

Borrego Water District Board of Directors

MINUTES

Regular Meeting

June 23, 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 9:00 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
 Alan Asche, Operations Manager
 Esmeralda Garcia, Administrative Assistant
 Wendy Quinn, Recording Secretary

Public: Rebecca Falk Martha Deichler, BSUSD
 Trey Driscoll, Dudek Laurynn Strate
 James Dion, BVA Andres Reyes
 Danielle Del Bono Mark Stevens, BSUSD

D. Approval of Agenda: *MSC: Johnson/Brecht approving the Agenda as written. The roll call vote was unanimous.*

E. Approval of Minutes:
1. May 12, 2020 Special Board Meeting.
2. May 26, 2020 Regular Board Meeting.
MSC: Brecht/Johnson approving the Minutes of the Special Board Meeting of May 12, 2020 and the Regular Board Meeting of May 26, 2020 as written. The roll call vote was unanimous.

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

G. Comments from Directors: Geoff Poole reported that Director Johnson had asked for the County Water Authority transmission line to be included on the Agenda. It will be on three weeks from now, and he and Director Johnson will discuss whether to invite representatives of the County Water Authority to the meeting.

H. Correspondence Received from the Public: None

I. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Support for Local Activities:

1. BS High School Interpretive Skills Training Class. Director Duncan reported that funding sources for this year's Interpretive Skills Training Class had been delayed due to the focus on COVID. The Borrego Valley Endowment Fund has committed to donating \$10,000, and the High School has committed to providing staff. There is a nexus between employment and reduced water use. Director Duncan requested a \$10,000 donation from BWD.

James Dion spoke on behalf of the Borrego Village Association and thanked BWD for last year's donation. Martha Deichler echoed his appreciation. Diana Del Bono noted that she had taken the class last year and it helped her with public speaking. She enjoyed the field trips and getting to know Borrego Springs better. Andres Reyes also took the class and appreciated the opportunity. It helped him get his job as a busser at Rams Hill. Laurynn Strate agreed that it was a great class which helped her with communication and with her job at Carmelita's.

Mark Stevens spoke highly of the class, and Mr. Dion added that he was impressed with the community participation. President Dice asked how remote teaching would be handled, and Mr. Dion replied that the school had worked with the National Association for Interpretation on how to do this. The certification program is expected to continue.

Director Brecht noted that the class has the support of the community and students, and he was glad BWD donated funding last year. However, he was concerned about contributing this year because of the current austerity budget and potential negative cash flow. He also questioned the message a donation would send to the ratepayers and whether this was an appropriate role for BWD. Director Duncan reiterated the nexus between reduced water use and employment and felt BWD had a role in mitigating the consequences. Director Johnson agreed to talk to the Rotary Foundation about supporting the program. Director Duncan moved to support the Interpretive Skills Training Class with \$10,000. Director Johnson suggested holding off until she and Ms. Deichler talk to Rotary. The motion died for lack of a second.

2. Support Borrego Ministers COVID Outreach. Director Brecht explained that a water district in Tennessee had provided assistance to people on fixed incomes with large water bills through an organization similar to the Borrego Ministers Association. However, at this time he did not recommend it for BWD, for the same reasons he opposed the donation to the school. He may suggest revisiting the issue in the future.

B. Action Plan by Dudek Engineering for Replacement Well #2: Mr. Poole reported that BWD is continuing to negotiate with the School District to acquire property at Di Giorgio and Tilting T for Replacement Well #2. By starting on technical work during negotiations, he hoped to break ground in mid-September. A contract with Dudek has already been approved.

Trey Driscoll narrated a slide presentation, noting that Replacement Well #1 (Well 4-9) is now complete, and he is working with the State Water Resources Control Board on permit approval. The proposed site for the second well is near Production Wells 5-4 and 5-5. The budget for the Phase 1 environmental assessment has been approved, and grant funding of \$250,000 is expected from DWR. A negative declaration under CEQA is likely. The initial study and negative declaration will be subject to a 30-day public review, then they will be finalized based on comments received.

Discussion followed regarding the deadline for expenditure of bond funds (6/21), and Mr. Driscoll did not expect a problem. President Dice suggested requesting an extension if necessary due to COVID.

