

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

August 6, 2008

A Regular Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, August 6, 2008, at the offices of the District, 1391 Engineer Street, Vista, California.

**1. CALL TO ORDER**

President MacKenzie called the meeting to order at 8:30 a.m.

**2. ROLL CALL**

Directors present: MacKenzie, Dorey, Mendez, Jewell and Williams.

Directors absent: None.

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; Brian Smith, Director of Engineering; Al Ducusin, Engineering Department Manager; Farrokh Shahamiri, Finance Associate; Marlene Kelleher, Finance Manager; and Marian Schmidt, Administrative Assistant.

Other attendees: Melanie Poturica, Interim General Counsel.

**3. PLEDGE OF ALLEGIANCE**

Director Jewell led the pledge of allegiance.

**4. APPROVAL OF AGENDA**

08-08-96	<i>Upon motion by Director Dorey, seconded by Director Mendez and unanimously carried, the Board of Directors approved the agenda as presented.</i>
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**5. PUBLIC COMMENT TIME**

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

**6. CONSENT CALENDAR**

Director Jewell stated that he would have to recuse himself on Consent Calendar Item C due to his attorney/client relationship with the owners of the property, Harold and Margie Andersen.

Director Jewell thanked staff for the inclusion of the check register with the agenda packet materials and commented on the numerous charges he noticed for bee hive removal. Customer Service Manager, Jennifer Brust provided a brief background regarding the bees and their removal from meter boxes. Concerning the numerous charges in the check register, she assured the Board that the District

has in the past, and continues to receive deeply discounted rates from the present exterminator compared to what other exterminators charge.

08-08-97	<i>Upon motion by Director Dorey, seconded by Director Williams and unanimously carried, with Direct Jewell abstaining on Item C, the Board of Directors approved the Consent Calendar, including Resolution No. 08-30 approving disbursements.</i>
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A. Fixed charge special assessments to the tax roll for Fiscal Year 2008/2009

See staff report attached hereto. The Board noted and filed this informational report concerning unpaid charges added to the tax rolls

B. Parcel map

See staff report attached hereto. Staff recommended and the Board approved the parcel map for a boundary adjustment (merger of lots) of three single-family dwelling lots, consisting of 0.86 gross acres, owned by RCM Properties, LLC, located on Smiliana Lane, Vista (LN 2007-007; TPM 21061; APN 183-123-32; DIV NO 3).

C. Encroachment permit

See staff report attached hereto. Staff recommended and the Board approved Encroachment Permit No. 107 and directed staff to record it with the County Recorder for the encroachment of an underground 1" low-voltage conduit to serve a Fire Department access gate within District easement on property owned by Harold and Margie Andersen, located on Longmont Road, Vista (APN 178-071-08; LN 2003-055; WOI-3001; DIV NO 3).

D. Grant of Right of Way and Quitclaim of Specific Easement

See staff report attached hereto. Staff recommended and the Board accepted Grant of Right of Way No. L43 and approved Quitclaim No. 637 over an industrial site known as Shadowridge Business Park 2 owned by LBA/MET Partners I - Company VI, LLC and LBA/MET Partners I - Company VIII, LLC located at 760 Shadowridge Drive and Thibodo Road, Vista (WOI-3040; LN 2006-033; PC 14-247; APN 217-023-33, 34 and 37; DIV NO 4).

E. Minutes of the Board of Directors meetings on 7/11/08 and 7/16/08 and of the Board workshop on 7/14/08

The minutes of 7/11/08, 7/16/08 and 7/14/08 were all approved as presented.

F. Resolution ratifying check disbursements

**RESOLUTION NO. 08-30**

**BE IT RESOLVED**, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 33091 through 33229 drawn on the Union Bank of California totaling \$432,715.32.

**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 6<sup>th</sup> day of August 2008.

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

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**7. PROPERTY ANNEXATION TO THE DISTRICT**

See staff report attached hereto.

