

**MINUTES OF THE REGULAR ADJOURNED MEETING
OF THE BOARD OF DIRECTORS OF
YUIMA MUNICIPAL WATER DISTRICT
May 26, 2009**

The Regular Adjourned Meeting of the Board of Directors of the Yuima Municipal Water District was held at the office of the District, 34928 Valley Center Road, Pauma Valley, California on Tuesday, the 26th day of May, 2009.

**Regular
Adj. Meeting
5/26/09**

1. ROLL CALL – DETERMINATION OF QUORUM

Call to Order

President Knutson called the meeting to order at 2:00 p.m..

Directors Present:

Present: All

W.D. Knutson, President
Douglas K. Anderson, Vice-President
George Stockton, Secretary
Mike Fitzsimmons
Ron W. Watkins

Directors Absent:

Absent: None

None

Present

Others Present:

Linden A. Burzell, General Manager
Lori A. Johnson, Director of Finance
Bob Fowler, Director of Operations & Maintenance
Barbara Stead
James McPhail, EnerNOC
Chief Jeff Johnson, CalFire

Following the roll call, President Knutson declared that a quorum of the Board was present.

**Quorum
Present**

2. ADDITIONS TO AGENDA

**Additions to
agenda: none**

There were no additions to the agenda.

3. PUBLIC COMMENTS

President Knutson opened the public comment period. Barbara Stead addressed the Board concerning her request for an additional extension of time to file a request for a meter downsizing under the District's "no fee" downsize program which ended on January 26, 2009. In January Mrs. Stead requested an extension until April 30th to allow her additional time to make a decision. She stated that there were new issues and she needed an additional extension. It was agreed that if she filed her request by the close of business on May 29th, 2009, that no fee would be assessed in connection with the downsizing.

**Public
Comments:**

**Barbara
Stead**

I. CONSENT CALENDAR

Following review of the Consent Calendar, a motion was offered by Director Watkins, seconded by Director Fitzsimmons, to adopt the remainder of the Consent Calendar, namely; approval of the Minutes of the Regular Adjourned Meeting of April 27, 2009 and the Special Meeting of May 12, 2009; the Accounts Paid and Payable for April, 2009; the monthly financial reports for April, 2009; Resolution No. 1244-09 *Establishing the Appropriation Limit for Fiscal Year 2009-10 Pursuant to Article XIII B to the State Constitution*; Resolution 1245-09 *Authorizing Checking, Savings and Investment Accounts with Various Financial Institutions and Broker/Dealers (Finance 500, Inc. and Ridge Clearing and Outsourcing Solutions, Inc (Ridge Clearing))*. The motion was adopted by the following roll-call vote, to wit:

**Consent
Calendar**

**Minutes of
Regular
Meeting of
4/27//09 and
Special Mtg.
of 5/12/09**

**Accts. Paid &
Payable**

**Res. 1244-09
Approp.Limit
2009-10**

**Res. 1245-09
Finance 500
and Ridge
Clearing**

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSENT: None

ABSTAIN: None

II. SPECIAL REPORTS

II-1 Joint Powers Fire Report

President Knutson invited Chief Jeff Johnson of CalFire to make a presentation to the

**CalFire
Report:
Capt.
Johnson**

Board. The number of encounters with rattlesnakes has significantly increased with the warmer weather. The LA100 program now requires extended clearing of brush - 100 ft of clearance from structures. Maintenance has been completed on an additional 30 fire hydrants. The recent fire near Pala burned about 120 acres.

III. ACTION/DISCUSSION

III-1 Proposed Resolution Authorizing Execution of Agreement for Mutual Fire Protection Aid.

