



**REGULAR MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY, APRIL 6, 2022, AT 5:30 PM
61750 CHOLLITA ROAD, JOSHUA TREE, CA 92252**

ON MARCH 4, 2020, CALIFORNIA GOVERNOR GAVIN NEWSOM DECLARED A STATE OF EMERGENCY IN CALIFORNIA AS A RESULT OF THE COVID-19 PANDEMIC, FOR WHICH STATE AND SAN BERNARDINO COUNTY PUBLIC HEALTH OFFICIALS HAVE CONTINUED TO RECOMMENDED MEASURES TO PROMOTE SOCIAL DISTANCING. PURSUANT TO GOVERNMENT CODE SECTION 54953, AND CORRESPONDING FINDINGS OF THE BOARD THAT CURRENTLY REMAIN IN EFFECT, **THERE WILL BE NO PUBLIC LOCATION FOR THIS MEETING** AND MEMBERS OF THE BOARD OF DIRECTORS AND PUBLIC MAY ATTEND THIS MEETING BY TELEPHONE OR VIDEO CONFERENCE.

To join by Zoom please click the below link:

<https://us02web.zoom.us/j/84108119496?pwd=UVZSUnlnL3RIMFVmV0ZBWnNaeW5YUT09>

Or you may join by phone at 1-253-215-8782, Meeting ID: 8410 8119 496 Passcode: 558002

AMENDED AGENDA

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1. **CALL TO ORDER –**
2. **OATH OF OFFICE –** President Floen to administer the “Oath of Office” to newly appointed General Manager Sarah Johnson.
3. **PLEDGE OF ALLEGIANCE -**
4. **DETERMINATION OF A QUORUM (ROLLCALL) -**
5. **APPROVAL OF AGENDA -**
6. **PUBLIC COMMENT –** This is the time set aside for public comment on any District related matter, whether appearing on the agenda or not. At the discretion of the Board President, however, comments on a particular Agendized item may be deferred until that item is heard. Please state your name and limit your comments to 3 minutes.
7. **CONSENT CALENDAR –** Matters on the Consent Calendar are considered routine in nature and will be enacted in a single motion without discussion. Any Board member or member of the public may request that an item be removed from the Consent Calendar and acted on separately.

Pages 4-6

- Draft Minutes Regular Board Meeting March 16, 2022

8. **PRESENTATION BY BIG HORN DESERT VIEW WATER AGENCY ON ILLEGAL CANNABIS CULTIVATION IN THE MORONGO BASIN –** General Manager Marina West, Big Horn Desert View Water Agency, Receive for information only.

Pages 7-13

9. **PRESENTATION ON CANNABIS LEGISLATIVE UPDATES –** Mr. Nicholas Schneider, Mojave Water Agency, Senior Legislation and Conservation Manager & Executive Director- Alliance for Water Awareness and Conservation (AWAC). Receive for information only.

10. **UPDATE ON ARREARAGE PROGRAM, A/R BALANCES, AND CUTOFFS –**
Director Anne Roman. Receive for information only.
11. **DIRECTOR REPORTS/COMMENTS–**
 - Kathleen Radnich – Public Information Consultant
 - Mojave Water Agency Board of Directors Meeting – March 24, 2022, at 10:30 a.m. – Vice President Stacy Doolittle
12. **FUTURE DIRECTOR MEETINGS –**
 - Mojave Water Agency Technical Advisory Committee (TAC) – April 7, 2022, at 10:30 a.m. – Director Delph
 - JBWD Finance Committee – April 13, 2022, at 9:00 a.m. – President Floen & Director Unger
 - JBWD Water Resources & Operations Committee – April 13, 2022, at 10:30 a.m. - Vice President Doolittle & Director Jarlsberg
 - Mojave Water Agency Board of Directors Meeting – April 14, 2022, at 9:30 a.m. – Director Unger
 - JBWD Board of Directors Meeting – April 20, 2022, at 5:30 p.m.
 - Mojave Water Agency Board of Directors Meeting – April 28, 2022, at 9:30 a.m. – Director Delph
13. **ADJOURNMENT –**

INFORMATION

The public is invited to comment on any item on the agenda during discussion of that item. Members of the public wishing to attend the meeting that require other reasonable modifications or accommodation to facilitate such attendance should contact Beverly Krushat at 760-974-0072 or bkrushat@jbwd.com as soon as feasible before the meeting to make such request.

