

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
December 21, 2011

1. CALL TO ORDER: 7:03 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

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
Gerald Eagans, District Counsel
Kathleen Radnich, Public Outreach Consultant

GUESTS 15

4. APPROVAL OF AGENDA

MSC Long/Reynolds 4/0 to approve the agenda for the December 21, 2011 Regular Meeting of the Board of Directors.

5. PUBLIC COMMENT

Eugene Starr of Joshua Tree requested forgiveness of a large water bill that he had incurred due to a leak. The request was referred to staff.

6. BOARD APPOINTMENT TO FILL THE BOARD VACANCY

District Legal Counsel Gil Granito stated that adjournment of the December 14th Board meeting was legally sustainable. He stated the Board can legally take action by means of a collective commitment by a majority of the Board, noting that the Board did not object to the adjournment and tacitly coordinated scheduling the adjourned meeting. He stated, however, a concern was expressed that a formal objection could be raised so it was decided to be in the best interest of the District to repeat the actions taken during that meeting as a fail-safe way to protect the District from accusations of non-compliance with the Brown Act.

MSC Long/Reynolds 4/0 to appoint Paul F. Coate as Director of the Board.
Director Coate was seated with the Board.

7. CONSENT CALENDAR

Director Wilson requested that the Consent Calendar item be pulled for discussion. General Manager Joe Guzzetta reported.

MSC Reynolds/Long 4/1 to approve staff recommendation to adopt revised Section 3.07.02 of the Administration Code to conform with the California Brown Act, rather than the more restrictive current Administration Code Section.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

8. SELECTION OF BOARD OFFICERS

MSC Long/Coate 4/1 to designate Mike Reynolds as President of the Board for 2012 and to designate Mickey Luckman as Vice President of the Board for 2012.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

9. AMENDMENT OF ARTICLES III AND VII TO PROVIDE RULES AND REGULATIONS RELATED TO THE WASTE WATER SYSTEM AND TO PROVIDE FOR DEVELOPMENT AGREEMENT WITH PROVISIONS TO EXTEND THE COLLECTION OF CAPACITY FEES

GM Guzzetta reported that proposed changes to Articles III and VII are recommended in order to bring the District Rules and Regulations up to date due to the District's authority regarding wastewater treatment. He explained notable changes to the two Articles.

MSC Long/Luckman 5/0 to approve staff recommendation to adopt Resolution 11-879 approving proposed changes to Articles III and VII of the Joshua Basin Water District Rules and Regulations to address various procedures and policies regarding waste water systems; and to provide for development agreements with the potential to collect capacity fees over an extended period of time; and to address making the property owner responsible for initiating a request for reimbursement.

10. AGREEMENT BETWEEN HI-DESERT MEDICAL CENTER AND JOSHUA BASIN WATER DISTRICT FOR PACKAGE WASTE WATER TREATMENT PLANT

Legal Counsel Granito stated that a Closed Session would not be needed for tonight's meeting; he suggested that other items remaining on the agenda be heard and discussed prior to Item #10 because Item #10 would be likely to take quite a bit of time. The Board had no objection.

11. PUBLIC COMMENT

Steven Whitman of Joshua Tree, and member of the District Citizens Advisory Committee, commented that another committee member suggested to him that part of a CAC recommendation to the Board was handled incorrectly; he offered suggestions on how the recommendations may more clearly be represented to the Board. GM Guzzetta stated that he and Assistant General Manager/Controller Susan Greer were not aware of any recommendations from the CAC having been misrepresented to the Board; however, they would conduct a review to determine whether there was a conflict.

12. GENERAL MANAGER REPORT

The General Manager had nothing to report at this time.

13. DISTRICT COUNSEL REPORT

Legal Counsel Gil Granito reported that District staff and counsel are discussing how the formation of a sovereign nation within District boundaries would impact the District’s ability to manage the water.

14. DIRECTORS COMMENTS/REPORTS

President Luckman commented it has been a challenge and a pleasure to serve as Board President. Vice President Reynolds thanked President Luckman for a job well done as Board President. Director Coate thanked the Board staff and public, stating he hopes to serve the District well.

10. AGREEMENT BETWEEN HI-DESERT MEDICA CENTER AND JOSHUA BASIN WATER DISTRICT FOR PACKAGE WASTE WATER TREATMENT PLANT

Vice President Reynolds recused himself from the discussion because he has a financial interest in the Hi-Desert Medical Center in that he does work from time to time for the hospital. He left the meeting at that time.

GM Guzzetta discussed the background of the agreement and how this agreement supports the District’s Waste Water Strategy. Legal Counsel Representative Gerald Eagans discussed details of the agreement and how concerns of both Joshua Basin Water District and Hi-Desert Medical Center are addressed in the agreement. Discussion ensued with several questions from the public addressed by staff and legal counsel. Chad Chadwick, Chief Executive Officer of Hi-Desert Medical Center participated in discussion and answered questions as needed.

MSC Long/Coate 3/1 (1 Absent – Recused) to approve staff recommendation to approve an agreement between Hi-Desert Medical Center (HDMC) and Joshua Basin Water District (JBWD) to provide for a package wastewater treatment plant to be paid by Hi-Desert Medical Center and constructed, owned, and operated by Joshua Basin Water District.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Absent - Recused
Wilson	No

15. CLOSED SESSION

- A. 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).
- B. 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).

There was no Closed Session.

16. REPORT ON CLOSED SESSION

None.

17. ADJOURNMENT 8:30 PM

MSC Long/Coate 4/0 (1 Absent) to adjourn the December 21st 2011 Regular meeting of the Joshua Basin Water District Board of Directors.

Coate	Aye
Long	Aye
Luckman	Aye
Reynolds	Absent
Wilson	Aye

Respectfully submitted;



Joe Guzzetta, General Manager