

**Borrego Water District Board of Directors
Special Meeting
January 11, 2022 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004**

Borrego Water District Special Board Meeting January 11, 2022
Tue, Jan 11, 2022 9:00 AM - 1:00 PM (PST)

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I. OPENING PROCEDURES

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

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

- A. Consent Calendar: Resolution No. 2022-01-01 Regarding Virtual Board Meetings
- B. Proposition 68 Grant Update – G Poole/Dudek/Wylie
- C. Groundwater Monitoring Proposal – G Poole/J Petersen
- D. Creation of Standing and Ad Hoc Committees – K Dice
- E. New Bank Authorization – J Clabaugh
- F. Borrego Springs Subbasin Watermaster Board – VERBAL D Duncan/K Dice
 - 1. Update on Board Activities
 - 2. Update on Technical Advisory Committee Activities - T Driscoll

III. BOARD COMMITTEE REPORTS - VERBAL

- A. Operation and Infrastructure
- B. Finance
- C. Public Outreach Ad Hoc – T Baker/ K Dice
- D. Other

IV. STAFF REPORTS - VERBAL

- A. Water Sales and Revenues Update - J. Clabaugh
- B. CA Voluntary Drought Declaration – G Poole

V. CLOSED SESSION:

- A. Conference with Legal Counsel - Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (Two (2) potential cases)
- B. Conference with Legal Counsel – Existing Litigation (BWD v. All Persons Who Claim a Right to Extract Groundwater, et al. (San Diego Superior Court case no. 37-2020-00005776))

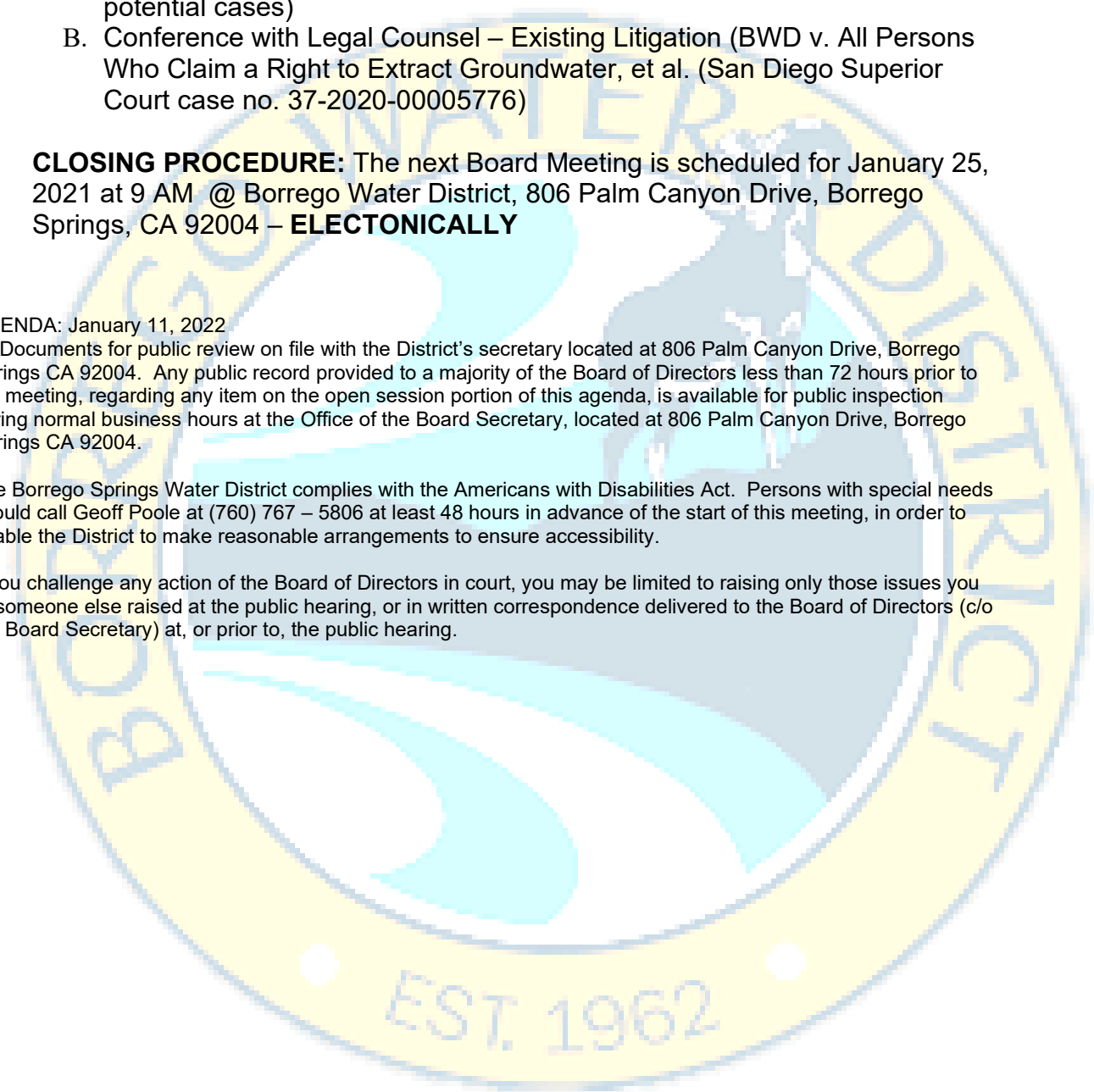
VI. CLOSING PROCEDURE: The next Board Meeting is scheduled for January 25, 2021 at 9 AM @ Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004 – **ELECTONICALLY**

