

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

September 17, 2008

An Adjourned Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, September 17, 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, Jewell and Williams.

Directors absent: Mendez.

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; Angela Morrow, Water Resources Project Manager; Brian Smith, Director of Engineering; 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

08-09-116 *Upon motion by Director Jewell, seconded by Director Williams and unanimously carried, the Board of Directors approved the agenda as presented.*

5. PUBLIC COMMENT TIME

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

6. CONSENT CALENDAR

08-09-117 *Upon motion by Director Jewell, seconded by Director Williams and unanimously carried, the Board of Directors approved the Consent Calendar, including Resolution No. 08-37 honoring Mike Dowhen; 08-38 setting terms and conditions of annexation; and 08- 39 approving disbursements.*

A. Resolution commending retiring VID employee Mike Dowhen

See staff report attached hereto.

The Board adopted Resolution No. 08-37 honoring Mike Dowhen, Facilities Supervisor, for thirty years of service to the District by the following roll call vote:

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

Resolution No. 08-37 is on file in the official Resolution book of the District.

B. Grant of right of way

See staff report attached hereto. Staff recommended and the Board accepted Grant of Right of Way No. L45 for a 30-foot easement over a private road owned by Li-Hsuan Li, located at Lagunita Lane, Vista (LN 2007-074; APN 126-330-33, 126-481-08 & 09; DIV NO 1).

C. Encroachment permit

See staff report attached hereto. Staff recommended and the Board approved Encroachment Permit No. 108 and directed staff to record it with the County Recorder for the encroachment of a concrete driveway and a 24" high concrete block wall within District easement G36 on property owned by Gloor Family Trust, located on Hortalas Lane, Vista (LN 2008-051; APN 178-150-04; DIV NO 3).

D. Partial cancellation of exchange agreement

See staff report attached hereto. Staff recommended and the Board approved a partial cancellation of Temporary Exchange Agreement for Water Service No. 37, between VID, Vallecitos Water District, and Robert Thornton, affecting various parcels located easterly of Poinsettia Avenue and on Linda Vista Drive, San Marcos (LN 2006-069; APN 221-560-08 through 19; DIV NO 5).

E. Annexation terms and conditions

See staff report attached hereto.

The Board adopted Resolution No. 08-38 setting the terms and conditions of annexation for a portion of a parcel consisting of approximately 0.98 gross acres (outside District) located at 933 Rose Mountain Road, San Marcos, owned by John and Terry Rose of Star Homes, Inc., (CF 500-365; LN 2008-044; APN 182-170-27; LAFCO RO08-22, SA08-22; DIV NO 5). by the following roll call vote:

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

Resolution No. 08-38 is on file in the official Resolution book of the District.

F. Minutes of Board of Directors meetings on 9/3/08 and 9/9/08

The minutes of 9/3/08 and 9/9/08 were approved as presented.

G. Resolution ratifying check disbursements

RESOLUTION NO. 08-39

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 33447 through 33562 drawn on the Union Bank of California totaling \$376,631.30.

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 17th day of September 2008.

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

7. PUBLIC HEARING TO RECEIVE COMMENTS ON CONSOLIDATION OF RULES AND REGULATIONS PERTAINING TO THE INTERIM AGRICULTURAL WATER PROGRAM

See staff report attached hereto.

President MacKenzie opened the public hearing at 8:32 a.m. for the purpose of receiving comments on the consolidation of rules and regulations pertaining to the Interim Agricultural Water Program. No members of the public were in attendance. General Manager Roy Coox noted that no comments, written or verbal, were received from the public prior to the hearing.

08-09-118 *Upon motion by Director Williams, seconded by Director Dorey and unanimously carried, the Board of Directors closed the public hearing at 8:32 a.m.*

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

See staff report attached hereto.

President MacKenzie noted that no substantial changes were made to the IAWP.

08-09-119 *Upon motion by Director Williams, seconded by Director Jewell, the Board of Directors adopted Resolution 08-40 consolidating existing rules and regulations pertaining to the Interim Agricultural Water Program, by the following roll call vote:*

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

A copy of Resolution 08-40 is on file in the official Resolution Book of the District.

The following Items 10, 11, and 12 were taken ahead of Item 9.

10. LOCAL AGENCY FORMATION COMMISSION (LAFCO) 2008 SPECIAL DISTRICTS ELECTION

See staff report attached hereto.

President MacKenzie suggested that the Board cast its vote for the incumbents, which was the recommendation of the Nominating Committee.

08-09-120 *Upon motion by Director Williams, seconded by Director Jewell and unanimously carried, the Board of Directors authorized President MacKenzie to cast the District's vote in the 2008 LAFCO Special Districts Election for Bud Pocklington of South Bay Irrigation District for the Regular LAFCO Special District Member position. For the Special Districts Advisory Committee, the Board cast its votes for Dennis Shepard of North County Cemetery District; Jo MacKenzie, of VID; Diana Towne of Rincon del Diablo MWD; Douglas Humphrey of Resource Conservation District of Greater San Diego County; Gary Arant of Valley Center MWD; Augie Scalzitti of Padre Dam MWD; James Alkire of South Bay Irrigation District; and Ron Fuller of Alpine Fire Protection District.*

11. CSDA COMMITTEE PARTICIPATION

See staff report attached hereto.

President MacKenzie indicated that she would like to continue her participation with CSDA Committees. She encouraged the other Board members, if interested in becoming involved with any of the CSDA Committees, to please let the Board Secretary know so the appropriate form could be submitted to CSDA.

During this item, the following employees joined the meeting: Human Resources Manager, Jim Black; Facilities Supervisor, Mike Dowhen; Facilities Manager, David Hughey; Safety and Risk Manager, Sherry Thorpe; Purchasing Agent, Christina Moyer; Information Systems Technician, M.A. Morrison; Manny Macias, Engineering Inspector; Glenn Miller, Senior Construction Worker; Don Gordon, Senior Facilities Worker; Dan Dambach, Construction Manager; and Bob Snead, Facilities Locator.

12. DISTRICT SUBPOENA POWER FOR ADJUDICATIVE PROCEEDINGS

See staff report attached hereto.

Interim General Counsel Melanie Poturica stated that the District has never adopted the authority to issue subpoenas. She stated her recommendation to the Board to do so. She explained that this authority would allow for subpoenas to be issued by the General Manager in the event of disciplinary hearings. Ms. Poturica stated that this is a due process issue that would entitle employees to subpoena witnesses as well as the District. The Board asked what would happen if a third party was to not comply with the subpoena. Ms. Poturica responded that at that time, the District would have to make a decision about whether to enforce the subpoena through the court system. Human Resources Manager Jim Black stated that when he worked for another public agency, he was involved with as many as 500 different disciplinary cases, and he never had anyone ignore a subpoena to appear. Ms. Poturica concurred that this had also been her experience. She added that in most cases, it is the employee who typically subpoenas witnesses, not the public agency.

Director Williams inquired as to the background of how this issue came to the forefront. Ms. Poturica stated that this was not tied to any hearing, but rather it came up in relation to preparing for labor negotiations. Ms. Poturica stated that she has been reviewing the District's policies relevant to employee/employer relations to assure that they are all up-to-date, and that's when this deficiency was noted.

08-09-121 *Upon motion by Director Williams, seconded by Director Dorey, the Board of Directors adopted Resolution 08-41 authorizing the General Manager, and in the General Manager's absence the General Counsel, to issue subpoenas for disciplinary hearings, by the following roll call vote:*

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

A copy of Resolution 08-41 is on file in the official Resolution Book of the District.

9. RETIREMENT CELEBRATION FOR VID EMPLOYEE MIKE DOWHEN

See staff report attached hereto.

Mr. Coox stated that VID employee Mike Dowhen has been with the District for 30 years, starting as a Temporary Utility Worker, and ending his career for the past 20 years as Facilities Supervisor. Mr. Coox described Mr. Dowhen as a dedicated and dependable employee who has been very helpful and supportive to all of his customers—both internal and external. On behalf of the District and the Board, Mr. Coox wished Mr. Dowhen the best in his retirement.

President MacKenzie congratulated Mr. Dowhen and presented him with a framed resolution which had adopted by the Board earlier in the meeting. Photos were taken. Mr. Coox stated that the Board would present Mr. Dowhen with a gift at his luncheon celebration following the Board meeting.

After the presentation, all of the employees who were in the audience left the meeting.

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

See staff report attached hereto.

Director Williams reported that there had been no CWA Board meeting since the last VID Board meeting. He added that there would be a special meeting of the Legislative Committee the following week.

14. 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 attend the Metropolitan Water Forum on September 11, 2008. He commented that this was really an educational seminar tailored more for the public than for water officials.

Director Dorey reported on the Council of Water Utilities meeting he attended the previous day where Michael Sims, Drinking Water Specialist for the California Rural Water Association, made a presentation about the California Rural Water Association and also spoke about water desalination and the Poseidon Resources Project.

Director Dorey stated that he also attended a special meeting of the ACWA Groundwater Committee the previous Friday in Sacramento. Director Dorey stated that the Groundwater Committee met to develop an outline for a chapter to be added to the "ACWA Blueprint for California Water" which was published by ACWA a couple of years ago. Director Dorey said that the ACWA Groundwater Committee had been a missing component to the original publication.

