

Borrego Water District Board of Directors
MINUTES
Special Meeting
January 7, 2020 @ 8:30 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

I. CLOSED SESSION

A. Anticipated Litigation: Conference with Legal Counsel – Significant exposure to litigation pursuant to Government Code paragraph (3) of subdivision (d) of Section 54956.9: (One (1) potential case): The Board held a closed session beginning at 8:30 a.m., and the open session reconvened at 9:00 a.m. There was no reportable action.

II. OPENING PROCEDURES

- A. Call to Order: President Dice called the meeting to order at 9:05 a.m.
- B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
- C. Roll Call:

<u>Directors:</u>	<u>Present:</u>	President Dice, Vice-President Brecht, Secretary/Treasurer Duncan, Delahay, Johnson
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<u>Staff:</u>	Geoff Poole, General Manager Steve Anderson, Best Best & Krieger Wendy Quinn, Recording Secretary
<u>Public:</u>	Gary Haldeman Michael Sadler, <i>Borrego Sun</i> John Peterson Martha Deichler Rebecca Falk Shannon Smith, Rams Hill Cathy Milkey, Rams Meet Panchal Hill Harry Ehrlich Beth Hart

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

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

F. Comments from Directors: Director Duncan announced that he was pleased with the Stipulated Judgment. It was long overdue, the first time in 30 to 40 years that action is being taken to resolve the overdraft and move forward.

G. Correspondence Received from the Public: Deferred to Item III.A.

III. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Review of Public Comment and Responses on Draft Water Rights Judgment and Associated Documents: Geoff Poole reported he had received 13 comment letters, all of which are on the BWD website along with the District’s draft responses. He planned to contact the people who sent letters. Michael Sadler pointed out that there were two sections in the comments; the *Borrego Sun* published the first section and will publish the second in the next issue. Mr. Poole explained that one section was comments and questions, and the other was specific recommendations for changes to the Stipulated Judgment (published in the current issue). Within those categories, the comments were sorted according to topic. President Dice noted that all comments were taken into consideration, and some have already been adopted.

Director Johnson announced that Mr. Poole would be speaking about the Stipulated Judgment at De Anza Country Club on Saturday at 3:00.

Martha Deichler commended the Board on working well together, unlike previous administrations.

B. Resolution No. 2020-01-01 of the Board of Directors of Borrego Water District Authorizing Board President to Execute Settlement Agreement; Authorizing Legal Counsel to File Adjudication Action; Authorizing Staff to Submit a Groundwater Sustainability Plan Alternative to the California Department of Water Resources; and Authorizing Staff to File Notice of Exemption: Steve Anderson announced that a redline version of the Stipulated Judgment, showing recent changes, was available on the BWD website. The definition of “de minimis” pumper, in response to the County’s request, was changed to include any type of pumping, not just drinking water. A new term was added, “parties in disagreement.” In section 3A regarding BPAs, language was added in three places: When payments are due from pumpers to the Water Master Board, exemption for water used for fighting fires, and clarification of water credits. The School District’s request for a non-reducible BPA of 22 afy for the elementary school was granted. There were some wording changes in the provisions regarding fallowing and water credits. Water Master Board voting rules were clarified; at least three votes are required, and in some cases four, regardless of the number of Board members present. Language regarding metering telemetry equipment was added. A question was asked whether the community representative on the Water Master Board could appeal the WMB’s decisions, and Mr. Anderson said the answer is yes. Provisions regarding mediation were added. One of the larger changes was that the community representative will be selected by the BWD Board.

Mr. Anderson summarized the actions which would be taken by the BWD Board if they adopt the Resolution proposed today: (1) Authorize the Board President to execute the settlement agreement; (2) authorize counsel to sign the water rights adjudication lawsuit and notice of lawsuit to landowners; (3) authorize the General Manager to submit the documents to the DWR as an alternative to the GSP; and (4) authorize staff to file a CEQA Notice of Exemption.

MSC: Brecht/Delahay adopting Resolution No. 2020-01-01 of the Board of Directors of Borrego Water District Authorizing Board President to Execute Settlement Agreement; Authorizing Legal Counsel to File Adjudication Action; Authorizing Staff to Submit a Groundwater Sustainability Plan Alternative to the California Department of Water Resources; and Authorizing Staff to File Notice of Exemption.

C. Schedule for Nominating and Selecting Water Master Board Community and/or BWD Representatives: Mr. Poole recommended scheduling a public forum for all the community WMB candidates, and further discussion will be on next week’s Agenda. President Dice suggested an evening meeting so more people can attend. Director Brecht had prepared some proposed questions and asked that they be distributed to the Board and candidates, but agreed to distribute them to the Core Team first. Mr. Poole announced the four community member candidates: Rebecca Falk, Mark Jorgensen, Bri Fordham and Martha Deichler.

Harry Ehrlich suggested sending a request to the Board of Supervisors to appoint a representative to the WMB. President Dice asked whether the BWD representative on the WMB had to be a BWD Board member, and Mr. Anderson replied that he/she did not.

D. Cancellation of Borrego Springs Sub Basin Groundwater Sustainability Plan Public Hearing: Mr. Anderson explained that a public hearing on the GSP had been scheduled for January 14, but now that the Stipulated Judgment has been approved, it is not needed. ***MSC: Brecht/Duncan cancelling the GSP public hearing on January 14.***

IV. CLOSING PROCEDURE

The next scheduled Board Meeting is January 14, 2020 – 9 AM @ 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the Board adjourned at 9:45 a.m.