

**Borrego Water District Board of Directors**

**MINUTES**

**Regular Meeting**

**May 26, 2020 @ 9:00 a.m.**

**806 Palm Canyon Drive**

**Borrego Springs, CA 92004**

**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:     Directors:     Present:        President Dice, Vice President Brecht, Secretary/Treasurer Duncan, Delahay, Johnson

Staff:            Geoff Poole, General Manager  
                      Jessica Clabaugh, Finance Officer  
                      Wendy Quinn, Recording Secretary

Public:            Rebecca Falk

D. Approval of Agenda: *MSC: Brecht/Duncan approving the Agenda as written. The motion passed by roll call vote (Director Johnson’s audio not available, all others voting aye).*

E. Approval of Minutes:

1. April 14, 2020 Special Board Meeting. *MSC: Brecht/Delahay approving the Minutes of the Special Meeting of April 14, 2020 as written. The motion passed by roll call vote (Director Johnson’s audio not available, all others voting aye).*

2. April 28, 2020 Regular Board Meeting. *MSC: Brecht/Delahay approving the Minutes of the Regular Meeting of April 28, 2020 as corrected (Item I.C.1, last sentence, next WMB meeting is May 28). The motion passed by roll call vote (Director Johnson’s audio not available, all others voting aye).*

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

G. Comments from Directors: None

H. Correspondence Received from the Public: None

**I. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION**

A. Draft 2020-21 Borrego Water District Budget and Capital Improvement Plan Update: Geoff Poole reported that the draft budget had not changed since the last meeting. No rate increase is included, but the issue will be revisited in three months based on water consumption and incoming revenue. The CIP needs additional internal evaluation. Some of the projects included at the last meeting needed some corrections, i.e. the pipelines in Deep Well and Sun Gold. They need to be longer than anticipated, making the cost four times as much. Although there are no significant leaks yet, these are older pipelines and their replacement is a high priority. Another bond issue is anticipated in two to four years, and meanwhile some funds may be taken from reserves. Director Brecht requested that the complete budget package be included in the Board package when considered for adoption, and he and Harry Ehrlich would like to see it before it goes to the full Board.

1. Remaining Budget Approval Schedule – June 9<sup>th</sup> Formal Adoption. David Dale is working to prioritize the CIP projects, and the proposed CIP will be brought back to the Board on June 9.

B. New Signature Cards to Reflect Upcoming Retirements and Arrival of New Employee/Board Members: Mr. Poole reported that with Kathleen (“Kim”) Pitman, Ronald G. (“Greg”) Holloway and Director Ray Delahay planning to retire, Jessica Clabaugh and Director Dave Duncan need to be added to the bank signature list. Director Brecht pointed out that in the

past, all Directors were authorized to sign. **MSC: Delahay/Brecht authorizing the removal of Kathleen Pitman and Ronald G. Holloway from the bank signature list, and the addition of Jessica Clabaugh and Directors Lyle Brecht, Ray Delahay, Kathy Dice, Dave Duncan and Diane Johnson. The roll call vote was unanimous.**

**C. COVID-19 Impacts and Response:**

1. Water and Sewer Revenue Comparison. Ms. Clabaugh presented graphs depicting current water and sewer revenues for the last two years. She pointed out that consumption had decreased, both in residential and commercial, but noted that last year Borrego experienced a “super bloom.”

2. Return to Work Discussions. Director Brecht invited the Board’s attention to a proposed letter to the COVID-19 Task Force, included in the Board package. It outlined an approach to reopening issues from the District’s and Board’s perspective. If the Board approves the letter, he suggested that Mr. Poole sign it on behalf of President Dice. **MSC: Brecht/Johnson approving the proposed letter to the COVID-19 Task Force. The roll call vote was unanimous.** Director Brecht will distribute an updated version of the letter with a list of e-mail addresses for suggested recipients in addition to the Task Force.

