



**B. Schedule for Proposition 218 Rate Setting Process:** Mr. Poole proposed beginning the Prop 218 process in the fall and continuing through early 2021, then setting rates for the next five years in the spring. He had been working on the schedule with Director Brecht, Harry Ehrlich and Raftelis.

**C. Draft Letter to the County re: Status of Wells in Borrego Springs Sub Basin:** Mr. Poole referred to a list of wells compiled by Meet Panchal from data provided by the County and Dudek. There are 221 wells, over 100 of which are unknown status. A proposed letter to the County was provided in the Board package, asking that they write to the owners of the “unknown status” wells asking for current information and photos. Hopefully any nuisances can then be identified. Director Brecht suggested attaching Mr. Panchal’s table, but felt some changes should be made. Mr. Poole will look into it. Director Brecht further recommended notifying the WMB, and Mr. Poole concurred. President Dice asked Mr. Poole to send the County letter to Jim Bennett and Jamelle McCollough.

**D. UPDATE: BWD Signature on Memorandum of Understanding with the Borrego Springs Stewardship Council:** President Dice invited the Board’s attention to an MOU in the Board package among parties participating with the Stewardship Council in support of the community. It was being circulated for signature, and President Dice agreed to sign it and forward it to Martha Deichler.

**E. Watermaster Board Meeting Report:**

Summary of 3-31 meeting. Mr. Poole reported that the Watermaster Board held its first meeting on March 31. He committed to assisting the WMB on a temporary basis, and some duties have costs associated. Director Duncan reported that the WMB took several actions, many of which were to delay decisions such as election of officers and appointment of the Technical Advisory Committee. They accepted the annual report for DWR, prepared by Dudek on behalf of BWD. The WMB members got along well with one another, and there was no dissention. The next meeting will be April 16.

Mr. Poole explained that the WMB wants to use the BWD office as a mailing address until its Executive Director/Technical Consultant is hired. There will be no direct cost. President Dice asked who opens the WMB mail, and Mr. Poole replied that he would. Temporarily, BWD will be the WMB address of record. President Dice asked Mr. Poole to confirm that the WMB intends for him to open their mail. Director Brecht reminded him to change the address of record once a WMB office has been established. Director Johnson suggested having mail addressed to “WMB c/o BWD.”

Mr. Poole reported that for now, the WMB would use Mr. Anderson’s legal services, which may entail some cost. Mr. Poole’s time will not cost, since he is salaried. Esmeralda Garcia’s time on WMB will be identified. Mr. Poole assured the Board that his work for WMB would not take away from BWD work; he will just put in more hours. ***MSC: Duncan/Johnson setting a 90-day limit for BWD’s assistance to the WMB. The roll call vote was unanimous.***

Rebecca Falk asked whether the Brown Act applied to the three attorneys assisting the WMB, and Director Brecht replied that it didn’t. It only applies to elected officials.

### **III. STAFF REPORTS**

**A. 2020-2021 Budget Process Update:** Mr. Poole reported he had been working with Ms. Claybaugh and the Budget Committee on the next fiscal year’s budget. He will present a draft at the April 28 meeting. Director Brecht invited the Board’s attention to a report from Mr. Ehrlich and him in the Board package. It was based on conversations with Raftelis.

**B. BWD Bond Fund Projections:** Mr. Poole suggested tabling this item until the next meeting. He went on to explain the status of the DWR grant awarded to the GSA for GSP activities. BWD used part of its share to fund socioeconomic studies by LeSar and Jay Jones, and the remainder was earmarked for site selection and pilot hole drilling for Replacement Well

#2, part of the BWD bond from two years ago. Meanwhile, the County withdrew from the GSA and never signed the GSP. The future of the County grant has been in question. County Counsel has been working with counsel for DWR, and it now appears that the County will not have to pay the money back. In addition, there is \$500,000 that the County is supposed to pay to BWD. DWR is proposing that the County remain as the grant applicant and transfer the money to BWD. The status of the County's portion is uncertain. They may be able to transfer it to BWD. If so, Mr. Poole will discuss its use with Directors Brecht and Duncan. He hoped to have an update at the next meeting.

Director Brecht asked Mr. Poole to have Warren Diven send a letter to the IRS requesting additional time to spend bond money due to COVID.

**C.** Description of Proposed Wastewater Treatment Plant Grant Components: Mr. Poole invited the Board's attention to information in the Board package regarding the wastewater treatment plant grant. All technical requirements have been met, and the money should arrive by the end of the calendar year.

**D.** Air Quality Grant Update: Mr. Poole reported that President Dice, Rick Alexander and David Garmon came up with the idea of bundling various grant application into one, sponsored by the Borrego Valley Endowment Fund. The air quality monitoring program is one component.

#### **IV. CLOSED SESSION:**

**A.** Conference with Legal Counsel – Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Government Code Section 54956.9: (One (1) potential case):

**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):

**C.** Replacement Well Number Two Site – Conference with Real Property Negotiators (Govt. 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:

The Board adjourned to closed session at 10:35 a.m., and thereafter, the open session reconvened. There was no reportable action.

#### **V. CLOSING PROCEDURE**

The next Board Meeting is scheduled for April 28, 2020 at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the Board adjourned.