

**Borrego Water District
MINUTES
Special Meeting of the Board of Directors
Tuesday, June 16, 2015
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 Brecht, Secretary/Treasurer Tatusko, Delahay, Estep (via teleconference)

Staff: Jerry Rolwing, General Manager
 Morgan Foley, McDougal Love Eckis Boehmer & Foley (via teleconference, Items II.A, B and C)
 Wendy Quinn, Recording Secretary

Public: Harry Ehrlich Jeannie Beck, *Borrego Sun*
 Dick Walker Dennis Daoust
 Kathy Johnston Emily Brooks

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

E. Comments from Directors and Requests for Future Agenda Items: Director Tatusko requested an update on the wastewater treatment plant solar milestones for the next Agenda.

- 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***; and set a public hearing for July __, 2015 to consider adoption of the ordinance: President Hart questioned why the Ordinance dealt only with water, not other services provided by the District. Discussion followed. Morgan Foley explained that it could apply to other services, but specific provisions were included for inclusion of fines and penalties on the water bills. Jerry Rolwing added that some violations, for example damage to the sewer system by failure to clean grease traps, were punishable under the District’s Administrative Code. Mr. Foley pointed out that the ordinance is not intended to replace the existing Code, but to offer flexibility by providing alternative remedies.

In response to questions from President Hart regarding various time limits during the appeal process, Mr. Foley stated they could be flexible. As to the time for the Board to make a decision on an appeal, Director Estep suggested that it be rendered “forthwith.” After discussion of the designation of “hearing officer,” the Board or an administrator, Mr. Foley agreed to check the Government Code for appropriate wording.

Discussion followed, arising from Director Brecht’s concern about what actions might trigger the invocation of fines and penalties. Issues include the effect of existing

Ordinance 90-1, possible revival of tiered rates after the next 218 process, and the fact that the fines and penalties provided in the Ordinance are intended for customers who regularly use excessive amounts of water rather than those who may experience a leak or meter malfunction. Mr. Foley reiterated that the Ordinance does not replace 90-1 and provides an alternative to tiered rates. Mr. Rolwing noted that the adoption of Ordinances 15-01 and 15-02 can be included in the District's December report to the State Water Resources Control Board, evidencing the Board's efforts to comply with the mandated 25 percent water use reduction.

Harry Ehrlich pointed out that Ordinance 15-01 is effective upon passage, whereas 15-02 is effective 30 days after passage. Mr. Foley agreed that both should be effective upon passage and will make the change.

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*; and set a public hearing for July, 2015 to consider adoption of the ordinance: This item was continued to the next meeting. Mr. Foley will work with the Executive Committee in the meantime.

C. Discussion and possible approval of *RESOLUTION 2015-06-01 ADOPTING A POLICY REGULATING PROCEDURES FOR PRESENTING CLAIMS TO THE BORREGO WATER DISTRICT*: Mr. Foley explained that the Resolution would provide a procedure for individuals or agencies to file claims against the District. Claims must be presented within one year of accrual of the cause of action. The Resolution is retroactive to the beginning of fiscal year 2014-15. *MSC: Estep/Brecht adopting Resolution 2015-06-01, a Policy Regulating Procedures for Presenting Claims to the Borrego Water District.*

D. Discussion of Executive Order B-29-15 regarding emergency twenty-five percent (25%) mandatory water use reductions amid the California drought: President Hart reported that she and Director Tatusko met with Hispanic gardeners in the community last week and are circulating written information. They also met with homeowners' associations, many of which then sent letters to their residents and are reducing their landscaping. Future meetings may be scheduled with homeowners. The Conservation Committee and Mr. Rolwing are working on a letter to high water users.

Mr. Rolwing reported that he and Director Tatusko attended a conference recently and received information on \$2,000 grants available from DWR for seminars. Customers could have someone evaluate their landscaping and irrigation, as BWD did previously with the irrigation audits. President Hart added that information is available by telephone from a UCSD horticulturist, and Ken Okey is available for local advice. ABDNHA is another local resource.

Mr. Rolwing reported that two types of conservation grants are available to disadvantaged communities. He then demonstrated a free kit, available from ABDNHA, which includes a low flow shower head, faucets and an LED night light.

Director Brecht reported on recent inquiries he had received from customers. Questions included how to set irrigation timers, whether bubblers are considered flood irrigation, turf removal incentives, alternatives to oleanders, whether the 25 percent reduction requirement is for each individual or the community as a whole, and the fact that the reduction requirement does not apply to agriculture and golf courses. Most were in favor of pursuing a solution to the aquifer overdraft, retaining the grass at Christmas Circle and bringing back the irrigation audits and low flow appliance rebates.

E. Discussion and possible approval of First Amendment agreement, extending the existing contract with Raftelis: *MSC: Brecht/Delahay approving the First Amendment agreement to extend the existing contract with Raftelis.*

F. Discussion and possible approval of disbursement of JPIA rebate: President Hart reported that the Personnel Committee recommended dividing the JPIA rebate for safety achievements equally among the District employees, who will not receive COLAs or merit increases this year. She added that during the coming 218 process, she would like to restore these increases as part of the rate structure. ***MSC: Brecht/Delahay approving disbursement of the JPIA rebate equally among the District employees.***

G. Discussion of potential agenda items for June 24th board meeting: Items for the next Agenda will include an update on the Rams Hill Wastewater Treatment Plant solar project and solar performance monitoring; review of the planning calendar; Ordinance 15-01 for possible approval and Ordinance 15-02 for review and discussion; Proposition 1 funding, possible approval of outside engineering services to support the application and the 2016 CIP budget; discussion and possible approval of the District's application for GSA status; and further discussion of the Executive Order requiring a 25 percent water use reduction.

III. CLOSING PROCEDURE

There being no further business, the Board adjourned at 10:30 a.m. The next Regular Meeting of the Board of Directors is scheduled for June 24th, 2015 at the Borrego Water District.