

Borrego Water District Board of Directors
Regular Meeting
March 10, 2020 @ 9:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order:
- B. Pledge of Allegiance
- C. Roll Call
- 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
- H. Other: Introduction of Jessica Claybaugh, BWD's New Finance Officer – G Poole (3)

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

- A. Contract for De Anza Pipeline Projects – G Poole (4-7)
- B. Water Credits Policy - L Brecht (8-9)
- C. Potential BWD involvement with Borrego Springs Stewardship Council – K Dice (10-13)
- D. Update on Status of Settlement Agreement / Stipulated Judgment – VERBAL, G Poole (14)
 - 1. Process Server payments/collections – G Poole

III. STANDING AND AD-HOC BOARD COMMITTEE REPORTS –

- A. STANDING:
 - 1. Operations and Infrastructure – Delahay/Duncan
 - a. Report on March 2, 2020 Committee Meeting
- B. AD HOC:
 - 1. Town Hall 2020 - Publicity Plan (15)

IV. STAFF REPORT

- A. General Manager Report: Status Update and Verbal Discussion of: (16)
 - 1. Waste Water Plant Grant Update
 - 2. Proposition 218 Process Update
 - 3. 2020-2021 Budget Process Update
 - 4. Risk Management Policy update & budget
 - 5. Watermaster Board Meeting Schedule – March 31st Board Meeting. April 2020 Report

AGENDA: March 10, 2020

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 – Board Secretary 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.

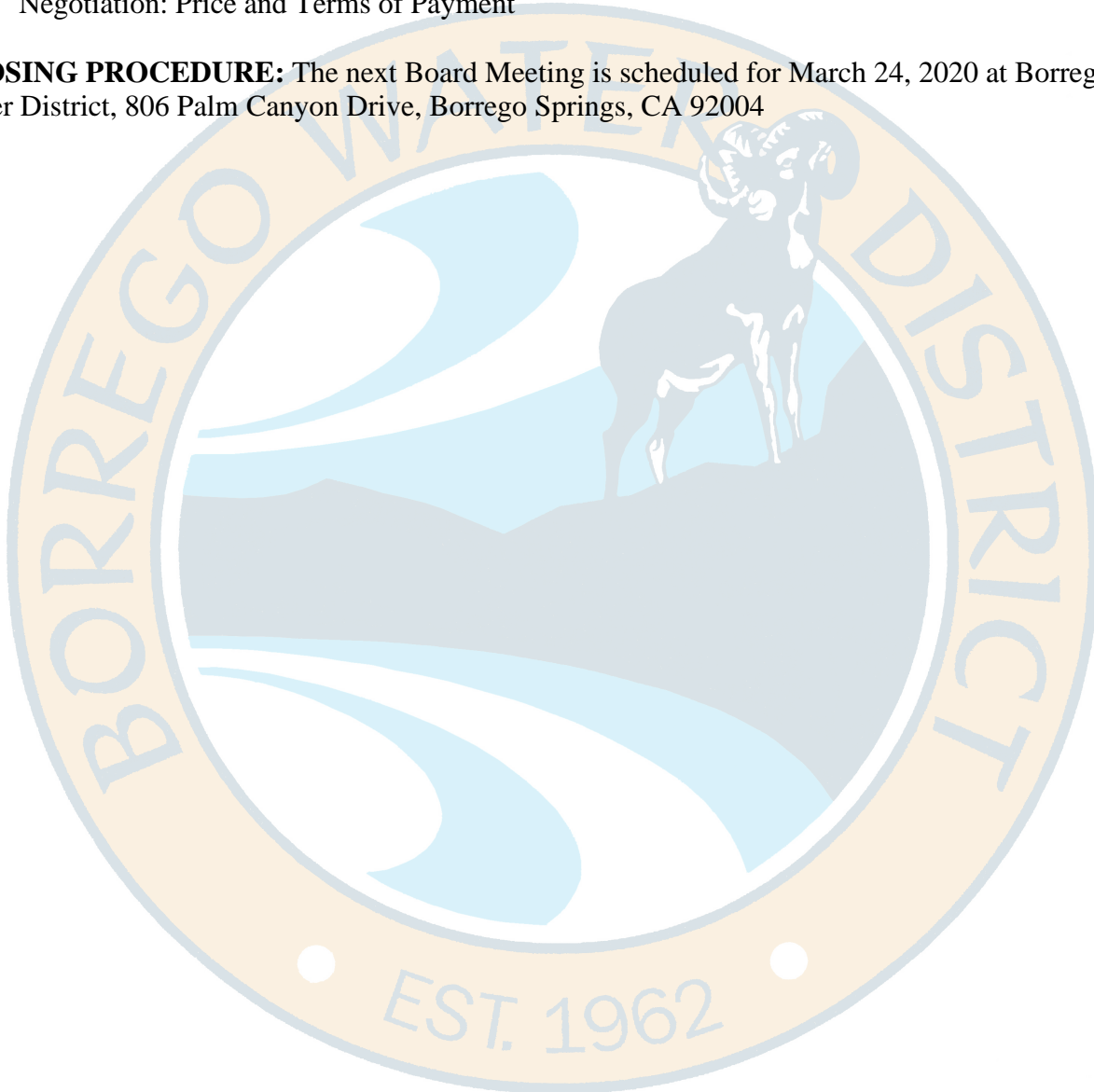
If you challenge any action of the Board of Directors in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Directors (c/o the Board Secretary) at, or prior to, the public hearing.

