

**Borrego Water District  
MINUTES  
Special Meeting of the Board of Directors  
Friday, June 5, 2015  
8:00 AM  
806 Palm Canyon Drive  
Borrego Springs, CA 92004**

**I. OPENING PROCEDURES**

- A. Call to Order: President Hart called the meeting to order at 8:00 a.m.
- B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
- C. Roll Call:     Directors:     Present: President Hart, Vice-President Brecht, Secretary/Treasurer Tatusko (via teleconference), Delahay, Estep (via teleconference)  
  
                  Staff:           Morgan Foley, McDougal Love Eckis Boehmer & Foley (via teleconference)  
  
                                  Wendy Quinn, Recording Secretary  
  
                  Public:       Harry Ehrlich                               Marshal Brecht  
                                  Dick Walker
- D. Approval of Agenda: *MSC: Brecht/Delahay approving the Agenda as written.*
- E. Comments from Directors and Requests for Future Agenda Items: Director Brecht announced that he had to leave the meeting at 8:30 a.m.
- F. Comments from the Public and Requests for Future Agenda Items: None

**II. CURRENT BUSINESS MATTERS**

A. Discussion and consider introduction of *ORDINANCE No. 15-01 OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF DISTRICT ORDINANCES; ESTABLISHING ADMINISTRATIVE PROCEDURES GOVERNING THE IMPOSITION, ENFORCEMENT, COLLECTION, AND ADMINISTRATIVE REVIEW OF ADMINISTRATIVE FINES AND PENALTIES AND FOR VIOLATING OTHER WATER USE REGULATIONS AND RESTRICTIONS*:

B. Discussion and consider introduction of *ORDINANCE No. 15-02 ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING CONSERVATION ENFORCEMENT MEASURES FOR CUSTOMERS; ESTABLISHING BASE USAGE CRITERIA; AND PROVIDING FOR FINES AND PENALTIES FOR CUSTOMERS EXCEEDING BASE USAGE ALLOCATIONS*: Morgan Foley summarized the two ordinances presented for the Board’s consideration. The first would establish the District’s ability to impose administrative fines and penalties, and the second would implement the fines and penalties for exceeding the base water use allocation. Director Brecht asked whether either ordinance would replace existing Ordinance 90-1, and Mr. Foley replied that neither would. They would provide an alternative method of enforcing regulations. The previous ordinance dealt with criminal penalties, rather than administrative. To his knowledge, Ordinance 90-1 has never been invoked. If the Board does not wish to keep the criminal penalties in force, it could repeal the ordinance or amend it.

Mr. Foley outlined the procedures for adopting an ordinance, including introduction, publication and a public hearing. A 218 process is not required, and the fines and penalties do not have to relate to District expenses. The District would set the base usage allocations and the amount of the fines and penalties.

Discussion followed regarding the timing of the ordinances. The fines and penalties would be effective 30 days after adoption. The Board agreed that introduction of the ordinances today would not provide sufficient time for thorough analysis and input from Raftelis. Another issue is the fact that the public has already been told that the District would try voluntary compliance before implementing fines and penalties.

Director Brecht left the meeting at 8:30 a.m.

President Hart asked Mr. Foley to redraft the ordinances for the Board's consideration on June 16. She and Director Estep will work with him.

Mr. Foley pointed out that with the existing Ordinance 90-1, much of the money collected in criminal fines would go to the court system. With the administrative fines proposed in the new ordinances, it would stay with the District.

### **III. CLOSING PROCEDURE**

There being no further business, the Board adjourned at 8:45 a.m. The next Special Meeting of the Board of Directors is scheduled for June 16<sup>th</sup>, 2015 at the Borrego Water District. The next Regular Meeting of the Board of Directors is scheduled for June 24<sup>th</sup>, 2015 at the Borrego Water District.