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Joshua Basin Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board are available online at jbwd.com for public inspection, or in the District's office, 61750 Chollita Road, Joshua Tree, CA 92252 ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available at the reception desk of the District Office and on-line at jbwd.com during business hours at the same time as they are distributed to the Board members. Disability-related accommodations: The Joshua Basin Water District Board of Directors meeting room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.) please contact Ms. Krushat at the District Office at (760) 974-0072 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to Ms. Krushat in the District Office, at least seventy-two (72) hours prior to the scheduled meeting.



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*California Constitution
Article 20, Section 3:*

Members of the legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I, state your name, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

April 6, 2022
Date

Signature

“Public officer and employee” includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.(California Constitution, Article 20, Section 3)

JOSHUA BASIN WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
WEDNESDAY, MARCH 16, 2022

CALL TO ORDER/PLEDGE OF ALLEGIANCE – President Floen called the meeting to order at 5:30 p.m. via teleconference.

DETERMINATION OF A QUORUM – President Floen asked for a rollcall and the following Directors are present: Vice President Doolittle, Director Delph, Director Jarlsberg, and Director Unger are in attendance via teleconference.

STAFF PRESENT –Sarah Johnson, Acting General Manager, Anne Roman, Director of Finance, Autumn Rich, Accounting Supervisor, and Beverly Krushat, Executive Assistant, Brandon Warner, CIRP Foreman, are in attendance via teleconference.

CONSULTANTS PRESENT –Jeff Hoskinson, General Counsel, Christopher Rashidian, Cooperative Strategies, and Kathleen Radnich, Public Information Consultant.

APPROVAL OF AGENDA – MSC¹ (Unger/Doolittle) 5/0/0 motion carried to approve the Agenda of March 16, 2022.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger
Noes: None
Absent: None
Abstain: None

STATE OF EMERGENCY FINDINGS – GOV'T CODE §54953(e) – The Board of Directors voted unanimously to extend the State of Emergency Findings for another 30 days.

MSC¹ (Unger/Delph) 5/0/0 motion carried to extend the State of Emergency Findings for another 30 days.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger
Noes: None
Absent: None
Abstain: None

PUBLIC COMMENT – None

CONSENT CALENDAR –

MSC¹ (Delph/Doolittle) 5/0/0 motion carried to approve the March 16, 2022 draft minutes.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger
Noes: None
Absent: None
Abstain: None

WELL-14 (4-LOG) BUDGET UPDATE AND AMENDMENT (reviewed by Finance Committee on March 9, 2022) – Director Anne Roman gave the staff report and apprised the Board of Directors that in January 2021, a budget increase of \$150,000 was approved, by the Board of Directors, increasing the Well 14 4-Log project budget to \$650,000. The project has gone over the budget sometime in the fall of 2021. As of 02/15/22, preliminary unreconciled costs amounted to approximately \$1,060,208 and an additional \$88,250 in costs are anticipated to complete the project (for SCADA, Security, Gate, Waste pit, concrete pad around well, startup, and labor). Projected final costs are \$1,148,458, including approximately \$266,787 in unbudgeted salary, overhead, and vehicle/equipment costs. Overall, the 21/22 capital budget was expected to dip into reserves by \$672,296 (\$174k built into the rate study). Assuming all budgeted projects are completed and on budget, an additional \$498,458 of reserve use is anticipated. Staff recommends utilizing the Capital reserve to accommodate this cost overrun and requests that the Board approve a Capital budget amendment of \$498,458.

MSC¹ (Delph/Unger) 5/0/0 motion carried to approve the Capital Budget amendment of \$498,458.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger
Noes: None
Absent: None
Abstain: None

REVISED FIELD SERVICE TECHNICIAN JOB DESCRIPTION – Acting General Manager Sarah Johnson informed the Board of Directors that the District currently has two (2) Field Service Technician (FST) positions at Range 18 of the salary schedule. This role is responsible for field customer service; meter reading, maintenance, and installation; water system maintenance; underground utility location; and a variety of other associated tasks.

Staff has revised the job description into a series I/II which is consistent with other District job classification series. The proposed range for the revised positions is:

- FST I – Range 11 (\$43,033.30 - \$56,463.42 annually)
- FST II – Range 19 (\$52,431.90 - \$68,795.20 annually)

This change allows for the distribution of responsibilities across the series, helps attract entry-level candidates, creates a path for advancement, and prepares for succession.

