

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
February 3, 2010

1. CALL TO ORDER 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM: By roll-call:
Gary Given Present
Bill Long Present
Mickey Luckman Present
Mike Reynolds Present
Gary Wilson Present

STAFF PRESENT: Joe Guzzetta, General Manager
Susan Greer, Assistant GM/Controller
Keith Faul, GIS Coordinator
Marie Salsberry, Executive Secretary

GUESTS: 7

4. APPROVAL OF AGENDA

MSC Long/Reynolds 5/0 to approve the agenda for the February 3, 2010 Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

None.

6. CONSENT CALENDAR

Long/Luckman 5/0 to approve the minutes of the Special Meeting of December 8, 2009; to approve the minutes of the Special Meeting of December 9, 2009; to approve the financial report for October 2009; to approve the financial report for November 2009; to adopt Resolution 10-854 establishing the appropriation limit of the District for the fiscal year 2009/2010; and to approve a request for donation of surplus pipe to the Twentynine Palms Pistol and Rifle Association.

7. DESIGN CONSULTANT SELECTION FOR THE WATER RECHARGE PROJECT

Mike Metts of District engineers Dudek & Associates reported that ten proposals were received; he explained the review process. Four firms were selected for interviews; the selection panel agreed that Kreiger & Stewart is the most qualified firm. Fee proposals were later opened and Kreiger & Stewart had the lowest fee proposal at \$363,000.

Discussion ensued. Al Marquez of Joshua Tree commented that he is opposed to the recharge project at this time.

MSC Long/Luckman 4/1 to approve staff recommendation to authorize staff to negotiate a contract with Kreiger & Stewart for design of the Water Recharge Project, in an amount not to exceed \$363,000.

Roll call vote: Given Aye
Long Aye
Luckman Aye
Reynolds Aye

8. CONSIDER APPROVAL OF A CONTRACT FOR THE E1-D2 BOOSTER PUMP STATION REPLACEMENT PROJECT IN THE AMOUNT OF \$416,979

Mike Metts reported that eleven bids were received; AToM Engineering & Construction was the low bidder. During the review process, the second lowest bidder protested, sending two letters to the District claiming that the low bidder did not meet proper requirements. The District's General Counsel has reviewed all of the relevant bid documentation and correspondence including the January 13th and January 29th, 2010 protest submitted by Cora Constructors, Inc., and is confident that if the Board was to waive the perceived irregularities and award the contract tonight to AToM Engineering Construction, the lowest bidder, it would be well within the Board's discretion to do so and legally defensible. Director Wilson noted that this project should be done as soon as possible.

Following further discussion the Board took the following action:

MSC Long/Wilson 5/0 to authorize staff to enter into a contract with AToM Engineering Construction for construction of the E1-D2 Booster Pump Station Replacement Project, in the amount of \$416,979. The Board finds that the failure of AToM Engineering Construction to complete properly its experience statement is a minor informality which is hereby waived and hereby awards the contract to AToM Engineering Construction.

Roll call vote:	Given	Aye
	Long	Aye
	Luckman	Aye
	Reynolds	Aye
	Wilson	Aye

9. CONSIDER APPROVAL OF PURCHASE & SALES AGREEMENT FOR PURCHASE OF A PORTION OF APN 0603-231-06 AT A COST OF \$18,875

General Manager Guzzetta asked if the Board would like to reconsider purchasing the entire parcel rather than only the small portion; the entire parcel might be purchased for \$71,000. Directors concurred that it would be worth further investigation. Al Marquez of Joshua Tree commented that purchase of the property had been discussed at a prior Board meeting.

MSC Long/Luckman 5/0 to table the item to a future meeting.

10. WASHINGTON DC TRIP TO LOBBY FOR GRANT FUNDS

Assistant General Manager/Controller Susan Greer reported; two Directors and the General Manager made the trip to Washington DC last year during "Water Week"; it is proposed that one Director and one staff member attend this year.

Al Marquez of Joshua Tree commented that the District has not yet received the \$300,000 grant funds promised as a result of lobbying efforts last year; he is not sure who is responsible for obtaining the \$300,000. GM Guzzetta noted that the \$300,000 has been appropriated for the District by Congressman Lewis.

11. PROJECT PRIORITY LIST

GM Guzzetta noted that the District is on target with all of the Board's priorities.

12. PUBLIC COMMENT

Al Marquez quoted Bill Moyer and John Hamilton and Franklin Delano Roosevelt on matters regarding government and business. He commented that the Board and prior board have "compulsive spending behaviors".

Steven Whitman of Joshua Tree questioned why the estimated cost of the recharge project has grown over the years.

13. GENERAL MANAGER REPORT

GM Guzzetta reported that a letter was received from USGS regarding the Recharge Pond site; they concluded the site is expected to be excellent for recharge. A letter was received from customers thanking staff for excellent work in restoring their dirt road after a water leak washed the road out. The General Manager noted that the major reason for the increase in project cost of the Recharge project is that the environmental review process identified a better site than was originally considered; this resulted in an increase in the estimated cost of the project. The estimate of the project cost is currently \$9.8 million.

14. DIRECTOR COMMENTS/REPORTS

Director Wilson asked why no Regular meetings have been held recently; President Given stated he made the decision not to have the meetings. Director Wilson asked if the General Manager had been absent, and quoted the Administration Code regarding temporary absences.

Director Reynolds commented that he attended Brown Act training along with Directors Luckman and Long; it was a good review. He thanked Keith for taking care of the sound system at JBWD. Bill Long attended a Mojave Water Agency Board meeting where they discussed correcting misinformation with facts; Director Long suggested JBWD do the same. He perceives a lack of understanding of the costs to run a public agency; he believes the District is a stellar organization with excellent staff. He commented on a document request by Director Wilson. Director Wilson noted that he originally had an appointment to review documents, then had the documents copied.

Director Wilson noted that \$56,000 has been spent on the District's demonstration garden; the slope on the north side of the H tank has been cut creating a serious situation; he believes the District was slow in responding to the situation. In December he requested a copy of a report on contamination in Well 17 by Kreiger & Stewart; he has not received it.

Director Luckman attended a meeting with discussion of a bill that addresses urban sprawl; Director Luckman also attended the MWA Technical Advisory Committee meeting; they are looking at reporting that will be required by new laws.

Director Given announced the District is sponsoring a Water and Development Forum; this is an opportunity for the Board and others to become informed about water, land use and development issues. The forum will begin on Thursday evening February 18th in conjunction with the JT Municipal Advisory Council meeting and continue on Friday February 19th from 8 am to 4 pm.

15. ADJOURNMENT 8:10 PM

MSC Long/Reynolds 5/0 to adjourn the February 3, 2010 Special Meeting of the Board of Directors.

Respectfully submitted;



Joe Guzzetta, General Manager

The next Regular Meeting of the Board of Directors is scheduled for February 17, 2010.