AGENDA: January 11, 2022

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.

The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole 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.



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.A

January 5, 2022

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Resolution No. 2022-01-01 Regarding Virtual Board Meetings

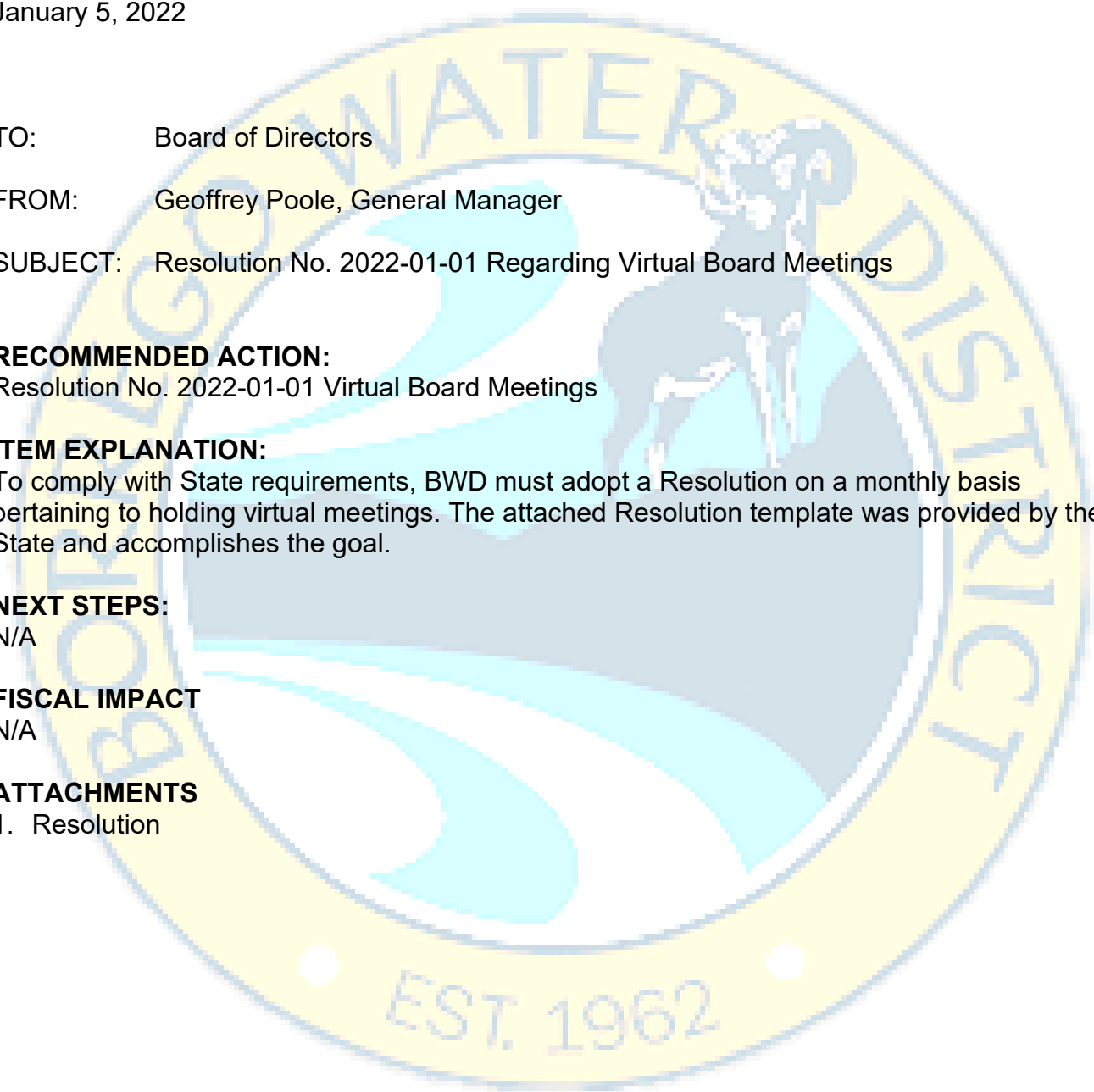
RECOMMENDED ACTION:
Resolution No. 2022-01-01 Virtual Board Meetings

ITEM EXPLANATION:
To comply with State requirements, BWD must adopt a Resolution on a monthly basis pertaining to holding virtual meetings. The attached Resolution template was provided by the State and accomplishes the goal.

