

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

November 5, 2008

A Regular Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, November 5, 2008, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

President MacKenzie called the meeting to order at 8:31 a.m.

2. ROLL CALL

Directors present: MacKenzie, Dorey, Mendez, Jewell and Williams. General Counsel Joel Kuperberg was also present.

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; Jim Black, Human Resources Manager; Brian Smith, Director of Engineering; and Marian Schmidt, Administrative Assistant.

Other attendees: Richard Vasquez and Marty Miller, Directors-elect.

3. PLEDGE OF ALLEGIANCE

Director Jewell led the pledge of allegiance.

4. APPROVAL OF AGENDA

08-11-140	<i>Upon motion by Director Williams, seconded by Director Dorey 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

08-11-141	<i>Upon motion by Director Jewell, seconded by Director Williams and unanimously carried, the Board of Directors approved the Consent Calendar, including Resolution No. 08-48 approving disbursements.</i>
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A. Grant of Right of Way

See staff report attached hereto. Staff recommended and the Board accepted Grant of Right of Way No. P73 for a specific easement over a private road and sewer easement owned by James and Josiane Petitt, located at 1306 Kelglen Lane, Vista (LN 2008-025; APN 180-194-11; DIV NO 3).

B. Treasurer's Report as of September 30, 2008

See staff report attached hereto. The Board noted and filed this informational report.

C. Minutes of Board of Directors meetings on October 15 and 22, 2008

The minutes of October 15 and 22, 2008 were approved as presented.

D. Resolution ratifying check disbursements

RESOLUTION NO. 08-48

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 33796 through 33909 drawn on the Union Bank of California totaling \$208,521.96.

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 5th day of November 2008.

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

7. DIVISION REPORTS

See staff report attached hereto.

General Manager Roy Coox stated that Director Williams had inquired about a couple of the meetings which had been noted on the Division Reports regarding the Poseidon Resources desalination project and the Flume replacement project. Mr. Coox said the he was planning an agenda item for the November 19 Board meeting to discuss the desalination project because project approvals, permits and engineering studies are all nearing completion . VID has been asked to present its position on the possibility of acting as an exchange partner and on what it would take to incentivize VID to that end.

The Board received a brief clarification on the status of the Interim Agricultural Water Program (IAWP). Assistant General Manager Eldon Boone stated that a full update on the IAWP would be on the November 19 agenda, along with a new Water Authority program called TAP (Temporary Agricultural Program), which will be a temporary two-year program.

Director Dorey commented that his sister had recently attended a landscape irrigation class put on by the District's conservation department, and he heard excellent feedback afterwards. He complimented and congratulated the conservation and public relations staff for a job well done.

Mr. Don Smith and Mr. Brian Smith left the meeting at this time.

8. REVISIONS TO THE DISTRICT'S PERSONNEL POLICY MANUAL

See staff report attached hereto.

Director Williams asked if the personnel policy manual had been reviewed by Counsel. Human Resources Manager Jim Black responded that staff had worked from boiler plate language provided by Liebert Cassidy, to make the policies specific to VID. He stated that the main objectives were to formalize a number of procedures which have been in place informally for a long time, and to be in compliance with recent changes in the law.

President MacKenzie asked General Counsel Joel Kuperberg if Board members were subject to the same requirement as certain staff members, to attend harassment training every two years. Mr. Kuperberg stated that there is a great deal of confusion on this question, and that most agencies take the technical position that since Board members only supervise and employ a limited number of people, they are not subject to the requirement. He has advised clients under the current law that Board members are not required to take the bi-annual training if they only directly supervise and employ the General Manager, General Counsel, Secretary, and Treasurer. Mr. Coox interjected that based on his research, he believes that the Board has discussed this question before and came to the conclusion that it was within the Board's discretion to decide whether or not to attend this training.

Director Jewell raised a question regarding the definition of "spouse" in the policy manual, which he noted was defined inconsistently in two different sections. General Counsel Joel Kuperberg suggested, subject to the District's Labor Counsel's review, that the District have both sections define "spouse" as two persons who have a valid marriage under California law, or two persons who are domestic partners as defined by California law. Director Jewell also noted a typographical error on page 12, paragraph 9, where the word "hours" was missing. The corrected passage should read "...the employee shall receive holiday pay of eight hours for the District's designated paid holidays."

08-11-142	<i>Upon motion by Director Williams, seconded by Director Jewell and unanimously carried, the Board of Directors approved the revisions to the District's Personnel Policy Manual, with General Counsel's suggested revision to the definition of the term "spouse", and one typographical correction to Chapter Two A.9, to be effective upon adoption.</i>
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9. RESOLUTION ESTABLISHING SALARY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR SUPERVISORY UNIT EMPLOYEES FOR CALENDAR YEARS 2009, 2010, AND 2011

See staff report attached hereto.

Mr. Coox provided a brief overview of the resolution.

08-11-143 *Upon motion by Director Jewell, seconded by Director Dorey, the Board of Directors adopted Resolution 08-49 establishing salaries, benefits and other employment conditions for the Vista Irrigation District Supervisors' Association (VISA) covering VID employees in the Supervisory Unit for the calendar years 2009, 2010, and 2011, by the following roll call vote:*

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

A copy of Resolution 08-49 is on file in the official Resolution Book of the District.

