

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
June 4, 2008

1. CALL TO ORDER 7:07 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM: By roll-call vote:
Bill Long Absent
Gary Given Present
Gary Lovelace Present
Gary Wilson Present
Karl Wyne Present

STAFF PRESENT: Joe Guzzetta, General Manager
Susan Greer, Assistant GM/Controller
Joe Bocanegra, Interim Chief of Operations
Gil Granito, General Counsel, Redwine & Sherrill
Marie Salsberry, Executive Secretary

GUESTS: 10

4. APPROVAL OF AGENDA

MSC Lovelace/Wyne 4/0 (1 Absent) to approve the agenda for the Regular Meeting of June 4, 2008.

5. PUBLIC COMMENT

Mike Luhrs of Joshua Tree stated that Item 7 of the meeting agenda was illegal. Al Marquez of Joshua Tree commented on state code regulating compensation for elected officials.

6. CONSENT CALENDAR

Director Wilson requested that two items be pulled from the Consent Calendar for discussion; Item D, Inspection Services for H-Zone Pipe Replacement Project and Item E, Urban Water Management Plan Response to Comments by State Department of Water Resources.

MSC Wyne/Lovelace 4/0 (1 Absent) to approve Items A, B, and C of the Consent Calendar: approving the minutes of the Special Meeting of April 30, 2008; approving the financial report for April 2008 and to denying Verizon Claims #CAPRO80718 and #CAPRO08021.

Director Wilson said, "On D, just to let the public know, this thirty five thousand dollars is in addition to the original contract that was signed with the contractor and does not include the work that the District plans on doing in the near future. And on E, a question for the manager, can we get a copy of the report sent to you by the state Department of Water Resources?"

MSC Lovelace/Wyne 4/0 (1 Absent) to approve Items D and E of the Consent Calendar: authorizing additional inspection services by Krieger and Stewart for the H-Zone Pipe Replacement Project at estimated cost of \$35,000; and authorizing expenditure of \$9,500 for Dudek and Associates Engineers to provide responses to comments by the State Department of Water Resources to the District's Urban Water Management Plan.

7. RATE INITIATIVE

Vice President Given and District Counsel Gil Granito reported on the initiative, which seeks to set District rates, fees and charges to the level they were at on January 1, 2006. At staff's direction, district counsel had reviewed the initiative and concluded that it was not compliant with election code requirements. Counsel believes that it is the responsibility of the Registrar of Voters office as well to establish the legal adequacy of the initiative; however the Registrar's office has refused to do so.

Michael Luhrs of Joshua Tree, the author of the initiative, commented opposing the Board's action regarding the rate initiative and commented on previous initiatives regarding rates and fees.

Director Wilson commented, "In my opinion, the initiative should have went to the Board first and then if we decided to send it to the attorney, it was our prerogative. And I think the initiatives should go to the voters and the ratepayers and let them decide it."

District Counsel, Gil Granito set forth a suggested motion which represented what the majority of the Board members had tacitly approved in Closed Session but deferred formal action to Open Session. Thereafter Director Lovelace made a motion that incorporated by reference what District Counsel had outlined which resulted in passage of the following motion:

MSC Lovelace/Wyne 3/1 (1 Absent) to initiate litigation to compel the registrar of voters to perform their statutory duty to reject the initiative petition because it does not comply with election code requirements and to otherwise seek a judicial determination of the legal appropriateness and adequacy of the initiative petition; that an ad hoc litigation committee be established to manage the litigation with legal counsel, and to authorize and direct District General Counsel Redwine and Sherrill and District Special Counsel Aklufi and Wysocki to file litigation seeking a writ of mandate and declaratory relief regarding the initiative petition.

Given	Aye
Long	Absent
Lovelace	Aye
Wilson	No
Wyne	Aye

8. AWARD OF CONTRACT FOR ENVIRONMENTAL SERVICES FOR RECHARGE PROJECT

General Manager Guzzetta reported on the process used for selection of the recommended firm which included a request for qualifications, request for proposals, and interviews. Fourteen environmental consulting firms submitted qualifications packages; staff recommended ESA Associates, based on their experience and qualifications. Tom Barnes of ESA presented information on the firm and on the scope of work of the project. Discussion ensued; Director Wilson stated, "In my opinion the District should have one exact site before we contract environmental services." "As far as I know the Board's never picked a site. They discussed sites, but never picked a site. But now all of a sudden we've got three sites picked, somebody picked them. But the Board never made a decision. Before you get into the environmental, first you need to know if you can get water into the ground."

Cynthia Shepard of Joshua Tree commented that environmental studies processes are used to gather information to assess environmental impacts and will be needed in order to determine which site will be the best suited for the project.

Following further discussion, the Board took the following action:

MSC Lovelace/Given 3/1 (1 Absent) to approve staff recommendation to approve an agreement with ESA Associates to perform environmental studies required for the water recharge project at a cost range of \$265,000 to (not to exceed) \$370,000.

Given	Aye
Long	Absent
Lovelace	Aye
Wilson	No
Wyne	Aye

9. CONSIDER APPROVAL OF RESOLUTION 08-829, GIVING NOTICE OF INTENTION TO APPROVE A CONTRACT FOR PARTICIPATION IN CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Assistant General Manager/Controller Greer reported and brief discussion ensued.

MSC Lovelace/Given 3/1 (1 Absent) to approve staff recommendation to adopt Resolution 08-829 Giving Notice of Intention to Approve a Contract for Participation in California Public Employees' Retirement System.

Given	Aye
Long	Absent
Lovelace	Aye
Wilson	No
Wyne	Aye

10. GENERAL MANAGER REPORT

GM Guzzetta reported that the governor of California declared a drought; there is no effect locally because the District does not rely on state water at this time. The District along with the Alliance for Water Awareness and Conservation and Hi-Desert Water District hosted a landscape workshop on May 17th; the workshop was very well attended. Interim Chief of Operations Joe Bocanegra reported that

the District will go to bid for emergency generators; five companies have been identified as prospective bidders.

11. DIRECTOR COMMENTS/REPORTS

Director Wilson said, "Joe, in regards to the District's dump truck I noticed that there's no signs on the doors and there hasn't been for one year. And the other thing, if you could answer, why was C1 tank being run over down Park Boulevard last week?" Interim COO Joe Bocanegra reported that the tank had been drained for maintenance.

Vice President Given reported that he and Director Lovelace attended a meeting at Mojave Water Agency; Director Lovelace explained that the meeting covered information on the state water project.

12. PUBLIC COMMENT

Mike Luhrs of Joshua Tree asked whether Directors were reimbursed for attending the Mojave Water Agency Meeting.

13. ADJOURNMENT 7:48 PM

MSC Lovelace/Wyne 4/0 (1 Absent) to adjourn the June 4, 2008 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 June 18, 2008.