NEXT STEPS:
N/A

FISCAL IMPACT
N/A

ATTACHMENTS
1. Resolution



RESOLUTION NO.

2022-01-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT AUTHORIZING VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361

WHEREAS, the Borrego Water District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the District’s meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the District has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, District staff and Directors; and

WHEREAS, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expires on September 30, 2021; and

WHEREAS, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, a state of emergency has been proclaimed related to COVID-19, state or local officials are recommending measures to promote social distancing, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Remote Teleconference Meetings: Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect; (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board of Directors, including Committee meetings, under the provisions of Government Code Section 54953(e).

Section 3. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless earlier extended by a majority vote of the Board of Directors in accordance with Section 4 of this Resolution.

Section 4. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

PASSED AND ADOPTED by the Board of Directors of the Borrego Water District this 14th day of December 2021.

Kathy Dice
President Of The Board Of Directors Of The Borrego Water District

ATTEST:

Dave Duncan
Secretary Of The Board Of Directors Of The Borrego Water District

I, Dave Duncan, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the foregoing resolution was duly adopted by the Board of Directors of said District at a Special Meeting held on the 14th day of December, 2021 and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA

)

)

ss.

COUNTY OF SAN DIEGO

Dave Duncan
Secretary of the Board of Directors
Of Borrego Water District

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.B

January 5, 2022

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Proposition 68 Grant Update – G Poole/Dudek/Wylie

RECOMMENDED ACTION:

Receive Update and Direct Staff as Deemed Appropriate

ITEM EXPLANATION:

Staff has been working with local organizations on project proposals as well as the Watermaster staff on its project ideas, all in preparation for scoring and ranking of projects later this month. BWD, Dudek (Trey Driscoll and Jane Gray) and Meagan Wylie will be in attendance at the meeting to provide an update to the Board on the Grant activities as well as recommended next steps. Possible specific discussions include: Project Review Committee Composition and Process, Project Scoring and Ranking, Project Funding Needs, BWD Project Descriptions, Local Organization Project Descriptions and others.

The Watermaster Board is meeting on 1-10-22 and BWD staff will attend to provide an overview of the work done to date and next steps/schedule.

NEXT STEPS:

TBD

FISCAL IMPACT:

TBD

ATTACHMENTS:

1. None

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.C

January 5, 2022

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Groundwater Monitoring Proposal – G Poole/J Petersen

