

MINUTES OF THE REGULAR ADJOURNED MEETING
OF THE BOARD OF DIRECTORS OF
YUIMA MUNICIPAL WATER DISTRICT
July 31, 2015

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 Friday, the 31st day of July, 2015.

**Regular Adj.
Meeting
7/31/15**

1. ROLL CALL – DETERMINATION OF QUORUM

President Knutson called the meeting to order at 2:10 p.m. A quorum was present.

**Call to Order
2:10 pm**

Directors Present:

Present: 4

W.D. “Bill” Knutson, President
Ron Watkins, Vice-President
Mike Fitzsimmons, Director
Laney Villalobos, Director

Directors Absent:

Absent: 0

None

Others Present:

Others Present

Linden Burzell, General Manager
Lori A. Johnson, Director of Finance
Jeffery Scott, General Counsel
Daren House
Roland Simpson
Bill Winn
Tom Neubert
George & Sue Stockton
Amber Watkins
Bobby Graziano
Joann Morgan

President Knutson declared that a quorum of the Board was present.

Quorum Present

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance

President Knutson led those present in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Without objection, the Agenda was amended to advance consideration of the Resolution of Appreciation of George Stockton immediately following Public Comment.

Approval of Agenda

4. PUBLIC COMMENT

Public Comments:

Sue Stockton notified those present that the California Department of Food and Agriculture’s ‘Pest Awareness’ program will be presented at the Community Center on Tuesday, August 11th. Roland Simpson requested the following: (1) background information on the formation of the Upper San Luis Rey Watershed Authority (2) how much time the District’s General Manager spends on USLRWA matters (3) monthly progress reports on the District’s 2015 Master Plan and the USLRWA’s sustainable groundwater planning efforts. Bobby Graziano inquired if the boundaries have been defined for the natural drainage of the headwaters down to the narrows by Adams drive where it narrows out.

5. Resolution of the Board of Directors Extending it’s Appreciation to George Stockton for his Distinguished Service.

Res. #1626-15 Recognizing George Stockton’s Distinguished Service

Upon a motion by Director Fitzsimmons, seconded by Director Knutson, Resolution No.1626-15 *Extending the Appreciation of the Board of Directors to George Stockton for his Distinguished Service* was approved by the following roll call vote, to wit:

- AYES: Fitzsimmons, Villalobos, Knutson
- NOES: None
- ABSTAIN: None
- ABSENT: Watkins

I. CONSENT CALENDAR

Consent Calendar

Director Fitzsimmons moved approval of the Consent Calendar, consisting of the *Approval of the Minutes of the Special Meeting (Board Workshop) of June 26, 2015 the Regular Adjourned Meeting of June 26, 2015 and the Special Meeting of July 21, 2015; Approval of Accounts Paid and Payable and reporting under Government Code §53065.5 for June, 2015; Acceptance of the Monthly Financial Reports for June, 2015, Treasurers Report; Resolution No. 1627-15 Supporting the Cucamonga Valley Water District's Nomination of Kathleen Tiegs as the Association of California Water Agencies President; and Resolution No. 1628-15 Updating the Welding and Cutting Safety Program and Rescinding Resolution No. 1426-12 (Safety)*. The motion was seconded by Director Villalobos and approved by the following roll call vote, to wit:

AYES: Fitzsimmons, Villalobos, Knutson
NOES: None
ABSTAIN: None
ABSENT: Watkins

II. SPECIAL REPORTS

1. Joint Powers Fire Report

No report. Chief Williamson and Capt. Johnson were unavailable due to a fire.

III. ACTION/DISCUSSION

1. Resolution Establishing "Fixed Charge Special Assessments" for Uncollected Charges for Water and Other Services in Accordance with Water Code Section §72100 (APN 130-180-04).