MSC¹ (Unger/Doolittle) 5/0/0 motion carried to approve the revised descriptions into a series of I/II.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger
Noes: None
Absent: None
Abstain: None

PUBLIC HEARING AND CONSIDERED APPROVAL OF ADJUSTED ELECTORAL BOUNDARIES PRESENTATION (Elections Code § 22000 *et seq.*) – President Floen introduced General Counsel Jeff Hoskinson who gave a brief update on the Election Code and why we needed to update our boundaries per the 2020 census. He also stated, at the March 2, 2022 Board meeting, that the Board requested three (3) new versions of the District maps. General Counsel Hoskinson then introduced Mr. Christopher Rashidian, Cooperative Strategies, who introduced several maps for the Board members to choose from. A Q&A followed with the Board of Directors.

PUBLIC COMMENT – David Carrillo, Chairperson CAC – Asked if there wasn't someone running in one of the Divisions then someone would be appointed, and we wouldn't have to worry about that?

General Counsel Hoskinson replied that when Vice President Doolittle's term is up in 2024 then someone would need to be elected for that seat in Division 5. If no one ran for the seat, then someone could be appointed.

PUBLIC COMMENT CLOSED -

President Floen asked the Board members for their map preferences: Vice President Doolittle – Map 6, Director Unger – Map 6, Director Delph – Map 2, Director Jarlsberg – Map 6, and President Floen – Map 2.

President Floen waived the reading of Resolution No. 22-1039 and asked for a motion or discussion, relative to the potential approval of Resolution No. 22-1039, on identifying a map to be approved along with such Resolution.

Director Unger motioned to defer decision on Resolution No. 22-1039 until the April 6, 2022 regular Board meeting in order to confer on maps 2 and 6, with said maps being brought back to the Board in a comprehensible fashion, with streets clearly delineated and demographics. Director Jarlsberg seconded.

MSC¹ (Unger/Jarlsberg) 5/0/0 motion carried to defer decision on Resolution No. 22-1029 and to confer on maps 2 and 6 at the April 6, 2022 regular Board meeting.

Ayes: Delph, Doolittle, Floen, Jarlsberg, and Unger

Noes: None

Absent: None

Abstain: None

DIRECTOR MEETING REPORTS – Kathleen Radnich, Public Information Consultant gave a brief report on the following: 2022 pending classes and meetings, the Farmer’s Market booth will be going native, with water conservation as the key focus for gardening with native and water wise plants, drought messaging and grant updates.

David Carrillo, CAC Chairperson, reported that they are moving forward with the Communications Plan and are making progress. He stated that Glen Harris (newly appointed CAC member) advised him that there is a new Morongo Basin Municipal Advisory Council that is forming and asked if the District could have a representative on the Council.

Vice President Doolittle, Director Jarlsberg, and Director Unger reported on the meetings they attended.

FUTURE DIRECTOR MEETINGS – President Floen read off the list of the upcoming meetings.

CLOSED SESSION – At approximately 6:57 p.m. the Board members met in Closed Session on Item #13 of the Agenda.

RETURN TO OPEN SESSION – At approximately 7:28 p.m. the Board returned to Open Session and General Counsel Hoskinson reported that the Board of Directors appointed Acting General Manager Sarah Johnson as the District’s General Manager.

ADJOURNMENT – The Board of Directors adjourned the meeting at 7:29 p.m.

Respectfully Submitted,

Sarah Johnson, General Manager & Board Secretary



Joshua Basin Water District
April 6, 2022

Cannabis Legislative Update

SECURING WATER FOR TODAY AND TOMORROW...



Legislative Updates

ACWA Proposal - Illegal Cannabis Proposals

- **Proposal 1:** Give local district attorneys the ability to prosecute growers who are using illegal pesticides and ultimately affecting the long-term sustainability and quality of water.
 - **Proposal 2:** Make it a crime to aid and abet selling water to an illegal cannabis grower.
 - **Proposal 3:** Change the penalty for illegal cannabis cultivation from a misdemeanor to a felony.
-
- **ACWA Position: Support 1 and 2 and Watch 3**
 - **CMUA Position: Support in Theory**



Legislative Updates...Cannabis

AB 1725: illegal cultivation of cannabis

- **Author: Smith**
- Would amend the law and increase the penalty of illegal cultivation from a misdemeanor a felony.
- Additional cannabis legislation is due before the 2-18-22 deadline and will include the water quality and water theft provisions.
- **ACWA and CMUA will be watching AB1725 and will likely not take a position.**
- **CWSA took a support position**



Legislative Updates...Cannabis

AB 2728: Unlawful cannabis activity: penalties.

- **Author: Smith Co-Author: Mathis**
- This bill would impose an additional civil penalty on an unlicensed person engaging in commercial activity involving various cannabis products, including cannabis plants in excess of 6 plants, cannabis product, cannabis concentrate, cannabis biomass, and cannabis flower, as specified.
 - Fines would increase for each additional incident.

