

Borrego Water District Board of Directors
Special Meeting
December 12, 2023 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

The Borrego Water District Board of Directors meeting as scheduled will be conducted in person and in an electronic format please note BWD is providing remote attendance options solely as a matter of convenience to the public. BWD will not stop or suspend its in-person public meeting should a technological interruption occur with respect to the GoTo meeting or call-in line listed on the agenda. We encourage members of the public to attend BWD meetings in-person at the address printed on page 1 of this agenda. Anyone who wants to listen to or participate in the meeting remotely is encouraged to observe the GO TO MEETING at:

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I. OPENING PROCEDURES -

- A. Call to Order
- B. Pledge of Allegiance
- C. Directors' Roll Call: President Dice, Vice President Baker, Directors Duncan, Johnson & Moran.
- D. Approval of Agenda
- E. Comments from the Public & Requests for Future Agenda Items (may be limited to 3 min)
- F. Comments from Directors
- G. Correspondence Received from the Public - None

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION -

- A. Consent Calendar:
 - 1. Special Board Meeting July 11, 2023
 - 2. Regular Board Meeting July 25, 2023
 - 3. Special Board Meeting August 8, 2023
 - 4. Special Board Meeting September 12, 2023
- B. BWD/Watermaster Farmland Following Agreement Amendment – S Anderson
- C. Air Quality Monitoring Program – Dr. C Zender-UCI/G Poole/K Dice
- D. VERBAL Borrego Springs Subbasin Watermaster Board – D Duncan/K Dice/T Driscoll
 - 1. Update on Board Activities
 - 2. Update on Technical Advisory Committee Activities

AGENDA: December 12, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing.

All Documents for public review on file with the District's Secretary located at 806 Palm Canyon Drive, Borrego Springs CA 92004. Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

III. BOARD COMMITTEE REPORTS, IF NEEDED

STANDING:

- A. Operations and Infrastructure: Duncan/Baker
- B. Budget and Audit: Dice/Moran
- C. ACWA/JPIA Insurance: Dice/Johnson

AD HOC:

- A. Prop 68 Implementation: Baker/Johnson
- B. Public Outreach: Dice/Johnson
- C. Grants: Dice/Johnson
- D. Cyber Security/Risk Management: Baker
- E. Developer's Agreement: Baker/Duncan
- F. Finance: Baker/Moran
- H. Borrego Springs Basin Water Quality: Moran/Johnson
- I. Automated Metering Infrastructure Selection: Baker/Moran

IV. ORGANIZATIONAL REPORTS – VERBAL

- A. ACWA 2024 Conference Summary – K Dice & T Baker
- B. General Manager
 - i. Final Calculations for W Bauer Carry Over Purchase
 - ii. BSUSD Carry Over Purchase from BWD: Transfer Paperwork Filed
 - iii. Grants Receivables Update
 - iv. Syrus Deevers State Legislative Advocate Status

V. CLOSED SESSION:

- A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential cases)
- B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776)

VI. CLOSING PROCEDURE:

The next Board Meeting is scheduled for 9:00 AM January 9, 2024, to be available online and in person at 806 Palm Canyon Drive. See Board Agenda at BorregoWD.org for details, Agenda information available at least 72 hours before the meeting.

AGENDA: December 12, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing.

All Documents for public review on file with the District's Secretary located at 806 Palm Canyon Drive, Borrego Springs CA 92004. Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

BORREGO WATER DISTRICT
BOARD OF DIRECTORS
MEETING DECEMBER 12, 2023
AGENDA ITEM II.A

December 09, 2023

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Consent Calendar

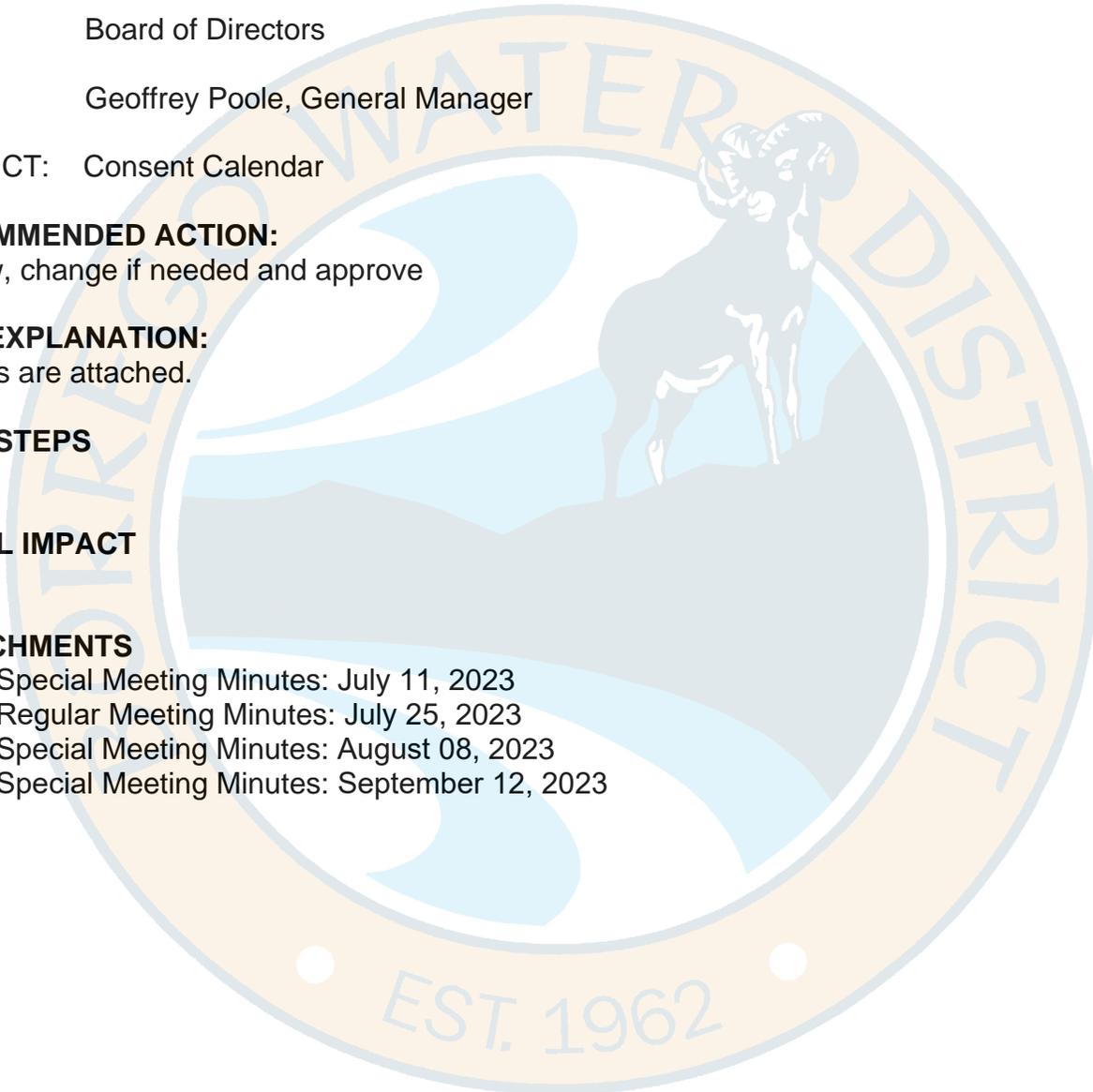
RECOMMENDED ACTION:
Review, change if needed and approve

ITEM EXPLANATION:
Minutes are attached.

NEXT STEPS
TBD

FISCAL IMPACT
TBD

- ATTACHMENTS**
1. Special Meeting Minutes: July 11, 2023
 2. Regular Meeting Minutes: July 25, 2023
 3. Special Meeting Minutes: August 08, 2023
 4. Special Meeting Minutes: September 12, 2023



Borrego Water District Board of Directors
MINUTES
Special Meeting
July 11, 2023 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order: President Dice called the meeting to order at 9:02 a.m.
- B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
- C. Roll Call: Directors: Present: President Dice, Vice President Baker,
Secretary/Treasurer Duncan, Director Johnson, Director Moran
 Staff: Geoff Poole, General Manager
 Diana Del Bono, Administration Manager
 Jessica Clabaugh, Finance Officer
 Steve Anderson, Best Best & Krieger
 Esmeralda Garcia, Administrative Assistant
 Brooke Egger, Recording Secretary
 Public: Trey Driscoll, Intera; Carlos Beltran, Dynamic Consulting
 Engineers; Rebecca Faulk; Jay

- D. Approval of Agenda: *MSC: Johnson/Moran approving the Agenda as written. The roll call vote was unanimous.*

- E. Comments from the Public and Requests for Future Agenda Items: None

- F. Comments from Directors: None

- G. Correspondence Received from the Public: None

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

- A. Approval of Board Director Meeting Minutes
 - 1. *April 25, 2023 Regular Board Meeting minutes have been accepted*
 - 2. *May 09, 2023 Regular Special Meeting minutes have been accepted**MSC: Johnson/Baker approving the Minutes as written. The roll call vote was unanimous.*

- B. Selection of Dynamic Engineering to serve as BWD Engineer- G. Poole; Geoff asked the board to approve Mr. Carlos Beltran of Dynamic Engineering as BWD Engineering Consultant. Individual projects will be bid under their own contracts, but the District needs someone available for as needed items. He will be hired upon consent. BWD will still retain Dudek for hydrologic engineering and use Carlos for construction projects. Carlos thanked the board and states, "I look forward to working with all of you, thank you." **MSC: Duncan/Baker approving selection of Dynamic Engineering as staff engineer. The roll call vote was unanimous.**

- C. PFAS Testing on BWD Accessible Wells-G. Poole; T. Driscoll; G. Poole states sample bottles from EPA to arrive in the following months with testing results approximately Spring/June 2024. T. Driscoll shared some slides and informed the Board on the PFAS infiltration within our world infrastructure as well as at our local levels. He describes the relation of Parts Per Trillion (PPT) on a mass scale as well as the understanding of Perfluorooctanoic Acid & Polyfluoroalkyl Substances

