

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

December 10, 2008

A Regular Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, December 10, 2008, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

President MacKenzie called the meeting to order at 8:32 a.m.

2. ROLL CALL

Directors present: MacKenzie, Dorey, Vásquez, Miller 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; Brian Smith, Director of Engineering; Ken Bouchard, Director of Facilities; Angela Morrow, Water Resources Project Manager; and Marian Schmidt, Administrative Assistant.

Other attendees: Many VID employees were in attendance in honor of the three retirees.

3. PLEDGE OF ALLEGIANCE

Director Williams led the pledge of allegiance.

4. APPROVAL OF AGENDA

08-12-158	<i>Upon motion by Director Dorey, seconded by Director Miller 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

08-12-159	<i>Upon motion by Director Williams, seconded by Director Dorey and carried, the Board of Directors approved the Consent Calendar, including Resolution No. 08-61 approving disbursements, with Directors Miller and Vásquez abstaining on Item B.</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 Nos. O74, G55, and S156, for a 5-foot wide specific easement over properties owned by Orchid Investments Properties, LLC., Chris F. and Annette Gregg, and Bernard R. Schedell, respectively, located at 902, 905, and 909 Orchid Court, Vista (WOI-3011; LN 2000-032; VT 2-051; APN 217-210-91; DIV NO. 5).

B. Minutes of Board of Directors meetings on November 19 and 26, 2008

The minutes of November 19 and 26, 2008 were approved as presented.

C. Resolution ratifying check disbursements

RESOLUTION NO. 08-61

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 34032 through 34206 drawn on the Union Bank of California totaling \$1,909,171.25.

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 10th day of December 2008.

AYES: Directors Vásquez, Dorey, Miller, Williams, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None

7. RESOLUTION AND PRESENTATION COMMENDING RETIRING VID EMPLOYEE NANCY HICKMAN

See staff report attached hereto.

President MacKenzie read aloud the Resolution honoring retiring VID employee Nancy Hickman. She shared a few words about her relationship with Ms. Hickman since 1986, which predated both of their associations with Vista Irrigation District. President MacKenzie presented Ms. Hickman with a framed copy of her Resolution, and a photo was taken. Ms. Hickman opened her gifts from the Board of Directors and the District and thanked the Board of Directors and the District.

General Manager Roy Coox stated that Ms. Hickman would be especially missed for the beautiful collages she has created for retiring employees over the years, and also for her creativity and work each year on the VID float entry for the Annual Vista Holiday Parade. Mr. Coox added that there had been many occasions in which Ms. Hickman had been spent her own personal time on these types of projects, and that her efforts have always been greatly appreciated and she will surely be missed.

08-12-160 *Upon motion by Director Dorey, seconded by Director Miller, the Board of Directors adopted Resolution 08-58 honoring Nancy Hickman for twenty years of service to the District, by the following roll call vote:*

*AYES: Directors Williams, Dorey, Vasquez, Miller, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None*

A copy of Resolution 08-58 is on file in the official Resolution Book of the District.

8. RESOLUTION AND PRESENTATION COMMENDING RETIRING VID EMPLOYEE RICHARD STACK

See staff report attached hereto.

08-12-161 *Upon motion by Director Williams, seconded by Director Dorey, the Board of Directors adopted Resolution 08-59 honoring Richard Stack for thirty years of service to the District, by the following roll call vote:*

*AYES: Directors Williams, Dorey, Vasquez, Miller, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None*

A copy of Resolution 08-59 is on file in the official Resolution Book of the District.

President MacKenzie read aloud the Resolution honoring retiring VID employee Richard Stack. President MacKenzie stated that she had also known Mr. Stack prior to her initial election to the VID Board of Directors in 1992. Mr. Coox added that Mr. Stack's knowledge of the District and its customers has been invaluable and that he will be greatly missed. President MacKenzie presented Mr. Stack a framed copy of his Resolution. A photo was taken. Mr. Stack opened his gifts from the Board of Directors and the District. Mr. Stack thanked everyone for the gifts and the kind words.

9. RESOLUTION AND PRESENTATION COMMENDING RETIRING VID EMPLOYEE GIL AGUILERA

See staff report attached hereto.

08-12-162 *Upon motion by Director Dorey, seconded by Director Vasquez, the Board of Directors adopted Resolution 08-60 honoring Gil Aguilera for thirty-one years of service to the District, by the following roll call vote:*

*AYES: Directors Williams, Dorey, Vasquez, Miller, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None*

A copy of Resolution 08-60 is on file in the official Resolution Book of the District.

President MacKenzie read aloud the Resolution honoring Mr. Gil Aguilera. She stated that she has known Mr. Aguilera since around 1986 through her line of work. She commented that the quality of Mr. Aguilera's customer service and responsiveness is unsurpassed throughout the County, and that he will be missed.

Mr. Coox echoed President MacKenzie's comments, adding that Mr. Aguilera has been the smiling face behind the Engineering counter for a long time, and his exemplary customer service has been greatly appreciated by the District's customers.

