

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
June 15, 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	Absent

STAFF PRESENT: Joe Guzzetta, General Manager
Keith Faul, GIS Coordinator
Marie Salsberry, Executive Secretary

CONSULTANTS PRESENT: Gil Granito, District Counsel
Mike Metts, District Engineer
Kathleen Radnich, Public Outreach Consultant
Sandra Carlson, Kennedy/Jenks

GUESTS 25

4. APPROVAL OF AGENDA

MSC Long/Reynolds 3/0 (2 Absent) to approve the Agenda for the June 15, 2011 Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

Barb Delph of Joshua Tree commented on violations of FPPC rules for campaign information by Directors Luhrs and Wilson. She commented in favor of the Recharge Project.
Gary Lovelace commented on accusations at a prior meeting by Director Luhrs that he made harassing phone calls, and stated that the Sheriff had no record of a report of harassing calls.
Al Marquez of Joshua Tree spoke opposing the presence of law enforcement at the meeting and opposing the Board Vice-President following District Counsel's instructions during the last Board meeting. He stated that legal counsel should have no authority on how to conduct a meeting. He commented opposing the early adjournment of the May 18 Board meeting.

6. CONSENT CALENDAR

Vice President Reynolds stated that three items on the demand list had been explained for him to his satisfaction.

MSC Long/Reynolds 3/0 (2 Absent) to approve the Minutes of the June 1, 2011 Regular Board Meeting

7. PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGE FOR FISCAL YEAR 2011/2012

General Manager Guzzetta requested that the item be heard later in the meeting.

8. PRESENTATION BY UNITED STATES GEOLOGICAL SURVEY (USGS)

President Luckman reported that this item will be deferred to the August 3, 2011 Regular Board Meeting.

9. ADOPTION OF URBAN WATER MANAGEMENT PLAN (UWMP)

This item was moved to later in the meeting as the consultant had not yet arrived to report.

10. E1-D2 BOOSTER PUMP STATION REPLACEMENT PROJECT – NOTICE OF COMPLETION

District Engineer Mike Metts reported on the project and associated costs, recommending that the Notice of Completion be filed. Board discussion ensued. Mr. Metts offered to deduct \$3,000 from the project administration fees, which the Board accepted.

MSC Reynolds/Long 3/0 (2 Absent) to approve staff recommendation to authorize filing of the Notice of Completion for the E1-D2 Booster Station Replacement Project and authorize final payment in accordance with the Contract Documents.

7. PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGE FOR FISCAL YEAR 2011/2012

President Luckman opened the public hearing. General Manager Guzzetta reported that this item needs to be agendized and approved each year even though charges are not increasing and have not increased since 1996. Standby charges are expected to generate 1.3 million for the District in the coming fiscal year.

The Board had no questions for staff and there were no public comments. The public hearing was closed.

MSC Long/Reynolds 3/0 (2 Absent) to approve staff recommendation to adopt Resolution 11-870, establishing water availability charges for fiscal year 11/12 and authorizing collection by San Bernardino County.

9. ADOPTION OF URBAN WATER MANAGEMENT PLAN (UWMP)

GM Guzzetta reported noting that the District also has a Groundwater Management Plan and the 2004 USGS study that are the primary planning documents the District uses. He explained the purpose of the UWMP and introduced Sandra Carlson of Kennedy Jenks who was present at the meeting and Mary Lou Cotton of Kennedy Jenks who was available by telephone.

President Luckman opened the Public Hearing. Ms. Cotton and Ms. Carlson reported in detail about the components of the plan and its requirements.

David Fick of Joshua Tree questioned how the population number was arrived at. Ms. Cotton stated the number came from 2000 census data and was projected using Department of Water Resources approved methods. It was noted that the 2010 census data is not yet available and that in 2015 the UWMP will be updated with newer population information.

President Luckman asked if the Board had any questions. Director Long commented the purpose of the UWMP as a long term general planning document providing guidelines for the future.

President Luckman asked if there were any more public comments.

Al Marquez of Joshua Tree commented disagreeing with calculations of aquifer overdraft and availability of water in the aquifer citing information from Department of Water Resources report. GM Guzzetta stated that USGS studies indicate 600,000 acre-feet of water in the aquifer, but water drawn from lower levels of the aquifer would need to be treated, and productions costs rise when pumping water from a greater depth in the aquifer. He stated that the document cited by Mr. Marquez contained incorrect information from a fraudulent study done by a company whose geologist lost his license. GM Guzzetta stated that he just recently discovered that the information was used in the bulletin and he is working on correcting the information.

