

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

October 15, 2008

An Adjourned Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, October 15, 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; Angela Morrow, Water Resources Project Manager; Ken Bouchard, Director of Facilities; Brian Smith, Director of Engineering; David Hughey, Facilities Manager; Rick San Miguel, Senior Equipment Mechanic; Don Gordon, Facilities Supervisor; and George Pritchard, Equipment Mechanic.

Other attendees: Judith Islas of Liebert Cassidy Whitmore; and Marty Miller, a member of the public.

Also in attendance: Steve Musillami with the State of California Parks and Recreation; Charles Obrink and Maryanne Vancio of the County of San Diego, County Trails Program; and Al Colby of the United States Department of Agriculture.

3. PLEDGE OF ALLEGIANCE

Director Dorey led the pledge of allegiance.

4. APPROVAL OF AGENDA

08-10-131	<i>Upon motion by Director Jewell, 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

08-10-132 Upon motion by Director Williams, seconded by Director Jewell and unanimously carried, the Board of Directors approved the Consent Calendar, including Resolution No. 08-45 approving disbursements.

A. Detachment

See staff report attached hereto. The Board noted and filed this informational item regarding the detachment of property from Vista Irrigation District to Vallecitos Water District (APN 182-260-07; LN 2008-034; LAFCO REF NO RO08-13, DIV NO 05).

B. Minutes of Board of Directors meeting on 9/29/08, 10/1/08, and 10/2/08

The minutes of /29/08, 10/1/08, and 10/2/08 were all approved as presented.

C. Resolution ratifying check disbursements

RESOLUTION NO. 08-45

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 33708 through 33789 drawn on the Union Bank of California totaling \$328,146.95.

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 15th day of October 2008.

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

7. RESOLUTION AND PRESENTATION COMMENDING RETIRING VID EMPLOYEE RICK SAN MIGUEL

See staff report attached hereto.

08-10-133 Upon motion by Director Dorey, seconded by Director Mendez, the Board of Directors adopted Resolution 08-46 honoring Rick San Miguel for thirty-one years of service to the District, by the following roll call vote:
AYES: Directors Dorey, Jewell, Mendez, Williams, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None
A copy of Resolution 08-46 is on file in the official Resolution Book of the District.

President MacKenzie read aloud the resolution honoring Mr. San Miguel for his 31 years of service to the District. She presented the framed resolution to Mr. San Miguel and thanked him on behalf of the Board, stating that he will be a hard act to follow. A photo was taken.

After this item, Messrs. Rick San Miguel, Ken Bouchard, David Hughey, Don Gordon, Brian Smith, and George Pritchard all left the meeting.

8. CALIFORNIA RIDING AND HIKING TRAIL

See staff report attached hereto.

Directors posed various questions and concerns prior to the PowerPoint presentation (attached) given by Steve Musillami, California Statewide Trails Manager; Maryanne Vancio, County of San Diego Trails Program Coordinator; and Charles Obrink of the San Diego County Trails Program. As part of the attached PowerPoint presentation, all of the Board's questions and concerns were addressed.

The Board requested clarification of the process that would follow if the Board were to approve the concept of re-establishing the California Riding and Hiking Trail across lands owned by the District. Mr. Musillami stated that the County Board of Supervisors would first have to accept the transfer of the entire length of trail within the County from the State. The next step would be to begin the transfer process of each of the easements, and executing new agreements with each owner. He stated that it could take a few years to finalize those details before portions of the trail could be opened up for use. The Board was concerned about entering into an agreement "in perpetuity". Mr. Musillami responded that this would depend on the type of instrument into which the District entered. If it is an easement in perpetuity, language could be added to the agreement that would allow the District to move the easement, depending on the needs of the Ranch; if it is a license, it would be revocable. Mr. Musillami added that the type of agreement to be entered into would be the decision of the Board.

Director Williams requested a minor revision to the draft letter which had been presented with the staff report to include the word "conceptual" before the word "support" in the fourth paragraph.

08-10-134	<i>Upon motion by Director Jewell, seconded by Director Mendez and unanimously carried, the Board of Directors supported the concept of re-establishing the California Riding and Hiking Trail across lands owned by the District on the Warner Ranch, and authorized the General Manager to sign the revised letter expressing that support.</i>
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9. NAVY LEASE EXPANSION

See staff report attached hereto.

Mr. Coox stated that staff has been working in cooperation with the Navy for the past few years on the renewal of the existing lease for the survival training camp, and to also expand the lease by about 4000 acres. The Navy has been in the process of undergoing environmental reviews and assessments, and has recently informed District staff that they expect to have that process complete by summer or fall of 2009. Mr. Coox reported that the Navy would like to begin a commensurate discussion regarding the terms of the lease. Mr. Coox stated that as has been discussed previously with the Board, staff would like to move forward with an appraisal in order to have a basis of reference from which to negotiate with the Navy, and to be able to represent the public in assuring that the District receives fair market value for the lease.

Director Jewell inquired why the CEQA studies should be paid for by the District. Mr. Coox responded that with the CEQA studies, and perhaps even more so with the appraisal, the costs could be paid for by the Navy, but the Board had indicated in the past that it would prefer to conduct its own independent appraisal. Mr. Coox said that this would be a similar situation as with CEQA, to make sure the studies are being done objectively.

President MacKenzie said that she recalled this was discussed years ago and it was the desire of the Board to allow the Navy to perform its own appraisal first, and then conduct an independent appraisal only if the Board deemed it necessary after reviewing the Navy's appraisal. President MacKenzie pointed out that at the present time staff was merely requesting to advertise for proposals to see what the price range will be to conduct an appraisal. She added that no firm will be engaged unless the Board approves it.

08-10-135 *Upon motion by Director Mendez, seconded by Director Williams and unanimously carried, the Board of Directors authorized District staff to advertise for qualified proposals to conduct an appraisal of the value of the proposed lease expansion for the Navy's Remote Training Site, Warner Springs.*

10. BUREAU OF RECLAMATION INTEREST IN STUDYING LAKE HENSHAW

See staff report attached hereto.

Mr. Don Smith presented this informational item, and stated that staff knows very little about what the Bureau of Reclamation has in mind at this point. He stated that staff would be meeting with the Bureau the following Friday, and will know more after that time. President MacKenzie suggested that staff broach the question of dredging as an alternative to raising the dam. Mr. Smith responded that there are many ideas which will be discussed, including dredging.

Messrs. Musillami, Obrink, and Colby and Ms. Vancio left the meeting at this time.

11. RESOLUTION ADOPTING MEMORANDUM OF AGREEMENT ESTABLISHING SALARY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT COVERING NON-SUPERVISORY UNIT EMPLOYEES FOR CALENDAR YEARS 2009, 2010, AND 2011

The Board discussed the MOA briefly to assure the Board's requested changes were made to the document.

08-10-136 *Upon motion by Director Williams, seconded by Director Mendez, the Board of Directors adopted Resolution 08-47 covering wages, hours and terms and conditions of employment with California Teamsters Public, Professional and Medical Employees Union Local 911 for employees in the Non-Supervisory Unit, by the following roll-call vote:*

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

A copy of Resolution 08-47 is on file in the official Resolution Book of the District.

A brief break was taken from 10:04 a.m. to 10:15 a.m.

12. DECEMBER BOARD MEETING DATES

Director Williams pointed out that in addition to the December 3 Board meeting conflict with the ACWA Fall Conference, there was also a conflict with the December 17 Board meeting with the Colorado River Water Users Association Conference. The Board discussed who might wish to attend the Colorado River Water Users Conference and the likely Indian meetings which are typically held during this event, to determine if the Board meeting on December 17 should be rescheduled. The Board discussed rescheduling December 3, keeping in mind that the December 17 Board meeting might also be rescheduled or cancelled.

08-10-137 *Upon motion by Director Jewell, seconded by Director Dorey and unanimously carried, the Board of Directors rescheduled the December 3, 2008 Board meeting to December 10, 2008.*

Staff was directed to bring back on the November 19 agenda the question of whether the December 17 Board meeting should be rescheduled or cancelled.

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

See staff report attached hereto.