President MacKenzie reported that she attended the San Diego Chapter CSDA Board meeting where the discussion centered mainly on the special meeting scheduled for September 17, 2008. She stated that the program of the special meeting was going to be about the proposed fire tax, which will be on the ballot in November 2008.

President MacKenzie received authorization to attend the Practicing Sustainability seminar at Cal State San Marcos on October 10, 2008.

During the above discussion, Mr. Jim Black and Mr. Brett Hodgkiss returned to the meeting.

15. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

Director Williams said that with all the Water Authority member agencies adopting new conservation programs, and with each program being slightly different from the next, he believed there could be a need for one repository where all the programs could be found by a reporter, or anyone else who might be interested. Director Williams stated that he would like to discuss this with Director Mendez as the Public Affairs Committee to brainstorm some ideas. President MacKenzie concurred that this would be a good idea.

President MacKenzie commented about the recent publication of the Drought Response Conservation Program Resolution in the legal notices of the North County Times Coastal Edition. She commented that although the Resolution was published in a newspaper of general circulation within the District, and met the letter of the law requiring such publication, it did not appear in the San Marcos edition of the same newspaper, where some VID customers reside.

16. DIRECTOR COMMENTS

Director Jewell announced that he would be on vacation the first full week of October 2008.

17. COMMENTS BY GENERAL MANAGER

Mr. Coox updated the Board on discussions by the various workgroups, made up mostly of General Managers, which have been meeting regularly at the Water Authority, such as the Member Agency Drought Management Advisory Team, the New Demand Offset Workgroup, and the Conservation Pricing Rate Structure Group. Mr. Coox reported that due to the drought, Metropolitan Water District (MWD) is expected to make a cut-back as early as January 2009 or possibly in the spring of 2009. Also, MWD will decide the fate of the Interim Agricultural Water Program in October 2008. Mr. Coox said that it is believed that MWD will discontinue the program. Mr. Coox reported that there was a discussion regarding the discontinuation of the Water Authority special agricultural rate, which Valley Center MWD made a plea to continue. This item will be referred by the Water Authority board to the Water Authority Fiscal Policy Committee.

Mr. Coox reported that fourteen CWA member agencies have adopted new conservation programs based on the CWA model ordinance and the rest are in the process of doing so. Mr. Coox noted that the major deviation from the CWA model is that seven of the member agencies moved the restriction on new meters to Stage 2 from Stage 3. Mr. Coox stated that progress is being made on developing a model Conservation Pricing Rate Structure, and this issue would be brought forth for the Board's consideration in the months to come.

Mr. Coox reminded the Board about the upcoming General Counsel interviews scheduled for September 29 and October 2. Mr. Coox stated that he previously provided the Board members each a copy of the aggregate matrix rating the candidates and emailed the draft interview questions. He asked the Board for feedback on the questions, which were jointly created by himself, Ms. Poturica, and her associate Judith Islas. He requested that if anyone had questions or changes, to please let him know.

18. CLOSED SESSION FOR LABOR NEGOTIATIONS

President MacKenzie adjourned the meeting to closed session at 9:22 a.m. for a conference with labor negotiators pursuant to Government Code section 54957.6(a). Agency negotiators: Jim Black and Eldon Boone.

The meeting reconvened in open session at 10:37 a.m. President MacKenzie declared that direction was given to staff to continue negotiations.

A brief break was taken from 10:37 a.m. to 10:45 a.m.

Upon return from break the following people were present in the audience: Special Counsel, John Carter; Director of Water Resources, Don Smith; and Water Resources Project Manager, Angela Morrow. Also present by teleconference was Special Counsel William Swan.

19. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL

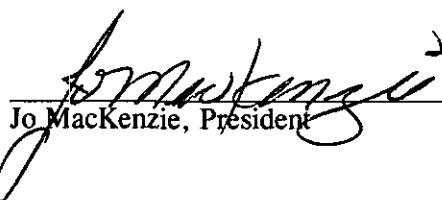
President MacKenzie adjourned the meeting to closed session at 10:45 a.m. for a conference with legal counsel to discuss the following pending litigation:

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

The meeting reconvened in open session at 11:54 a.m. President MacKenzie declared that no reportable action had been taken.

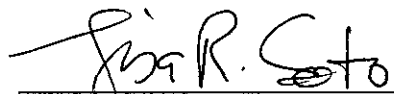
20. ADJOURNMENT

There being no further business to come before the Board, at 11:54 a.m., President MacKenzie adjourned the meeting.



Jo MacKenzie, President

ATTEST:



Lisa R. Soto, Secretary

Board of Directors

VISTA IRRIGATION DISTRICT