

**JOSHUA BASIN WATER DISTRICT**  
**Minutes of the**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**September 7, 2011**

1. **CALL TO ORDER: 7:00 PM**

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

Bill Long	Present
Mickey Luckman	Present
Michael Luhrs	Present
Mike Reynolds	Present
Gary Wilson	Present

**STAFF PRESENT:** Joe Guzzetta, General Manager  
Susan Greer, Assistant General Manager/Controller  
Keith Faul, GIS Coordinator

**CONSULTANTS PRESENT:** Gil Granito, District Counsel  
Mike Metts, Dudek & Associates  
Kathleen Radnich, Public Outreach Consultant

**GUESTS 13**

4. **APPROVAL OF AGENDA**

MSC Long/Reynolds 5/0 to approve the Agenda for the September 7, 2011 Regular Meeting of the Board of Directors.

5. **PUBLIC COMMENT**

Barbara Delph of Joshua Tree requested Director Luhrs' credentials, referring to a statement made by Director Luhrs at a prior meeting indicating that he was more qualified than USGS scientists. Director Luhrs responded he had a contractor license for 25 years, and plans for a large building with underground parking; that he feels he is qualified to question the findings of the USGS study; and still believes he is more qualified than USGS geologists. President Luckman stated that the public comment period is not intended to be "back-and-forth" comments between public and Directors.

Fred Klintworth, a Joshua Basin Water District ratepayer commented on Director Luhrs' statement at the prior meeting that he was opposed to recharge because it will lead to growth, and Director Luhrs 2004 statement to the Board that Section 33 was "the savior of this District". Mr. Klintworth questioned Director Luhrs' position regarding growth (development). Director Luhrs responded "no growth", stated that in 2004 jobs were needed here; and cited the estimated cost of a sewer system in Yucca Valley as an example of the cost of growth. President Luckman reminded Director Luhrs that this item is not meant as a "back-and-forth". Mr. Klintworth commented that Director Luhrs was president of the Board in 1997 when the Board voted unanimously to implement the Groundwater Management Plan which includes recharge. Director Luhrs responded and President Luckman again reminded him not to respond to public comments at this time.

**6. CONSENT CALENDAR**

Director Wilson requested that Item A of the Consent Calendar, "Approve Financial Report for July 2011", be held for discussion.

MSC Long/Reynolds 5/0 to approve the Investment Policy, and to hold for discussion approval of the July 2011 financial report.

Director Wilson stated the following information for the public: between June 2009 and June 2010 the District spent an average of \$163,440.91 per month; between 2010 and 2011 the District spent an average of \$47,571; he stated these figures are beyond the District's income.

MSC Luhrs/Long 5/0 to approve the financial report for July 2011.

**7. AGREEMENT BETWEEN HI-DESERT MEDICAL CENTER AND JOSHUA BASIN WATER DISTRICT FOR PACKAGE WASTE WATER TREATMENT PLANT**

Vice President Reynolds stated that as a plumber he had done some repair work at the hospital and expressed his desire to recuse himself from this item; he left the boardroom. General Manager Joe Guzzetta and District Engineer Mike Metts reported. There were several questions from the public. Board discussion ensued. Director Wilson stated that the treatment plant at the hospital is an excellent idea but that the hospital should design and build the plant and have JBWD operate it at the hospital's expense. Director Luhrs expressed several concerns regarding JBWD overseeing construction and operation of the plant, JBWD's ability to do so according to the Local Agency Formation Commission, the financing of the package plant, and other concerns related to the proposed agreement; he stated there was no reason for JBWD to be involved with this. District Counsel Gil Granito expressed confidence with the agreement and its terms, the project, and the District's role.

Barbara Delph of Joshua Tree commented in favor of approving the agreement.

Director Long moved the Board approve an agreement between Hi-Desert Medical Center and Joshua Basin Water District to provide for a package wastewater treatment plant to be paid by Hi-Desert Medical Center and constructed, owned, and operated by Joshua Basin Water District; and that the Board delegate to the General Manager the authority to negotiate dates to be filled in on the contract. President Luckman seconded the motion:

Vote:	Long	Aye
	Luckman	Aye
	Luhrs	No
	Reynolds	Abstain
	Wilson	No

The action was not carried due to the tie vote.

District Counsel Granito and Director Luhrs agreed to meet to address Director Luhrs' concerns regarding the amount of the capacity fee; the proposed agreement with Hi-Desert Medical Center, JBWD's authority per LAFCO regarding wastewater treatment, and other items.

MSC Luhrs/Wilson 4/0 (1 Abstain) to postpone the item for two weeks during to allow for clarification of the issue.

**8. COMMITTEE REPORTS:**

**A. Public Information Committee: Kathleen Radnich, Public Outreach Consultant:** Ms. Radnich reported that the District hosted a Drip Irrigation Workshop attended by 38 people; the Water Wise Demonstration Station is being used at the Farmers Market and water efficient devices are being given out; the Board is invited to the All Water District Picnic on Saturday; the District will host *The ABCs of Water* in November featuring "Careers in Water".

**B. Ad Hoc General Manager Performance Facilitated Review Process: Vice President Reynolds**

**and Director Long:** Vice President Reynolds reported that the committee has looked into Martin Rausch and Associates; the committee would like to request an official proposal from the company. GM Guzzetta stated that he will work with the committee on that.

**9. PUBLIC COMMENT**

None.

**10. GENERAL MANAGER REPORT**

GM Guzzetta had nothing further to report.

**11. DIRECTORS COMMENTS/REPORTS**

Vice President Reynolds reported attending the annual San Bernardino County Water Conference, and attending the Mojave Water Agency Board meeting where JBWB Public Outreach Consultant Kathleen Radnich gave a presentation on the Water Wise Demonstration Garden. Director Long commented that the Board has taken a long-term view in planning for future wastewater treatment and other concerns; however some people will go to lengths to further their personal objectives even if it hurts others.

**12. CLOSED SESSION**

A. Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Robert Ellis, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 900168).

B. Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Ironhead LLC a California Limited Liability Company, Praxedes Beard and Does 1 – 10 inclusive, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 1100087).

**13. REPORT ON CLOSED SESSION ITEMS**

District Counsel Granito reported that there would be no closed session. He noted that he wants to work with Directors Luhrs and Wilson to discuss all of their concerns and that he felt optimistic that all concerns could be addressed prior to the next Board meeting. Director Luhrs stated that he would meet with Mr. Granito; Director Wilson stated he was not interested. Director Wilson asked how much the legal firm was paid to draw up the agreement.

**14. ADJOURNMENT 8:25 PM**

MSC Long/Reynolds 5/0 to adjourn the September 7, 2011 Regular Meeting of the Board of Directors.

Respectfully submitted;

  
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Joe Guzzetta, General Manager

The next Regular Meeting of the Board of Directors is scheduled for Wednesday September 21, 2011 at 7:00 pm.