

**Borrego Water District
CORRECTED MINUTES
Special Meeting of the Board of Directors
Wednesday, September 18, 2012
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, Delahay, Estep

Staff: Jerry Rolwing, General Manager
Lisa Foster, McDougal Love Eckis Boehmer & Foley
Wendy Quinn, Recording Secretary

Public: Dick Walker H. G. Schuette
Casey Jones, *Borrego Sun* Kent Smith
Malcolm Dyos Jacquie Dyos
Genevieve Miller Kathy Johnston
Stuart Gilbertson, USA Rebecca Falk, Roadrunner
Communications Realty
Bill Berkley Rick Vesci
Jack McGrory Anna Aljabiry, DWR (via
teleconference, Item II.B)

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

- E. Comments from Directors and Requests for Future Agenda Items:** None

F. Comments from the Public and Requests for Future Agenda Items: Jerry Rolwing invited anyone wishing to speak regarding Rams Hill and Well 12 to do so at this time, since the item will be considered in closed session. Kent Smith, a Rams Hill property owner, cited the benefits of the Rams Hill golf course to the community and the economy and urged the Board to assist Bill Berkley in his proposal.

II. CURRENT BUSINESS MATTERS

A. Discussion of providing a location for Cable USA antenna site at reclaim tank site at Rams Hill: Mr. Rolwing explained that after the County had suggested that Cable USA select an antenna site other than Rams Hill because the antenna sites were full. Cable USA had identified a site on Yaqui Pass behind a BWD tank. Stuart Gilbertson of USA Communications explained the parameters of the proposed antenna and suggested USA would pay rent or offer free cable service. Negotiations were referred to the Negotiating Committee, which will make a recommendation to the full Board at its next meeting. Lisa Foster requested a copy of the proposed agreement between BWD and USA, and Mr. Gilbertson agreed to e-mail some sample agreements to Mr. Rolwing.

B. Discussion of IRWM: Mr. Rolwing referred to the Integrated Regional Water Management planning grant application filed in 2010, which was unsuccessful. After revamping the IRWM program to include more input from stakeholders and hiring a

professional grant writer, this year's application nevertheless failed to make the Department of Water Resources' short list. The District had contacted DWR, pointing out that this amounts to an unfunded mandate since the State insists on an IRWM plan for grant eligibility. Mr. Rolwing, Diana Del Bono and the grant writer also visited the DWR office in Glendale to plead BWD's case, and DWR agreed to rescore our application. A decision is expected in October. Meanwhile, a consultant is preparing a proposal for a streamlined planning process should the grant application still fail. Director Lyle Brecht suggested putting DWR's comments on BWD's website. After discussion, it was the consensus to wait until the final decision but consider including a link to the DWR site.

Anna Aljabiry of DWR joined the meeting at 9:35 a.m. via teleconference. She explained that the final award recommendations for the second round of planning grants should be announced by the end of October. BWD's application is currently being reevaluated. Director Lyle Brecht asked whether letters of support from local legislators would be helpful, and Ms. Aljabiry felt that they would. Mr. Rolwing asked for a list of contacts at DWR, and she agreed to provide it. The conference call concluded.

C. Discussion of New Development Fees: Mr. Rolwing summarized proposed changes to the development (capacity) fees and meter installation charges. The suggested capacity fees were calculated by dividing the total value of the water system asset by the number of existing water meters, coming to \$2,500 per equivalent dwelling unit. A change in the water mitigation ration from 2:1 to 1:1 is contemplated. Changes to sewer fees have not yet been calculated. Mr. Rolwing hoped to present the final proposal at the October workshop and adopt it at the regular meeting, followed by a 60-day public comment period before taking effect. Ms. Foster noted that the fees must be advertised in a newspaper published at least weekly, such as the *Union Tribune* or the Ramona edition of the *North County Times*. Director Marshal Brecht inquired about meter size requirements for fire sprinklers, and Mr. Rolwing agreed to investigate.

D. Discussion of Resolution #2012-09-01 for continuing Brown Act procedures: Mr. Rolwing reported that the State has reduced the Brown Act's public notice requirements due to the cost, but many public agencies are reaffirming their commitment to continued voluntary compliance. Ms. Foster explained that this is really a cost saving measure for the State, because public agencies can apply for State reimbursement of meeting notice expenses. Director Estep expressed support for the resolution memorializing BWD's intention to continue full Brown Act compliance and asked that it be included in the next agenda for adoption.

E. Discussion of potential agenda items for September 26th board meeting: Suggested items for the next agenda included trash collection at Club Circle, location of Cable USA antenna, selection of an auditor, County groundwater mitigation ordinance, update on the sale of Clark Lake property and the Package Plant, and donation of the workers' compensation rebate to District employees. At the October workshop, items may include the impact of climate change on the water supply infrastructure and ways to disseminate water conservation information to customers and landscapers.

I. F. Comments from the Public and Requests for Future Agenda Items (CONTINUED): Bill Berkeley outlined a proposal to buy Well 12 and cited the possible impact of having the golf course open to enhance the sale of La Casa del Zorro. One of the investors, Jack McGrory, made a brief statement about the impact/benefits of reopening the

golf course. An ad hoc committee meeting was set for 1:30 p.m. for continued negotiation on the possible sale.

III. CLOSED SESSION

A. Conference with Legal Counsel - Anticipated Litigation/Significant Exposure to Litigation; Government Code section 54956.9(b), One case:

B. Conference with legal Counsel - Anticipated Litigation/Initiation of Litigation; Government Code section 54956.9(c), Two cases:

The Board adjourned to closed session at 10:15 a.m., and the public meeting was reconvened at 12:00 p.m. As to Item III.A, there was no reportable item. As to the first case under Item III.B, the Board made a decision that the District will not join in the following lawsuit as a party: County of San Diego v. Rams Hill LLC and Insurance Company of the West, San Diego Superior Court Case No. 37-2012-00055163-CU-BC-NC. As to the second case under Item III.B, there was no reportable action.

IV. CLOSING PROCEDURE

Adjournment: There being no further business, the meeting was adjourned at 12:00 p.m. The next Regular Meeting of the Board of Directors is scheduled for September 26, 2012 at the Borrego Water District.