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. Replacement Well Number Two Site - Conference with Real Property Negotiators (Gov. Code § Section 54956.8) Property APN: APN 198-021-08 , 77.95 acres BWD Negotiator: Geoff Poole Negotiating Parties: Geoff Poole, General Manager and Owner: Borrego Nazareth Under Negotiation: Price and Terms of Payment

VI. CLOSING PROCEDURE: The next Board Meeting is scheduled for March 24, 2020 at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004



AGENDA: March 10, 2020

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 – Board Secretary 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
MARCH 10, 2020

March 3, 2020

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

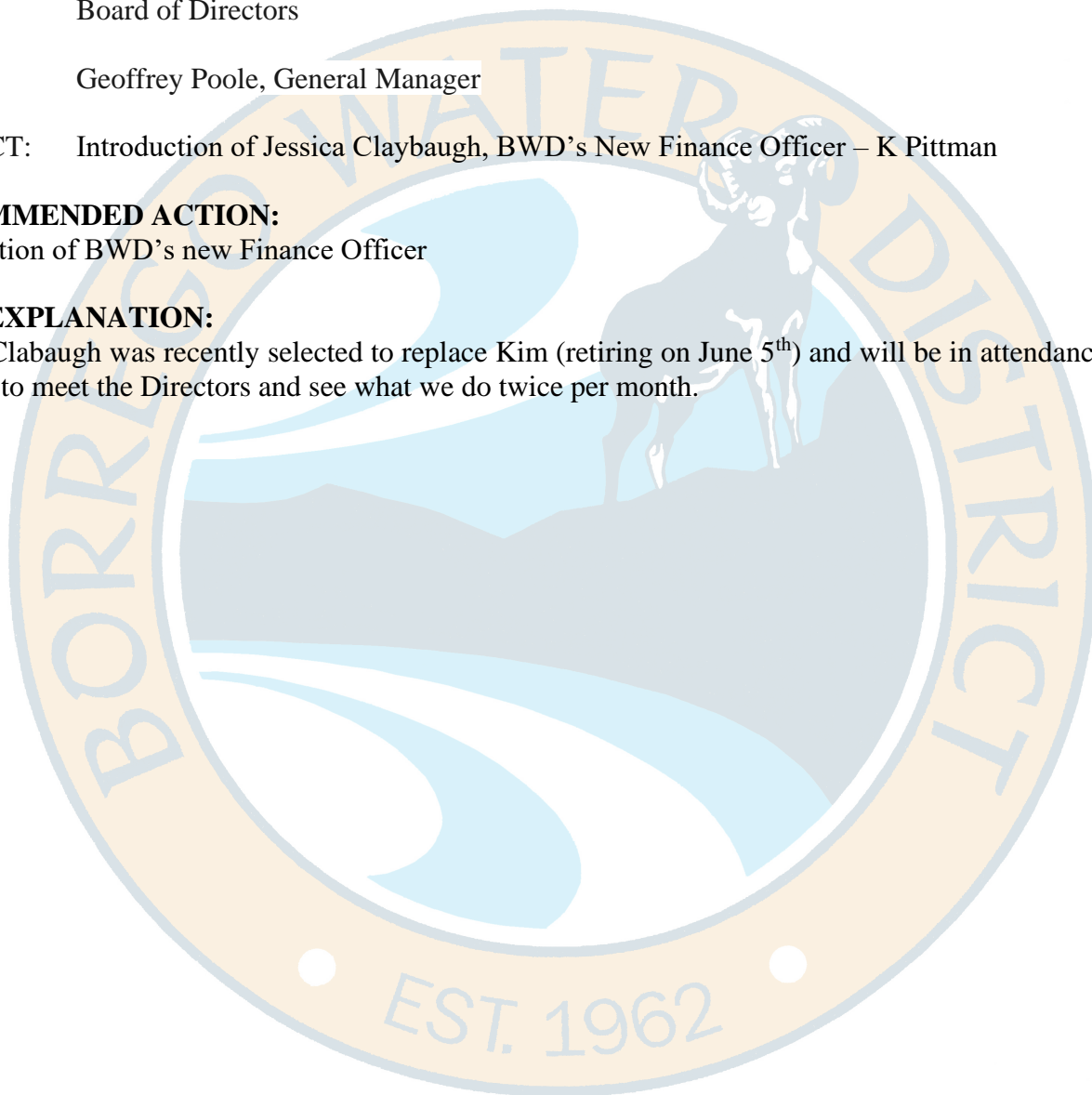
SUBJECT: Introduction of Jessica Claybaugh, BWD's New Finance Officer – K Pittman

RECOMMENDED ACTION:

Introduction of BWD's new Finance Officer

ITEM EXPLANATION:

Jessica Clabaugh was recently selected to replace Kim (retiring on June 5th) and will be in attendance at the meeting to meet the Directors and see what we do twice per month.



BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM II.A

March 3, 2020

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Award of Contract to Rove Engineering for De Anza Pipeline Projects – G Poole

RECOMMENDED ACTION:
Accept Bid and Authorize Staff to Sign Contracts

ITEM EXPLANATION:
Bids were opened for the De Anza Pipelines on Feb 10th, Rove Engineering @ \$\$387,365 and A & R @ \$564,533. Material and Labor Costs comprise the majority of the difference. Legal Counsel has reviewed the Rove bid and concluded it is responsive. Therefore, Staff is requesting Board acceptance of the bid and authoring Staff to sign the Contract.

David Dale and I just spoke to owner of Rove and we are both confident they are qualified to do the work. They confirmed their pipe and service install prices are low but still provides reasonable profits. The owner double checked with Crew Leader this morning to confirm. Rove also has in house paving and is comfortable with that price too. As we had heard via the Rumor Mill, Rove is made up of former A and R employees. Their crew leader has 30+ years and has trained the A and R staff we know from the project they recently completed.

NEXT STEPS
Contractor to submit additional documents to BWD, begin the permit process and then initiate construction.

FISCAL IMPACT
\$387,565 from BWD Bond Funds and the Engineering Budget is \$65,000.

