

Borrego Water District
CORRECTED MINUTES
Conservation
Standing Committee
Monday, April 7, 2008
2:00 p.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

Attendance: Directors: Mendenhall, Shimeall, Smiley
Staff: Richard Williamson, General Manager
 Jerry Rolwing, Operations Manager
 Wendy Quinn, Recording Secretary
Public: Greg Stumpf Ronald Del Guercio
 Beatrice McKee Abby King
 Lane Sharman, BWX Dennis Dickinsen
 Rebecca Falk Beth Hart
 Mary Mitts Connie Smith

1. TIERED WATER RATES

Director Smiley explained that today's special meeting had been called because a Negotiating Committee meeting was held last week in place of the regular Conservation Committee meeting. He requested input regarding the changes in the tiered water rate program proposed by the Negotiating Committee. Rich Williamson noted that many constituents have the same objectives but see different paths to reach them. The original proposal was greeted by a divisive reaction, 40 percent of the ratepayers having protested so far. Citizens are concerned but need time to adapt to the tiered rates. He pointed out that the program is not designed to generate a profit, and the District is at risk of a 51 percent protest or other legal action such as removal of Board members. Conservation is critical to obtaining a sustainable water supply, and he hoped to adopt a conservation program which will achieve our goal and is supported by those who are impacted. The latest proposal divides the plan into five-year increments, hopefully achieving a 15 percent water savings in the first phase. Conservation incentives and education are important.

Director Shimeall emphasized the importance of including water conservation education in the schools, and asked for suggestions from the Committee on how to incorporate this. Mr. Williamson referred to the WET (Water Education for Teachers) program, and suggested the District might offer scholarships. Director Shimeall added that the Water Education Foundation in Sacramento has good educational materials available.

Director Smiley requested comments on the proposed changes to the tiered rate program. Director Shimeall pointed out that the original proposal was within the norm compared to other districts based on our research, but if we can approve at least two tiers, she agreed it was a good start. Dennis Dickinsen noted that the first proposed tiers were based on the median water use, and half the residents would not have been affected. Mr. Williamson replied that most other districts reached their tier levels gradually, and the program may be modified as time goes on if not proven effective. Rebecca Falk expressed support for public education and additional time to phase in the tiered rates, but was concerned because of the proposed elimination of the commercial and irrigation rates and the lack of ability to control

agricultural use, there may be a perception that there really is not a serious water supply problem. Mr. Williamson pointed out that while people complain about agricultural water use, they enjoy the produce it provides. Perhaps through zoning changes and water laws they could be encouraged to locate elsewhere, and he had been meeting with the County to this end. Higher density allowances would make farmland more attractive to developers. Moreover, the local share of water importation costs would likely be covered through general obligation bonds based on assessed valuation, so development would reduce individual tax bills. Jim Engelke suggested the Water District and the Community Sponsor Group work together on this effort. He further suggested reinstating Tier 3 and instituting annual reviews of the program during the first five-year increment. Mr. Williamson concurred with the annual reviews and suggested adding a water conservation staff person to address education, audits and individual assistance. Director Smiley agreed he would like to reinstate Tier 3.

Lane Sharman offered to conduct a field trip to Lake Mead at his expense except for gas to help people better understand the aquifer. He recommended the Conservation Committee request a budget allocation, including educational and land use planning components and following incentives.

Mr. Sharman inquired whether the four-year average usage on which the proposed residential incentives would be based was individual or community wide. Mr. Williamson replied that it was individual. The first period would be 2004 through 2007, to preclude excessive usage to establish a high baseline average.

Mr. Sharman expressed concern regarding the delay in the County following policy and suggested seeking State legislation.

Mr. Engelke and Ms. Falk reiterated their desire for a third tier. Director Smiley thought the revised tier limits were too high. Mr. Williamson pointed out that there had been two Negotiating Committee meetings where concerns were invited and a consensus reached, and today's meeting was designed to answer questions. He suggested additional proposals be addressed to the Board. It was his intent to recommend today's revised proposal to the Board as the result of the Negotiating Committee's deliberations. He assured the Committee that it can always be modified.

Mr. Williamson reported that he had discussed Proposition 218 requirements with Allison Burns this morning. As yet there is no case law regarding the provisions, so even though the revised proposal is less onerous, she suggested adopting the tiered rates in principle at this time and going through another 218 process before formal adoption.

Ms. Falk inquired about the proposed elimination of commercial and irrigation rates. Mr. Williamson explained that those categories comprise a very small portion of overall usage. Most commercial enterprises are motels and restaurants, whose business the community wants to support, and they can be encouraged to conserve by using best management practices such as declining to change sheets and towels daily for multiple night visits and serving water only on request. Mr. Engelke recommended adding the best management practices component to the conservation program proposal.

Mr. Dickinsen suggested basing the program on fixture units, as previously proposed by Mr. Engelke. Mr. Engelke replied that the fixtures would not apply to irrigation rates.

Mr. Dickinsen did not concur that the Negotiating Committee had reached a consensus, and Director Shimeall agreed.

Greg Stumpf continued to urge that lot and home size should be taken into consideration, but felt the instant proposal was a good compromise and would support it. Many other attendees agreed. Mr. Williamson urged the concerned citizens to continue to participate in the Conservation Committee.

Beth Hart believed there was a problem with Tier 3 under Proposition 218 and California Constitution Article 13B due to the lack of justification tying costs to rates. Mr. Engelke pointed out that any profits would be returned to the community in the form of conservation incentives or sewer expansion. Ms. Hart expressed concern that District financial information she had requested was not provided.

Ms. Falk expressed concern that after months of Conservation Committee meetings there were only two Negotiating Committee meetings, close together and on days she could not attend, and she felt the Conservation Committee members should have had more opportunity to participate. Mr. Engelke requested that the opinions of the Conservation Committee be presented to the Board as a minority report, and Mr. Williamson agreed to do so.

2. CLOSING

There being no further business, the meeting adjourned at 4:10 p.m. The next Conservation Committee Meeting is scheduled for Wednesday, May 7, 2008 at 9:00 a.m.