Engineering Department Manager, Al Ducusin explained about the uniqueness of the situation with the property, as detailed in the staff report. Director Jewell asked if there would be anything of record at the County Recorder disclosing that due to the high elevation of the property, VID would not be responsible for providing additional pressure to the property. Director of Engineering, Brian Smith responded that the Health Department only requires the District to provide 20 psi., and added that the District's Rules and Regulations state that the District does not guarantee pressure. President MacKenzie suggested adding a statement to the formal conditions of annexation, which will ultimately be recorded, that if and when the District provides potable water to the property, the pressure will be at 20 psi.

08-08-98	<i>Upon motion by Director Jewell, seconded by Director Dorey and unanimously carried, the Board of Directors approved in concept, as amended, the annexation of a portion of the parcel located at 933 Rose Mountain Road, San Marcos west of N. Twin Oaks Valley Road and Tamara Lane, owned by Star Homes (LN 2008-044, APN 182-170-27, DIV NO 5).</i>
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**8. DIVISION REPORTS**

See staff report attached hereto.

President MacKenzie asked about the status of the signage for the new landscape plantings in front of the District headquarters. Administrative Services Manager, Brett Hodgkiss responded that staff is currently seeking grant funding through the Water Authority to help pay for the signs. He said that staff expects to know by the end of the month whether the grant was approved. He added that pricing has been obtained and an order has been prepared, and staff is ready to move forward pending the outcome of the grant application.

**9. TREASURER'S REPORT**

See staff report attached hereto.

Assistant General Manager, Eldon Boone provided a comprehensive overview of the information provided in the Treasurer's Report and how the District handles its investment activities. The Board noted and filed the report.

*Mr. Farrokh Shahamiri and Ms. Marlene Kelleher left the meeting.*

**10. CONFLICT OF INTEREST CODE REVISIONS**

See staff report attached hereto.

General Manager, Roy Coox stated that a typographical error had been made in the revisions to the District's Conflict of Interest code. He pointed out that a corrected page had been provided at the dais showing the correction to the disclosure categories for Public Relations Consultants, which should be Categories 1, 2, and 6.

President MacKenzie asked Interim General Counsel, Melanie Poturica, if the titles "General Counsel", "Special Counsel", and "Attorney" would be sufficient to cover any and all attorneys hired by the District. Ms. Poturica stated that those three titles would cover all attorneys hired by the District. President MacKenzie asked if the wording of the code was clear in meaning that the Form 700 must be filled out by and pertaining to a specific individual's interest, and not the interests of a company or firm. Ms. Poturica suggested that the District could reinforce that expectation, perhaps in both the contract and in the correspondence accompanying the Form 700 when it is provided to a consultant or attorney. Mr. Coox asked Ms. Poturica to review the draft Conflict of Interest code to assure that it is clear in this regard.

**08-08-99 The Board adopted Resolution No. 08-31 adopting an amended Conflict of Interest Code by the following roll call vote:**

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

**A copy of Resolution No. 08-31 is on file in the official Resolution Book of the District.**

**11. CONSOLIDATION OF RULES AND REGULATIONS PERTAINING TO THE INTERIM AGRICULTURAL WATER PROGRAM**

See staff report attached hereto.

Mr. Coox recalled that the Board has already called for a Public Hearing for September 3, 2008 in order to receive comments on and to adopt the Drought Response Resolution. He stated that staff believed it would be appropriate at the same time, to have a separate public hearing to consider the consolidation of the rules and regulations pertaining to the Interim Agricultural Water Program (IAWP). Mr. Coox said that because the IAWP was originally included as part of the District's Conservation Ordinance, staff believes it would be best to separate the two. He added that the IAWP

will not be substantively changed at this time. Director Jewell suggested that it would be better to conduct the two public hearing on separate dates. The Board decided to set the date and time for this public hearing to be September 17, 2008 at the regular Board meeting scheduled for that day.

**08-08-100 The Board adopted Resolution No. 08-32 setting the date for a public hearing for September 17, 2008 at 8:30 a.m. to receive comments on the consolidation of rules and regulations pertaining to the Interim Agricultural Discount Program, by the following roll call vote:**

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

**A copy of Resolution No. 08-32 is on file in the official Resolution Book of the District.**

## **12. WATER BOND AND LEGISLATION UPDATE**

See staff report attached hereto.