(PFOA & PFAS) and how they are ‘Forever chemicals’ in approximately 45% of drinking water and found in some of the most remote areas of the world. He recommends beginning testing prior to 2024 and to first test BWD wells with elevated levels of nitrate as they may be more likely candidates for PFAS. He goes on to explain what BWD wells are in most need for this type of testing and analysis. These wells include, Fortner, ID1-8, ID4-9, ID1-16, ID4-18, ID4-11 and Bauer North. With 7 wells the approximate cost for both EPA 533 & 537.1 samples along with required EPA ‘Field Blank’ bottles, the cost will be ~\$9,100.00 per year. Geoff states that beginning in Spring 2024 EPA will be funding the sampling. Director Johnson asked Ms. Clabaugh about budgeted sampling funds. Ms. Clabaugh said this was anticipated to be EPA funded during budget formation but that there should be extra funds available from the Water Operations Fund. **MSC: Johnson/Moran approving PFAS sampling on 7 BWD wells recommended by Trey. The roll call vote was unanimous.**

D. August BWD Board Meeting Schedule- G. Poole: Historically the Board has not held one or both meetings in August. Geoff asked for an update on Board members attendance and availability. President Dice will be in Madagascar, Secretary/Treasurer Duncan proposes meeting only on August 8th, 2023 thus cancelling the August 22nd meeting, as the school year starts on August 21st. **MSC: Dice/Johnson approving the cancellation of the August 22nd Regular Board meeting. The roll call vote was unanimous.**

E. Borrego Springs Subbaisin Watermaster Board- VERBAL D. Duncan; K. Dice; T. Driscoll;

1. Secretary/Treasurer Duncan reviewed some agenda items for the July 13th Watermaster Board meeting. He expressed concern that the item for Third Party Requests is not just limited to technical items but for the use any “Watermaster resources”, which is not what was discussed when the Board voted to include the agenda item. Director Duncan mentioned that some of the Watermaster Board Directors are under the impression that the Watermaster is responsible to follow the Judgement rather than SGMA at large and that Watermaster legal counsel should address the responsibilities with the Board. Rebecca Faulk commented that she agrees with Secretary/Treasurer Duncan on these items. President Dice led some discussion on if this should be addressed in the next Judge’s status conference. The Board has two meetings to decide prior to the status conference.
2. Trey Driscoll mentioned that John Peterson had been appointed to the TAC by Roadrunner Club/The Springs. Trey updated the Board on the next TAC agenda for the next meeting to be held August 29th @ 10:00am by remote access only. Director Johnson asked if the AEM(Aerial Electronic Method) Survey had been scheduled. Perhaps it could be requested to be an Agenda item to see if additional mapping areas could be included. President Dice thanked Trey for his diligence with TAC.

III. BOARD COMMITTEE REPORTS

STANDING:

A. Operations & Infrastructure: Duncan/Baker; none.

B. Budget and Audit: Dice/Moran; Director Baker, asked if the District is looking to change audit firms. Ms. Clabaugh mentioned that Fiscal Year 23 is the last year of a five (5) year contract with Leaf & Cole, LLP. President Dice directed Ms. Clabaugh to prepare for an RFP process to find an audit firm beginning with FY24.

C. ACWA/JPIA Insurance: Dice/Johnson; none.

AD HOC

A. Prop 68 Implementation: Baker/Johnson; none.

B. Public Outreach: Dice/Johnson; Director Johnson suggested that BWD work with the subgrantees about combining outreach efforts on the Prop 68 projects since each project includes some level of outreach and education. President Dice suggests working on a joint meeting for September at the soonest.

C. Grants: Dice/Johnson; none.

D. Cyber Security/Risk Management: Baker; Vice President Baker said that she did not have a committee update but would like to announce that there recently was discovered a zero day

vulnerability with Apple operating systems and that iPhone and Mac users should update their devices ASAP.

- E. Developer's Agreement: Baker/Duncan; none.
- F. Finance: Baker/Moran; none.
- G. Borrego Springs Basin Water Quality: Moran/Johnson; none.

IV. STAFF REPORTS

- A. Finance: AMI Proposal Update; Ms. Clabaugh said it was suggested to prequalify candidates before asking they submit a 50 page application package. Mr. Poole states he is working on the wording of a short document and will be ready soon. The Board requested input from Trey Driscoll who suggested two (2) rounds, an RFQ and RFP will be necessary with the board making RFP requests to the top three to five firms that are qualified.
- B. General Manager: Mr. Poole mentioned that Chris Martinez from DWR was getting caught up on the first Prop 68 Grant reimbursement request after returning from paternity leave. He had a few minor questions/clarifications but mentioned that disbursements will not resume until fall due to their fiscal year ending in May.
Mr. Poole mentioned that the David Bauer BPA deal was set to close that day. Mr. Anderson reported that he got notice during the meeting that escrow had closed and the title was recorded as of today, July 11th, 2023.

V. CLOSED SESSION:

- A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential case)
- B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776
- C. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) APN: 140-303-0900 & 140-303-1100 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and US Gypsum Corp as potential buyer Price and Terms of Payment

VI. CLOSING PROCEDURE:

The Board entered into closed session at 10:40 AM and returned to adjourn the meeting at 12:26 PM with nothing new to report. The next Board Meeting is scheduled for 9:00 AM July 25, 2023, to be available online and in person at 806 Palm Canyon Drive. See Board Agenda at BorregoWD.org for details, Agenda information available at least 72 hours before the meeting.

AGENDA: July 11, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing. All Documents for public review on file with the District's secretary located at 806 Palm Canyon Drive, Borrego Springs CA 92004. Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

Borrego Water District Board of Directors
MINUTES
Regular Meeting
July 25, 2023 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order: President Dice 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 Dice, *Vice President Baker, Secretary/Treasurer Duncan, Director Johnson, Director Moran
 - *DIRECTOR BAKER REMOTE: as published in Board Package*
 - Staff:
 - Geoff Poole, General Manager
 - Diana Del Bono, Administration Manager
 - Jessica Clabaugh, Finance Officer
 - Steve Anderson, Best Best & Krieger
 - Roy Martinez, WTF Operator III
 - Esmeralda Garcia, Administrative Assistant
 - Brooke Egger, Recording Secretary
 - Public:
 - Ana Schwab, Best Best & Krieger
 - Trey Driscoll, Intera
 - Greg Guillen, Dudek
 - Peter Kellner,
 - Sam Sabol,
 - Cathy Milkey, T2
- D. Approval of Agenda: *MSC: Duncan/Johnson approving the Agenda as written. The roll call vote was unanimous.*
- E. Comments from the Public and Requests for Future Agenda Items:
- F. Comments from Directors:
- G. Correspondence Received from the Public:

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

- A. Legislative Update DC: A Schwab/L Crook & SAC: S Devers
 - 1. US Census Appeals Process: A Schwab – Ms. Schwab shared that different agencies determine SDAC status differently. Director Johnson recommended reaching out to Supervisor Desmond. Director Duncan also shared that the latest census data shows population declined by 40% but that does not seem to be reflected in reality. BWD still has the same number of customers and the school student numbers have not declined. It may be a discrepancy in reporting of second homes.
- B. Wastewater Treatment Plant Progress Report – EDU, TDS and TKN Studies: Mr. Guillen gave updates on recent WWTP Studies. The EDU Study is redefining flows per EDU. They are currently analyzing data from 600 users identified to have little to no landscape, which would imply most of their usage goes down the drain. In addition, Roy will be conducting a full audit on commercial EDU users.

Mr. Guillen also reported that the Regional Board is working to reduce TDS. They may require mitigation efforts for the WWTP but they are still TBD. In the meantime, the District is conducting a water softener survey to get an idea on how many are contributing to the plant. Vice President Baker asked if the Board considers the effect of septic systems on TDS. Mr. Guillen does not believe they do. Vice President Baker asked about the bottlenecks in the plant and if they will be required to be corrected. Mr. Guillen and Roy explained how they are able to mitigate via plant operations processes. However, this could get difficult with extra capacity. Vice President Baker recommended a risk analysis with Roy and Mr. Guillen. President Dice suggested a committee review.

C. Borrego Springs Subbasin Watermaster Board:

1. Update on Board Activities. Director Duncan reported that Andy Malone is working on Water Quality Monitoring scoping to be discussed at the September TAC meeting. There are significant data gaps being filled and will be addressed in the 5-year update. There is no evidence of a pending water quality crisis. Director Duncan discussed adding a community rep to the TAC. Mr. Anderson suggested it be discussed at the August 27th status conference.

2. Mr. Driscoll reported that the TAC is identifying additional flight lines to propose DWR fly during their upcoming airborne electromagnetic survey funded thru the Prop 68 Grant. Mr. Driscoll requested the Board authorize him to release BWD's geophysical logs to DWR to aid in their survey. ***MSC: Duncan/Moran approving Trey Driscoll of Dudek to release BWD's geophysical logs to the Watermaster and Department of Water Resources. The roll call vote was unanimous.***

Mr. Driscoll also reported the next TAC meeting is scheduled for August 29th and that he is working on a Water Quality presentation for the BWD Board in August.

III. BOARD COMMITTEE REPORTS

STANDING:

A. Operations and Infrastructure: Director Duncan reported that himself, Vice President Baker, Geoff Poole and Mr. Anderson had a meeting with the T2 folks again. Geoff and Mr. Anderson have drafted a high-level Memorandum of Understanding with T2 and Geoff is working on a list of technical issues to be addressed. There are still a number of unknowns that both parties are working to determine. In addition, T2 will have to do a number of studies on hydrology. Mr. Poole reported that T2 will be coming to present their most recent plan to the Board at the next meeting. Vice President Baker added that she sees the most important issues to be; the potential to wheel water, supply of sufficient irrigation water, county requirements, future demands and basin management area impacts. Director Duncan emphasized to T2 that BWD does not want to take on any more flood control responsibilities and would prefer not to have any at all.

AD HOC:

B. Public Outreach: President Dice reported that her and Director Johnson are beginning to coordinate Proposition 68 Grant outreach by sponsoring booths at Borrego Days as funded under the grant. BWD is working to get representatives to participate from each of the subgrantees.

