



savings that will result from that and the turf replacement. The District wants to encourage local businesses to conserve and create jobs. Mr. Williamson suggested that Mr. McKee convey his concerns to the Conservation Committee. They have created a subcommittee on Best Management Practices for business, chaired by Don McKelvey, who has done an outstanding job. ***MSC: Shimeall/Mendenhall approving revised MOU with Palm Canyon Resort for proposed water conservation project implementation, the leasing of signage and purchase of water credits. RC: AYES – Shimeall, Mendenhall, Andersen, King; ABSENT – Smiley.***

**B. Consideration and possible action of the Board regarding *RESOLUTION NO. 2009-09-04, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ADOPTING A POLICY REGARDING DISCLOSURE OF DISTRICT DOCUMENTS:*** Mr.

Williamson explained he had asked Ms. Burns to prepare a resolution adopting a policy to ensure that any document production requests, subpoenas etc. relative to litigation in which the District is involved are in compliance with the Brown Act and attorney/client privilege protections. The policy would apply to Board and staff members, and provides that any such disclosure requests be reviewed by Ms. Burns prior to production. Director Andersen expressed concern regarding the proposed policy, particularly Paragraphs 3 and 4. Ms. Burns joined the meeting via teleconference to respond. She explained that documents that were not prepared by her or circulated through her could be disclosed, but urged that any formal document request be reviewed by her. Confidentiality protections are afforded by law absent a judicial order for disclosure in chambers or a vote of the Board to waive privilege. Mr. Williamson pointed out that the policy would not cover suits against individual Board members, only when the District is involved. Mr. McKee asked whether the Board or District had received any document requests or subpoenas from the Grand Jury, and Ms. Burns replied they had not. ***MSC: Mendenhall/Shimeall adopting Resolution No. 2009-09-04, A Resolution of the Board of Directors of the Borrego Water District Adopting a Policy Regarding Disclosure of District Documents. RC: AYES – Mendenhall, Shimeall, King; NO – Andersen; ABSENT – Smiley.***

### **III. GENERAL MANAGER'S REPORT**

None

### **IV. CLOSING PROCEDURE**

**A. Adjournment:** There being no further business, the meeting adjourned at 5:45 p.m. The next regular meeting of the Board of Directors is scheduled for October 21, 2009 at the Borrego Water District.