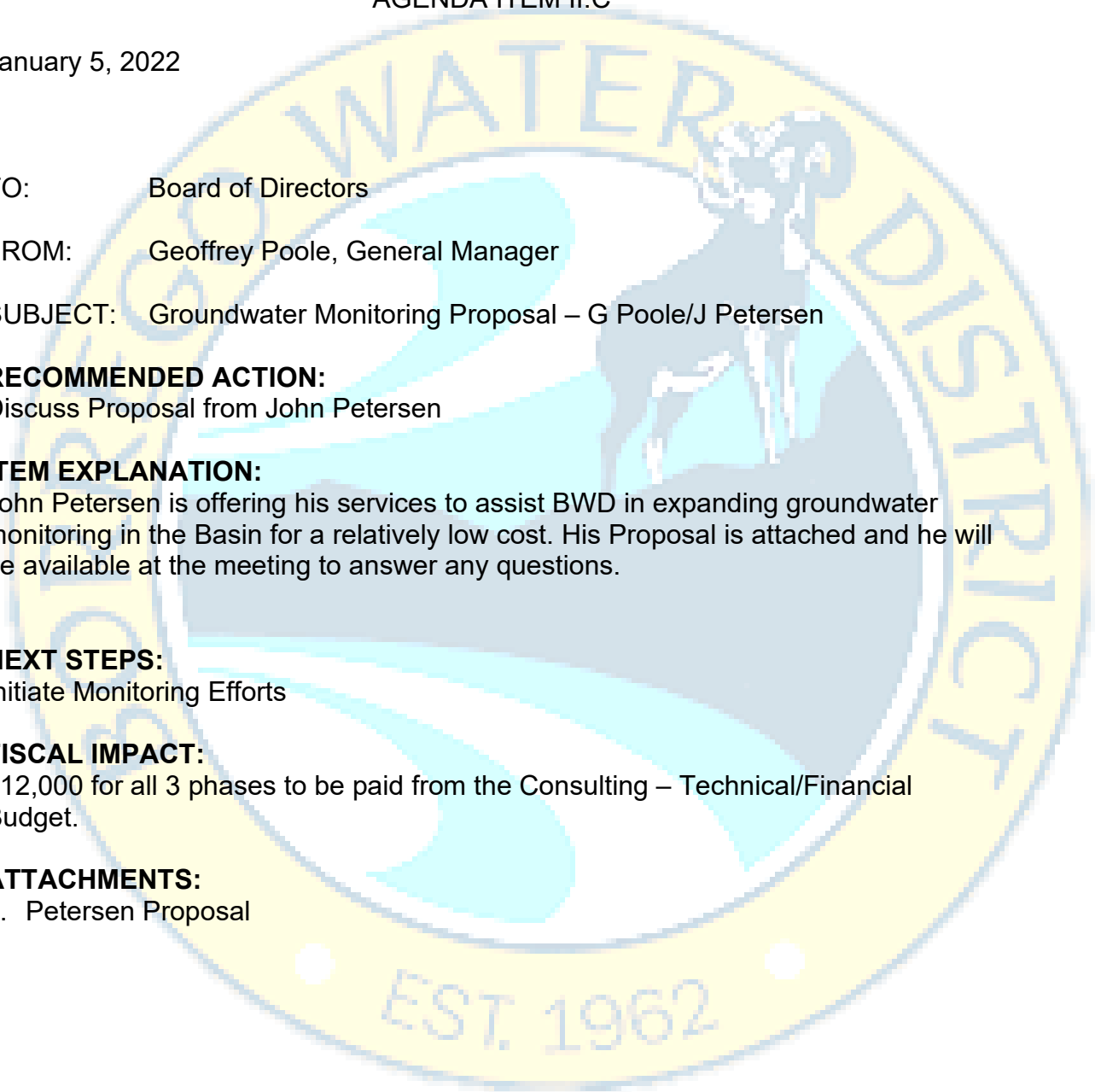
RECOMMENDED ACTION:
Discuss Proposal from John Petersen

ITEM EXPLANATION:
John Petersen is offering his services to assist BWD in expanding groundwater monitoring in the Basin for a relatively low cost. His Proposal is attached and he will be available at the meeting to answer any questions.

NEXT STEPS:
Initiate Monitoring Efforts

FISCAL IMPACT:
\$12,000 for all 3 phases to be paid from the Consulting – Technical/Financial Budget.

ATTACHMENTS:
1. Petersen Proposal



January 1, 2022

To: Geoff Poole, General Manager, Borrego Water District

From: John Peterson, Certified Hydrogeologist #90

Subject: Work Proposal for Water Level Monitoring Borrego Valley.

Dear Mr. Poole:

As previously discussed, the following is a work proposal to address the collection of groundwater levels in the northern portion of the Community of Borrego Springs. (This area is defined as the areas north of Palm Canyon Drive). The effort is to address the on-going investigation to evaluate the groundwater overdraft condition within the basin especially in relation to the work being conducted by the Borrego Springs Watermaster.

Statement of Problem: As identified within the Final 2020 Annual Report for the Borrego Springs Subbasin (Figure 12) only three monitoring wells are used to calculate the change in storage for the entire northern portion of the Borrego Springs Groundwater Basin. This region covers of an estimated 33 square miles. The lack of monitoring sites has been identified by the TAC (Technical Advisory Committee of the Borrego Springs Watermaster) as an immediate, high-priority task (page 70 of the Docket Packet Agenda Item V.E for the November 9, 2021). It is clear that additional monitoring wells are needed to provide current groundwater levels so that changes in groundwater levels can be evaluated. It is this authors opinion that estimates for the degree of groundwater overdraft will be guesstimates at best without hard current data for the change in aquifer storage values. This can only be achieved through long term groundwater level monitoring obtained by measuring current water levels within non-production wells.

Although the completion of newly constructed monitoring wells would be helpful, this approach (to drill new monitoring wells) is immensely more expensively than using readily available groundwater levels from existing water wells. Also time is of the essence. It takes significant time, as measured in years, to establish a data base to document groundwater levels changes.

Objective: To establish a evenly distributed groundwater monitoring network throughout the northern half of the basin. This is defined as the alluvial fill valley north of Palm Canyon Drive, as shown in Figure 12 of the Borrego Springs Watermaster 2020 Annual report. The plan is to establish a network of existing wells that are easily accessible so that

groundwater levels can be obtained quarterly throughout the year and take a maximum of 4 man-hours to complete the monitoring network.

