Tree: Mr. Marquez commented that a Citizens Advisory Committee (CAC) member made public comment at the last Board Meeting about a Board Member's opinion not being representative of the CAC, and clarified that the CAC is representative of the community, and to provide information and advice to the Board.

David Fick, Joshua Tree: Mr. Fick suggested that the video of the Joshua Basin Water District Board of Director meetings be on YouTube.

13. DISTRICT COUNSEL REPORT

No report. Comment: Counselor Granito discussed and updated events surrounding the San Juan Capistrano case regarding tiered structure. Counselor Granito stated he is impressed with the heartfelt testimony by the public, and encouraged the public to express concerns regarding land use issues to the land use agencies.

14. GENERAL MANAGER REPORT

General Manager Curt Sauer gave the report. GM Sauer reported on conservation/water consumption, stating that there was 21% conservation of water in May, and a 9% conservation of water in June. H1 and F2 tanks will be cleaned.

The Board received the report for information only.

15. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

Mojave Water Agency Board Meeting: July 23 – Robert Johnson  
ASBCSD, July 20 – Mike Reynolds

16. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED

Director Luckman attended a Conservation symposium and found a 1.5 hour seminar on turf removal particularly interesting.

Director Unger attended the Legislative and Public information meeting, and had the following information from the California Legislative Channel: SWRCB can merge or consolidate water districts as they see fit.

17. DIRECTORS COMMENTS/REPORTS:

All of the directors expressed their appreciation for the public comments.

18. CLOSED SESSION

At approximately 9:10 PM, the Board went into Closed Session in accordance with Government Code Section 54956.9 (d) (2). During the Closed Session, the Board consulted with the District's designated representative (Curt Sauer, General Manager) and telephonically with the District's labor counsel (Steven Berliner, Esq.) with regard to labor negotiations between the District and the Joshua Basin Chapter of the American Federation of State, County and Municipal Employees (AFSCME), Local 1902. No further reportable action was taken. The Closed Session ended at approximately 9:45 PM.

19. FUTURE AGENDA ITEMS

None.

20. ADJOURNMENT

MSC Luckman/Unger, 5/0/ to adjourn the Regular Meeting of the Board of Directors of July 15, 2015 at 9:50 PM.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Unger	Aye
Reynolds	Aye

Respectfully submitted:



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Curt Sauer, General Manager and Board Secretary