- **ACWA Position: Favor**
- **CWSA Position: Support**



Legislative Updates...Cannabis

SB 1426: Cannabis: water pollution crimes.

- **Author: Caballero**

- This bill would make it a felony to plant, cultivate, harvest, dry, or process more than 6 living cannabis plants, or any part thereof, and where that activity involves theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, digging an unpermitted, illegal well, or the pollution of groundwater, as specified.
- This bill would also clarify that causing substantial environmental harm to public resources includes groundwater. By expanding the scope of a crime, this bill would impose a state-mandated local program.

- **ACWA Position: Support**

- **CWSA Position: Support**



Legislative Updates...Cannabis

AB 2421: Water: unpermitted cannabis cultivation.

- **Author: Blanca Rubio Co-Author: Wilk, and Lackey**
 - This bill would provide that the specified affirmative defense to a violation of the criminal provision also does not apply in any other civil action that alleges a violation resulting from unpermitted cannabis cultivation.
 - This bill would additionally authorize expenditures from the fish and wildlife propagation fund of a county for costs incurred by a county counsel in investigating and prosecuting the civil actions
-
- **ACWA Position: Favor**
 - **CWSA Position: Support**



Questions...



**JOSHUA BASIN WATER DISTRICT
MEETING AGENDA ITEM STAFF REPORT**

Board of Directors Meeting

DATE: April 6, 2022

REPORT TO: Board Members
PREPARED BY: Anne Roman, Director of Finance
TOPIC: UPDATE ON ARREARAGE PROGRAM, A/R BALANCES, AND CUTOFFS
RECOMMENDATION: Receive report for information only.

ANALYSIS: Please see updates below on the following related topics:

State Arrearages program

In December 2021, the District applied for \$337,262.90 in arrearage funding through the State Water Resources Control Board (SWRCB) as part of the California Water and Wastewater Arrearage Payment Program. We received this funding in mid- January 2022, and after further analysis to ensure program compliance, credited \$308,764.73 in bill credits to individual ratepayer accounts in early March 2022. Final administrative costs, for which an allowance of up to \$9,823.19 was provided and were calculated at \$6,179.50. The remaining funds of \$22,318.67 have been returned to the SWRCB. In addition, \$40,206.56 in penalty waivers were provided as required by the program.

A/R Balances

The pre-Arrearage accounts receivable (A/R) balance of accounts two or more months past due, as of 2/23/22, was \$637,602.06. This is compared with the 2/24/20 pre-COVID accounts receivable balance of \$225,526.58. Thus, the pre-Arrearage program A/R balance was \$412,075.48 or 183% more than two years earlier (pre-COVID). The post-arrearage program balance, as of 3/22/22, is \$316,098.46 or 41% higher than two years earlier. Although this is still higher than the pre-COVID balance, it is substantially less than the figure that had accumulated during the Cutoff moratorium. Many of these additional outstanding balances would have likely become bad debt for the District. Although the Arrearage program required significant time and effort, it not only assisted the individual ratepayers, but it also brought the District’s accounts receivable balance back to a much more manageable level and helped avoid a significant increase in bad debt. To summarize:

2020 PRE-COVID	2022 PRE-ARREARAGES PROGRAM	2022 POST-ARREARAGES PROGRAM
\$ 225,526.58 as of 02/24/20 Two or more months past due	\$637,602.06 as of 02/24/22 Two or more months past due	\$316,098.46 as of 03/22/22 Two or more months past due
INCREASE VS 2020:	183%	41%

Cutoffs

The Governor's moratorium on Cutoffs under Executive Order N-42-20 ended on 12/31/21 but the District's participation in the Arrearage Payment program required that we provide customers 30 days to enroll in a contract for remaining past due balances before beginning the cutoff process. Since we only applied the credits and notified customers in early March, we could not begin cutoffs until April at the earliest. However, we have not yet scheduled resuming cutoffs because we are simultaneously trying to ensure that we are sufficiently staffed and fully prepared for the more labor-intensive post-SB-998 requirements now in place. At this time, we have tentatively scheduled our first cutoff cycle for June 2022.

In summary, Bad debt, a cost that is passed along to the District's ratepayers through rates, is normally managed via accounts receivable collections. The collections process is highly dependent upon the ability to cutoff water service, but this option has been unavailable for nearly two years. Fortunately, the Arrearage program has afforded the District (and the ratepayers) a "reset" that will help keep rates for all customers in check.

STRATEGIC PLAN 2.8 Continue to Monitor and Update Rates and Fees to Ensure Financial
ITEM: Viability
FISCAL IMPACT: N/A