President MacKenzie presented Mr. Aguilera with his framed Resolution, and a photo was taken. Mr. Aguilera opened his gifts from the Board of Directors and the District, and expressed his thanks.

A break was taken from 9:00 a.m. to 9:25 a.m. for refreshments and celebration. Upon return from break, present in the audience were Messrs. Don Smith, Ken Bouchard, Brett Hodgkiss, and Brian Smith, and Ms. Angela Morrow.

10. DIVISION REPORTS

See staff report attached hereto.

President MacKenzie inquired as to the status of the Interim Agricultural Water Program (IAWP). Administrative Services Manager Brett Hodgkiss responded that the District has received four completed applications for the IAWP, and one application for the Special Agricultural Water Rate (SAWR) program. The District has received approximately 180 return receipts from the recent customer mailing, and the rest have been contacted by phone. Mr. Coox stated that he learned the previous day at the Water Authority that the Metropolitan Water District (MWD) has officially announced that it will retain the 30% cutback for Agricultural customers through 2009, with the understanding that if Municipal and Industrial (M & I) cutbacks reach 15%, the Agricultural cutbacks will then go to 40%.

Director Dorey stated that upon his review of the Water Resources Division Reports, he noted that it has been a long time since the Board toured the facilities at Warner Ranch. He commented that he believed it would be appropriate to schedule a tour soon.

Mr. Ken Bouchard left the meeting at this time.

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

See staff report attached hereto.

Director Williams reported that there have been no Water Authority board meetings since his last report. He added that the only activity has been waiting for the report concerning the Camp Pendleton site for a desalination plant, which he believes has somehow been pushed aside.

Mr. Coox reported on the regional group with which he has been active, which is working on a new demand off-set program in order to keep development going after certain M & I cutback levels are announced. Mr. Coox stated that he is confident the new program will be successful in letting customers know that even though they are being asked to conserve it will not be at the expense of taking their water in order to allow new growth.

12. 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 reported that she and Director Dorey attended the CSDA Quarterly meeting. The speakers, Supervisor Greg Cox and former Senator Steve Peace, spoke about the state of California finances, and the fact that the State is about a billion dollars short of anticipated reserves in the first five months of the fiscal year. President MacKenzie stated that she also got information, which she forwarded to staff, that President-Elect Obama's lead team is looking for infrastructure projects that are ready to move forward. Mr. Coox interjected that Staff was able to meet the deadline, which was the Friday before Thanksgiving, and submitted for consideration the flume project, the headquarters demonstration landscaping project, and the Warner Carrillo Ranch House project.

Director Dorey attended a San Luis Rey Watershed Council (SLRWC) meeting and reported that the SLRWC bylaws have been finalized and that the incorporation papers will be completed by the end of month. Director Dorey stated that he also attended the organizational meeting of the Upper San Luis Rey Watershed Authority (USLRWA). Director Dorey stated that he was elected Treasurer/Secretary of the USLRWA.

Director Dorey reported that he attended the ACWA/JPIA Board of Directors meeting in Long Beach. He stated that there was a Town Hall meeting in which investments, a new headquarters building, and the status of AIG were all discussed.

Director Dorey also attended the ACWA Conference in Long Beach where he attended a meeting of the ACWA Groundwater Committee. He reported that the Committee reviewed and worked on finalizing a draft outline for inclusion in the ACWA Blueprint paper, which should be ready by the ACWA Spring Conference in May 2009. Director Dorey also attended conference sessions on Communications, Ethics, and Finance. Director Dorey noted that during the course of the conference he learned that Board members should receive Sexual Harassment Training.

Director Williams reported on his ACWA attendance, commenting that climate change really does seem to be a fact of life. Director Williams stated that the Communications session he attended on technology and on how agencies can effectively communicate with its customers was very interesting.

President MacKenzie reported on her ACWA attendance, where she attended a meeting of the ACWA Membership Committee meeting as Vice-Chair of the Committee. She stated that ACWA is considering seeking memberships from cities that have water departments. President MacKenzie stated that the past year has experienced the lowest membership gain in all the eight years in which she has been on the Committee.

President MacKenzie recommended the CSDA seminar "How to be an Effective Board Member" in March 2009 in Riverside for the new Board members. Directors Miller and Vásquez received brief clarification from the other three Board members about the meetings, conferences, and seminars the Board typically attends. Mr. Coox suggested that staff could put together a description of the different organizations shown on the "Schedule of Upcoming Meetings and Events" for the new Directors. Director Miller said that he would appreciate recommendations from the other Directors of any training or seminar coming up that would be beneficial to him as a new Director. Director Williams suggested that the Lower Colorado River Tour would provide good background relative to Indian water. He also suggested the Upper Colorado Tour and the Bay Delta Tour, all sponsored by the Water Education Foundation.

Director Dorey stated that he would be attending a Groundwater Committee on January 26, 2009, and he requested to stay overnight in order to allow time for him to meet some of the local legislators the following day.

