

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

July 18, 2012

1. CALL TO ORDER: 7:02 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Frank Coate	Present
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
Marie Salsberry, Executive Secretary

CONSULTANTS PRESENT:

Gil Granito, District Counsel
Kathleen Radnich, Public Outreach Consultant

GUESTS 9

4. APPROVAL OF AGENDA

MSC Luckman/Long 5/0 to approve the agenda for the July 18, 2012 Regular Meeting of the Board of Directors

5. PUBLIC COMMENT

Steven Whitman of Joshua Tree commented he feels that the meeting minutes and check registers do not provide enough detail.

6. CONSENT CALENDAR

Director Wilson requested that item "B" of the Consent Calendar, "Approve June 2012 Check Audit Report" be pulled for discussion. He asked about expenses noted for the Washington DC trip, for a project on Hacienda, and for an encroachment permit. General Manager Guzzetta stated he would look into these.

It was clarified that an expense noted as "Business Card" referred to a payment on the District credit card balance, not to a purchase of business cards.

MSC Long/Reynolds 5/0 to approve the minutes of the June 20, 2012 regular Board meeting and to approve the June 2012 check audit report.

7. MEMORANDUM OF UNDERSTANDING (MOU) WITH JT CHAMBER OF COMMERCE REGARDING WATER SUPPLY TO THE PROPOSED TURTLE ISLAND COMMERCIAL DEMONSTRATION GARDEN

General Manager Joe Guzzetta is the District's representative to the Chamber of Commerce and left the room during discussion of this item to avoid any appearance of conflict. Assistant General

Manager/Controller Susan Greer reported staff has worked with District Counsel, the Ad Hoc Turtle Island Committee of President Reynolds and Vice President Luckman and Joshua Tree Chamber of Commerce President Eva Soltes to work out the details of the proposed MOU. AGM/Controller Greer reviewed the terms of the proposed agreement.

District Legal Counsel Gil Granito suggested that Section 1A be modified to read: “JBWD will provide said water *including any fixed meter fees*, cost free up to a total maximum sum of \$1,000.00 per fiscal year starting July 1, 2012...”

Steven Whitman of Joshua Tree commented the main issue is protecting the District from liability; he stated that ten property owners are involved.

Eva Soltes of the JT Chamber commented that each of the property owners has submitted a contract stating that they have liability insurance; the Chamber also has insurance and can designate the District as conditionally insured, and the contractor has insurance.

District Legal Counsel Gil Granito stated that the MOU could be approved conditionally upon provision of insurance by the Joshua Tree Chamber of Commerce, approval of the District’s insurance carrier, Association of California Water Agencies/Joint Powers Insurance Authority, and changing the effective date of the MOU from July 1, 2012 to August 1, 2012.

Director Wilson asked how much legal counsel charged; he noted that Vice President Luckman is a member of the Joshua Tree Chamber of Commerce and asked if she should vote on the issue. Vice President Luckman stated she is not a member of the Chamber. Mr. Granito stated that Vice President Luckman would not be disqualified from voting on the issue.

Director Coate stated that this event may set a precedent and others may want the same consideration in the future. Vice President Luckman stated that the Turtle Island project is an adjunct to the District’s conservation demonstration garden

President Reynolds stated the purpose of the project is to represent conservation. Mr. Granito stated this would not be considered a gift of public funds because the intent is to foster the District’s goal of conservation and therefore is a ‘quid pro quo’ situation.

MSC Luckman/Long 4/1 to approve the recommendation to approve the memorandum of understanding with the Joshua Tree Chamber of Commerce conditionally upon provision of insurance by the Joshua Tree Chamber of Commerce, approval of the District’s insurance carrier, Association of California Water Agencies/Joint Powers Insurance Authority, and changing the effective date of the MOU from July 1, 2012 to August 1, 2012, and to authorize waiver of Article 2.7 of the Joshua Basin Water District Rules and Regulations requiring individual meters on all parcels.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

8. APPROVAL OF RESOLUTION AUTHORIZING STAFF TO APPLY FOR DEPARTMENT OF WATER RESOURCES GRANT FOR MONITORING WELL

GM Guzzetta returned to the meeting and reported that the grant proposal is for a monitoring well for the Groundwater Recharge Project.

