

**Borrego Water District**  
**CORRECTED MINUTES**  
**Regular Meeting of the Board of Directors**  
**Wednesday, December 12, 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  
Kim Pitman, Administration Manager  
Diana Del Bono, Administrative Assistant  
Wendy Quinn, Recording Secretary

**Public:**           Jim Engelke                             Doug Wilson, Mesquite Trails LLC  
Dennis Bostad

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

**E. Approval of Minutes:**

Regular meeting of November 14, 2012

***MSC: L.Brecht/Estep approving the Minutes of the Regular Meeting of November 14, 2012 as corrected (correct typographical error in Item II.B, line 5: "regulate" instead of "regular").***

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

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

**H. Correspondence: Letter from DWR:** Jerry Rolwing reported that the DWR had notified us that the IRWM planning grant application, round 2, had been denied. Director Lyle Brecht suggested that Mr. Rolwing respond and that the Strategic Planning Committee review the response prior to transmission.

Mr. Rolwing reported he had also received some correspondence in support of Bill Berkley's proposal. Further discussion was continued to closed session.

President Hart reported she had received an e-mail from Lane Sharman and will respond.

**I. Staff Reports:**

**A. Financial Reports - November 2012:** Kim Pitman reported that although the property tax revenue reflected on Board package page 8 had not changed, we received \$61,000 yesterday. Salaries were up due to Christmas bonuses.

**B. Manager/Operations Report:** Mr. Rolwing invited the Board's attention to his written report, noting that he attended an ACWA conference last week. Regarding Well 11, staff followed the engineering recommendations and could not repeat the sand intrusion. The well is now back in the system. President Hart suggested getting cost estimates on a filter if the intrusion recurs.

**J. Attorney's Report:** None

## II. CURRENT BUSINESS MATTERS

A. Discussion and possible approval of the County GW Ordinance and MOA: President Hart recommended that references to Borrego Water District be consistent. It is sometimes "BWD" and sometimes "District."

B. Discussion and possible approval of Resolution 2012-12-01 **RESOLUTION OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT APPROVING A PROPOSED ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE RELATING TO GROUNDWATER AND MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE BORREGO WATER DISTRICT AND THE COUNTY OF SAN DIEGO REGARDING WATER CREDITS; MSC: L.Brecht/M.Brecht adopting Resolution 2012-12-01, Resolution of the Board of Directors of the Borrego Water District Approving a Proposed Ordinance Amending the San Diego County Code Relating to Groundwater and Memorandum of Agreement (MOA) Between the Borrego Water District and the County of San Diego Regarding Water Credits.**

C. Discussion of DRAFT Water Credit Policy revisions: Director Lyle Brecht explained that some of the language in the Water Credit Policy had been changed so it would be congruent with the County policy, and the MOA, Ordinance and BWD Water Credit Policy would be consistent. BWD will be able to set its own price for sale of its water credits. Director Estep recommended that so developers will know how to budget for water credits, the rate be set annually. Director Lyle Brecht recommended that the Water Credit Policy be publicized at the same time, and in the same way, as the New Development Policy. Jim Engelke thought this was unnecessary, and the Board agreed to consult Lisa Foster.

Discussion followed concerning the removal of tamarisk from fallowed agricultural land. Issues included the fact that removal is expensive and tamarisk die a natural death with cessation of irrigation but create an eye sore, and the possibility of addressing the removal time frame on a case by case basis. This could create legal problems, and the schedule would depend on plans for future use of the property.

D. Discussion of DRAFT New Development Policy: Director Lyle Brecht announced that the New Development Policy had been updated based on input from Mr. Engelke and Ms. Foster. Mr. Engelke questioned the need for inclusion of the provision that the developer shall submit fire protection plans (Board packet page 54, Item 2(a), last sentence). After discussion, the Board agreed this is between the County and the Fire Department and should be deleted from the BWD Policy.

Mr. Engelke questioned the provision on Board packet page 58, Item 6(b), "Water Capacity Fees are assessed . . . to recover a proportional share of the capital costs already incurred . . ." The Board agreed to consult Ms. Foster. Mr. Rowling will work with David Dale on revised language.

Discussion followed concerning Board packet page 60, Item 12, relative to dry tap fees. The Operations and Management Committee is addressing the issue, and Mr. Rowling will discuss it with Mr. Dale.

President Hart requested a single page early in the Policy emphasizing that it applies to single family residences and outlining the procedures they must follow with associated costs. She further recommended that on Board packet page 58, Items 6(b) and (d), the term "switches" (to a smaller meter) be replaced by "changes."

E. Possible schedule of New Development Policy process: The Board agreed they preferred Scenario 2 (Board package page 62).

### **III. COMMITTEE REPORTS & PROPOSALS**

#### Ad Hoc Committees

##### 1. Audit Committee

Director Lyle Brecht announced that at the January workshop we will discuss fees charged by other accounting firms to similar districts.

##### 2. Due-Diligence

No report.

##### 3. Strategic Planning Committee/IRWM

President Hart reported that the Committee was continuing efforts to secure a revised determination from DWR regarding the IRWM grant application.

##### 4. Executive Committee

No report.

##### 5. Operations & Management Committee

Director Delahay reported that the Committee met this morning and discussed problems with the tanks. One needs to be recoated and another needs to be relined for use during the recoating.

##### 6. Parks Committee

No report.

##### 7. Negotiating (Rams Hill & cable antenna)

Director Marshal Brecht announced the Committee would meet today. Mr. Rolwing requested that "& cable antenna" be removed from the title of the Committee.

##### 8. New Development Committee

Discussed earlier in this meeting.

##### 9. Asset Ad Hoc Committee

President Hart reported there are no additional assets to sell at this point.

### **IV. STAFF REPORTS**

#### A. Water and Wastewater Operations Report - November 2012:

#### B. Water Production/Use Records - November 2012:

Mr. Rolwing invited the Board's attention to his written reports and summarized the statistics. He noted that at the ACWA meeting, the Department of Public Health and the Regional Water Quality Control Board talked about water reclamation and the possibility of funding a study concerning our town-wide sewer.

### **V. INFORMATION ITEMS**

Mr. Rowling highlighted his written report on the ACWA conference, noting there are plans to move drinking water regulatory duties from the Department of Public Health to either CAL EPA or the State Water Resources Control Board. Twenty proposed water quality bills are headed for the next legislative session, and ACWA will keep us informed on the status. The Delta is a big issue. Privacy requirements for well drillers may be modified.

### **VI. CLOSED SESSION**

A. Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to Government Code section 54956.9(c), One case:

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

The Board adjourned to closed session at 10:25 a.m. The open session reconvened at 1:00 p.m. There was no reportable action.

## **VII. CLOSING PROCEDURE**

There being no further business, the Board adjourned at 1:00 p.m. The next Special Meeting of the Board of Directors is scheduled for January 15, 2013 at the Borrego Water District. The next Regular Meeting of the Board of Directors is scheduled for January 23, 2013 at the Borrego Water District.