10. RESOLUTION ESTABLISHING SALARY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CONFIDENTIAL EMPLOYEES AND MANAGERS FOR CALENDAR YEARS 2009, 2010, AND 2011

See staff report attached hereto.

08-11-144 *Upon motion by Director Jewell, seconded by Director Dorey, the Board of Directors adopted Resolution 08-50 establishing salaries, benefits and other terms and conditions of employment for confidential and management employees of the Vista Irrigation District for the calendar years 2009, 2010, and 2011, by the following roll call vote:*

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

A copy of Resolution 08-50 is on file in the official Resolution Book of the District.

The Board complimented Mr. Jim Black and the District's Negotiating Team on a job well done. President MacKenzie stated that the Board really appreciates the smooth and expedient manner in which the meet and confer sessions were handled, and added that it speaks well of the District and its management, negotiators, and employees. Mr. Black returned the compliment and thanked the Board. Mr. Black left the meeting at this time.

11. GENERAL SESSION AT ACWA FALL CONFERENCE

See staff report attached hereto.

The Board discussed this item briefly, determining that two actions would be appropriate: one action to approve the proposed ACWA bylaw change, and the other to designate a voting delegate at the upcoming ACWA Fall Conference.

08-11-145 *Upon motion by Director Williams, seconded by Director Dorey and unanimously carried, the Board of Directors approved the proposed change to the ACWA bylaws.*

08-11-146 *Upon motion by Director Williams, seconded by Director Jewell and unanimously carried, the Board of Directors designated President MacKenzie as voting delegate for VID at the 2008 ACWA Fall Conference.*

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

See staff report attached hereto.

Director Williams reported that there continues to be confusion concerning the Water Authority's new temporary agricultural rate. He stated that there was talk of a workshop to take place in mid-October regarding the continuation of the CWA agricultural rate, but the meeting never materialized. He added that instead, a new temporary two-year continuance has been instituted, while the matter is studied further.

13. 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 on his attendance at the Southern California Water Committee Annual meeting. Director Dorey stated that the Committee's membership and finances have shrunk and spending for the upcoming year will have to be reevaluated. Director Dorey added that the keynote speech was given by Mike Chrisman, the California Secretary for Resources.

14. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

None were presented.

15. DIRECTOR COMMENTS

President MacKenzie welcomed Mr. Kuperberg as the District's new General Counsel.

16. COMMENTS BY GENERAL COUNSEL

Mr. Kuperberg thanked the Board for choosing him and his firm as General Counsel for the District. He stated that he looked forward to working with the Board and management. He stated that he has met with the General Manager, and has been apprised of the major issues concerning the District at this time. Mr. Kuperberg stated that on Board days, he plans to schedule several hours following the Board meeting to stay and tend to District business if he is needed.

Mr. Kuperberg updated the Board regarding the new deadline for the Red Flag Customer Identity Theft Prevention Program. He stated that the Federal Trade Commission issued an advisory delaying the deadline from November 1, 2008 to May 1, 2009. Mr. Kuperberg commented that this will allow more time for the careful development of a draft policy for presentation to the Board in early spring.

General Counsel Kuperberg informed the Board that there have been a number of procedural pleadings which have been filed in the Quantification Settlement Agreement litigation. Mr. Kuperberg stated that in order to assure that he could receive the pleadings and review them, substitution of attorney forms have been filed, and his office is now listed as Counsel of Record for the District on this matter. He added that now, if anything substantive happens in this case, he will be apprised of it at the same time as all the other parties.

17. COMMENTS BY GENERAL MANAGER

Mr. Coox called the Board's attention to a memo (attached) which he left at the dais updating the Board on the Henshaw dredging project. He stated that at this time, the project has been called off by the contractor. He added that if the project is ever to be revived, staff would let the Board know.

Mr. Coox informed the Board that a retirement celebration luncheon was planned for Tuesday, December 9 at noon for Nancy Hickman, GIS Specialist, who has been with the District for 20 years. Due to logistical concerns, it was not possible to plan this celebration for a Board day.

President MacKenzie asked General Manager Coox if the swearing in of the new and incumbent Directors would be appropriate to take place on December 10, before the Board meeting. Mr. Coox responded that staff planned to do it at that time.

Mr. Richard Vasquez, VID Board Director-elect, inquired if he could stay and take part in the next agenda item, which was a closed session conference with Legal Counsel. He stated that since he will soon take his place on the Board, he would like to get up to speed as quickly as possible on this matter. General Counsel Kuperberg apologized, but stated that this would not be allowable under the Brown Act.

Mr. Marty Miller and Mr. Richard Vasquez left the meeting at this time. Mr. Brett Hodgkiss left the meeting as well. Mr. Don Smith rejoined the meeting at this time.

18. CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL


President MacKenzie adjourned the meeting to closed session at 9:17 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 9:46 a.m. President MacKenzie declared that no reportable action had been taken.


19. ADJOURNMENT

There being no further business to come before the Board, at 9:46 a.m., President MacKenzie adjourned the meeting to November 19, 2008 at 8:30 a.m.



Jo MacKenzie, President

ATTEST:



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