08-12-163	<i>Upon motion by Director Vásquez, seconded by Director Williams and unanimously carried, the Board of Directors authorized Director Dorey to stay overnight for an ACWA Groundwater Committee meeting in January 2009.</i>
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13. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

President MacKenzie directed that a future agenda include an item for discussion on Sexual Harassment training for Board members.

The Board also directed that an item be placed on a future agenda regarding the scheduling of a tour of the District facilities located on the Warner Ranch.

Director Dorey requested an agenda item on the Poseidon desalination project as soon as new information becomes available.

14. DIRECTOR COMMENTS

Director Williams stated that there still remains questions relevant to the Poseidon desal project as to why the "partners" who have signed on to the project chose to do so. He stated that he believes this is an important question which needs to be answered.

Director Williams reported that Dale Mason of Vallecitos Water District has recently retired.

Director Miller asked if the City of Vista is on board with the concept of requiring drought resistant landscaping for all new developments. Mr. Coox responded that the District has been discussing this with City staff but as far as he knew, the City has not taken any official action to mandate or require any changes in their landscaping standards as part of new development. Mr. Hodgkiss interjected that District staff and City staff have been attending meetings regarding revisions to the State Landscape Model Ordinance that is being developed by the Department of Water Resources (DRW), with more meetings coming up in the next week or so. District staff provided comments on the first version as part of a group response through the Conservation Action Committee (CAC), which is part of the Water Authority. The District is currently reviewing the revised model ordinance and comments will be provided to DWR via the CAC.

Director Dorey noted that the City of Vista's State of the Community Breakfast is scheduled for January 21, 2009 at 7:30 a.m., which will conflict with the January 21 VID Board meeting. He stated that he assumed General Manager Coox would be invited to speak at this event, and that he would also like to attend. Director Dorey suggested that the Board consider adjusting the start time of the Board meeting on January 21 to allow attendance by the Board at this event. Mr. Coox said he would add this to the next agenda for the Board's consideration.

Director Williams inquired about a letter which had been included with the Board packets (attached hereto as Exhibit A), from Loren Nancarrow and the EcoLife Foundation. Director Williams wanted to know if staff was familiar with the foundation. The Board asked that staff do some research on the Foundation and its mission, and bring that information back to the Board.

15. COMMENTS BY GENERAL COUNSEL

General Counsel Joel Kuperberg updated the Board on a lawsuit which had been discussed at a ACWA Legal Affairs Committee meeting at the recent ACWA Conference. He stated that this case is currently in the appellate system after a trial court upheld that water districts and other governmental agencies are not subject to some of the State wage and hour rules, particularly the eight hour threshold for having to pay overtime. While the case is on appeal, several special interest groups are trying to change the rule. ACWA is now participating in the effort to maintain the status quo.

Mr. Kuperberg also informed the Board about a case regarding inter-basin transfers dealing with whether or not clean water permits are required every time water is moved from one lake or basin to another. Mr. Kuperberg thought that in theory it could apply to some of the water distribution work that the District does at Lake Henshaw, although the case deals with slightly different kinds of basins. Mr. Kuperberg stated that a decision is expected on this in about 12 months.

16. COMMENTS BY GENERAL MANAGER

Mr. Coox informed the Board that the District received the final approval and check for the Smart Landscape grant in the amount of \$2,975. This grant covered all of the hardware for the District's recent landscape project in front of its headquarters. Also, the North County Industrial Park, whom the District encouraged to apply, was also approved for \$5,000, which they received to upgrade their hardware on landscaping throughout the Industrial Park.

Mr. Coox reminded the Board about the Holiday Luncheon coming up on Thursday, December 18 at 1:00 p.m. Mr. Coox wished the Board a Merry Christmas and a Happy New Year.

A brief break was taken from 10:49 a.m. to 10:58 a.m. Upon return from break, present in the audience were Mr. Don Smith and Ms. Angela Morrow.

17. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS (2 ITEMS) (Government Code section 54956.8)

President MacKenzie adjourned the meeting to closed session at 10:58 a.m. for a conference with real property negotiators to discuss the following:

A. Property: Proposed access easement on existing dirt roadway on Warner Ranch property.
District negotiators: Roy Coox and Don Smith
Negotiating Parties: Los Coyotes Band of Indians
Under Negotiation: Price and Terms

B. Property: Access easement on existing roadway on Warner Ranch property.
District Negotiators: Roy Coox and Don Smith
Negotiating Parties: Frank and Joann Randall
Under Negotiation: Price and Terms

The meeting reconvened in open session at 12:23 p.m. President MacKenzie declared that no reportable action had been taken.

18. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

President MacKenzie adjourned the meeting to closed session at 12:23 p.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 12:32 p.m. President MacKenzie declared that no reportable action had been taken.

19. ADJOURNMENT

There being no further business to come before the Board, at 12:32 p.m., President MacKenzie adjourned the meeting.


Jo MacKenzie, President

ATTEST:



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