After discussion and upon a motion by Director Fitzsimmons, seconded by Director Stockton, Resolution No. 1246-09 entitled *Resolution Authorizing Execution of Agreement for Mutual Fire Protection Aid* was adopted by the following roll-call vote, to wit:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res. 1246-09
Mutual Fire
Protection
Aid
Agreements**

III-2. Public Hearing and Consideration of Proposed Schedule of Water Availability Charges

President Knutson called the public hearing to order at 2:40 p.m. No members of the public were present wishing to provide testimony. After discussion, President Knutson closed the hearing at 2:45 p.m. Upon a motion by Director Anderson, seconded by Director Stockton, a motion to adopt Ordinance No. 102-09 *Setting A Schedule of Water Availability Charges for 2009-2010* was adopted by the following roll-call vote, to wit:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Public
Hearing:
Water
Availability
Charges**

**Ord. 102-09
Water Avail.
Charges for
2009-10**

III-3. Resolution Awarding Contract for Construction of Well 30 Pilot Hole and Cased Well (South West Pump & Drilling)

After discussion and upon a motion by Director Stockton, seconded by Director Watkins, the Board approved Resolution No.1247-09 *Awarding Contract for Construction of Well 30 Pilot Hole and Cased well* to South West Pump and Drilling in the amount of \$384,875.00 by the following roll call vote, to wit:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res. 1247-09
Well 30 Pilot
Hole and
Cased Well
South West
Pump &
Drilling
(\$384,875)**

III-4. Proposed Resolution Restating the Deferred Compensation Plan in its Entirety and Rescinding Resolution 977-05.

After discussion and upon a motion by Director Fitzsimmons, seconded by Director Anderson, the motion to approve Resolution No. 1248-09 entitled *Resolution Restating the Deferred Compensation Plan in its Entirety and Rescinding Resolution 977-05* was passed by the following roll call vote, to wit:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res. 1248-09
Restating
Deferred
Compensation
Plan**

III-5. Resolution Electing to be Subject to Public Employee's Medical and Hospital Care Act (PEMHCA) Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Retirees and Different Amounts (Board of Directors).

Director of Finance Johnson explained that the district currently has its group health insurance coverage for employees, eligible retirees and those directors electing coverage under the ACWA Medical Benefits Program. The ACWA program required the group to maintain 75% participation in the program. Since most of the directors have opted out of the health coverage there is no room to offer an opt-out provision to employees with dual coverage and still maintain ACWA's minimum participation requirements. By putting the board of directors group in the CalPERS Health program, which does not have any minimum requirements, it

allows the board to offer an opt out provision for those employees with dual health coverage under the ACWA plan. The PEMHCA program has an administrative fee of .45% of total gross premium or approximately \$2 per month and \$1 per month per participant contribution requirement to a retirement program which will be a monthly charge paid by the district into the CalPers Deferred Compensation Plan. After discussion and upon a motion by Director Fitzsimmons, seconded by Director Stockton, Resolution No. 1249-09 entitled *Resolution Electing to be Subject to Public Employee's Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer's Contribution for Retirees ad Different Amounts (Board of Directors)* was passed by the following roll call vote, to wit:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res.1249-09
Establishing
Separate
Health Care
Group –
Board of
Directors
(PEMHCA)**

III-6. Resolution Approving Adoption of CalPERS Deferred Compensation Plan

Following discussion and upon a motion by Director Anderson, seconded by Director Fitzsimmons, Resolution No. 1250-09, entitled *Resolution Approving Adoption of CalPERS Deferred Compensation Plan* was adopted by the following roll call vote:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res. 1250-09
CalPERS
Deferred
Compensation
Plan**

III-7. Resolution Approving Clean Green California Demand Response Sales and Services Agreement with EnerNOC.

