

**Borrego Water District
CORRECTED MINUTES
Special Meeting of the Board of Directors
Tuesday, February 19, 2013
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 (via teleconference, Item III)
 Wendy Quinn, Recording Secretary
- Public:** Jim Engelke Libby DeSilva
 Patrick Meehan, *Borrego Sun*

D. Approval of Agenda: *MSC: L.Brecht/M.Brecht 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: Patrick Meehan requested that the Rams Hill issue be included on the next Agenda.

II. CURRENT BUSINESS MATTERS

A. Discussion of DRAFT Water Credit Policy revisions: The Board discussed editorial changes to the draft Water Credit Policy and suggested that Lisa Foster be asked to check the next version. Changes included the definition of "easement," the reference to non-profit agencies in the explanation of EDUs, clarification of requirements for non-County water credits and dates referenced in Section 4 (Water Credits, Board package pages 5 and 6). Jerry Rolwing agreed to discuss some of the issues with Jim Bennett at the County.

Jim Engelke inquired whether the draft BWD Policy would address a situation where a farmer fallowed 40 acres and wanted to build a 10-home subdivision on the property. Mr. Rolwing thought it was addressed, but agreed to double check with Mr. Bennett. Director Marshal Brecht questioned the need for Section 4.A regarding easements (County language, potentially confusing). Director Lyle Brecht supported its inclusion but suggested it be located elsewhere in the Policy. Mr. Rolwing will work on it.

Discussion followed concerning the \$1,000 "deposit fee" provided in Section 5.A.5, Board package page 10, and the need to justify it by costs to the District. Mr. Rolwing suggested a schedule of costs, and Director Estep recommended the schedule be available upon request but not part of the Policy.

B. Discussion of DRAFT New Development Policy: President Hart made some clerical corrections and submitted them to Mr. Rolwing. Discussion followed regarding developments that fall outside the District boundaries. Director Delahay referred to the District's

annexation policy, and Mr. Rolwing explained that annexation requests are handled by LAFCO. Mr. Engelke pointed out that some districts require developments adjacent to but outside district boundaries to annex. Director Lyle Brecht suggested that Mr. Rolwing draft some language for review by Ms. Foster.

Mr. Engelke questioned the provision in Section 5(f), Board package page 22, requiring "as-built" plans by a registered engineer. He suggested that a registered land surveyor could also qualify. Mr. Rolwing felt more comfortable with an engineer, noting that many also have a surveyor on staff.

Discussion followed regarding the number of EDUs to be allotted to condominiums, and Mr. Rolwing suggested reviewing them on a case-by-case basis like commercial projects.

C. Discussion of New Development Fees: There were some discrepancies in the amount of capacity fees listed. After discussion, it was agreed that this was due to the metering factor. The fee is actually the EDUs times the metering factor. Mr. Rolwing will modify the language on Board package page 30 to clarify this. Mr. Engelke suggested that the Policy clarify the fact that the County mitigation is due at subdivision approval, and the District mitigation is due when the building permit is issued. Mr. Rolwing will include this on Board package page 29. President Hart suggested asking Dennis Bostad, retired General Manager of the Sweetwater Authority, to review the draft Policy.

D. Discussion of potential agenda items for February 27th board meeting: Agenda items for February 27 will include an update on negotiations with Rams Hill, approval of the 2014-2016 audit agreement, consideration of the New Development Policy and discussion of the upcoming Town Hall Meeting. Director Lyle Brecht suggested a discussion of initiation of research into establishment of a managed basin. After discussion, it was agreed that it was premature due to cost considerations, the pending USGS study and the upcoming Town Hall Meeting.

Discussion followed concerning an invitation from Bunnie Hamilton to Directors Marshal Brecht and Estep to join her and De Anza residents for cocktails and dinner. The Board agreed that it was up to them whether to accept, but they would be attending as individuals, not representatives of Borrego Water District.

III. CLOSED SESSION

A. Conference with Legal Counsel - Anticipated Litigation, Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Govt. Code section 54956.9. Two cases: The Board adjourned to closed session at 10:50 a.m., and the open session reconvened at 11:30 a.m. There was no reportable action.

IV. CLOSING PROCEDURE

Adjournment: There being no further business, the meeting was adjourned at 11:30 a.m. The next Regular Meeting of the Board of Directors is scheduled for February 27, 2013 at the Borrego Water District.