C. Improperly Abandoned Wells Update: Mr. Poole reported that he worked with Mr. Driscoll, Hugh McManus and Meet Panchal to identify the status of abandoned wells. There were over 100 with unknown status. A letter was sent to the County asking their help in identifying them and contacting the property owners, but the District was informed that they could not meet the request. A confirming letter will be sent. Director Brecht pointed out that this issue has been under discussion for two years, and a determination needs to be made as to who is responsible; the County, BWD or WMB. This is important to establishing a managed basin. He suggested posting on the BWD website asking people to report abandoned wells and explaining that it is a safety issue. Rebecca Falk suggested pointing out that realtors should disclose these wells due to future liability. Director Brecht agreed to investigate the real estate angle and proceed with the suggested website.

D. BWD COVID-19 Impacts and Response:

1. Water and Sewer Revenue Comparison. Jessica Clabaugh presented a chart comparing revenue and collection for the last three years. There has been an approximate five percent drop in overall water revenue, and one percent in collections. Sewer revenues are up slightly. She will continue monitoring. Director Brecht asked her to keep track of aged receivables.

2. Return to Work Discussions. Director Brecht reported he had sent a letter to the COVID task force to assess the gap among County, State, federal and local regulations.

BWD is in a critical infrastructure sector under the DHS and CDC, and doesn't necessarily have to abide by the same rules as restaurants and churches.

E. Interim Borrego Springs Subbasin WaterMaster Board: Mr. Poole announced that the WMB would be meeting this Thursday. There will be a brief open session, then closed session to interview the four finalists for Executive Director/Technical Consultant. When the open session reconvenes, Director Shannon Smith will discuss the possibility of BWD providing meter reading and initial meter inspection services. Director Brecht inquired about the termination of BWD's other administrative services to the WMB, approved for 90 days, and Mr. Poole agreed to put it on the WMB Agenda in July. Jim Markman of Richards, Watson and Gershon has been selected as the WMB Legal Counsel.

F. Distribution of Agreement with Borrego Springs Unified School District for Long Term Lease of Water: Mr. Poole invited the Board's attention to the agreement with the School District, approved at the last meeting and included in the Board package for information. Ms. Falk noted that there was no effective date, and Mr. Poole will check with legal counsel.

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. No report.

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: May 2020: Ms. Clabaugh invited the Board's attention to her written report, including cash, cash equivalent and cash flow. The figures were essentially as expected. The fire hydrant project is continuing. Approximately \$65,000 was expended in May, and a total of \$337,000 on the project to date. Work will begin soon on Replacement Well #2. Mr. Poole reported that the contract for the De Anza pipeline had been signed. Director Johnson suggested signs on current projects noting "your water rates at work."

B. Water and Wastewater Operations Report: Pushed out to July.

C. Water Production/Use Records: Pushed out to July.

Mr. Poole explained that with Greg Holloway's retirement, the Water and Wastewater Operations Report and the Water Production/Use Records were delayed. Ms. Clabaugh and Alan Asche are working on them.

D. General Manager Report: Mr. Poole introduced Mr. Asche, the new Operations Manager. Mr. Asche will be attending Board meetings and presenting a monthly report. Mr. Asche reported on breaks and repairs during the past month and the progress on the hydrant replacement program. There are about 35 left to replace. Isolation valves are being installed where possible. Mr. Poole explained the importance of the valves. Mr. Asche estimated the project would be complete in five to six months. This summer, work will begin on the De Anza pipeline. Four water samples are being collected each month and tested for bacteria. Upgrades are underway on Well 11. Mr. Asche and Mr. Driscoll are working to schedule the final State inspection for Well 4-9. Mr. Asche noted that the District's radios are antiquated, and staff is working on possible replacement.

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, 33 acres. BWD negotiator: Geoff Poole. Negotiating Parties: Geoff Poole, General Manager, and Owner: Borrego Springs Union School District. Under Negotiation: Price and Terms of Payment:

D. Performance Evaluation of General Manager: GM Performance Review – Conference for Public Employee Performance Evaluation – Title: General Manager Employee Performance Review – pursuant to Subdivision (d)(4) of Government Code Section 54957:

The Board adjourned to closed session at 11:05 a.m., and thereafter, the open session reconvened. There was no reportable action.

V. CLOSING PROCEDURE

The next Board Meeting is scheduled for July 14, 2020, 9:00 AM, public attendance online only during COVID-19 risk procedures for Critical Infrastructure Sector. See Board Agenda at BorregoWD.org for details, available at least 72 hours before the meeting. There being no further business, the meeting adjourned.