Mr. Hodgkiss provided a summary regarding the \$9.3 billion water bond proposed by Governor Arnold Schwarzenegger and U.S. Senator Diane Feinstein. He stated that on July 25, 2008, the Association of California Water Agencies issued a press release in support of the proposed water bond, and that the Water Authority supports it as well. Mr. Hodgkiss stated that the District has not received an official request from ACWA for letters or resolutions in support of the bond proposal yet.

Mr. Hodgkiss spoke briefly about SB 1xx (Perata et al), which he stated was essentially a proposal to accelerate spending of funds which have already been approved as part of Proposition 1E and Proposition 84. He also provided an update regarding AB 2175 (Laird) stating that language had been added regarding the State model landscape ordinance, and the deadline for the Commission has been extended to December 31, 2009.

The Board directed that staff continue to monitor these items, and bring any new developments back to the Board.

## **13. SHADOWRIDGE WATER RECLAMATION FACILITY**

See staff report attached hereto.

Mr. Coox provided a brief update regarding the re-commissioning of the Shadowridge Water Reclamation Facility. Mr. Coox stated that he met with the City of Vista regarding the facility, where he conveyed the Board's desire to get the facility running again and contributing recycled water to the region. Mr. Coox said he also spoke to Water Authority staff, and subsequently met with representatives from both the City of Vista and the Water Authority, where they discussed the status of the plant and what it would take to get it running again, who the potential customers would be, and funding. Mr. Coox stated that the City of Vista is currently seeking funding for a feasibility study from the "LISA" grant-funding program (Local Investigations and Studies Assistance) through the Water Authority, with VID as the direct member agency sponsoring their application.

The Board noted and filed this informational report. Mr. Al Ducusin and Mr. Brian Smith left the meeting at the conclusion of this item.

**14. SELECTON OF SPECIAL COUNSEL**

See staff report attached hereto.

Mr. Coox stated that since the Special meeting the previous day at which interviews were conducted and Special Counsel was selected, he spoke to John Carter and Bill Swan, and he is very excited about the prospect of working with them on this engagement. Mr. Coox stated that Mr. Carter indicated that he did not foresee any issues with getting waivers, and Mr. Carter will talk with Ms. Poturica to assure that he gets exactly what the District needs in this regard. Mr. Coox reported that Mr. Carter was also agreeable to meeting right away with to get up to speed on the Indian matters. Mr. Carter agreed that if a waiver is not obtained, and the engagement does not go forward, the District will not be billed for previous services. Mr. Coox said he also discussed with Mr. Swan the District's interest in negotiating fees, and Mr. Swan was open to such negotiations.

Director Jewell suggested that an announcement be made for the record regarding the action taken by the Board the previous day. President MacKenzie announced that the previous day, the Board unanimously agreed to hire the firm of Horton, Knox, Carter and Foote as Special Counsel, with John Carter and Bill Swan as principle attorneys for the engagement.

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

See staff report attached hereto.

Director Williams stated there was nothing to report on the July 24, 2008 CWA Board meeting.

Mr. Coox reported that at the request of the Water Authority, the artificial turf program has been reinstated. Mr. Coox stated that there were only a few inquiries received at the District during the month or so that the program was suspended, and that staff would seek to contact those people and let them know the program has been reinstated.

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

See staff report attached hereto.

Director Williams reported that he attended the North County Water Group meeting where had a conversation with Jerry Kern, a member of the Oceanside City Council concerning the Weese Filtration Plant expansion. Director Williams noted that Mr. Kern was up-to-date on the subject, and knew nothing more than had been reported to the Board by General Manger Coox.

Director Williams stated that he attended the Water Agencies Quarterly meeting on July 17, 2008, where there was a presentation by a vineyard grower. Director Williams learned in the presentation that grapes grow larger with less water, and that a vineyard uses 1/6 of water that an avocado grove uses.

Director Mendez reported that the Public Affairs Committee met on July 30, 2008, and that the minutes of the meeting would be forthcoming on the next agenda.