IV. STAFF REPORTS VERBAL

A. Monthly Water Production and Operations Report: A. Asche – Alan Asche reported that both the replacement Twin Tank and Rams Hill #2 tank are in service. Next, they will complete demolition of the old tanks, add the SCADA and then demo the Indian Head tank. Power was finally installed at well ID5-15 and next is to install the manifold and flush pond and then do the Title 22 sampling. Alan had taken a PFAS sample at the WWTP and is hoping for results in

September. The lab charges about \$500/sample. Alan showed the Board a saddle that had to be replaced recently in DiGiorgio Road. Old iron parts had been installed. Vice President Baker asked Alan if there is a possibility to make an oasis garden using the flushing pond at ID5-15 so that it is more visually appealing to Santiago Estates. Alan reported a number of challenges but he will think on the idea and suggests running irrigation lines along the fence for vegetation.

B. Monthly Wastewater Production Report: R. Martinez – Roy Martinez updated the Board that the plant is operating good. He is working with Greg at Dudek on the EDU study.

C. Monthly Financial Report: J. Clabaugh – Jessica Clabaugh shared the June Financial Reports which was the last month of the prior fiscal year. There was about \$6.27M in the bank including remaining Bond Funds. Rate revenues were \$363k, commodity \$229k. Looking annually water revenues were \$3.9M compared to a \$4.1M budgeted. FY23 Sewer rates revenues were just under \$671k. There were deposits from Mesquite Trails, the SDG&E pipeline and Ocotillo Solar that were recognized as income at the end of FY23. Total unaudited income for FY23 was \$5.08M where budgeted was \$5.13M. Operation Expenses were about \$50k under budget and Professional Services Expenses were about \$45k under budget. Personnel Expenses were \$1.6M where \$1.75M was budgeted. All Debt Service payments were paid as expected. Net income for June was \$194k where net income for the year was about \$736k and \$488k was budgeted. At the close of FY23 totals on the following CIP projects were; LCDZ Gravity Main \$500k, Oxygen Injection System \$23k. Overall, about \$351k was total of Cash Funded CIP. Bond Funded projects include just over \$2M to date on ID5-15. \$562k is a receivable under the Tank and Motor grant with a second reimbursement request that is almost ready to submit for a total of \$1.7M. The \$600,000 portion for the Twin Tank is being held back until the land swap is complete. There is about \$80k in Proposition 68 Grant receivables that include AMI, WWTP Monitoring Wells and Grant Administrative costs thru the end of June.

Ms. Clabaugh gave a year end recap on Groundwater Management Expenses stating that total Legal Fees were \$40,193, Technical Consulting by Intera was \$108,503, Staff Time was \$4,232 and the District purchased monitoring equipment for \$2,143 that it has been determined is not needed and Manuel Marin is working to return to the Vendor. BWD received \$9,303 from the Watermaster for Meter Reading Services.

D. Administration: D. Del Bono reported that to date 383 customers had signed up for paperless billing. The District is moving its cellular contracts from Verizon to AT&T in order to take advantage of FirstNet. In addition, the new plans will save approximately \$2,500/year in cell phone bills. Diana is conducting analysis on changing SDG&E rate plans to save money. She is working on fiscal year end tasks, obtaining painting and carpet quotes for the office and is procuring a new postage machine as the current machine is nearing obsolescence due to new postal regulations.

E. Legal Counsel: None.

F. Engineering: None.

G. General Manager: None.

V. CLOSED SESSION

A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential cases):

B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776):

C. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) Property Easement APN: 140-303-0900 & 140-303-1100 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and US Gypsum Corp as potential buyer Price and Terms of Payment:

The Board adjourned to closed session at 12:52 p.m., and thereafter, the open session reconvened. There was no reportable action. The meeting was adjourned at 2:21 p.m..

VI. CLOSING PROCEDURE

The next Board Meeting is scheduled for 9:00 a.m., August 8, 2023, to be available on line and in person at 806 Palm Canyon Drive. See Board Agenda at BorregoWD.org for details. Agenda information available at least 72 hours before the meeting. There being no further business, the meeting was adjourned.

BORREGO WATER DISTRICT
 806 PALM CANYON DRIVE
 BORREGO SPRINGS, CA 92004

August 8, 2023

ATTENDANCE FOR THE SPECIAL BOARD MEETING

MEETING ATTENDANCE		EMAIL
NAME	REPRESENTING	
WILLIAM LOPE	Rams Hill	
HARRY JANNER	RAMS Hill	
Joe Perez		
Luis Hernandez	Rams Hill	
Bernabé Sanchez	Rams Hill	
Luis E Hernandez	Rams Hill	
Efraín Vilches	RAMS Hill	
Sirahoven Estrada	Rams Hill	
JESUS VILLAS	RAMS Hill	
Roberto Mares	RAMS Hill	
Roberto Mares	Rams Hill	
Roberto Mares	RAMS Hill	
MAGSIE VILCHES	Rams Hill	
ANG SUMMAY	Community	
Gerardo Fuentes	Rams Hill	

NOTE: You are not required to register your name on this attendance list; registering is voluntary and is not a condition to attending or participating in any Board meeting (Govt. Code Section 54953.3).

Alberto
 Gerardo Fuentes
 Rams Hill
 Rams Hill

- D. Approval of Agenda: *MSC: Johnson/Moran approving the Agenda as written. The roll call vote was unanimous.*
- E. Comments from the Public & Requests for Future Agenda: None.
- F. Comments from Directors: None.
- G. Correspondence Received from the Public: None.

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION:

A. Presentation by Rams Hill/T2 re: Future Development Plans: G. Poole & T2 Reps

Mr. Anderson explained that T2/Rams Hill has approached BWD seeking Will-Serve letters for their Plan Amendment Application that they have submitted to the County. BWD is obligated to serve any development within their service area and is beginning negotiations with T2 to determine how and when service will be provided. T2 Representatives, Shannon Smith, Cathy Milkey and Rodney Bruce provided an overview of Rams Hills' Future Development Plans and gave a quick insight into the history of Rams Hill's water then, now and future. The proposed number of homes would be 1,570 in addition to 350 hotel rooms and acreage for a golf course. Homes are to be blended with the topography and add to the natural, native environment. Attainable, sustainable, work-force homes. Rams Hill will submit County forms to BWD and will be covering the costs for a consultant review, fund any improvements to the system and to provide any required water rights to BWD. BWD has requested an MOU for a future agreement between BWD and Rams Hill. Shannon mentioned that Rams Hill would be considered a small, boutique, high dollar golf/spa/ hike destination.

Rebecca Falk expressed concern over water usage issues as they are currently operating under approval from 40 years ago. She is concerned about where the water would be coming to service this development- will it be brought in or taken from the middle well in Central Management Area that is already being used by businesses and homes. Response is that Watermaster decides where water comes from. There is an overall concern for future water quality with a non-BWD well pumping water thru BWD pipes.

Mr. Anderson mentioned that it is not legal to bring non-potable water into BWD pipes from an outside source. Water movement is legal between Management Areas, but Watermaster has the ultimate say. It is pertinent to have drinking, fire, sewer, and enough irrigation water. Mr. Smith emphasized that T2 will secure ample water rights to serve its development. Vice President Baker assured the public that the BWD will be doing a thorough review on water supply, conveyance and engineering and there are a lot of specifics to be determined. BWD will hire consultants to do this work and T2 will bear the costs, not rate-payers.

Member of the Public Susana asked for specifics about attainable work-force homes for Rams Hill Staff. Mr. Smith responded that they have a great need for housing and will do everything they can to have work-force housing. Location is to be determined but will most likely be closer to town center. Jim Dax asked if the additional golf course will be irrigated year-round and what kind of water usage that will require. Mr. Smith explained that thru proper landscaping and water saving methods, they estimate they will require 25% less water than the existing golf course uses today.

The group thanked BWD for everything.

B. Capitalization Policy

Jessica Clabaugh requested the board approve an amendment to the District's Capitalization Policy. A new GASB accounting rule, requires capitalization of leased assets. Ms. Clabaugh is requesting to add a line in the capitalization policy that leased assets under \$35,000 do not need to be capitalized. In addition, no depreciation method is specified. Jessica informed the Board that BWD has always used the straight-

line method and has included this in the new policy. **MSC: Duncan/Moran accepting the revised Capitalization Policy. The roll call vote was unanimous.**

C. Consulting Agreement with Dynamic Engineering for BWD District Engineer Services

Geoff Poole mentioned that with the departure of David Dale, the District needs someone to act as District Engineer and proposed a contract with Dynamic Engineering to fill this role. The contract was presented by Mr. Anderson who mentioned that as written, parties can terminate the contract at will. Geoff asked the Board to consider a termination provision that will give the District time to find a replacement in Dynamic Engineering wishes to terminate. **MSC: Duncan/Johnson accepting the contract with the amendment that the termination provision be 120 days unless the parties jointly agree otherwise. The roll call vote was unanimous.**

D. Resolution 2023-08-01 Declaring BWD Property as Surplus

Diana Del Bono summarized that in 2015 Charlie White had donated land to the District but at the time BWD did not complete its tasks in the land transfer which has resulted in issues for Mr. White. He reached out to the District to remedy. The easiest solution is for BWD to return some of the property back to Mr. White which would require a boundary adjustment. The District must go thru a Surplus Property procedure before they can return the property to Mr. White. Staff is asking the board to approve the Surplus Property resolution so that Staff can proceed. **MSC: Moran/Johnson adopting Resolution 2023-08-01 DECLARING CERTAIN DISTRICT OWNED PROPERTIES ((portion of APN 141-030-620) IS NON-EXEMPT SURPLUS LAND AND ARE NO LONGER NECESSARY FOR THE DISTRICT'S USE, AND DIRECTING THE GENERAL MANAGER TO FOLLOW THE PROCEDURES SET FORTH IN THE SURPLUS LAND ACT, CALIFORNIA GOVERNMENT CODE SECTION 54220, ET SEQ., AS AMENDED BY AB 1486, FOR THE DISPOSITION OF SAID SURPLUS LAND. The roll call vote was unanimous.**

E. Borrego Springs Subbasin Watermaster Board –

1. Update on Board Activities- None.

2. Update on Technical Advisory Committee Activities- Trey updated the Board that Intera has worked with the TAC to submit on time the flight lines for the AEM survey. 8.29.2023 is the next TAC meeting and the next Watermaster Board meeting is 9.14.2023.

III. BOARD COMMITTEE REPORTS, IF NEEDED

AD HOC:

Cyber Security/Risk Management: Director Baker mentioned that CISA is preparing to come and do an OT Cyber Security Assessment.