ATTACHMENTS
1 Contract

00 52 13 – CONTRACT

This CONTRACT, No. is made and entered into this day of , by and between Borrego Water District, sometimes hereinafter called "DISTRICT," and _____, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

a. **SCOPE OF WORK.** The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

De Anza Drive, Yaqui Road and Fairway Lane Water Improvements Project

The Contractor and its surety shall be liable to the DISTRICT for any damages arising as a result of the Contractor's failure to comply with this obligation.

b. **TIME FOR COMPLETION.** Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the DISTRICT's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **SIXTY (60) CALENDAR DAYS** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

c. **CONTRACT PRICE.** The DISTRICT shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of Three Hundred Sixty-Seven Thousand, Three Hundred Sixty-Five Dollars (\$367,365.00)

Payment shall be made as set forth in the General Conditions.

d. **LIQUIDATED DAMAGES.** In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the DISTRICT the sum set forth in Section 00 73 13, Article 1.11 for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the DISTRICT may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

e. **COMPONENT PARTS OF THE CONTRACT.** The "Contract Documents" include the following:

- Notice Inviting Bids Instructions to
- Bidders Bid Form
- Bid Bond
- Designation of Subcontractors

Information Required of Bidders Non-Collusion Declaration Form Iran Contracting Act Certification Public Works Contractor Registration Certification Performance Bond Payment (Labor and Materials) Bond General Conditions Special Conditions General Requirements Technical Specifications Addenda Plans and Drawings Standard Specifications for Public Works Construction “Greenbook”, latest edition, Except Sections 1-9 Applicable Local Agency Standards and Specifications, as last revised Approved and fully executed change orders Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

f. **PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.** Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

g. **INDEMNIFICATION.** Contractor shall provide indemnification and defense as set forth in the General Conditions.

h. **PREVAILING WAGES.** Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the DISTRICT’s Administrative Office or may be obtained online at <http://www.dir.ca.gov> and which must be posted at the job site.

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

BORREGO WATER DISTRICT

ROVE ENGINEERING

By: Geoff Poole, GM

Date:

Approved as to form this 25th day of February 2020_.

By: _____

Attorney for Borrego Water District

By: _____ Title _____

**(CONTRACTOR'S SIGNATURE MUST
BE NOTARIZED AND CORPORATE
SEAL AFFIXED, IF APPLICABLE)**

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM II.B

March 3, 2020

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Water Credits Policy

RECOMMENDED ACTION:
Discuss and approve proposed Water Credits Policy

ITEM EXPLANATION:
Attached is a proposed Water Credit Policy developed to comply with the Stipulated Judgment and Groundwater Management Plan.

NEXT STEPS
Begin Implementation

FISCAL IMPACT
TBD

ATTACHMENTS
1 Proposed Water Credit Policy

DRAFT WATER CREDITS POLICY

No new water credits will be issued after January 1, 2020.

Major pumpers, [including the Borrego Water District (BWD)] of the Borrego Springs Subbasin (Subbasin) of the Borrego Valley Groundwater Basin have come together in agreement (“the Stipulation”) with a solution to achieve water sustainability for this *critically* overdrafted Subbasin that meets requirements of the State of California’s Sustainable Groundwater Act (SGMA) that went into effect January 1, 2015.

One major provision of the Stipulation is that all water credit holders will be issued Baseline Pumping Allocations (BPA) based on historical pumping. Existing water credit holders under previous BWD Demand Offset Mitigation Water Credits Policies have the option of converting to BPA equivalents until the Superior Court approves the Stipulation, after which water credits will no longer be accepted by BWD under its Policy for Water and Sewer Service to New Developments (BWD Developer Policy) for the New Development Water Supply Charge.

Under the Stipulation, holders of water credits are entitled to receive BPA as long as following on the property from which the water credits were originally generated has been completed, per the following standards in the Stipulation. Going forward under the Stipulation, once the court approves it, anyone who pumps over two acre-feet of water in the Subbasin must own the necessary BPA that supports annual pumping allocation limits for that property

Once issued, BPA can be used to pump water from the Subbasin and will also be accepted by the BWD in exchange for potable water service, subject to the then-current BWD Developer Policy. The initial issuance of BPA will be approved by the court and will be provided in exchange for an annually-imposed per-acre-foot pumping fee used to cover the costs for on-going groundwater sustainability management for the Subbasin.