During discussion it was noted that an existing monitoring well is at a depth of 500 feet; if grant funds are awarded the new monitoring well will go to a depth of 1,000 feet. USGS recommended the deeper monitoring well. Vice President Luckman stated she has a high regard for USGS and the District should follow their recommendation, especially if grant funding is awarded to cover the cost.

MSC Long/Luckman 4/1 to approve staff recommendation to adopt Resolution 12-890 authorizing submittal of a grant in the amount of \$250,000 for an additional monitoring well at the ground water recharge site.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

9. COMMITTEE REPORTS

- A. PUBLIC INFORMATION COMMITTEE: Vice President Luckman and Director Long; Kathleen Radnich, Public Outreach Consultant reported JBWD will host The ABCs of Water on November 8 at the Joshua Tree Community Center; the topic is greywater. The Public Information Committee will meet on July 23rd to work on expansion of the District website.
- B. AD HOC GENERAL MANAGER CONTRACT NEGOTIATION COMMITTEE: President Reynolds and Director Long; No report.
- C. AD HOC STRATEGIC PLAN COMMITTEE: Director Coate and Director Long; Director Coate reported the committee has received the draft document from Martin Rauch; it is not in final form and is being reviewed by the committee.
- D. AD HOC UTILITY SERVICES CONTRACT COMMITTEE: Director Coate and Director Long; Director Long reported the committee met recently with Mr. Guzzetta. GM Guzzetta reported staff met today with Utility Services and is working on specifications so District legal counsel can draft a new contract; the company has new staff who will oversee the contract.
- E. AD HOC RECHARGE COMMITTEE: Director Long and Director Coate; Director Coate reported the committee met and there are still a few issues with Fish and Game and CalTRANS permitting. GM Guzzetta commented that District engineers have addressed all comments from CalTRANS.

10. PUBLIC COMMENT

Jay St. Gaudens of Joshua Tree commented in favor of a deep monitoring well for the recharge project.

11. GENERAL MANAGER REPORT

GM Guzzetta gave a status update on grants that have been awarded to the District. He stated that the importance of meeting minutes is to record the actions of the Board and the District for many years has recorded minute actions and included only a brief description of discussions in the minutes.

12. DISTRICT GENERAL COUNSEL REPORT

District Legal Counsel Gil Granito stated that a closed session would be required for item 15b only. He provided information on the Ellis litigation, the proposed Cadiz project, the recently proposed casino project, proposed suspension of the Brown Act, and the Yorba Linda litigation.

13. FUTURE AGENDA ITEMS

None requested.

14. DIRECTORS COMMENTS/REPORTS

Director Wilson commented that the Morongo Basin Pipeline Commission met and recommended that the tax rate be increased.

Director Long commented that a deep test well is a good idea to measure the percolation rate at deeper levels. He noted that Golden State is a private water agency in Morongo Valley and is not required to have public board meetings; JBWD is a special district and is required to have public board meetings. He explained that the tax rate increases due to property values decreasing

GM Guzzetta noted that rate for bond payments is fixed; adjustments occur when property values change. Vice President Luckman stated that from the report it appears that some board members don't attend many meetings; she noted that some directors attend many meetings to represent the District and do not collect compensation for all meetings attended.

15. CLOSED SESSION

- A. Closed session pursuant to Government Code Section 54957.6 to consult with and instruct the Board's Ad Hoc Negotiation Committee (Mike Reynolds and Bill Long), which is acting as the Board's designated representative and is charged with the responsibility of negotiating a new Employment Agreement with the District's General Manager.
- B. Closed Session pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding price and terms. District negotiator: Joe Guzzetta. APN 603.231.14; negotiator, Barbara Moreland.


Closed session began at 8:16 pm and the meeting resumed in open session at 8:30 pm.

It was reported that the board provided instruction to the District negotiator, Joe Guzzetta, concerning property as noticed on agenda item 15B.

19. ADJOURNMENT

The meeting was adjourned at 8:35 pm.

Respectfully submitted:



Joe Guzzetta, General Manager

The next regular meeting of the Board of Directors is scheduled for August 1, 2012 at 7:00 pm.