Finance: Director Moran mentioned that the committee is looking at reserve funds and will have something to present to the Board in the future.

IV. STAFF REPORTS

A. Finance: AMI Proposal Update: Jessica updated the Board on the AMI RFQ. The plan is to do an abridged version where potential vendors give a summary overview before being asked to return a complete bid package. Approval of the RFQ will be brought to the Board in September.

B. General Manager

a. William and David Bauer Property Acquisition Documents: Geoff mentioned that the William Bauer purchase agreement has been included in the board package for public disclosure.

b. Fallowing Update- There are photos of fallowing and in the Board, Package taken by David Bauer. Geoff gave a brief overview of the fallowing plans and process. Geoff also mentioned he is brainstorming on potential future uses of the property and the potential for restoring the land to streambed habitat. Rebecca Falk congratulated the District on the acquisition and thanked them for fallowing beyond minimum requirements. Mr. Anderson informed her that David Bauer is doing the fallowing and BWD will acquire the land post fallowing.

V. CLOSED SESSION:

- A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential cases)
- B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776
- C. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) APN: 140-303-0900 & 140-303-1100 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and US Gypsum Corp as potential buyer Price and Terms of Payment

The Board adjourned to closed session at 11:43 a.m., and thereafter, the open session reconvened. There was no reportable action. The meeting was adjourned at 1:21 p.m.

VI. CLOSING PROCEDURE:

The next Board Meeting is scheduled for 9:00 AM September 12, 2023, to be available online and in person at 806 Palm Canyon Drive. See Board Agenda at BorregoWD.org for details, Agenda information available at least 72 hours before the meeting.

AGENDA: August 8, 2023: The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole, General Manager – at (760) 767 – 5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing. All Documents for public review on file with the District’s secretary located at 806 Palm Canyon Drive, Borrego Springs CA 92004. Any public record provided to a majority of the Board of Directors less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Board Secretary, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

Borrego Water District Board of Directors
MINUTES
Special Meeting
September 12, 2023 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order: President Dice 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 Dice, Vice President Baker, Secretary/Treasurer Duncan (Arrived at 9:04 a.m.), Director Johnson, Director Moran

Staff:

Geoff Poole, General Manager
Diana Del Bono, Administration Manager
Jessica Clabaugh, Finance Officer
Steve Anderson, Best Best & Krieger
Roy Martinez, WTF Operator III
Esmeralda Garcia, Administrative Assistant
Brooke Egger, Recording Secretary

Public:

Brooke Miller, T2
Cathy Milkey, T2
Rodney Bruce, T2
Shannon Smith, T2
Dustin Rivas

D. Approval of Agenda: *MSC: Moran/Johnson approving the Agenda as written. The roll call vote was unanimous.*

E. Comments from the Public and Requests for Future Agenda Items:

F. Comments from Directors: President Dice thanked Vice President Baker for joining remotely from San Francisco for the last Board Meeting. She also thanked her for bringing chocolates to share.

Mr. Poole commented that this is the first meeting using new board room virtual meeting technology. It seems to be quite an improvement.

G. Correspondence Received from the Public:

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Automated Meter Reading: Vendor Selection Documents: J. Clabaugh – Geoff gave a brief overview of AMI systems and its potential benefits to the District. Mr. Poole explained that the District is going thru a RFQ process to determine qualified vendors and then will request quotes from responsive Vendors. Ms. Clabaugh shared the Request For Qualifications Package for the upcoming AMI project funded by Proposition 68 Grant Funds. The District is requesting a turn-key AMI system including smart meters for customer and District meters, network infrastructure for collecting reads, integration with SpringBrook and a customer facing portal. This will provide customers the ability to monitor usage and the ability to for both customers and the District to be notified of potential water leaks. Director Johnson inquired about the reliability of the Districts existing SCADA infrastructure. Ms. Clabaugh let her know that in

lieu of power outages, it has been very reliable. The District has responsive IT and OT consultants for its SCADA and networking. President Dice brought up that there may be some reluctance from customers to have their usage monitored so closely. Director Moran mentioned that some locals that are seasonally in Borrego have installed their own devices to monitor while they are out of town. Mr. Poole explained that it matters how the data is treated and managed. Director Johnson mentioned the need to update our customer service agreement. Mr. Peabody commented that District staff, Geoff and Val had previously saved him thousands of dollars by alerting him of potential leaks on his property. In addition, he expressed concerns about the elements and vermin having negative effects on meters, especially if they are not looked at every month. Vice President Baker explained to him that the District is checking references on systems installed in similar environments and ways to mitigate any issues. Ms. Clabaugh explained that the RFQ had a number of attachments including the Prop 68 Grant Agreement that must be adhered to. She presented a rough schedule in hopes to have a vendor selected around the end of the year with a proposed project start date of Spring 2024. All work must be completed by March 31, 2025 to be grant eligible.

Mr. Anderson explained that this is a way for the state to implement their drought requirements. In response to an opt-out program, he has seen other Districts allow customers to opt-out of smart meters but they may be charged a fee for meter reading. Director Johnson mentioned that the new regulations are for larger water districts. Mr. Anderson said it is eventually going to trickle down to everyone, whether a public or private utility.

B. Initiation of BWD Intern Program with Borrego Springs High School: D. Duncan – Geoff Poole explained the program and that they are rotating students thru a handful of local organizations to be exposed to various careers existing in the Valley. Geoff presented a list of potential issues as identified by legal counsel. President Dice shared that it is a great idea to get them interested in future opportunities. The Board discussed potential risks and ideas to enrich such programs. Director Duncan informed them that the students will be transported to the District from the school and that the school's insurance will cover them. This program has been successful in prior years though State Parks was the only organization participating. Vice President Baker expressed concerns about staff not having excess time to dedicate to having an observer. ***MSC: Moran/Baker approving moving forward with this internship program with BWD. The roll call vote was unanimous.***

C. BWD/T2 Deposit Agreement: S. Anderson – Mr. Poole mentioned that the Board got an overview of T2's plans at the last meeting. As part of the process various forms are required to be filled out by BWD for the County's Planning Department. Mr. Poole explained that it will take some studies and research to fill out these forms. T2 needs to cover all costs for consultants, legal and staff time. Mr. Poole is asking the Board to approve a Deposit Agreement with T2 for a way to finance completion of these tasks. Mr. Anderson shared that it is a very standard agreement. Mr. Shannon Smith requested a deposit amount of \$50,000 as opposed to \$200,000 as stated in the Agreement. He also requested a rate schedule. Cathy Milkey offered to share a redline version. President Dice declined. Secretary Duncan stated that it has now been 30 days since the beginning of Deposit Agreement discussions and there were existing expenses that were accrued prior. Currently ratepayer funds are being used and that is inappropriate as salaries to staff and payments to legal counsel are already being subsidized by ratepayer funds and not everything is negotiable. Vice President Baker shared Secretary Duncan's frustrations. She is willing to discuss the deposit amount. The Board had some discussion over anticipated expenses. Director Baker proposed conducting monthly reconciliations of expenses and invoice to T2 on a monthly basis. Vice President Baker suggested \$100,000 and President Dice agreed. Mr. Smith stated that he appreciates their consideration and is willing to move forward at \$100,000. Secretary Duncan

urged T2 that they sign the Document. Mr. Anderson shared that descriptions of work on legal invoices are privileged but the amount of the invoice is not, so he wanted to make sure T2 does not expect details. ***MSC: Baker/Duncan approving the Deposit Agreement with an adjusted start date, revised deposit amount of \$100,000 and the addition of a mechanism for replenishment. The roll call was unanimous.***

D. Borrego Springs Subbasin Watermaster Board: D. Duncan/K. Dice/T. Driscoll

1. Update on Board Activities. Secretary Duncan reported that Thursday September 14th is the next Watermaster meeting that was sent out the day before. There was some discussion on adding a community representative to the TAC. Secretary Duncan said the Judge has the ability to amend the agreement to allow it and it will be discussed at the meeting. President Dice asked Secretary Duncan to request that water quality tests on the TSS well be discussed by the TAC.

2. Update on Technical Advisory Committee Activities. None.

III. BOARD COMMITTEE REPORTS

STANDING:

NONE

AD HOC:

B. Public Outreach: Director Johnson reported that BVSC is actively working on education and outreach for the whole community. She thinks there are lots of opportunities to partner with other organizations for outreach.

IV. STAFF REPORTS VERBAL

A. General Manager: G. Poole

1. PFAS Testing on David Bauer Property Acquisition Documents – NOT PRESENT

2. Bauer Farmland Fallowing Update and Possible Involvement in Watermaster Prop 68 Grant - Mr. Poole explained that portions of the parcels to be fallowed by David Bauer may be able to be fallowed under the Watermaster's project under the Prop 68 Grant to do fallowing studies. Geoff said Watermaster had reached out for potential properties to use for fallowing studies and now that the Bauer agreement has been reached, Geoff offered using the William Bauer property for studies. They are still working out specifics but it seems that it will be a viable option and he will continue working with Watermaster and their consultant, Land IQ. Watermaster will discuss at the next EWG meeting in two weeks. It has the potential to reduce BWD's fallowing costs.

V. CLOSED SESSION

A. Conference with Legal Counsel - Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Two (2) potential cases):

B. Conference with Legal Counsel – Existing Litigation (Borrego Water District v. All Persons (Groundwater), Orange County Superior Court Case No. 37-2020-00005776:

C. Conference with Real Property Negotiators (Gov. Code §Section 54956.8) Property Easement APN: 140-303-0900 & 140-303-1100 Agency Negotiator: Geoff Poole, BWD General Manager Negotiating Parties: BWD and US Gypsum Corp as potential buyer Price and Terms of Payment:

President Dice adjourned the meeting at 11:20 a.m., There was no closed session.

VI. CLOSING PROCEDURE

The next Board Meeting is scheduled for 9:00 a.m., September 26, 2023, to be available on line and in person at 806 Palm Canyon Drive. See Board Agenda at BorregoWD.org for details. Agenda information available at least 72 hours before the meeting. There being no further business, the meeting was adjourned.

Borrego Water District
Board of Directors - Special Meeting
December 12, 2023
Agenda Item II.B

December 6, 2023

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: BWD/Watermaster Farmland Following Agreement Amendment – S Anderson

RECOMMENDED ACTION:

Review and adopt Amendment

ITEM EXPLANATION:

In October 2023, the BWD Board approved an Agreement with the Watermaster for participation in its Farmland Following Study. The purpose of the Study is to evaluate different options for future following of farmland. To clarify the responsibilities of the Property Owners, the attached Amendment is proposed.

