

**Borrego Water District  
CORRECTED MINUTES  
Regular Meeting of the Board of Directors  
Wednesday, January 27, 2016  
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  
                                  Kim Pitman, Administration Manager  
                                  Wendy Quinn, Recording Secretary

**Public:**       Trey Driscoll, Dudek           Jan Naragon  
                                  John Peterson                 Harry Ehrlich  
                                  Rick Alexander                Marshal Brecht  
                                  Sara Lockett, Ocotillo       Jim Engelke  
  Wells SVRA

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

**E. Approval of Minutes:**

Regular meeting of December 16, 2015

*MSC: Brecht/Tatusko approving the Minutes of the Regular Meeting of  
December 16, 2015 as written.*

**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:** None

**II. CURRENT BUSINESS MATTERS**

**A. Discussion of progress meeting the Executive Order B-29-15 requiring a 25% mandatory reduction in water use by the District and report on water conservation policy recommendations:** John Peterson of the Citizens' Ad Hoc Committee addressed the Board's concerns on the Committee's December 16 report. The Committee is comfortable with the 0.52 acre feet per year average water use used as a baseline. The Committee is leaving the task of possible implementation of irrigation audits to the Board and management based on their prior experience. As to income projections for the water conservation program, Mr. Peterson invited the Board's attention to a summary of action items by Ken O'Key, distributed at today's meeting. Director Brecht recommended adopting a budget for the program at the next Board meeting. Lastly, the Committee had no additional information concerning grants. Discussion followed regarding 50/50 Bureau of Reclamation grants which might be available for irrigation audits, but it was the consensus that it was not worth it, since the District only paid \$100 each in the past. Jerry Rolwing pointed out that Proposition 1 grants would be available in the future.

Jan Naragon asked whether the Committee considered the community's bilingual character in planning its education component. Mr. Peterson agreed that it should be included. President Hart noted that the School District and Gary Haldeman had previously offered translation services to the District free of charge.

Director Brecht emphasized the need to consider cash flow projections and rate structure, taking into consideration the Wilcox Reservoir construction and water quality issues. He suggested asking David Aladjem for input. President Hart expressed support for the Committee's recommendations and suggested sharing them with the public. Mr. Peterson felt the best vehicle to publicize the program would be the *Borrego Sun*. President Hart suggested posting flyers on public bulletin boards and using existing e-mail lists. After discussion, the Board agreed to assign the task of implementing the Committee's recommendations to the Operations & Management Committee, working with Mr. Rolwing, and request a report in February. The Citizens' Committee will work on a flyer to be posted, highlighting toilet rebates and turf removal.

Sara Lockett suggesting using Facebook and/or Twitter. Harry Ehrlich noted that help was available from ACWA, and Director Tatusko suggested seeking a high school student to advise.

**B. Discussion of District's application and public hearing for a Borrego Valley Groundwater Basin (BVGB) boundary adjustment by the California Department of Water Resources:** Trey Driscoll of Dudek explained that SGMA requires groundwater basin boundaries. The current BVGB extends into Imperial County and south to Ocotillo, too large an area to effectively manage. Looking at scientific and jurisdictional aspects, a boundary adjustment is proposed to terminate BVGB at the San Felipe Wash. The initial application is due to DWR by March 31, and prior to that the District needs to receive public comments, now set for the February 16 Board meeting. After submitting the application to DWR, DWR will have another 30-day period for public comments to them. Mr. Rolwing reported he had requested support letters from the Counties of San Diego and Imperial and from Imperial Irrigation District. San Diego has already responded.

Discussion followed concerning notice requirements for the public hearing. Mr. Driscoll said the statute does not specify the procedure, so the District should follow its normal notification practices (advertise in *Borrego Sun* and *Union Tribune*).

**C. Discussion of Resolution 2016-01-01 of the Board of Directors of the Borrego Water District, Stating the Policy on Water Credits for New Developments to comply with the requirements of the Sustainable Groundwater Management Act (SGMA):** President Hart explained that the proposed Resolution addresses water use mitigation credits for new development on previously platted property. It provides for a 4:1 mitigation ratio. She questioned whether a person who doesn't plan to landscape, leaving the property in a "desert natural" condition, could qualify for a reduced mitigation ratio. Mr. Rolwing suggested a restrictive easement, such as used for fallowing farmland. President Hart asked about enforcement. Director Brecht felt such a policy would not be worthwhile from a cost, time and enforcement perspective for individual property owners. Marshal Brecht agreed with Director Brecht and expressed support for the 4:1 ratio, as did Director Tatusko, who reiterated his support for the Dudek analysis, as well. Director Brecht asked about developers who had already satisfied the existing mitigation ratio. Would they be grandfathered in? Mr. Rolwing noted that there is only one such owner, Mesquite Trails, which has been in works for 20 years. President Hart asked Mr. Rolwing to contact Mesquite Trails and ascertain their views. Director Tatusko suggested involving Mr. Aladjem.

**D. Discussion and possible approval of Resolution 2016-01-02 regarding the BVGB basin boundary adjustment: *MSC: Tatusko/Brecht adopting Resolution 2016-01-02 regarding the BVGB basin boundary adjustment.***

**E. Consideration and possible approval of process for handling claims received for Tier 2 refunds: *MSC: Brecht/Delahay approving 18 claims for Tier 2 refunds totaling \$7,449.91.* To date, with this action, 92 claims have been paid, totaling \$48,132.24.**

F. Review of planning calendar: President Hart noted that the 218 process, entitled “Utility Rate Study Schedule,” had been added per the Board’s request but needs an item number.

### III. STAFF REPORTS

A. Financial Reports – December 2015: Kim Pitman reported there was an extra expense of approximately \$11,000 for the new Scada system at the wastewater treatment plant. The last payment on the solar system was made. Finalization of the new computer system has been delayed until May. The District had already paid \$70,000, and President Hart recommended requesting a refund or accruing interest.

B. General Manager/Operations Report: Mr. Rolwing invited the Board’s attention to his written report, included in the Board package.

C. Water and Wastewater Operations Report – December 2015:

D. Water Production/Use Records – December 2015: The Water and Wastewater Operations Report and the Water Production/Use Records were included in the Board package.

### IV. ATTORNEY'S REPORT

President Hart reported that the Board had considered retaining Wendy Quinn to report on Board meetings for the *Borrego Sun* and Jeannie Beck to analyze the Governor’s drought mandate and ramifications of SGMA, also for the *Borrego Sun*. Legal Counsel said as long as the pieces were informational, not intended for persuasion or campaigning, the proposal was approved.

### V. COMMITTEE REPORTS & PROPOSALS

#### Ad Hoc Committees

##### 1. Audit Committee

Director Brecht invited the Board’s attention to material in the Board package, showing what the Committee has done and where we are now in terms of cash flow.

##### 2. Due-Diligence

Director Brecht referred to information on the economics of SGMA in the Board package. He noted that SGMA contemplates a 20-year timeline. Is this too long? Director Brecht recommended more data on water quality from USGS and economic data from Dudek. Mr. Driscoll reported he spoke with Claudia Faunt at USGS and they agreed on a need for additional water quality studies. Director Brecht wanted a cost and time estimate. Mr. Rolwing expressed concern about possible continuing serial studies. Would one study be enough?

##### 3. Strategic Planning Committee

President Hart reported that the Committee was continuing to work with the County and the Borrego Water Coalition. Efforts are continuing to create an agreement between BWD and the County that will satisfy DWR and enable two GSAs to operate in one zone. The Committee hopes to have approval by the Town Hall Meeting.

##### 4. Executive Committee

No report.

##### 5. Operations & Management Committee

Director Delahay reported the Committee had been working with the Ad Hoc Citizens’ Committee. Director Tatusko added that they were updating the CIP. Two Proposition 1 grant applications were submitted yesterday. The Neighborhood Reinvestment Grant application has not yet been approved, but still has a chance in June.

##### 6. Parks Committee

No report.

##### 7. CFD Committee

No report.

8. Conservation Committee  
No report.

## **VI. INFORMATION ITEMS**

**A. Letter from Tubb Canyon Conservancy regarding the nexus between the County's land use decisions and SGMA with respect to the Rudyvill new development approval process in the BVGB:** The letter was included for information. Is it appropriate for the County to approve a development without complying with SGMA?

**B. Letter from the Anza-Borrego Desert State Park regarding the County's land use decision process regarding Rudyvill:** Another information item. President Hart stated the District has no legal position on the issue and the County's response is not yet known.

**C. Discussion of County's grant application to support sustainable groundwater management act:** Director Tatusko thanked Jim Bennett for compiling a draft regarding GSA/GSP funding. He read from attachments 5 (San Diego County SA Formation and GSP Task Development), Board package page 95; and 7 (Disadvantaged Community), Board package page 97, for the record.

**D. News articles regarding the Borrego aquifer:** News articles were included in the Board package for information.

**E. Notice of Violation from State Water Resources Control Board:** President Hart announced that the District had not met its State-mandated 25 percent water use reduction. Discussion followed concerning whether the District could change its guidelines in an effort to achieve future compliance. Mr. Rolwing will investigate.

## **VII. CLOSED SESSION**

Conference with Legal Counsel – Anticipated Litigation

**A. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. One potential case:** The Board adjourned to closed session at 10:40 a.m., and the open session reconvened at

## **VIII. CLOSING PROCEDURE**

There being no further business, the Board adjourned at . The next Special Meeting of the Board of Directors is scheduled for February 16, 2016 at the Borrego Water District. The next Regular Meeting of the Board of Directors is scheduled for February 24, 2016 at the Borrego Water District.