

MINUTES OF THE ADJOURNED MEETING OF THE
BOARD OF DIRECTORS OF THE
VISTA IRRIGATION DISTRICT

June 18, 2008

An Adjourned Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, June 18, 2008, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

First Vice President Mendez called the meeting to order at 8:30 a.m.

2. ROLL CALL

Directors present: Dorey, Mendez, Jewell and Williams.

Directors absent: MacKenzie

Staff present: Roy Coox, General Manager; Lisa Soto, Secretary of the Board; Eldon Boone, Assistant General Manager; Brett Hodgkiss, Administrative Services Manager; Don Smith, Director of Water Resources; and Marian Schmidt, Administrative Assistant.

Other attendees: Melanie Poturica, Interim General Counsel

3. PLEDGE OF ALLEGIANCE

Director Jewell led the pledge of allegiance.

Director Williams explained that President MacKenzie had contacted him early that morning, because his was the only phone number she knew by heart, and she informed him that she was ill and preparing to leave for the hospital, and would miss the Board meeting.

4. APPROVAL OF AGENDA

08-06-82	<i>Upon motion by Director Jewell, seconded by Director Williams and unanimously carried, the Board of Directors approved the agenda as presented.</i>
----------	--

5. PUBLIC COMMENT TIME

No public comments were presented on items not appearing on the agenda.

6. CONSENT CALENDAR

08-06-83	<i>Upon motion by Director Jewell, seconded by Director Dorey and unanimously carried, the Board of Directors approved the Consent Calendar, including Resolution No. 08-25 approving disbursements.</i>
----------	--

A. Waterline project, Grant of right of Way and Notice of Exemption

See staff report attached hereto. Staff recommended and the Board approved the water line project and accepted Grant of Right of Way No. R45 for a 40-foot specific easement, and directed staff to file the Notice of Exemption with the County Clerk for a four lot single-family subdivision, consisting of approximately 1.86 gross acres, located on Smiliana Lane south of Hannalei Drive (LN 2007-007; APN 183-123-29, 30, 31 & 32; DIV NO 3).

B. Minutes of the Board of Directors meeting on June 4, 2008 and Board Workshop on June 10, 2008

The minutes of June 4, 2008 and June 10, 2008 were approved as presented.

C. Resolution ratifying check disbursements

RESOLUTION NO. 08-25

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 32762 through 32863 drawn on the Union Bank of California totaling \$525,581.88.

FURTHER RESOLVED that the Board of Directors does hereby authorize the execution of the checks by the appropriate officers of the District.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors of Vista Irrigation District this 18th day of June 2008.

AYES: Directors Dorey, Jewell, Williams, and Mendez
NOES: None
ABSTAIN: None
ABSENT: Director MacKenzie

7. DRAFT DROUGHT RESPONSE CONSERVATION PROGRAM

See staff report attached hereto.

Interim General Counsel Melanie Poturica stated that she wished to correct a statement she made in the last Board meeting in response to a question which had been posed by President MacKenzie. The question was whether the Board, in a public hearing, could adopt a resolution if substantial changes were made to it during the hearing. Ms. Poturica had opined at that time, that the Board could adopt the resolution at the same hearing in which the changes were made. But after double-checking herself with a colleague, and upon further reflection, she believed she may have misspoken. Ms. Poturica stated that if substantive changes were made to a resolution during a public hearing, the Board would need to schedule another public hearing in order to adopt the new language. This would provide an opportunity for other members of the public to review the changes and make comment if they so desire. Ms. Poturica added that determining whether changes are substantive enough to warrant another public hearing would be a collective decision of the Board.

Administrative Services Manager Brett Hodgkiss provided a brief overview of the changes made to the draft Resolution based on the Board's direction to staff at the June 4 meeting. Mr. Hodgkiss stated that the fees were inserted into the body of the Resolution, as well language regarding appeals, and language was also added rescinding the existing ordinance. Director Jewell pointed out that paragraph 10.0 (e) makes reference to an "ordinance", where the word should be "resolution". He also pointed out that the first sentence in paragraph 11.0 (c) appears to be a run-on sentence. The Board directed staff to make the two minor corrections requested by Director Jewell.

Director Williams wondered if 11.0 (c), as written, would preclude the Board from forming a committee to hear appeals. General Manager Roy Coox pointed out since the paragraph states that the Board can "discuss the request and take action", that one action the Board could take would be to assign a committee. General Counsel Poturica concurred with Mr. Coox's assessment.

08-06-84 *Upon motion by Director Dorey, seconded by Director Williams and unanimously carried, the Board of Directors approved in concept the draft Drought Response Conservation Program.*

08-06-85 *Upon motion by Director Dorey, seconded by Director Jewell and unanimously carried, the Board of Directors approved the timeline for adoption of the Drought Response Conservation Program.*

08-06-86 *Upon motion by Director Jewell, seconded by Director Dorey and carried, the Board of Directors adopted Resolution No. 08-26 setting the date for a public hearing on September 3, 2008 at 7:00 p.m. to receive comments on the District's Drought Response Conservation Program by the following roll call vote:*

*AYES: Directors Jewell, Dorey, Williams, and Mendez
NOES: None
ABSTAIN: None
ABSENT: Director MacKenzie*

A copy of Resolution No. 08-26 is on file in the official Resolution book of the District.

8. **AGENDA DEVELOPMENT**

See staff report attached hereto.

Mr. Coox stated that President MacKenzie requested that this item be placed on the agenda because the Board never formally took action to adopt the current process for agenda development. Mr. Coox recalled that the Board recently discussed and affirmed the process in a recent Board Workshop with Facilitator Bob Rauch. Mr. Coox stated that he believed the wish of President MacKenzie was for the Board to discuss and confirm the current understanding of Board and staff regarding this policy. The Board indicated concurrence with the policy, as outlined and detailed in the staff report.