FISCAL IMPACT

N/A

ATTACHMENTS

1. Proposed Amendment

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Agreement") is dated _____, 2023 (the "Effective Date"), and is entered into by and between the BORREGO SPRINGS WATERMASTER ("BSW") and BORREGO WATER DISTRICT, a public entity ("Owner").

Recitals

A. Owner owns the land described in Exhibit "A" (the "Property").

B. BSW has requested to use the Property as shown on Exhibit A for the Permitted Use (as defined in Section 2 below), and Owner desires to enter into this Agreement to allow BSW to use the Property for the Permitted Use (as defined in Section 2 below), which will materially benefit Owner.

NOW THEREFORE, in consideration of the mutual terms hereof, and the sum of \$10.00 paid by BSW to Owner, Owner and BSW hereby agree as follows:

1. Term. The term of this Agreement shall for be an initial term that expires on March 31, 2025 (the "End Date") BSW shall use good faith efforts to complete the Permitted Use as soon as reasonably possible, subject to delays beyond BSW's control, but in no event later than the End Date, unless the parties agree otherwise in writing. BSW shall notify Owner in writing when the Permitted Use is completed.

2. Use. Owner shall remove all hose and other irrigation infrastructure materials from the Easement Area at its sole cost and expense prior to or concurrently with BSW or its contractors commencing the using of the Easement Area provided for herein. BSW may use the designated areas of the Property solely for access and for the purposes of performing grant-funded experiments regarding fallowing land and related activities, as described on Exhibit "B", and may use contractors and consultants, which may include Land IQ, LLC, in connection with and to accomplish such use (the "Permitted Use").

3. Indemnity; Insurance. BSW shall defend, indemnify and hold Owner harmless from and against any and all claims, liabilities, losses, damages and expenses (including reasonable attorneys' fees and court costs) resulting from or arising out of BSW's use of the Property (including acts of its contractors and consultants on the Property). BSW shall cause Land IQ, LLC to have primary coverage for its activities on the Property and shall also cause Land IQ, LLC to name Owner as additional insured on the liability insurance required of Land IQ, LLC under that certain Borrego Springs Watermaster Professional Services Agreement dated January 23, 2023 between BSW and Land IQ, LLC, and shall cause Land IQ, LLC to deliver evidence thereof, which BSW shall deliver (or Land IQ, LLC may deliver) to Owner within 10 business days of the Effective Date of this Agreement.

4. No Assignment. BSW shall not assign, encumber or otherwise transfer this Agreement without the prior written consent of Owner.

5. BSW Obligation for Property Condition; No Owner Obligation to Re-fallow Property. Just prior to expiration of this Agreement, BSW will remove any and all of its and its contractor's equipment from the Property and will leave the Property in a condition that is reasonably acceptable to Owner, which may include BSW removing experimental habitat, chipping trees, or other requirements for visual and land use purposes. Further, due to the activities that will or may take place pursuant to this Agreement, and with confirmation from Owner and BSW that there is no hazardous material or well(s) on the Easement Property, BSW expressly agrees that upon June 30, 2025, Owner has met or exceeded the "minimum fallowing standards" as set forth in Exhibit 3 of the Judgment for the Borrego Springs Subbasin entered by the Orange County Superior Court on April 8, 2021, and as such, Owner has the right to transfer corresponding water rights, including baseline pumping allocation (BPA), off the Easement Property without further fallowing or other remediation actions. If there is hazardous material or well(s) on the Easement Property, Owner will need to take such actions as are necessary to meet the "minimum fallowing standards" related to the hazardous material and well(s) in order to permanently transfer water rights, including BPA, off the Easement Property. The foregoing shall survive the expiration of this Agreement.

6. Notices. All notices under this Agreement shall be in writing and shall be delivered by certified mail, with postage prepaid or by reputable overnight messenger for next business day delivery. Until changed by a notice given in accordance with the provisions of this Section, the respective addresses of Owner and BSW for the purpose of receiving notices required or permitted by this Agreement are as follows:

Owner:

Borrego Water District
806 Palm Canyon Drive
Borrego Springs, California 92004
Attn: Geoff Poole, General Manager

BSW:

Borrego Springs Watermaster
c/o West Yost Associates
23692 Bircher Avenue
Lake Forest, CA 92630

Any notice sent by certified mail, return receipt requested, shall be deemed given on the date of delivery or refusal of delivery as shown on the receipt card. If sent by overnight or trackable delivery method via a recognized, national carrier (such as UPS or FedEx), the notice will be deemed given on the date of actual delivery or refusal of deliver as shown by such carrier's records. Courtesy notice may be delivered via email but will not constitute formal notice under this Agreement.

7. Counterparts. This Agreement may be executed in counterparts, all of which together shall constitute one and the same agreement.

8. Entire Agreement. This Agreement constitutes the entire agreement between Owner and BSW regarding the specific subject matter hereof.

9. Owner Representations. Owner hereby represents and warrants to BSW that: (i) Owner has no knowledge of any deeds of trust, judgment liens, mechanics liens, tax liens (other than for property taxes and assessments not yet payable) or other liens encumbering the Property; and (ii) Owner has received no notice, and has no knowledge, of the presence of any hazardous materials on or under the Property. The foregoing representations and warranties shall be deemed to be material and shall survive the expiration of this Agreement.

10. Owner Covenant. Owner acknowledges that BSW and its contractors and consultants will expend significant funds to accomplish the Permitted Use; consequently, Owner shall not encumber the Property without obtaining BSW's consent, which BSW will not unreasonably withhold, during the term of this Agreement.

11. BSW Representations and Covenants. BSW and its contractors and consultants, including LandIQ, LLC, will not bring or use hazardous materials on the Property. BSW will immediately notify Owner if it detects or suspects any hazardous materials or environmental issues on the Property, and in such event, will stop work until Owner and BSW determine it is safe to proceed. BSW shall obtain, at its sole cost and expense, prior to entering the Property, all federal, state and local permits, licenses and approvals necessary for the Permitted Use; notice and a copy of which shall be provided to Owner. In carrying out the Permitted Use, BSW shall work only between the hours of 7:00am and 7:00pm and shall use commercially reasonable efforts to minimize noise, dust and other adverse impacts and shall release, indemnify, and defend Owner from any claim or liability arising in connection with such adverse impacts. BSW shall be solely responsible for compliance with all environmental laws and regulations regarding the Permitted Use and the proper handling and disposition of soil, trees, and other materials used or areas disturbed by BSW, and BSW shall fully indemnify and defend Owner from any claim or liability arising from any such requirement. To the extent any portion of the Property is damaged by any of the activities conducted by BSW, BSW shall repair any and all such damage at its sole cost within 30 days, and in any event, before the expiration of the term of this Agreement. For the avoidance of doubt, while BSW and its contractors perform the Permitted Use, temporary conditions on the Property that are consistent with the Permitted Use shall not be considered damage to the Property.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, Owner and BSW have executed this Agreement as of the date first written above.

OWNER:

BORREGO WATER DISTRICT

By: _____
Print Name: _____
Title: _____

BSW:

BORREGO SPRINGS WATERMASTER

By: _____
Print Name: _____
Title: _____

EXHIBIT "A"

DESCRIPTION OF PROPERTY

The Properties are APN 1400-100-800 and APN 1400-701-800 in San Diego County, California, also shown as Blocks 1, 2, and 4 on Figure 1 in Exhibit B.

EXHIBIT "B"

DESCRIPTION OF PERMITTED USE(S)

DRAFT BORREGO SPRINGS FARMLAND REHABILITATION - BRUSH FENCE FIELD STUDY DESCRIPTION

DATE: October 6, 2023

INTRODUCTION

The Borrego Subbasin Groundwater Management Plan (GMP) lists several projects and management actions (PMAs) that are intended to support the reduction of groundwater pumping. The GMP recognizes that fallowing of agricultural lands will be a primary tool to reduce groundwater demands. However, there are several adverse impacts that could be associated with land fallowing, including airborne emissions through wind-blown dust, the introduction or spreading of invasive plant species, and changes to the landscape that could adversely affect visual quality.

The Watermaster's Environmental Working Group (EWG) contends that biological restoration of current and future fallowed lands (or abandoned, if fallowed for longer than five years) could be a solution for addressing the potential adverse impacts associated with land fallowing, and could be helpful in protecting human health, the environment, and the socioeconomic wellbeing of the Borrego Springs community during GMP implementation.

The Rehabilitation of Retired Farmland project is implemented by Land IQ and UCI under the supervision of the EWG and under contract with the Watermaster. The specific study described herein aims to explore the feasibility of various biological restoration/rehabilitation techniques.

PROJECT INFORMATION/OBJECTIVES

The goal of this task is to design economical fallowing practices that serve multiple functions including dust control by reducing wind driven erosion, microsites for seed/litter accumulation and conditions beneficial to native plant recruitment such as shading and perches for seed dispersal.

METHODOLOGY

RESEARCH APPROACH AND QUESTIONS

An important goal of the Rehabilitation of Retired Farmland project is to develop fallowing strategies that reduce visual blight and windblown dust events, enhance vegetation establishment and diversity, and utilize dead trees left behind in fallowed areas. The current minimum fallowing standards for Borrego Springs include destroying all tree crops (by chipping or burning) and stabilizing soil by mulching with chips or ash. The goal of this task is to design economical fallowing practices that serve multiple functions including dust control by reducing wind driven erosion, microsites for seed/litter accumulation and conditions beneficial to native plant recruitment such as shading and perches for seed dispersal.

We will conduct a case study that compares potential fallowing treatments including mulching, sand fences, tree fences, and scattered trees to inform the development of fallowing best practices. We will measure the relative effectiveness of the treatments across the following categories: 1. Dust control effectiveness; 2. Vegetation establishment and recruitment potential; 3. Cost.

Through this study, we will address the following questions:

- 1) What are the most effective designs for dust control, recruitment potential, and vegetation establishment?
- 2) How does the cost effectiveness among treatments differ with respect to the cost of materials, labor, and maintenance and the habitat value promoted by the different designs?