Work Plan: The work will entail the establishment of additional groundwater monitoring wells within the northern portion of the groundwater basin. It is the objective to identify existing non-production well, obtain well owner permission, and retrofit the wells as necessary to allow access to measure static groundwater levels. The absolute number of required wells is difficult to estimate however it is likely that 15 to 25 will be required to adequately cover the region. The absolute number of wells will be determined by the distribution of wells through the area. However, it is noted that the extreme northern portion of the basin has a scarcity of wells since it is located within the Anza Borrego State Park. (It is noted that I have already received verbal permission from District Superintendent Ray Lennox for access to their wells. These wells located at: 1) State Park Housing area in Palm Canyon, 2) at Horse Camp, 3) north of Henderson Canyon Road and in 4) Clark Lake Valley. All these wells are in critical areas of concern.)

The work plan is broken down into several phases since the work will span a number of separate work elements.

Phase One Elements:

Specific objectives include:

- 1) Provide information regarding the proposed work to: 1) Jim Bennett, County of San Diego, 2) Trey Driscoll, Dukek and Associates, Tim Ross, Department of Water Resources, and 3) Andy Malone, West Yost regarding the proposed work plan. Establish a email contact list so that these key personal can be informed regarding the progress of the work.
- 2) Identify potential nonproduction wells that would address the data gaps within the present monitoring network. Establish a contact with the well owner to obtain verbal approval for including the well within the network.
- 3) Obtain a GIS photo map of the subject area to document the location of the selected wells from the County of San Diego SanGIS office.

Phase Two Elements:

- 1) Email the technical group regarding the number and location of the selected wells. Modify and add wells as necessary according to responses.
- 2) Obtain written permission from the well owners to allow access to the well and that the collected data will be public information.
- 3) Retrofit the wells to allow easy access for a wire line monitoring device. (This will require assistance from a pump installer so that the wells can be modified as necessary.)

4) Obtain exact elevation of the measuring point and well location. (This could include assistance from Dudek and Associates.)

Phase Three Elements:

- 1) Complete the first monitoring run of the network and establish the quarterly schedule.
- 2) Modify the network as necessary based on input from the technical email group.

Limitations: It is understood that network is based on the availability of existing non-production water wells. However it is the authors opinion that an adequate number of wells should be available with the exception of the extreme northern portion of the basin those areas located within the State Park.

Outside work requirements include:

- 1) Assistance might be required to access into the well head. This would be determined on a well-to-well basis. It is anticipated that minor modifications will be required to allow for access for a wireline water level meter.
- 2) Assistance will be required to map the well locations and elevation so that these wells can be added into established networks with exact location and elevations.

Summary: The described work will provide additional wells to augment the groundwater monitoring network within the northern portions of the Valley. The monitoring wells should be monitored on a quarterly basis to establish annual

trends within the aquifer. The proposed network is NOT a groundwater quality network, rather is focused only on nonproduction wells to establish trends within the groundwater levels of the basin. Existing production wells will generally not be considered for the groundwater monitoring network. The only likely exemption to this standard is the State Park's Horse Camp Well. It is the objective to establish the entire network so that it can be monitored within a 4-hour period by one individual.

Respectfully Submitted

John Peterson

Professional Geologist #3713

Certified Hydrogeologist #90

Cost estimates include:

Phase I elements:

\$4,000, which is a fixed rate amount. Anticipated completion time of early February 2022. This date is dependent on the authorization to proceed date.

