

**Borrego Water District Board of Directors**  
**MINUTES**  
**Special Meeting**  
**October 13, 2020 @ 9:00 a.m.**  
**806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

**I. 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  
  David Dale, District Engineer  
  Diana Del Bono, Administration Manager  
  Esmeralda Garcia, Administrative Assistant  
  Wendy Quinn, Recording Secretary  
  
                          Public:           Tammy Baker           Cathy Milkey, Rams Hill  
  Shannon Smith, T2
- D. Approval of Agenda: *MSC: Johnson/Brecht approving the Agenda as written. The roll call vote was unanimous.*
- E. Approval of Minutes: None
- F. Comments from the Public and Requests for Future Agenda Items: Tammy Baker inquired about the status of the solar and electricity assessment. Geoff Poole will address it in his report.
- G. Comments from Directors: None
- H. Correspondence Received from the Public: None

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

A. Policy for Water and Sewer Service to New Developments: Mr. Poole requested input from the Board on the revised Policy for Water and Sewer Service to New Developments. He had received comments from Ms. Baker and Cathy Milkey. He explained that the charges and fees for connecting to the system would be established after completion of Raftelis' analysis and attached to the final Policy. No action was requested today; the Policy will come back to the Board in a month or two. Director Brecht asked that comments be submitted to Mr. Poole, and then they would review them. Ms. Milkey asked about calculation of the administrative fee, which is estimated and then subject to additional assessment or refund. Ms. Baker suggested that the Policy be more proscriptive, so that it is clear to the developer and offers specific steps for approval.

B. Announcement of Schedule for Water and Sewer Rates/Charges Adjustment Previously Postponed for FY 20-21: Mr. Poole referred to the Board's action last July, postponing water and sewer rate increases due to COVID. A budget review was to occur at the end of the first quarter, considering a possible increase in January. At the next meeting, Jessica Clabaugh will have the first quarter financial report, and if the Board decides to enact the increases, a resolution would be considered in November. Director Brecht noted that the 20-21 increases were already approved during the 2016 Proposition 218 process. He questioned whether the District could wait for January to implement the increases, considering the CIP and budget. Ms. Baker asked how the increases would be announced to the ratepayers. Mr. Poole replied that it would be in the newspaper, the BWD newsletter and the new BWD Facebook page.

C. Policy for Waiver of Unintentionally High Water Bills: Mr. Poole reported that in response to the Board's direction at the last meeting to review the District's policy of only forgiving unintentionally high water bills once every five years per customer; he had worked with Ms. Clabaugh and Diana Del Bono to research the issue. Material in the Board package included dollar amounts of past forgiveness incidents and a comparison of other districts' policies. Staff suggested requiring proof that the customer had repaired whatever caused the unintentionally high bill, and did not recommend offering more frequent waivers. A final policy will be presented for Board consideration at its next meeting.

Discussion followed, including whether the districts surveyed were in SDAC communities, whether the districts were satisfied with their policies, and how often the waivers were used. Ms. Del Bono offered to do additional research. Mr. Poole noted that more than half the time, the cause of the unintentionally high bill was unexplainable, for example an irrigation timer which malfunctions or is improperly set.

D. Capital Improvement Plan Update: David Dale reported that staff had investigated the need for increasing fire flow, and found the areas of greatest need (less than 500 gallons per minute) were Bending Elbow and Walking H. Work is already underway on Bending Elbow, so the fire flow can be increased without rebidding the project. The price will increase due to this, as well as the need to bring in new soil and increase the diameter of the pipe.

Mr. Dale went on to report on the hydrogen sulfide problem at the wastewater treatment plant. He explained that the force main is oversized, and the sewage gets trapped in it. He proposed bypassing La Casa Del Zorro with a new sewer main, separating the La Casa system from BWD's. A preliminary engineering study and cost estimate would be developed.

Mr. Dale suggested combining two SCADA replacement projects, one which had been scheduled this year and one next, and doing both this year.

***MSC: Brecht/Duncan approving the recommended changes to the CIP. The roll call vote was unanimous.***

Director Brecht asked Mr. Dale to work with Ms. Clabaugh to make the CIP consistent with the budget, and also with Fieldman, Rolapp on the bond-funded projects from 2024 on.

E. Letter to SDCWA Regarding Proposed Regional Conveyance System through Borrego Springs: President Dice invited the Board's attention to the proposed letter to SDCWA in the Board package and requested authorization to send it. Mr. Poole reported he would be meeting with SDCWA staff on Thursday regarding the format for public outreach, and he welcomed suggestions from the Board and public. Director Johnson asked about inviting representatives from the Tubb Canyon Desert Conservancy and other interested groups to participate in the public outreach event, and Mr. Poole agreed to bring it up at the Thursday meeting.