President Luckman closed the public hearing and asked if the Board had any questions. There were none, and no further discussion by the Board.

MSC Long/Reynolds 3/0 (2 Absent) to adopt Resolution 11-871 Approving the 2010 Update of the Urban Water Management Plan.

11. PURCHASE OF REPLACEMENT COMPUTER SERVER

GM Guzzetta reported noting that cost is covered by the equipment replacement fund. Board discussion ensued and the following action was taken:

MSC Reynolds/Long 3/0 (2 Absent) to approve staff recommendation to authorize withdrawal of \$19,246 from the Equipment and Technology Reserve account to purchase a server for replacement of the existing five year old server.

12. AMENDMENT OF DISTRICT'S ADMINISTRATION CODE

Legal Counsel Gil Granito reported on the proposed changes to the Administration Code. Board discussion ensued.

Al Marquez of Joshua Tree commented opposing changes to the Administration Code.

MSC Long/Reynolds 3/0 (2 Absent) to approve staff recommendation to adopt the amendment to the Administration Code with the provision that in case of conflict with other District policies the Administration Code will prevail.

13. COMMITTEE REPORTS:

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

Ms. Radnich reported that the JBWD Public Information Committee will meet on June 20 at 1:00 pm in the District Boardroom. She reminded the public that water consumption typically rises during hot weather and invited the public to read the District newsletter and visit the Joshua Tree Farmers Market on Saturdays for tips to help lower water use.

B. Ad Hoc General Manager Performance Facilitated Review Process: Vice President Reynolds and Director Long: Director Long reported that he had called an agency but has had no response yet.

C. Ad Hoc Pipeline Replacement Funding Committee: Director Luhrs and Director Wilson: not present.

14. PUBLIC COMMENT

Barbara Delph of Joshua Tree commented on the absence of Directors Luhrs and Wilson for tonight's meeting. She commented in support of the Sheriff Deputy's presence at the meeting. She stated that the Urban Water Management Plan supports the Recharge Project.

Al Marquez commented negatively on the actions of the Board over the last five years.

Gary Lovelace of Joshua Tree commented on accusations made by Director Luhrs' at a prior meeting. He stated he is past president of the District and that this is one of the best districts in the area.

David Fick of Joshua Tree commented on the difficulties in California's delta with pumping water due to the abundance of fish which are caught in the pumps. He stated the State Water Project cannot pump water at this time because of the fish being killed.

15. GENERAL MANAGER REPORT

GM Guzzetta had nothing further to report.

16. DIRECTORS COMMENTS/REPORTS

Director Long commented on the Delta, noting that a record snowpack will produce a lot of water with warming temperatures, and levees in the delta are fragile. He stated he appreciated the presence of the Sheriff Deputy. Vice President Reynolds commented that he approved of the Deputy at the meeting as well. Vice President Reynolds reported attending a meeting in Rancho Cucamonga where Kirby Brill of Mojave Water Agency spoke on MWA's UWMP. He attended an awards ceremony in Rancho Cucamonga for Women of Distinction, where 63 awards were given to women in San Bernardino County. He stated he will not request per diem compensation for attending these meetings.

President Luckman agreed that the Deputy's presence was appreciated.

17. CLOSED SESSION

1. 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).
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. 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).

District Counsel Granito reported that the Board would now go to Closed Session on two matters of pending litigation described in Items 17.1 and 17.2. He stated that there would be no reportable action from the Closed Session Meeting. President Luckman called a five minute recess at 8:48 to be followed by the Closed Session.

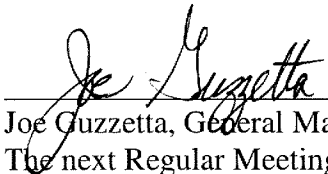
18. REPORT ON CLOSED SESSION ITEMS

The Board returned to open session at 9:15. District Counsel Granito stated that no reportable action was taken during the Closed Session.

19 ADJOURNMENT

MSC Long/Reynolds 3/0 (2 Absent) to adjourn the June 15, 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 July 6, 2011 at 7:00 pm.