Dust control effectiveness will be measured downwind of each treatment using erosion bridges to measure change in soil height. Vegetation establishment and recruitment potential will be measured using a combination of biotic and abiotic structural and functional characteristics. If sufficient native seed can be sourced, then half of the installations in each treatment will be randomly selected to be seeded with native seeds. Costs of construction and maintenance of each treatment will be compared.

We expect treatment plots with tree fence, sand fence, or scattered tree installation to have lower rates of soil wind erosion, and over time, higher indicators of soil stability, more microsites for recruitment, and a higher density and cover of plants in comparison to no action and mulching. We expect the tree fence and scattered tree plots to have more enhanced vegetation characteristics because the structure of the branched vegetation will intercept the wind, allowing for the accumulation of debris and the creation of safe sites for plant recruitment, leading to greater seedling success and survival.

STUDY DESIGN

STUDY LOCATION

This study will take place on three sites: 1) senesced citrus orchard in the northern part of the Borrego Springs Subbasin on an agreed up specific location within the boundaries of the parcel owned by T2 Borrego; and 2) Two parcels recently owned by David and William Bauer and currently owned by Borrego Water District. Study site locations are shown in Figure 1.

SITE PREPARATION

To prepare the site equipment will be used to clear the study site of standing dead and live plant material. This material will be used for the mulch row, tree fence and scattered tree treatments. The full experimental design will be oriented in the direction of the dominant wind (315°) (Figure 2). The County of San Diego requires a 75-ft buffer around the treatments that use trees as brush piles and fences.

We recommend that the landowners get a burn permit to burn the remaining biomass not used in the project in burn piles, then spread the ash downwind of the experimental treatments.

STUDY DESIGN

The treatments proposed for the study were chosen because of current knowledge about sediment and erosion dynamics in arid environments. Conceptual designs of these treatments are shown in Figures 3 through 6. Implementation of the study design was refined in collaboration with David Bauer, using a field construction trial day on September 27, 2023 to ensure feasibility and cost and time efficiency.

The first treatment consists of mulch rows that will represent the minimum fallowing standard practice. The second treatment will emulate desert shrubs by using felled orchard trees scattered throughout the

site, while the third treatment involves building tree fences using felled orchard trees. Temporary sand fences will be used in the fourth treatment. It is anticipated that mulch will stabilize soil, but the other treatments will also trap soil and create microsites for seedling establishment.

STUDY INSTALLATION

Each of the four treatments (mulch row, scattered tree, tree fence, and temporary sand fence) will be installed in plots that consist of ten rows and gaps (Figures 2A and 2B). All four treatment plots will be installed together in groupings, referred to as blocks. The plots will be oriented perpendicular to the northwest prevailing wind (at 315 degrees). There are four blocks located in different sites, which have slightly different upwind conditions, management history and soil conditions, for a total of four replications of each treatment (Figure 1). It is anticipated that David Bauer will assist with study installation, and any remaining activities will be conducted by another contractor.

MONITORING

Once installed, the treatments will be measured for average height, length, and porosity. To measure the effects of the treatments on dust control and recruitment potential, we will establish two downwind gradsects for each treatment and two gradsects within each treatment. Gradsects will be 10 m in length and 10 m apart.

DUST CONTROL EFFECTIVENESS

Erosion bridges will be installed at distances of 1h, 2h and 3h from brush fences and mulch rows, and at set points throughout the control plots. The erosion bridges will be measured periodically to determine changes in soil height due to erosion or deposition in response to the treatment. A soil erosion bridge is a simple, robust, lightweight, and inexpensive device comprising a bar mounted on two stakes. It provides a set point, or datum, against which erosion or build-up of soil can be measured. The erosion bridges will be measured periodically to determine changes in soil height due to erosion or deposition in response to the treatment. This monitoring will take place throughout the duration of the study, from fall 2023 to until the end of the grant funded project in March 2025, although most of the data will be collected by fall 2024.

PLANT COMMUNITY COMPOSITION, LANDSCAPE STRUCTURE, SOIL PROPERTIES, AND SEEDLING ESTABLISHMENT

To understand the effectiveness of each treatment on vegetation establishment and recruitment potential, we will take measurements of the vegetation composition directly and on biotic and abiotic structural and functional properties related to recruitment and establishment success.

UNMANNED AERIAL VEHICLE (UAV) FLIGHTS

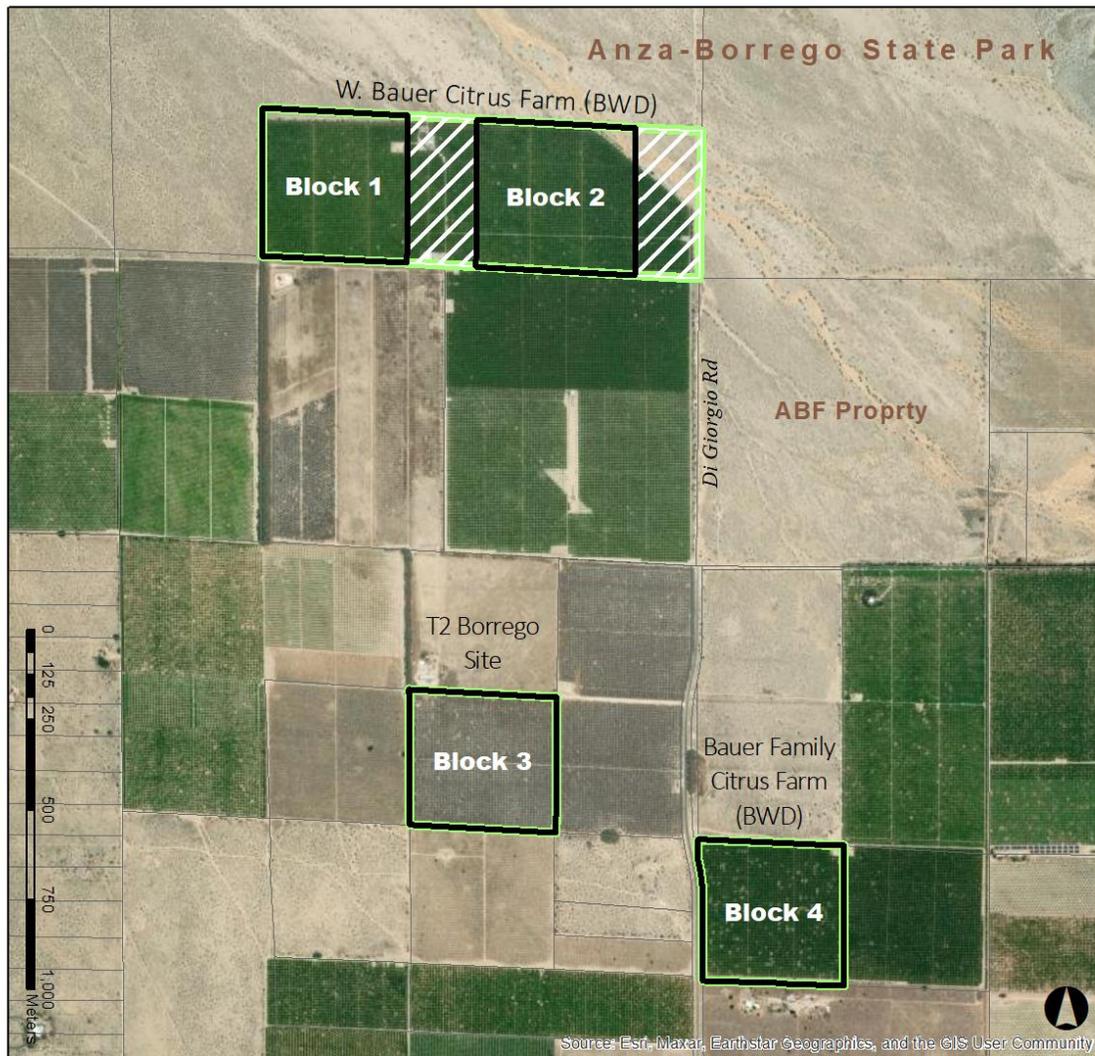
Spatial heterogeneity and the percent cover of vegetation and bare ground will also be measured using drones, as described in Task 2. This measurement will likely be most useful to detect change in shrub cover over time periods of years vs months. Flights will take place in spring or summer 2024, and possibly after the experiment is established, summer 2023. Flights will occur during daylight hours when there is little to no wind (likely in the morning) and take about 2-3 hours. All UAV flights will be reviewed and approved by the University of California flight manager to ensure compliance with all laws.

STATISTICAL ANALYSIS

To assess the role of the individual brush fence and mulch row on plant recruitment, we will run linear mixed effects models with richness as a dependent variable, treatment and the presence of seeding as independent variables, and block as a random effect.

To assess the impacts of the brush fences and mulch in the space downwind of the treatment, we will analyze the plant community composition, changes in soil height, landscape structure, and soil properties. We will run linear mixed effects models with dependent variables such as richness, soil height, and soil stability. The independent variable would be treatment and the random effects would be block and gradsects. To assess the impacts of the brush fences and mulch on the immediate vicinity, we will run the same models as described above using the gradsects located within each treatment.