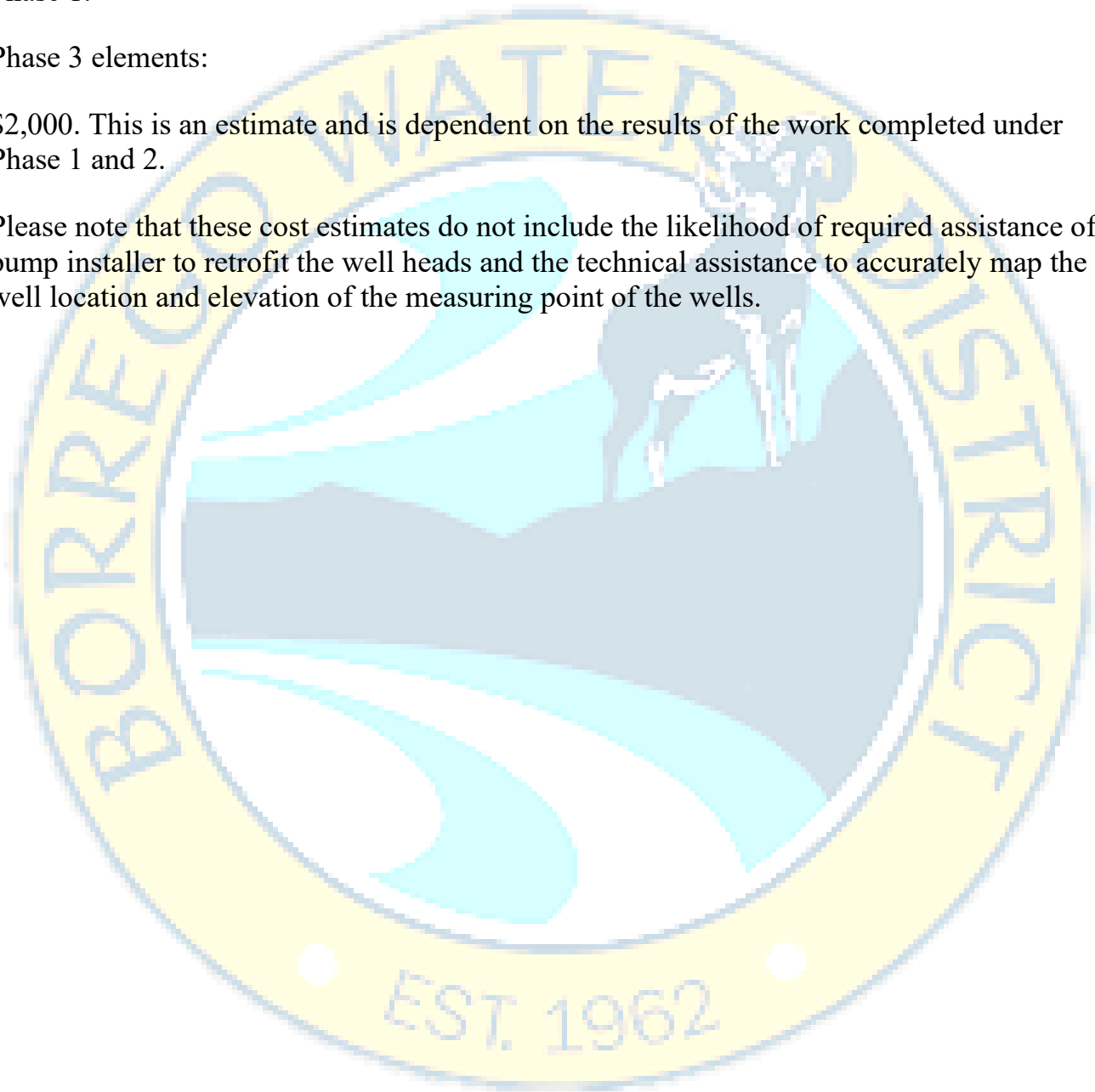
Phase 2 elements:

\$6,000. This is an estimate and is dependent on the results of the work completed under Phase 1.

Phase 3 elements:

\$2,000. This is an estimate and is dependent on the results of the work completed under Phase 1 and 2.

Please note that these cost estimates do not include the likelihood of required assistance of a pump installer to retrofit the well heads and the technical assistance to accurately map the well location and elevation of the measuring point of the wells.



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.D

January 5, 2022

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Board of Directors Committee Structure – K Dice/G Poole

RECOMMENDED ACTION:
Discuss Proposed Committee Structure

ITEM EXPLANATION:
Based on the discussion at the previous Board Meeting, the following Committees are recommended. Staff prefers to abandon the Ad Hoc concept and begin a process that allows for public participation in Committee Meetings. Producing an Agenda within the Brown Act requirements of 24 hours does not create a significant burden on Staff. The Proposed Committees with examples of current topics follow:

STANDING

Operations and Infrastructure - includes prioritizing and planning for operational and capital needs such as replacing pipeline and establishing new wells. May include Well Field Solar study, WWTP expansion study and planning and others. (Duncan/Baker)

Finance - Annual Budget and Audit as well as tracking expenses and spending changes. Currently finishing FY21 Audit and need to begin FY23 Budget. Includes Economic Evaluations of Key Decisions/Issues. (Baker/?)

ACWA/JPA insurance - items pertaining to decisions around these entities

AD HOC

Public Outreach - education events, media, town halls etc

Grants - research around seeking grants to fund projects

Prop. 68, Infrastructure Act and Land Acquisition Grant - application process and PRC (Dice/Johnson)

Cyber Security/ Risk Management - assuring safety of internal systems and keeping emergency plans and other safety plans up to date (Baker/?)

Pilot Water Program/Developer's Policy - manage, track and complete these items

Stipulated Judgement Implementation - formally close this Ad Hoc since Watermaster is now in place?

NEXT STEPS:

Utilize Committees as needed

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. None



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.E

January 6, 2022

To: Board of Directors

From: Geoffrey Poole, General Manager, Jessica Clabaugh, Finance Officer

Subject: Opening New Deposit Accounts with Wells Fargo Bank

RECOMMENDED ACTION

Approve Jessica Clabaugh, Finance Officer, to establish deposit/checking accounts and to deposit funds with Wells Fargo Bank.