08-06-87 *Upon motion by Director Dorey, seconded by Director Jewell and unanimously carried, the Board of Directors confirmed the District's policy for adding items to the Board meeting agendas.*

9. DRAFT OUTLINE OF A BOARD POLICY MANUAL

See staff report attached hereto.

Director Jewell stated that he developed the outline, and President MacKenzie made some editorial changes to it. He characterized the outline as a starting point, open to any additions, deletions, and/or changes the Board may propose. He said that the next step was for staff to compile the existing policies, and determine what policies still need to be written and adopted. Director Jewell explained that he put into appendices information that will change regularly, and added that he believed the body of the manual should stay fairly constant. The Board suggested no changes, and concurred with the outline as a starting place for the creation of a Board Policy Manual.

10. MATTERS PERTAINING TO THE ACTIVITIES OF THE SAN DIEGO COUNTY WATER AUTHORITY

See staff report attached hereto.

Director Williams reported that he attended a meeting of the Water Authority Administration and Finance Committee the previous week. He reported that the Committee plans to recommend approval of the proposed 2009 rates and charges to the CWA Board. An 11.5% increase for treated municipal and industrial water will be proposed, which would result in an increase to the average bill for a single family of \$3.42 per month. The proposed price per acre foot of treated water will be \$766, and \$598 for untreated water. Director Williams attributed the increased rates and charges to system improvements, construction, and the raising of San Vicente Dam project. Director Williams added that the proposed 2009 budget will utilize \$17.7 million from the stabilization fund. Assistant General Manager, Eldon Boone interjected that the Water Authority's proposed price increase per acre foot will mean an increase of less than 20 cents per unit for VID customers. He added that this pass-through will begin February 15, 2009.

11. REPORTS ON MEETINGS AND EVENTS ATTENDED BY DIRECTORS, AND AUTHORIZATION FOR DIRECTOR ATTENDANCE AT UPCOMING MEETINGS AND EVENTS

See staff report attached hereto.

Director Dorey reported that he attended the quarterly meeting of the Southern California Water Committee. Lucy Dunn, the President and Chief Executive Officer of the Orange County Business Council, spoke about the cost of housing, fuel, water, and how these are all tied together. She spoke regarding the Council's advocacy towards a more unified approach to these issues. Director Dorey stated that Southern California Water Committee membership and recruitment were also discussed.

Director Dorey also attended a Council of Water Utilities meeting where Bill Jacoby of Bill Jacoby Water Resources Consulting and former Director of Public Affairs for the Water Authority, spoke about California water use efficiency and how improvements to systems and practices in places such as the Central Valley could be beneficial Statewide.

Vice President Mendez reported that the San Luis Rey Indian Water Settlement ad hoc committee, of which he and Director Williams are members, met with the Indian Water Authority Board and the Tribal Council members of the five Bands, the previous Monday night.

Director Dorey indicated that he would be attending an ACWA Groundwater Committee meeting in Sacramento on July 8, 2008.

12. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

Vice President Mendez noted that the Weese Filtration Plant was tentatively scheduled for an upcoming agenda. He requested, and Mr. Coox provided a brief update regarding the Oceanside Weese Filtration Plan expansion project.

Director Jewell indicated that he thought the Board might like to tour the in-town District facilities on a periodic basis. Vice President Mendez suggested that each Board member coordinate directly with staff to schedule such a tour.

13. DIRECTOR COMMENTS

Director Dorey inquired about the hardness of the water in his Division, which he said seemed to be harder than usual recently. Director of Water Resources Don Smith stated that he would check with Operations staff to see if there has been a change in the system that would cause the water to be harder than usual.

14. COMMENTS BY GENERAL MANAGER

Mr. Coox stated that one of his objectives as General Manager is to keep the District's water supply portfolio diverse, and the Weese Filtration Plant expansion is just one piece of that puzzle. Another piece is recycled water. Along those lines, Mr. Coox stated that he had been contacted by Ken Weinberg at the Water Authority with regard to the possibility of reviving the reclamation plant in Vista. Mr. Coox said that he has, in turn, contacted the City of Vista. Mr. Coox said they are now in the process of scheduling a meeting between the three entities to discuss potential funding opportunities and sources, and creative ideas to get the plant back in operation. Mr. Coox said that he would report back to the Board after the meeting.

Mr. Coox announced that the headquarters landscape project was moving forward, and the District did receive a grant for the project from the Water Authority. He noted that the cost of the controllers came in just slightly less than the amount of the grant.

A break was taken from 9:55 a.m. to 10:05 a.m.

15. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL

Vice President Mendez adjourned the meeting to closed session at 10:05 a.m. for a conference with legal counsel to discuss the following pending litigation:

A. San Luis Rey Indian Water Rights Settlement per Govt. Code section 54956.9(a).

The meeting reconvened in open session at 11:24 a.m. Vice President Mendez declared that no reportable action had been taken.

16. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL

Vice President Mendez re-adjourned the meeting to closed session at 11:24 a.m. for a conference with legal counsel to discuss the following pending litigation:

- A. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9 - two cases.
- B. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9 – two cases.

The meeting reconvened in open session at 12:05 p.m. Vice President Mendez declared that no reportable action had been taken.


17. ADJOURNMENT

There being no further business to come before the Board, at 12:05 p.m., Vice President Mendez adjourned the meeting.



Robert Mendez, Vice President

ATTEST:



Lisa R. Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT