

**Borrego Water District**  
**CORRECTED MINUTES**  
**Regular Meeting of the Board of Directors**  
**Wednesday, October 26, 2011**  
**9:00 AM**  
**806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

**I. OPENING PROCEDURES**

**A. Call to Order:** President Hart called the meeting to order at 9:00 a.m.

**B. Pledge of Allegiance:** Those present stood for the Pledge of Allegiance.

**C. Roll Call:** Directors: Present: President Hart, Vice-President Lyle Brecht, Secretary/Treasurer Marshal Brecht, Estep

Staff: Jerry Rolwing, General Manager  
Kim Pitman, Administration Manager  
Diana Del Bono, Administrative Assistant  
Lisa Foster, McDougal Love Eckis Beohmer & Foley  
Wendy Quinn, Recording Secretary

Public: Casey Jones, *Borrego Sun* Ray Delahay  
Dick Walker Jim Moxham, Cameron Brothers  
Jim Engelke Gary Dix, Borrego Sunshine Farms  
Jim Wilson, CCCP Brent Dix, Borrego Sunshine Farms  
Lane Sharman, BWX Thomas Ray, Seley Ranches  
Dan Wright, The Springs, Bob Moore, The Springs,  
Roadrunner Club Roadrunner Club  
Bob McKee Greg Young, Cocopah  
Craig Armstrong, Ray Shindler  
Thermiculture/Dunlop Sylvia Caldwell, Borrego Valley Ranch

**D. Approval of Agenda:** *MSC: L.Brecht/Estep approving the Agenda as written.*

**E. Approval of Minutes:**

Special meeting of September 20, 2011

*MSC: L.Brecht/Estep approving the Minutes of the Special Meeting of September 20, 2011 as written.*

Regular meeting of September 28, 2011

*MSC: L.Brecht/Estep approving the Minutes of the Regular Meeting of September 28, 2011 as amended (correcting the first sentence in Item I.F to indicate that Director Marshal Brecht would replace President Hart on the ad hoc committee addressing legal issues relative to Montesoru).*

**F. Comments from Directors and Requests for Future Agenda Items:** Director Lyle Brecht requested three Agenda items for the January workshop: (1) Begin tracking revenues to date versus forecast; (2) revisit the sale of District assets; and (3) discuss public outreach. These issues may be discussed by the Strategic Planning Committee prior to the workshop.

President Hart and Director Lyle Brecht tentatively agreed to make themselves available to the public for questions and comments sometime during the week of November 14. Director Lyle Brecht suggested a table at the farmers' market.

**G. Comments from the Public and Requests for Future Agenda Items:** None

**H. Correspondence:**

Letter from C. Stuart

Mr. Rolwing will respond to Charles Stuart that his request for suspension, but not removal, of his water meter is contrary to District policy.

Letter from B. Mills

Bill Mills has resigned from his consulting role with the District.

Letter from Diehl, Evans & Company, LLP

Diehl Evans is merging with another company to form White Nelson Diehl Evans LLP.

**I. Staff Reports:**

**A. Financial Reports – September 2011**

Kim Pitman summarized her written report, which was included in the Board package, and answered questions from the Board.

**B. Manager/Operations Report**

Mr. Rolwing added an information item to his written report in the Board package. The District has received a permit to reinstall one of three former gauging stations. Once the cost has been determined the item will be brought back to the Board.

**J. Attorney's Report: The Attorney's Report will be incorporated in later Agenda items.**

**II. CURRENT BUSINESS MATTERS**

**A. Solar presentation by Lane Sharman: Lane Sharman narrated a PowerPoint presentation, "Solar and the Borrego Water District," on behalf of Solana Energy. He proposed a solar project on 20 fallowed acres formerly occupied by the Dragon Fruit Farm.**

**B. Discussion of Best Management Practices for commercial and irrigation customers: Don McKelvey, who investigated this issue on behalf of the Conservation Committee, will present a report at the next meeting.**

**C. Discussion and possible action regarding the San Diego County Proposed Groundwater Ordinance Amendment and BWD MOA: A summary of Mr. Rolwing's discussion with Jim Bennett of the County and comments from the Strategic Planning Committee and the public were included in the Board package. *MSC: L.Brecht/Estep authorizing Mr. Rolwing to submit the proposed comments to the County, emphasizing the critical issue of water credit banking and including suggested language providing for it.* Mr. Rolwing will work with Lisa Foster on the language, and the submittal will be reviewed by the Strategic Planning Committee before it is sent.**

**D. Discussion of General Counsel's research regarding potential mechanisms for collecting water extraction fees: Ms. Foster summarized her memo in the Board package. Of the options available, establishing a fee pursuant to the Groundwater Management Act or pursuing special legislation are the most viable. Mr. Rolwing pointed out that partnering with other entities in the area to activate BWD's police powers would offer local control of our destiny, and President Hart suggested involving the IRWM stakeholders.**

**E. Discussion and possible approval of *Resolution 2011-10-02 Cal Pers Second Tier Plan:* A resolution of intent to establish a revised retirement plan for new employees will be presented to the Board at its December meeting.**

**F. Discussion and possible approval of *Resolution 2011-10-01 revising the schedule of Regular Meetings:* *MSC: L.Brecht/Estep adopting Resolution 2011-10-01 revising the schedule of Regular Meetings to November 16 and December 14, 2011.***

**III. COMMITTEE REPORTS & PROPOSALS**

**Ad Hoc Committees**

**1. Audit Committee**

Director Marshal Brecht expected the audit to be complete by the December Board meeting.

2. Due-Diligence

An information item on tiered rates was included in the Board package.

3. Strategic Planning Committee/IRWM

The minutes of the last IRWM meeting were included in the Board package.

4. Executive Committee (Cameron)

A special Board meeting was scheduled for November 1, 2011 at 10:30 a.m. to consider agreements with Cameron Brothers Construction LLP and Bob Moore of Green Desert.

5. Operations & Management Committee

The Committee is continuing to work on the Second Tier retirement plan.

6. Asset Ad Hoc Committee

President Hart reported that at its meeting last week the Board decided not to pursue the sale of District assets at this time.

7. Christmas Circle Committee

A proposed letter to Supervisor Horn from the Parks Coalition will be considered at the Special Board Meeting on November 1.

8. Negotiating

Mr. Rolwing will contact Allison Burns and present a report at the next meeting.

**IV. STAFF REPORTS**

A. Water and Wastewater Operations Report – September 2011:

B. Water Production/Use Records – September 2011:

C. Year to Date Meter Installations:

D. Meter Installation History:

The staff reports were included in the Board package.

**V. INFORMATIONAL ITEM**

Director Lyle Brecht thanked the staff members for their good work.

**VI. CLOSED SESSION**

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Reference Government Code section 54956.8:

Property:	199-080-21
District Negotiator:	Lee Estep, Beth Hart, and Jerry Rolwing
Negotiating Party:	Jack Cameron
Under negotiation:	Price and terms

The closed session was continued to November 1.

**VIII. CLOSING PROCEDURE**

Adjournment. There being no further business, the meeting adjourned at 11:20 a.m. The next Regular Meeting of the Board of Directors is scheduled for November 16, 2011 at the Borrego Water District.