

**JOSHUA BASIN WATER DISTRICT**  
**Minutes of the**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**July 6, 2011**

**1. CALL TO ORDER: 7:00 PM**

**2. PLEDGE OF ALLEGIANCE**

**3. DETERMINATION OF QUORUM:**

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

**STAFF PRESENT:** Joe Guzzetta, General Manager  
Susan Greer, Assistant General Manager/Controller  
Marie Salsberry, Executive Secretary

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

**GUESTS 25**

**4. APPROVAL OF AGENDA**

MSC Long/Reynolds 5/0 to approve the Agenda for the July 6, 2011 Regular Meeting of the Board of Directors.

**5. PUBLIC COMMENT**

Barb Delph of Joshua Tree commented to Director Luhrs regarding his absence from a prior Board Meeting where public hearings were held. Director Luhrs responded that he had been in the hospital having a lung removed.

Michael Perez of Joshua Tree commented that he was uncomfortable with disruptive behavior and outbursts by directors. Director Luhrs responded.

President Luckman called a five minute recess at 7:06; the meeting resumed at 7:11 pm.

Mr. Perez continued his comment, stating that he was overwhelmed at Director Luhrs' outburst.

**6. CONSENT CALENDAR**

President Luckman stated that a correction had been made to the draft minutes of the June 15 regular board meeting, Item 9 where a reference to "600,000 gallons" was corrected to read "600,000 acre-feet".

MSC Long/Reynolds 5/0 to approve the minutes of the Regular Board Meeting of June 15, 2011 as amended and to approve the Financial Report for May 2011.

**7. RULES AND REGULATIONS ARTICLE 1.4 METER ACCURACY**

General Manager Guzzetta presented the staff report and the subject was discussed briefly.

MSC Reynolds/Long 5/0 to approve staff recommendation to Adopt Resolution 11-872 amending Resolution 97-572, as amended, Repealing "Article 1.4 Meter Accuracy" and adopting a new "Article 1.4 Meter Accuracy" using accuracy standards set by the American Water Works Association.

**8. BOARD ATTENDANCE AT SAN BERNARDINO COUNTY WATER CONFERENCE**

GM Guzzetta presented the staff report; discussion followed regarding attendance at the water conference by Directors and others.

Karen Tracy of Joshua Tree commented that as a member of the CAC she has attended the San Bernardino County Water Conference in the past and appreciates the opportunity to learn about the water industry and issues that the CAC reviews and comments on.

MSC Long/Reynolds 3/2 to approve staff recommendation to authorize per diem pay for board members to attend the annual San Bernardino County Water Conference.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

**9. TEMPORARY EMPLOYEE TO CONTINUE VALVE MAINTENANCE PROGRAM**

GM Guzzetta reported. It was noted that one employee will be retiring this year and a decision has not yet been made regarding filling this position.

MSC Reynolds/Long 3/2 to approve staff recommendation to authorize continuing the employment of a temporary contract employee for an additional six months, approximately, to begin the second round of the new systematic valve maintenance program, with funds (23,000) to come from salary savings.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

**10. ENDORSEMENT OF ART BISHOP, MOJAVE WATER AGENCY (MWA) BOARD MEMBER, FOR NOMINATION TO THE ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) REGION 9 BOARD OF DIRECTORS**

GM Guzzetta reported.

MSC Long/Reynolds 4/1 to approve staff recommendation to support Art Bishop’s application to serve on the ACWA Region 9 Board of Directors and authorize a letter of support to ACWA Region 9 Board of Directors.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	Aye

**11. WAIVER OF COST FOR PUBLIC INFORMATION DOCUMENTS**

GM Guzzetta presented the staff report requesting that the Board consider waiving the cost of \$224.75 for documents that were copied in response to a request for information by Director Luhrs. GM Guzzetta reviewed District policy regarding information requests made by Directors, and requested that the Board provide direction to staff for future requests made by Directors. Director Wilson made a motion to waive the cost of \$224.75 for the documents; President Luckman seconded the motion. Discussion followed.

Steven Whitman of Joshua Tree commented opposing charging Directors for copies of documents. District Counsel Gil Granito stated it would be appropriate for the Board to direct the General Manager and District

Counsel to review the current policy and propose amendments. No action was taken to the motion and second that were on the table. The following action was completed:  
MSC Long/Reynolds 5/0 to continue the item for discussion at the next meeting.

## **12. PROJECT PRIORITY LIST**

GM Guzzetta reported that staff will be bringing the priority list to the Board for review soon. There was no discussion.

## **13. COMMITTEE REPORTS:**

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

Ms. Radnich reported that the July is “Smart Irrigation Month”; the District is offering a drip irrigation workshop on August 31 from three to five pm at the Joshua Tree Community Center.

### **B. Ad Hoc General Manager Performance Facilitated Review Process: Vice President Reynolds and Director Long:** Director Long stated the committee had nothing to report at this time.

### **C. Ad Hoc Pipeline Replacement Funding Committee: Director Luhrs and Director Wilson:** Director Wilson reported that the committee had previously made a recommendation for work to be done. Director Luhrs reported that the project that is already paid for should be built, and that the consensus at a prior meeting was to build it out-of-pocket.

## **14. PUBLIC COMMENT**

Karen Tracy of Joshua Tree requested the date of San Bernardino County Water Conference. GM Guzzetta stated it is Aug 26.

## **15. GENERAL MANAGER REPORT**

GM Guzzetta stated that Assistant General Manager/Controller Susan Greer researched answers to questions asked by Director Luhrs at the June 1<sup>st</sup> Board meeting. AGM Greer reported.

## **16. DIRECTORS COMMENTS/REPORTS**

Director Long commented that the District’s Conservation consultant, Deborah Bollinger, donates personal time above that shown on invoices, at no charge to the District; he thanked Ms. Bollinger for that.

Vice President Reynolds commented that he was uncomfortable with strife during Board meetings; he commented on Director Luhrs’ demeanor, statements and behavior during past meetings. He quoted Director Luhrs saying that Vice President Reynolds violated every rule in the Districts “Board of Directors Best Practices” policy; he requested that Director Luhrs recite every rule from the “Best Practices” and explain how he believes Vice President Reynolds violated each rule; he requested that this be agendized for the next meeting.

Director Luhrs addressed some comments stating that a meeting was cancelled because of a tie vote and that he and Director Wilson would make sure that rules are followed. He stated that he did not slander anyone and “we are going to make you follow the rules” and “any chance I get to go after you legally, trust me I will”.

Director Wilson asked GM Guzzetta about repair work on Well 10. GM Guzzetta stated that the well is still in operation but is having problems that will be addressed after the summer.

President Luckman stated that Directors should call as a courtesy to notify the General Manager if they will be absent from a meeting, and that she was sorry that Director Luhrs was in the hospital.

## **17. CLOSED SESSION**

1. 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. 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).
3. Closed Session to confer with Legal Counsel on a matter of potential litigation pursuant to subdivision (c) of Government Code Section 54956.9. (one matter – unidentified)

District Counsel Granito reported that the Board would now go to Closed Session and that a brief report would follow. Director Luhrs confirmed that he would recuse himself from item 1 of the closed session, not due to financial reasons but for personal reasons. President Luckman called a five minute recess at 8:04 to be followed by the closed session. The Board went to closed session at 8:09 and open session resumed at 8:26.

#### **18. REPORT ON CLOSED SESSION ITEMS**

District Counsel Granito reported during item one of the closed session he gave the Board a status report and that Director Luhrs recused himself from the discussion. During item two Mr. Granito gave a status report and scheduled a case management conference for July 26<sup>th</sup>. For item three, Mr. Granito stated that no reportable action had taken place during the closed session discussion

#### **19. NOTICE OF TERMINATION OF CONTRACT WITH UTILITY SERVICE COMPANY FOR MAINTENANCE OF WATER TANKS**

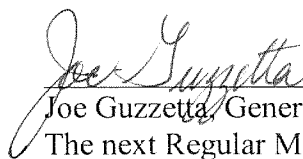
GM Guzzetta reported.

MSC Long/Luhrs 5/0 to approve staff recommendation to authorize the general manager to give notice to Utility Services Company (USC) of termination of contracts effective October 17, 2011.

#### **20. ADJOURNMENT 8:30 PM**

MSC Long/Reynolds 5/0 to adjourn the July 6, 2011 Regular Meeting of the Board of Directors.

Respectfully submitted;

  
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Joe Guzzetta, General Manager

The next Regular Meeting of the Board of Directors is scheduled for Wednesday July 20, 2011 at 7:00 pm.