ITEM EXPLANATION

Staff would like permission from the Board to allow Jessica Clabaugh, Finance Officer, to open new Deposit/Checking accounts with Wells Fargo Bank. It is the intent to open General, Payroll and Bond Funds accounts with Wells Fargo and to keep a minor account (approx. \$150,000) with CVB for petty cash and emergency needs.

Signors on the account will be; President Kathy Dice, Vice President Tammy Baker, Secretary Dave Duncan, Director Diane Johnson, Director Paul Rosenboom along with staff members; Geoff Poole, Esmeralda Garcia and Jessica Clabaugh.

FISCAL IMPACT

None.

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM II.F

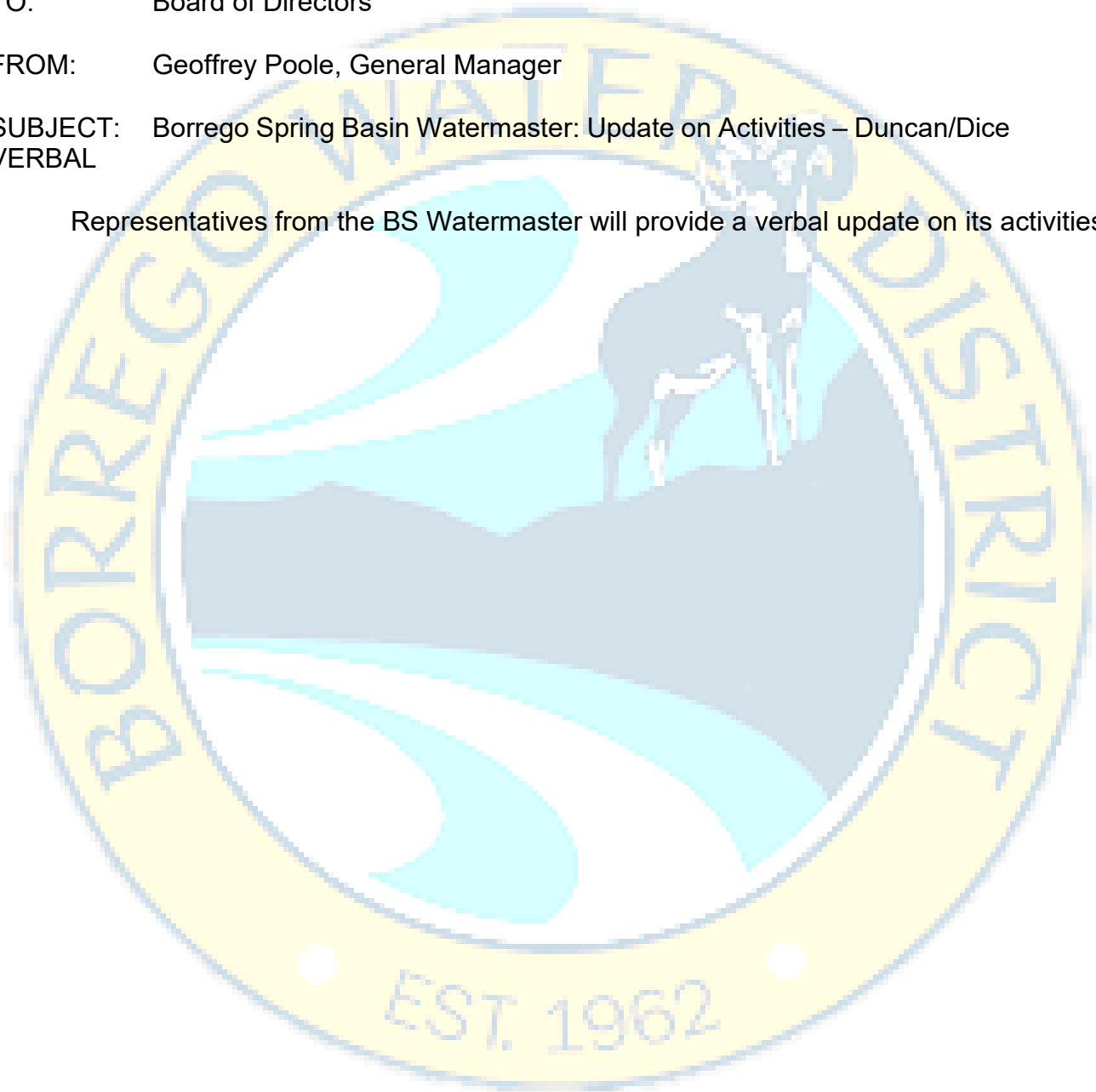
January 6, 2022

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Borrego Spring Basin Watermaster: Update on Activities – Duncan/Dice
VERBAL

Representatives from the BS Watermaster will provide a verbal update on its activities.