Ms. Milkey suggested two changes to the proposed letter. In the last paragraph of Board package page 21, change the heading to "BWD Questions" (instead of "concerns"); and delete the end of the first sentence ("... at present, to support or oppose the RCS project"). Director Duncan supported the letter in its original form, and the Board concurred.

F. Response from County Regarding Unknown Status of Wells in Subbasin: Mr. Poole reported on the County's response to the District's request for assistance in identifying the status of wells in the Subbasin. There is a process for notifying the County of improperly abandoned wells, and specific instructions were provided. Mr. Poole recommended submitting two wells on the list identified by Trey Driscoll. Director Duncan recommended sending letters to all well owners requesting the status of their wells, perhaps from the Watermaster to include wells outside BWD's service area. Director Brecht felt there were too many other activities in process relative to the lawsuit, and suggested proceeding with the two wells for now and continuing conversations with the WMB.

Mr. Poole reported he had asked County staff to clarify their provision that a nuisance well includes "any well which threatens to impair the quality of ground water . . . ." He will e-Special Minutes: October 13, 2020

mail the Well Program Duty Desk about the two abandoned wells and ask Colleen Hines to interpret the designation of a nuisance well.

**G. General Manager Salary Adjustment:** President Dice reported that the Board had completed its annual evaluation of the General Manager, and he received high marks. The Board is pleased with his staff and communication. She noted that Mr. Poole had been performing two jobs, as BWD General Manager and start-up administration for the WMB. ***MSC: Brecht/Duncan approving a five percent salary increase for General Manager Geoff Poole, effective July 11, 2020. The roll call vote was unanimous.***

**H. November Meeting Schedule:** After discussion, the Board agreed to hold its regular meeting on the usual date, November 24.

**I. Borrego Springs Basin Interim Watermaster:**

1. Meter Reading Services by BWD Completed. Mr. Poole reported that BWD staff had completed the meter reading for the WMB, and the information was submitted to Executive Director Samantha Adams.

2. Sampling and Analysis Plan prepared under the Groundwater Sustainability Plan (GSP/GMP) implementation progress by Subbasin Watermaster for the Borrego Springs Subbasin. Director Brecht asked whether there had been conversations with the WMB regarding the groundwater sampling and analysis plan. Director Duncan reported that he brought it up at the last WMB meeting, and staff would have a proposal in November.

### **III. STAFF REPORTS**

**A. Water Sales and Revenues Update:** Ms. Clabaugh presented a graph depicting water revenue and usage, which was higher than anticipated. She showed a three-year comparison for water revenue, and noted that sewer revenue remains consistent. The aging report showed a \$765 increase in unpaid bills over 120 days past due. Esmeralda Garcia has been talking to some of the critical account holders, and some are on payment plans.

**B. Publication of Documents:**

1. Hemp Growing in Anza – Letter to Riverside Board of Supervisors. Mr. Poole invited the Board’s attention to the letter in the Board package, which had been sent with a copy to San Diego County Supervisor Jim Desmond. He noted that Gary Worobec had informed him that the letter had an impact, and the WMB is scheduling a special meeting to discuss the issue. Mr. Poole will follow up with Riverside County Supervisor David Washington’s staff.

Director Duncan reported that the WMB special meeting is scheduled for October 19 at 11:30. Director Brecht requested a copy of the Agenda before it is published.

**C. Updated Schedule with Fieldman Rolapp Associates (FRA) and Raftelis Financial Consultants concerning CIP financing plan, Cost of Service Study, and Developer’s Policy Changes:** The updated schedule was included in the Board package.

**D. BWD Website Update:** Mr. Poole reported that the website was continuing to evolve. Director Brecht provided some proposed additions, and most have been implemented.

**E. BWD Well Field Solar:** Mr. Poole reported he planned to terminate the contract with Todd Holman for Phase 2 of the solar and electricity evaluation. Mr. Poole has been working with SDG&E, and hopes to have three proposals for well field solar and find a contractor to perform the upgrades recommended in the Phase 1 evaluation. Some of the work may be done in house. He will come back with a recommendation in two to four weeks. Possible use of excess solar power production at the treatment plant elsewhere will be considered when evaluating the well field proposals. Director Brecht inquired about grants, and Mr. Poole is working on it.

### **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: (Two (2) potential cases):**  
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**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):

The Board adjourned to closed session at 11:25 a.m., and thereafter, the open session reconvened. There was no reportable action.

**V. CLOSING PROCEDURE**

The next Board Meeting is scheduled for October 27, 2020 at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the Board adjourned.