Director Williams reported on the new group calling themselves SoCal Vocal. He stated that very little is known about the group or its objectives, but that the group would be making a presentation at the Water Agencies Meeting the following evening. The Board expressed curiosity about the group.

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

See staff report attached hereto.

President MacKenzie stated that she had been registered for the Practicing Sustainability, but unfortunately it was cancelled.

President MacKenzie stated that the upcoming CSDA Quarterly Dinner was scheduled for November 20 at the Holiday Inn Mission Valley Stadium in Kearny Mesa.

Director Williams requested to attend the Colorado River Water Users Association (CRWUA) Conference in Las Vegas, December 15-17, 2008.

Director Mendez indicated that he would also like to attend the CRWUA, as well as the Water Agencies meeting the following evening at which the SoCal Vocal will make a presentation.

President MacKenzie also stated that she would tentatively like to attend the CRWUA as well.

08-10-138 *Upon motion by Director Dorey, seconded by Director Williams and unanimously carried, the Board of Directors authorized attendance by Director Dorey and President MacKenzie to attend the CSDA Quarterly Dinner on November 20; and for Directors Williams, Mendez, and President MacKenzie (tentatively) to attend the CRWUA Conference December 15-17, 2008; and for Directors Mendez and Dorey to attend the Water Agencies meeting on October 16, 2008.*

15. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

None were presented.

16. DIRECTOR COMMENTS

None were presented.

17. COMMENTS BY GENERAL MANAGER

Mr. Coox informed the Board that SDG&E made a presentation at the Member Agencies General Managers' meeting at the Water Authority the previous day regarding their new fire safety policy. He stated that there appears to be a lack of coordination between SDG&E and the fire and water agencies. He added that there will be an emergency meeting of the operating heads the following day to discuss this issue with SDG&E.

Assistant General Manager Eldon Boone updated the Board briefly on the Red Flag Customer Identity Theft Prevention Program, a template for which was being drafted by Liebert Cassidy Whitmore. Mr. Boone stated that staff will work from the template provided by Liebert Cassidy Whitmore to draft a policy. He added that the policy will be brought to the Board for consideration at the next Board meeting on November 5.

Mr. Coox announced that this meeting would be the last for Liebert Cassidy Whitmore as Interim General Counsel. He thanked Ms. Judith Islas, and especially Ms. Melanie Poturica for helping the District out during its period without permanent General Counsel. Mr. Coox added that the District will continue to have a relationship with Liebert Cassidy Whitmore as labor attorneys for the District.

Mr. Coox stated that since the Board selected Joel Kuperberg of Rutan and Tucker as the District's General Counsel, an agreement has been drawn up and has been reviewed by Judith Islas of Liebert Cassidy Whitmore. Mr. Coox reported that Mr. Kuperberg has reviewed the agreement as well, and is prepared to move forward with the execution of the agreement the following morning. Mr. Coox added that Mr. Kuperberg would be present as General Counsel at the November 5 Board meeting.

18. CLOSED SESSION FOR LABOR NEGOTIATIONS

Mr. James Black joined the meeting. The Board Secretary was not present for the following closed session item.

President MacKenzie adjourned the meeting to closed session at 10:50 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 11:44 a.m. President MacKenzie declared that staff was directed to continue negotiations and that no reportable action was taken.

19x. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL

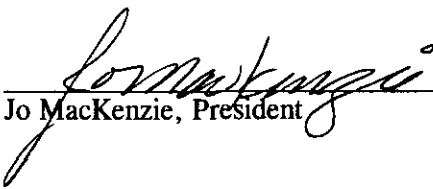
President MacKenzie adjourned the meeting to closed session at 11:45 a.m. for a conference with legal counsel to discuss the following pending litigation:

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

The meeting reconvened in open session at 11:53 a.m. President MacKenzie declared that no reportable action had been taken.

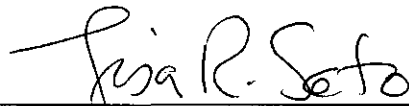
20. ADJOURNMENT

There being no further business to come before the Board, at 11:53 a.m., President MacKenzie adjourned the meeting.



Jo MacKenzie, President

ATTEST:



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