**D. Interim Borrego Springs Subbasin WaterMaster Board:**

1. Recruitment of Legal Counsel, Executive Director and Technical Consultant Update. Mr. Poole reported that nine candidates had applied for the WMB Legal Counsel position. They are currently being evaluated, and the WMB will discuss them at this Thursday’s meeting. Four candidates applied for the Executive Director/Technical Consultant position. Both positions are expected to be filled in the next one to two months. Mr. Poole anticipated that the WMB would narrow the Legal Counsel applicants down to three on Thursday, and those will be interviewed two weeks later. Ms. Falk expressed her support for a candidate with a strong background in water law, and she noted that Jim Bennett agreed.

2. County of San Diego Staff Recommendation re: Board Participation. Mr. Poole reported that County staff was recommending that the County not participate on the WMB, but would consider joining the Technical Advisory Committee or serving in another support role. The Board of Supervisors will consider the staff recommendation on June 3. President Dice questioned whether the WMB would proceed with four members or try to find a fifth. Ms. Falk expressed concern regarding the possibility of having an even number of WMB members. Discussion followed regarding President Dice and/or Mr. Poole attending the June 3 Board of Supervisors’ meeting to comment in support of the County’s participation on the WMB. President Dice noted the importance of the County’s input concerning land use issues. Mr. Poole agreed to look into the procedure for speaking before the Board of Supervisors.

Director Brecht pointed out that whether or not the County is represented on the WMB, they could still prevent the WMB from implementing SGMA; for example in permitting and abandonment issues relative to wells. He recommended submitting something in writing to the Board of Supervisors, and Director Johnson suggested that others in the community, such as the Sponsor Group and the Stewardship Council, also be asked to comment. Director Brecht volunteered to draft proposed comments and circulate them among the Board members and other interested parties. The Board agreed to submit both oral and written testimony. **MSC: Brecht/Johnson authorizing President Dice, Director Duncan and Mr. Poole to proceed with plans for addressing the Board of Supervisors regarding the WMB. The roll call vote was unanimous.**

**II. STANDING AND AD-HOC BOARD COMMITTEE REPORTS**

**A. STANDING:**

1. Operations and Infrastructure. No report.

**B. AD-HOC:**

1. Stipulated Judgment Implementation. No report.

2. Risk Management/Pandemic. No report
3. Grant Funding. President Dice reported that the grant application to the Borrego Valley Endowment Fund for air quality monitoring has been put on hold due to pending COVID-19 applications, but would be reconsidered in September. Director Johnson reported she had discussed a possible grants for watershed management and drought resistance with the Bureau of Reclamation.
4. Association of California Water Agencies/Joint Powers Authority. No report.
5. Organizational Staffing. No report.
6. Prop 218 and BWD Developers' Policy. No report.

### III. STAFF REPORT

- A. Financial Reports: April 2020: Ms. Clabaugh reported that overall revenue was down about \$50,000 due to COVID and rain. Work on the hydrant project is continuing.
- B. Water and Wastewater Operations Report: January 2020 – April 2020: The Water and Wastewater Operations Report was included in the Board package.
- C. Water Projection/Use Records: January 2020 – April 2020: Director Delahay reported that unaccounted-for water was down five to six percent due to improved accuracy and replacement of meters.
- D. General Manager Report: Mr. Poole had covered his major issues during this meeting and the previous one.

### IV. CLOSED SESSION

- A. Conference with Legal Counsel – Significant exposure to litigation pursuant to Government Code 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)):
- C. Replacement Well Number Two Site – Conference with Real Property Negotiators (Gov. Code §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 10:30 a.m., and the open session reconvened at 11:50 a.m.

### I. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION – CONTINUED

- E. Agreement with Borrego Springs Unified School District for Long Term Lease of Water: *MSC: Brecht/Duncan approving an Agreement with Borrego Springs Unified School District for Long Term Lease of Water, which is to be posted in the next Agenda packet for public disclosure purposes. The motion passed by roll call vote (Director Delahay voting no, all others voting aye).*

### V. CLOSING PROCEDURE

The next Board Meeting is scheduled for June 9, 2020 to be available online. See Board Agenda at [www.borregoWD.org](http://www.borregoWD.org) for details, available at least 72 hours before the meeting. There being no further business, the Board adjourned at 11:55 a.m.