BPA ordinarily must be assigned to and associated with a particular parcel or parcels in the Borrego Valley (Valley). If the water credit holder no longer owns real property in the Valley, BWD or the Watermaster for the Subbasin established under the Stipulation can hold that BPA in trust.

Details on how BPA is expected to be issued and can be used, including transfer provisions, pumping fees, etc. can be found here: <http://www.bvgsp.org/judgment.html>. We encourage current water credit holders to familiarize yourself with these documents and reach out to the BWD with any questions.

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM II.C

March 3, 2020

TO: Board of Directors

FROM: Geoffrey Poole, General Manager

SUBJECT: Potential BWD Involvement in BS Stewardship Council - K Dice

RECOMMENDED ACTION:

Discuss and direct staff as deemed appropriate

ITEM EXPLANATION:

President Dice is also involved in the BS Stewardship Council and its current efforts to determine the Organization's future.. A range of Community Organizations, including BWD, will be needed to provide support in various ways. President Dice will be ready at the meeting to update the Board on this issue.

NEXT STEPS

TBD

FISCAL IMPACT

TBD

ATTACHMENT

1. Proposed MOU/Governance document

Draft 2-28-20
BORREGO VALLEY STEWARDSHIP COUNCIL
MEMORANDUM OF UNDERSTANDING

***WHEREAS**, the community of Borrego Springs, California is the primary gateway for visitors to Anza-Borrego Desert State Park (ABDSP, the Park), which surrounds the community on all sides;*

***WHEREAS**, ABDSP, a National Natural Landmark and an International Biosphere Reserve, is the largest desert State Park in the nation (640,000 acres) and one of the largest protected areas in the West;*

***WHEREAS**, the park and the community, together, drive national and international visitation exceeding ~ 500,000 tourists each year. (Visitors to the ABDSP account for over \$40 million in annual revenue to the region.);*

***WHEREAS**, Borrego Springs encompasses a thriving community with 3,400 permanent residents, 5,000 seasonal residents, golf courses, lodging establishments, a university research center, airports, electric vehicle-charging stations, and a community medical center.*

***WHEREAS**, Borrego Springs is California's first International Dark Sky Community and is home to numerous art, architecture, music, environment, sport, and recreation events and experiences.*

***WHEREAS**, the community of Borrego Springs has a diversity of active, effective, and engaged volunteer organizations, State, Federal, and County agencies, and thriving local businesses;*

***WHEREAS**, there is a strong desire to build, maintain, and preserve a sense of place, community identity and pride, stressing the authentic and unique attributes of the town and region,*

***WHEREAS**, there is a need for a council to link community organizations, focus resources, prioritize activities, engage publics, orient the community toward an economically vibrant and sustainable future, define attainable goals, and identify policies of government agencies that foster effective stewarding of the town and region;*

THE UNDERSIGNED parties to this Memorandum of Understanding commit to support the following mission and objectives:

MISSION:

To celebrate, promote, and protect the unique character, irreplaceable resources, and economic vitality of the Borrego Springs Community and the Anza Borrego Desert State Park for residents, businesses, visitors, and future generations.

OBJECTIVES:

- Advocate long-term economic vitality, social equity, and well-managed growth for the community and park by facilitating and supporting the integration of planning, natural and cultural resource management, land use, and economic development.
- Identify and facilitate a shared vision for community and region with an emphasis on sustainable tourism and destination management.
- Promote inclusiveness through a commitment to citizen involvement, diverse membership, outreach, partnerships, and collaboration.
- Serve as a forum for discussion, input, and community action on topical issues, opportunities, and threats related to the mission.

SCOPE OF CONCERN:

BVSC will confine its deliberations to issues and strategic actions related to Sustainable Tourism, Natural and Cultural Resource Management, Land Use, and Economic Development.

MEMBERSHIP

The Council consists of (1) one Member from each of the signatory organizations, institutions, and businesses. There is no limit to the number of organizations, institutions, and businesses that may join the Council. The Council may create and utilize an advisory group representing public and private stakeholders.

MEETING GOVERNANCE & PROCEDURES

The Council will convene at least once per year and more frequently as needed.