#### **17. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES**

See staff report attached hereto.

President MacKenzie requested a place holder be added to the staff report for upcoming agenda items for a resolution supporting the water bond discussed earlier in the meeting.

President MacKenzie reminded the ad hoc committees tasked with reviewing the Board/Staff Contacts Policy and Board Travel/Reimbursement Policy to get their respective reports and policy revisions to the Board Secretary for inclusion with the August 20, 2008 agenda, no later than August 13 at noon. She suggested that the committees' revisions be shown in redline/~~strikeout~~ and provided to the full Board in an editable format such as Word, so the Directors can add their own suggested changes.

Mr. Coox suggested, with regard to the Board/staff contact policy, that Interim General Counsel Poturica review the policy as well, since it is quite lengthy and covers a lot of specific areas. The ad hoc committee and the Board was in agreement that the ad hoc committee would provide its revisions to Ms. Poturica by email for her review, with copies to Mr. Coox and Mr. Boone for their input as well.

President MacKenzie directed staff to prepare a press release regarding the reinstatement of the Artificial Turf Reimbursement Program.

#### **18. DIRECTOR COMMENTS**

Director Dorey complemented the new landscaping in front of the District headquarters.

#### **19. COMMENTS BY GENERAL MANAGER**

Mr. Coox informed the Board that the proposals for General Counsel were in the process of being copied and would be ready for the Board to take home with them by the end of the meeting. He stated that staff is prepared to screen the proposals with the assistance of Ms. Poturica, and at President MacKenzie's suggestion, staff may also seek assistance from Special Counsel. Mr. Coox added that Mark Weston, General Manager of Helix Water District, volunteered to help with the screening, and Mr. Coox intends to accept that help as well. Mr. Coox said there will be an item on the next agenda to discuss the Board would like to proceed with the interview process.

Ms. Poturica informed the Board that she will not be present at the next Board meeting on August 20, 2008 but, assuming General Counsel has not yet been hired by the District, she intends to be present for the September 3 and 17, 2008 Board meetings.

Mr. Boone advised that the Fiscal Policy Committee would be receiving a letter from the District's auditors. There have been substantial changes in auditing standards, one of which is a new requirement for the auditors to communicate directly with those in charge of governance. The letter will outline what their focus will be during the audit and will invite communication between the Fiscal Policy Committee and the auditors. President MacKenzie requested that when the letter arrives, to forward it to the Fiscal Policy Committee in the mail.

A brief break was taken from 9:40 a.m. to 9:55 a.m. Upon return from break, only Director of Water Resources, Don Smith was in the audience.

**20. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL**

President MacKenzie adjourned the meeting to closed session at 9:55 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 10:14 a.m. President MacKenzie declared that no reportable action had been taken.

Mr. Don Smith left the meeting.

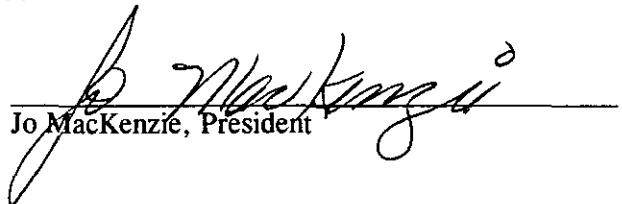
**21. CLOSED SESSION FOR CONFERENCE LABOR NEGOTIATIONS**

President MacKenzie re-adjourned the meeting to closed session at 10:14 a.m. for a conference with labor negotiators pursuant to Government Code section 54957.6(a). Agency negotiators: Jim Black and Roy Coox.


The meeting reconvened in open session at 10:30 a.m. President MacKenzie declared that the Board voted unanimously to appointed Mr. Eldon Boone and Mr. Jim Black as lead labor negotiators for the upcoming District labor negotiations.

**22. ADJOURNMENT**

There being no further business to come before the Board, at 10:30 a.m. President MacKenzie adjourned the meeting to 8:30 a.m., August 20, 2008.

  
Jo MacKenzie, President

ATTEST:

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