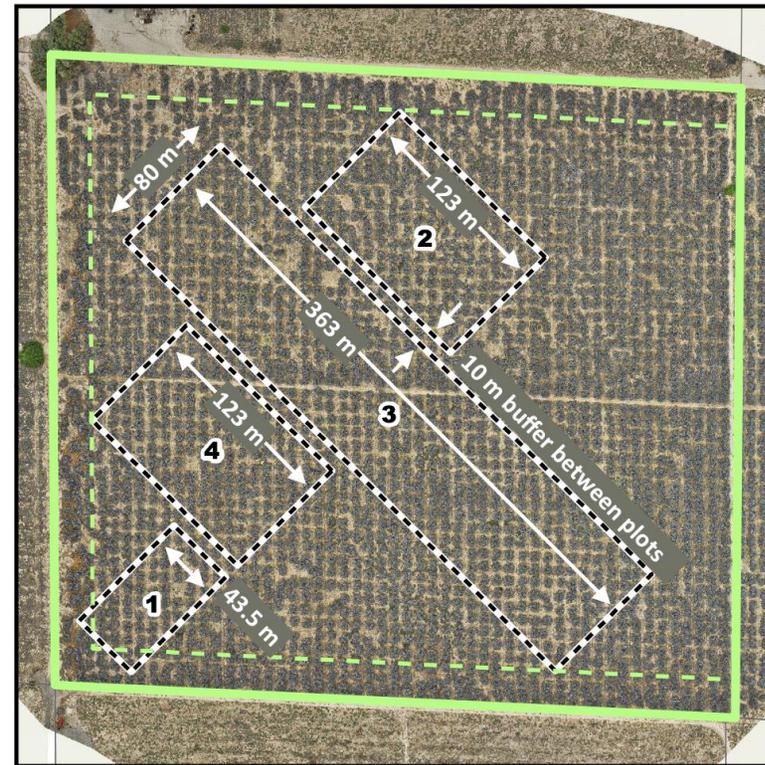
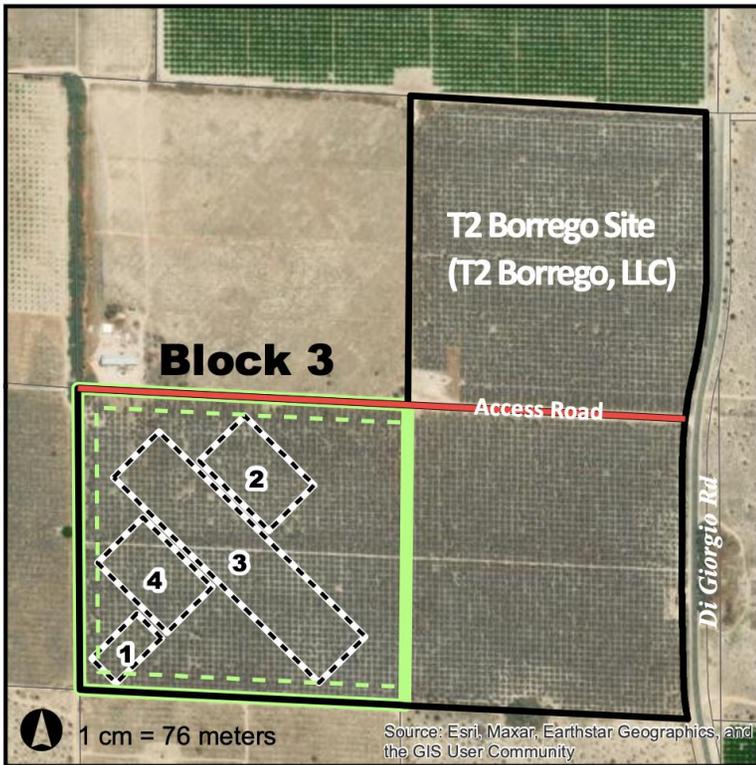
To evaluate the trade-offs between cost and effectiveness of the treatments, we will create a table to compare total costs related to construction and maintenance per unit area of installation and their relative effectiveness in minimizing wind erosion and maximizing vegetation establishment and diversity.



Biological Restoration of Fallowed Lands Project - Brush Pile Sand Fence Study

- Parcels with Landowner Easements to Conduct Study:**
 - W. Bauer Citrus Farm** | APN 1400-100-800 | 123.5 acres | Fallowed in 2023 | Landowner is Borrego Water District (BWD)
 - T2 Borrego Site** | APN 1400-700-200 | 38-acre SW-portion of entire 105-acre parcel | Farming Ended in 2016 | Landowner is T2 Borrego LLC
 - Bauer Family Citrus Farm** | APN 1400-701-800 | 38.2 acres | Fallowed in 2023 | Landowner is BWD
- Blocks** (Grouping of Treatment Plots in Different Sites)
- Study Buffer Areas**

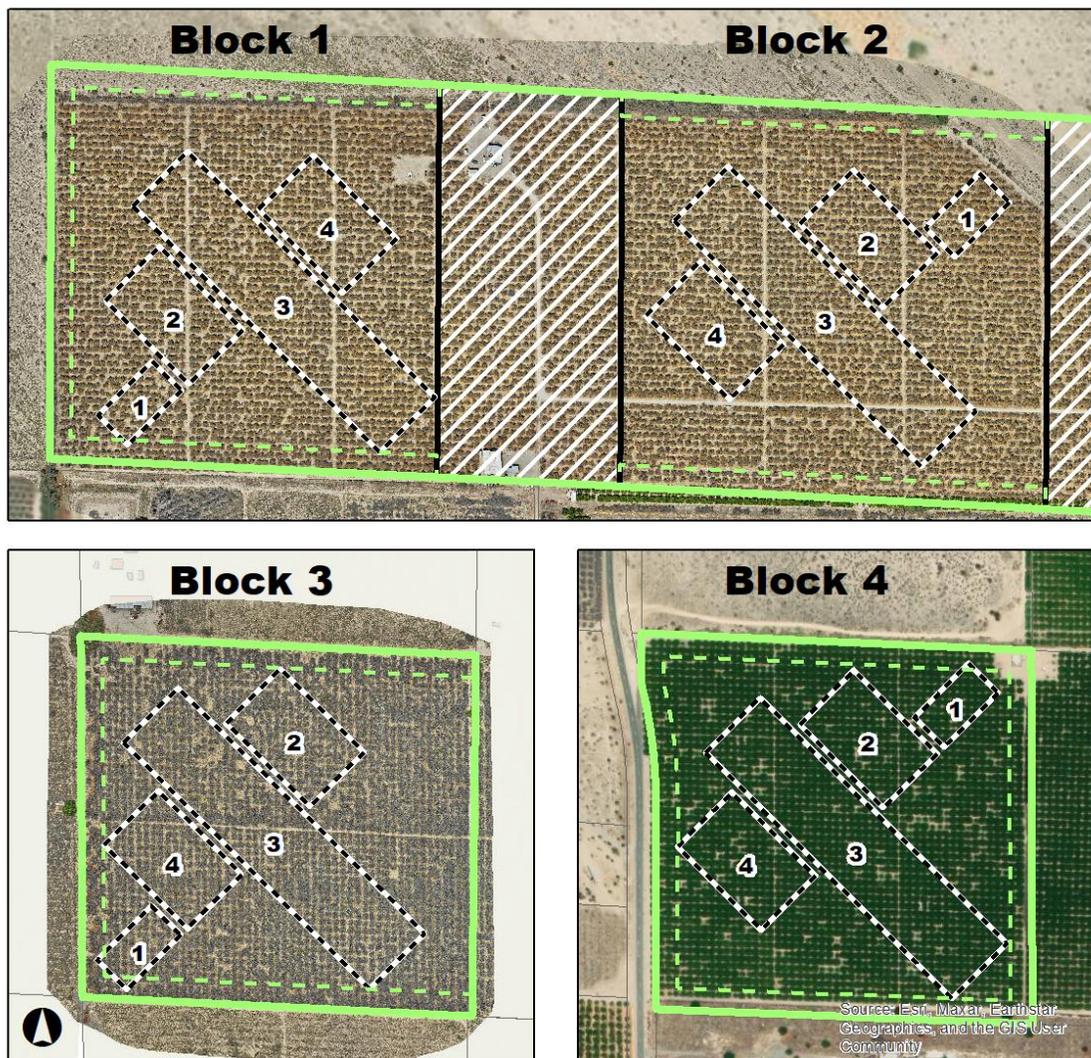
Figure 1. Location of study sites.



Biological Restoration of Fallowed Lands Project: T2 Borrego Site
 Block #3 in Brush Pile Sand Fence Study | 38-acre SW-portion of
 entire 105-acre parcel, APN 1400-700-200

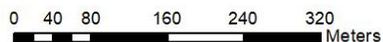
- Study Block #3 (38 acres)
- Project Access Road
- County Requested 75-ft Buffer to Property Line for Tree Fence/Brush Pile Treatments
- Experimental Treatment Plots (each treatment has 10 rows/gaps; last gap is 15 m; 10 m buffer between plots)
 1. **Mulch Row** (80 m x 43.5 m; 1.5 m mulch rows and 1.5 m bare ground gaps)
 2. **Scattered Tree** (80 m x 123 m; 6 m diameter trees with triangular spacing 13 m on-center, resulting in 7 m bare ground gaps between tree crowns)
 3. **Tree Fence** (80 m x 363 m; 6 m wide tree fence rows with 5 m wildlife movement space every 30 m, and 32 m bare ground gaps between rows)
 4. **Sand Fence** (80 m x 123 m; conventional sand fence rows with 12 m bare ground gaps between rows)

Figure 2A. Treatment design – T2 Borrego site with plot dimensions.



Biological Restoration of Fallowed Lands Project - Brush Pile Sand Fence Study

- Experimental Treatment Plots** (each treatment has 10 rows/gaps; last gap is 15 m; 10 m buffer between plots)
 1. **Mulch Row** (80 m x 43.5 m; 1.5 m mulch rows and 1.5 m bare ground gaps)
 2. **Scattered Tree** (80 m x 123 m; 6 m diameter trees with triangular spacing 13 m on-center, resulting in 7 m bare ground gaps between tree crowns)
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 4. **Sand Fence** (80 m x 123 m; conventional sand fence rows with 12 m bare ground gaps between rows)
- County Requested 75-ft Buffer to Property Line for Tree Fence/Brush Pile Treatments**
- Parcels with Landowner Easements**
- Blocks** (Grouping of Treatment Plots in Different Sites)
- Study Buffer Areas**



Basemap for Block 1, 2 and 3 is 1.5-cm resolution true color UAV orthophoto collected in August 2023. Basemap for Block 4 is ESRI Map Service Aerial.

Figure 2B. Treatment design.

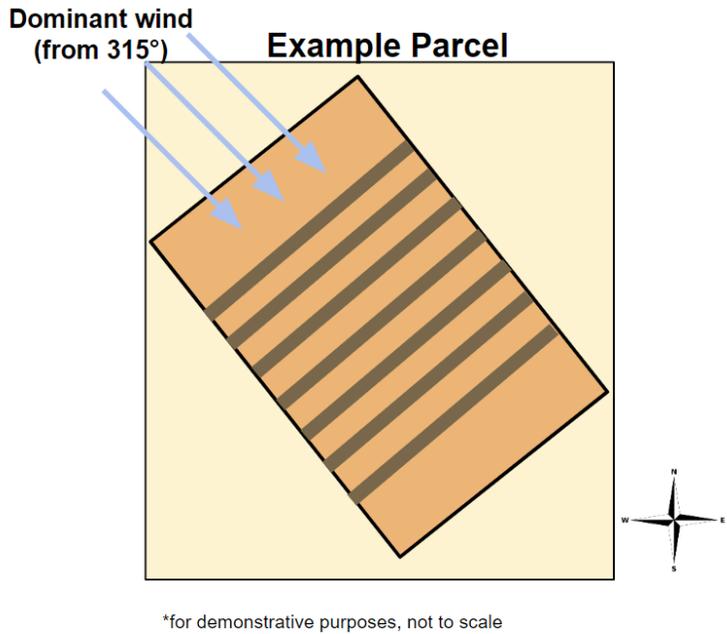


Figure 3. Conceptual representations of treatment 1 (mulch).

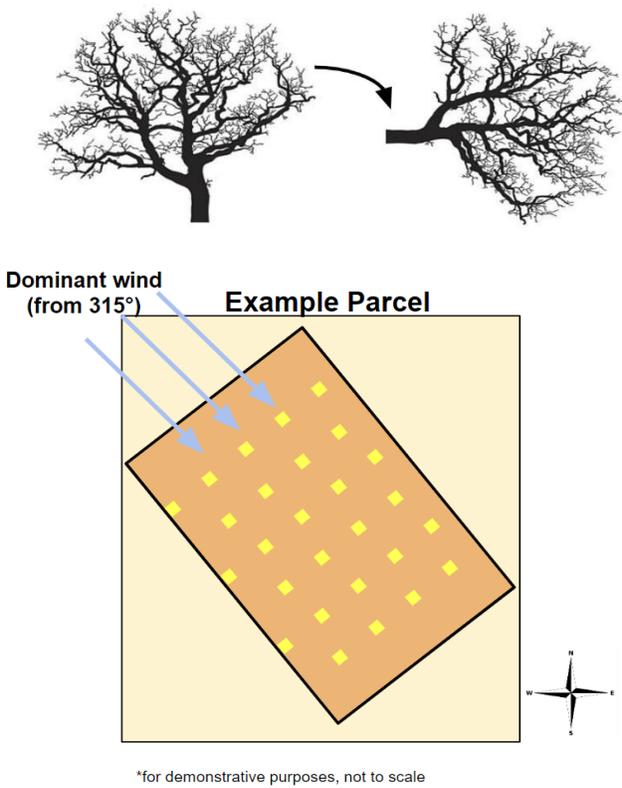
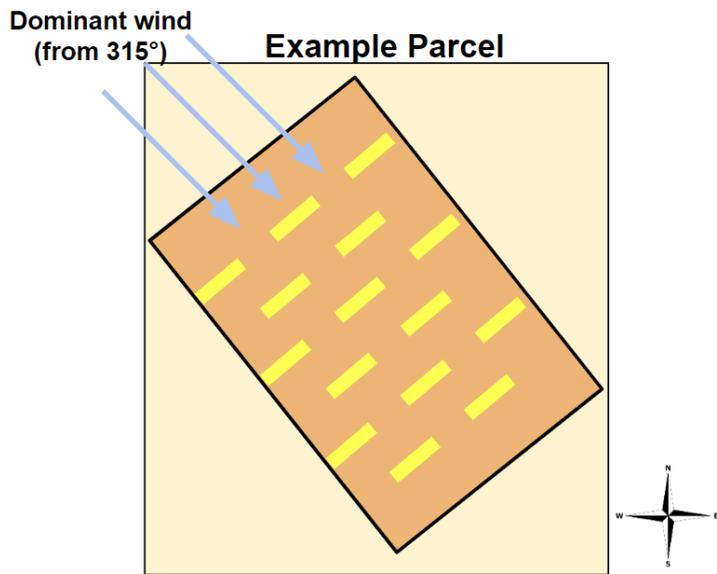
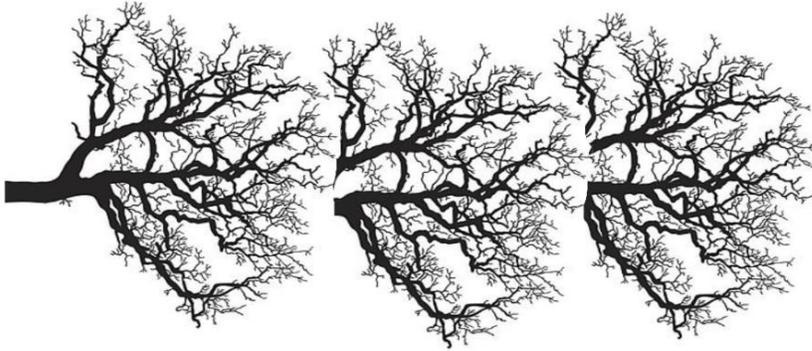


Figure 4. Conceptual representations of treatment 2 (scattered trees).



*for demonstrative purposes, not to scale

Figure 5. Conceptual representations of treatment 3 (tree fences).

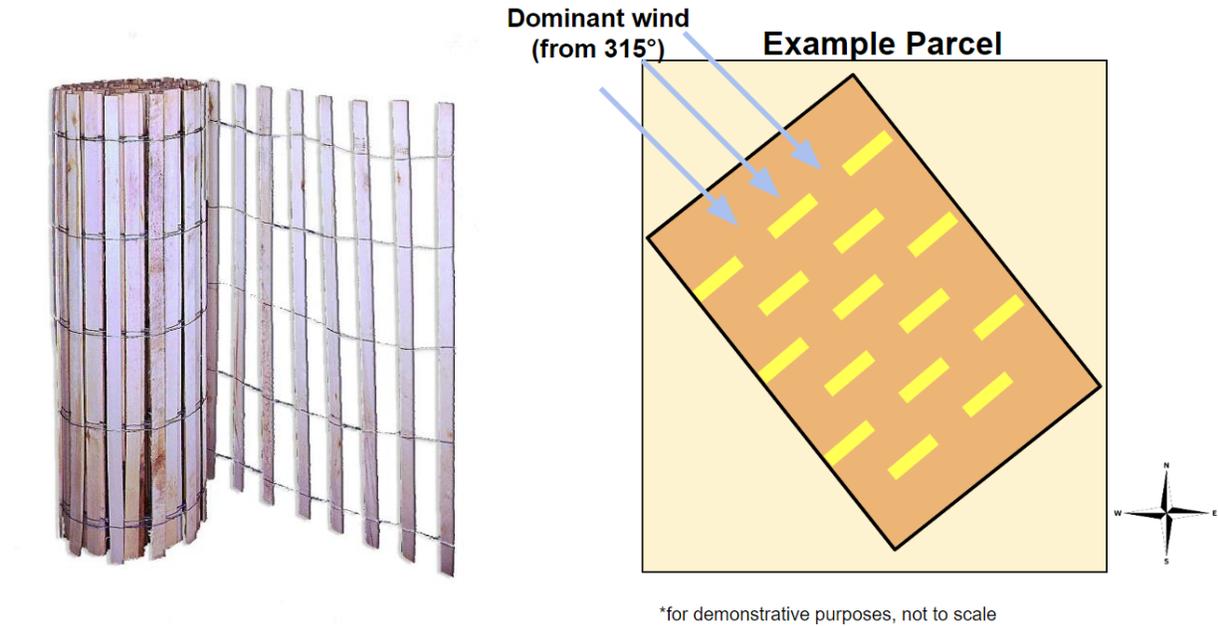


Figure 6. Conceptual representations of treatment 4 (temporary sand fence).

SCHEDULE

A schedule of study permitting and approvals, installation and monitoring is shown in Table 1.

TABLE 1. BRUSH FENCE STUDY SCHEDULE

Activity	2023			2024			2025
	Summer	Fall	Winter	Spring	Summer	Fall	Winter
Regulatory review and county approval	X						
Landowner lease agreement and County approval	X						
Study installation		X					
UAV flight		X				X	
Native plant seeding (if feasible)			X				
Field monitoring and reporting		X		X	X	X	X

Borrego Water District
Board of Directors - Special Meeting
December 12, 2023
Agenda Item II.C

December 6, 2023

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Air Quality Monitoring Program – Dr. C Zender-UCI/G Poole/K Dice

RECOMMENDED ACTION:

Discuss response from and develop a plan with Dr Zender for 2024 AQ Monitoring

ITEM EXPLANATION:

Over a decade ago, BWD and others began to sponsored air quality monitoring performed by UC Irvine. The purpose of the monitoring is to provide a benchmark or “before” picture of air quality before large scale fallowing takes place to reach Sustainability. In recent years, the other funding sources have gone away and the Program is BWD only at this time.

Dr Charles Zender manages this program for UCI and has recently reminded BWD that funding is needed to continue in 2024. At the October BWD Board meeting, approval of an additional \$12,000 was received for 2024 AQ Monitoring, as well as the following questions. Responses from Dr Zender are **included**.

BWD EMAIL TO ZENDER AND **RESPONSE**

The Board had a few questions at the meeting and tentatively approved the \$12 k extra. They asked me to return with answers to the following:

There were funds unspent from last year?

The \$12k is not "extra" per se. UCI still has ~\$15k funds from the BWD 2021 award. We are only asking BWD to issue a No Cost Time Extension so we can continue spending these existing funds in 2024.

In the last 12 months we have spent ~\$4k. That is all for equipment, Sicco Rood, UCI webserver and storage support.

I would expect those numbers to hold steady for the next 12 months. In addition, I need to keep about \$7k available to pay myself some summer salary for managing this grant. I have not done so since 2021, and don't expect to next year, though it's too soon to tell. So we can add another year for ~\$4k (minimum) or ~\$12k (maximum). UCI has ~\$15k remaining.

How much more to add data analysis to the list for next year?

Sorry, I no longer have the bandwidth to propose funds for, hire, and then supervise someone to do the data analysis next year.

How much more to add meter calibration to the list for next year.

Same. Sicco can continue making intercalibration measurements with the existing funds. Unfortunately he is not the right person to analyze the measurements.

If I put you on the end of the agenda, can you call in for the 12-12 meeting around 10:30 CA time?

I will be at a meeting (AGU) in San Francisco, and I will certainly try to make that time work.

> Charlie

Dr Zender is scheduled to appear and the goal will be for UCI/BWD to agree on a plan for 2024.

FISCAL IMPACT

1. TBD

ATTACHMENTS

1. None