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM III.A

January 6, 2022

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Water Sales and Revenues Update - J. Clabaugh

RECOMMENDED ACTION:

Receive Update

ITEM EXPLANATION:

Jessica will present revenue and water consumption related information.

NEXT STEPS:

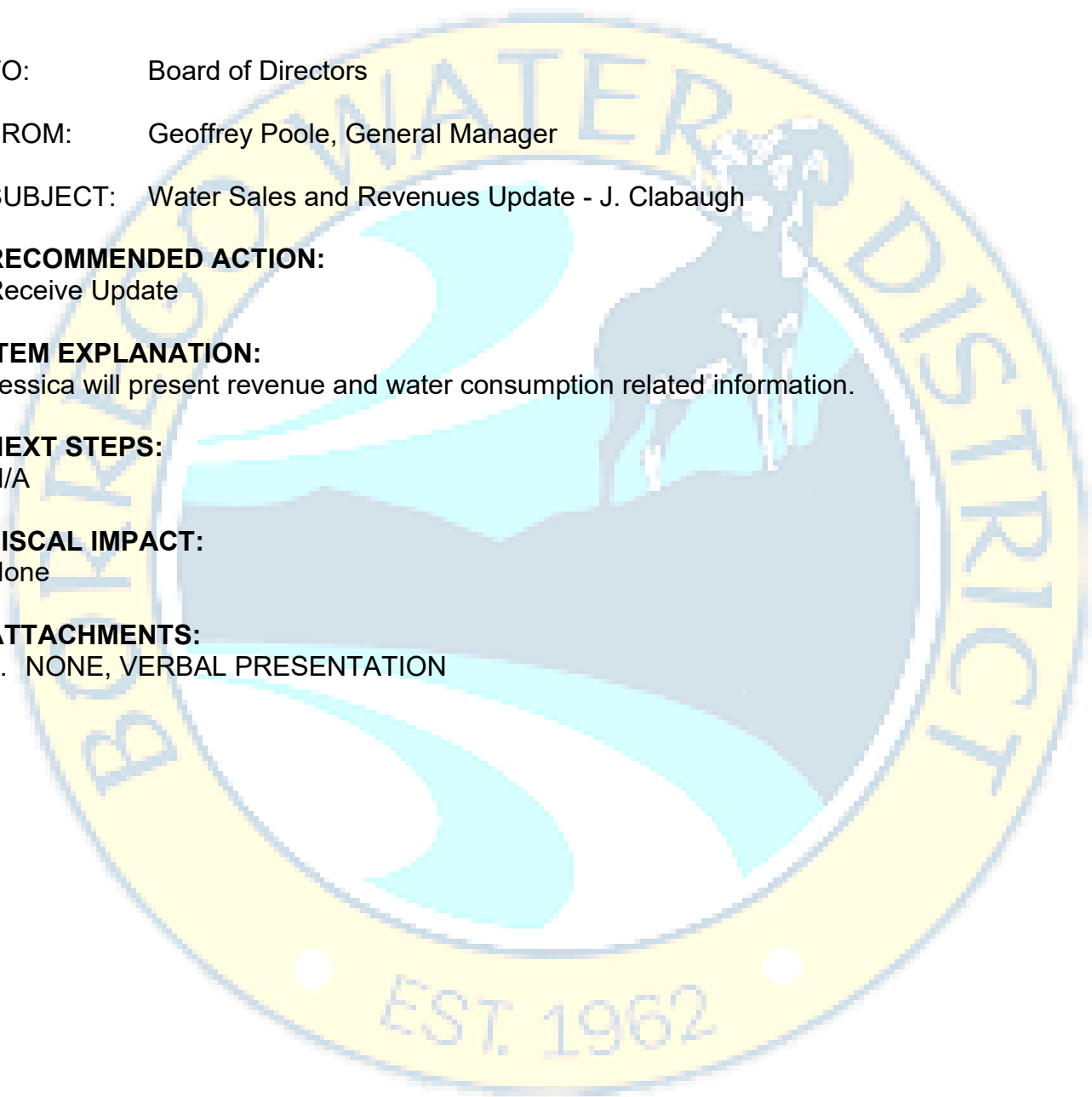
N/A

FISCAL IMPACT:

None

ATTACHMENTS:

1. NONE, VERBAL PRESENTATION



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
JANUARY 11, 2022
AGENDA ITEM III.B

January 6, 2022

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: CA Voluntary Drought Declaration – G Poole, VERBAL

RECOMMENDED ACTION:

Receive Update on recent CA Drought Declaration

ITEM EXPLANATION:

Staff will update the Board on recent State declarations and impacts to BWD

NEXT STEPS:

TBD

FISCAL IMPACT:

TBD

ATTACHMENTS:

1. None