Director of Finance Johnson introduced James McPhail, Business Development Manager with EnerNOC, Inc. James McPhail reviewed the demand response program stating that Yuima as a participant in the program will earn incentive payments in exchange for

reducing energy consumption when requested by SDG&E. Events are called by SDG&E only in time of extreme demand for energy when existing energy-efficiency improvement and conservation practices may not be enough to meet projected energy need. Following discussion and upon a motion by Director Anderson, seconded by Director Watkins, Resolution No. 1251-09, entitled *Resolution Approving Clean Green California Demand Response Sales and Services Agreement with EnerNOC* was adopted by the following roll call vote:

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

**Res. 1251-09
EnerNOC
Agreement**

III-8. ERC Committee Report

Director Fitzsimmons reported that the Employee Recognition Committee had received a number of employee suggestions during the previous quarter, many with merit, but that the Committee has decided to defer any awards at the present time, noting that all suggestions received so far will remain eligible for award at the next meeting of the committee.

**ERC
Committee
Report**

IV. REPORTS/MEETINGS

IV-1. Board Reports/Meetings

Director Knutson reported that:

- Director Knutson traveled to Washington recently to accept the “Partners in Conservation” Award on behalf of the Colorado River Board in connection with the Record of Decision on Lakes Powell and Mead. A total of 26 awards were recognized, with over 600 people in attendance. Secretary Salazar spoke on the first 100 days of the Obama administration.
- SDCWA rates are increasing 18.1% for treated water and 15.4% for untreated water. CWA’s two-year budget, including about \$555 million in CIP, has been presented; the two-year budget cycle for the Water Authority

**Board
Reports**

**President
Knutson**

seems to be working well.

- ✦ The Carlsbad/Poseidon Desal project has passed its latest regulatory hurdle and is moving forward
- ✦ The schedule for Pipeline 6 has been delayed again, pushed out to 2026 if the Carlsbad desal project goes forward, and to 2018 if it does not.
- ✦ JPIA has proposed no increase to Worker's Comp rates.
- ✦ ACWA was involved in a march on the State Capitol this month, which was overshadowed by the failure of most of the State propositions on the ballot.

IV-2. Administrative Report

Manager Burzell called the board's attention to his written Administrative report. There were no questions.

**Admin.
Report**

IV-3. Capital Improvement Program Review.

Manager Burzell drew the Board's attention to the Capital Improvement summaries; there were no questions.

**Discussion on
Capital
Improvements**

IV-4. Operations Report.

Director of Operations & Maintenance Fowler called the Board's attention to his written Operations Report; there were no questions.

**Operations
Report**

IV-5. Engineer's Report.

None.

**Engineer's
Report**

IV-6. Counsel's Report.

Counsel Scott was not present.

**Counsel's
Report**

IV-7. Finance Report

Director of Finance Johnson gave a brief report on the progress of the Pauma Ranch, LLC (Montgomery) annexation stating the she and Manager Burzell met with Dana Frieauf and Leslie Donovan from CWA. It is expected Yuima’s request for an informal approval of a concurrent annexation will be brought to the County Water Authority Board in July.

Finance Reports

Pauma Ranch, LLC Annexation Request

Director of Finance Johnson updated the board on the probability of Proposition 1-A borrowing of the district’s tax revenues, stating that in light of the state’s current deficit that we can count on our property tax revenues being reduced in some manner and that assumption will be reflected in the proposed 2009-2010 budget.

Prop 1-A

V. OTHER BUSINESS

Director Stockton reported on the Special District award ceremony at which Rachel Hochstettler was honored.

Other Business

VI. ADJOURNMENT

Director Stockton moved, seconded by Director Watkins that the meeting be adjourned to Monday, June 29th to allow staff additional time for the preparation of the budget. The motion was approved that the meeting stand adjourned at 4:38 p.m. by the following roll call vote:

Adjournment 4:38 p.m. to Monday, June 29th at 2:00 p.m.

AYES: Knutson, Anderson, Fitzsimmons, Stockton, Watkins

NOES: None

ABSTAIN: None

ABSENT: None

Original minutes were signed and approved on June 29, 2009.

George Stockton, Secretary

ATTEST:

Original Minutes were signed and approved on June 29, 2009.

W.D. Knutson, President