Council meetings will be governed by Roberts Rules of Order.

As a collaborative body, the Council will strive to make decisions using a consensus process. If the Council is not able to arrive at a decision to which all members consent, a member may call to decide by majority vote.

A meeting quorum will consist of a majority of Council Members.

Each Member will have one vote. No proxy votes will be allowed.

Individuals and representatives of non-member organizations may attend, bring forth issues and testify at Council meetings.

LEADERSHIP TEAM

The Members of the Council will elect a 5-person Leadership Team from the signatories.

Ideally, the individuals elected to the Leadership Team should represent a broad spectrum of the community.

The members of the Leadership Team will serve one-year terms and may be re-elected to additional terms.

The Leadership Team will meet at least once per quarter or as needed. A meeting quorum will consist of 3 members of the Leadership Team.

The Leadership Team's responsibilities will include but not be limited to the following:

- Schedule, plan, and preside at Council Meetings
- Implement the Council's goals and support the Council's activities
- Make time-sensitive decisions necessary for the functioning of initiatives undertaken by the council
- Other responsibilities as agreed to by the council

AMENDMENTS

This Memorandum of Understanding can only be amended by a majority of Council members at any regular or special meeting, provided the notice for the meeting includes written proposals for the amendments at least 10 days in advance of the meeting at which they are to be acted upon

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM II.D

March 3, 2020

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: Update on Status of Settlement Agreement/Stipulated Judgment – VERBAL, G Poole

RECOMMENDED ACTION:

Receive Verbal Update, if needed. Provide update on status of Process Server selection and payment by pumpers

ITEM EXPLANATION:

One step in the legal process for the Settlement Agreement requires each property owner be notified. The Pumpers are close to selecting the Company to provide those services and the costs will be shared amongst all pumpers based on Baseline Pumping Allocation. The estimated cost is around \$65,000 and BWD would pay approximately 10%.

NEXT STEPS

TBD

ATTACHMENTS

1. None

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM III.B.1

March 3, 2020

TO: Board of Directors
FROM: Geoffrey Poole, General Manager
SUBJECT: 2020 Town Hall Publicity

RECOMMENDED ACTION:
Discuss methods to publicize Town Hall 2020

ITEM EXPLANATION:
The Town Hall meeting is rapidly approaching on March 17th at 5:30 in the Library Meeting Room. Staff would like to discuss publicity of the event with the Board. The options available include:

- *The Sun: Wendy has submitted an Article dedicated to TH 2020.
- *BWD Office: Staff is planning to install the Banner in front of the BWD office in the next few days
- *BWD Website: BWD website now has a link to the Agenda on the Bulletin Board
- *BWD Social Media: In my many meetings over the past few years, the popularity of Borrego92004 and other social media outlets seem to be just as effective as the methods others outlined above and can reach the widest audience.
- * Flyer distribution at BWD and Library

NEXT STEPS
Staff to work with each presenter to assemble the Presentation materials

ATTACHMENTS
1. None

BORREGO WATER DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2020
AGENDA ITEM IV.A

March 3, 2020

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

1. Waste Water Plant Grant Update – All indications are the technical requirements of the Grant have been met and the Contract documents are under development
2. Proposition 218 Process Update – Staff and Directors Brecht and Ehrlich (retired) have been working with Raftelis on development of water and sewer rates and charges. The model is very close to being complete and then it will be forwarded to the Board for review, which may happen as early as the March 24th meeting or April 10th at the latest.
3. 2020-21 BWD Budget Process: Staff has begun development of the Draft Budget and will be prepared to present to the Board Committee in April.
4. Risk Management Policy update & budget. Staff and is insurance carrier are still working on identifying the risk and additional coverages needed. The exact cost has yet to be determined for additional coverage. A replacement value will be needed for the Facility to be included in Property Program of JPIA.
5. The first Watermaster Board Meeting will be held on March 31 at 5:30 at the Library and Dudek is in the process of developing the April 2020 Report required by DWR.