Upon a motion by Director Fitzsimmons, seconded by Director Villalobos, Resolution No. 1629-15 *Establishing "Fixed Charge Special Assessments" for Uncollected Charges for Water and Other Services in Accordance with Water Code Section §72100 (APN 130-180-04)* was approved by the following roll call vote, to wit:

AYES: Fitzsimmons, Villalobos, Knutson
NOES: None
ABSTAIN: None
ABSENT: Watkins

Approved:

Regular Adj. &
Special Meeting
Minutes – 6/26/15,
Special 6/26/15 &
7/21/15

June
Paid/Payables

June Financial
Reports

Res. 1627-15
Kathleen Tiegs,
ACWA President

Res.1628-15
Updating
Welding &
Cutting Safety
Program

Fire Report

Res. 1629-15
Fixed Charge
Special
Assessments

2. Discussion Regarding July Water Allocation and Penalties (Possible Action).

After discussion and upon a motion by Director Fitzsimmons, seconded by Director Villalobos, *Directing that penalties associated with exceedances of water allocations occurring during the month of July for all water accounts be waived.* The motion was approved by the following roll call vote, to wit:

AYES: Fitzsimmons, Villalobos, Knutson
NOES: None
ABSTAIN: None
ABSENT: Watkins

Director Watkins entered meeting at 2:35 p.m.

IV. INFORMATION/REPORTS

IV-1. Board Reports/Meetings

- President Knutson stated there were no actions by ACWA/JPIA to report.
- Vice President Watkins reported that scientists from the Scripps Institution of Oceanography made a presentation to the SDCWA BOD concerning the growing evidence for a strong El Niño and higher than normal rainfall this coming winter. An El Niño similar to that of 1998 would be sufficient to end the current drought. He also reported that a decision favorable to the Water Authority was rendered in Phase 2 of the Met water rates case. If sustained on appeal, the judgement would result in damages paid to the Water Authority of \$188 million, with interest of 7% up to the date of judgement and 10% thereafter.

IV-2. Administrative Report

Manager Burzell called the board's attention to his written Administrative report. Mr. Graziano asked for details concerning the proposed system inter-tie with the Rincon Band of Mission Indians water system, specifically wanting to know if

**Allocation
Penalties
Waived for
July, 2015**

**Administrative
Report**

Bureau of Indian Affairs regulations could permit deliveries of water from the Reservation to the District. He also asked for clarification of the requirements of the CASGEM program, and details of Rancho Pauma Mutual Water Company's request for a new 5/8 " water meter.

IV-3. Capital Improvement Program

Manager Burzell called the board's attention to the Capital Improvement Program reports. There were no questions.

**Capital
Improvements**

IV-4. Operations Report

Director of Operations Engstrand was not present. There were no questions on the written report in the packet.

**Operations &
Engineering
Report**

IV-5. Counsel's Report.

Counsel Scott briefed the board on the effect of the recent court ruling in the Capistrano tiered water rates case, pointing out that tiered rates are illegal unless a clear nexus to cost of service can be demonstrated through a costly rate study. He then outlined the procedure to be followed at the August 13 Special Board Meeting in appointing a new Director to fill the vacancy in Division 5

Counsel's Report

IV-6. Finance Report

Director of Finance Johnson stated there are no concerns on the delinquent accounts this month.

Finance Reports

She stated that all the identified encroachments on District parcels have now been removed. Staff is working on the last 3 sites where the District has above ground facilities in IDA on private property owner parcels. Dresselhaus survey is working on the legal description and plat that will be incorporated into the same easement template that was used for the Booster 4 and 7 easements.

Director of Finance Johnson requested that the Board consider allowing one more month to work with the remaining property owners in IDA that staff has

identified plantings over the number of Paid Special Connections and allow the rate charged for the acreage planted to be at the \$2,500 instead of the increased rate of \$8,400 that went into effect on July 1st. The board agreed to allow the rate at \$2,500 until the August meeting.

V. OTHER BUSINESS

**CLOSED SESSION: Conference with Legal Counsel – Existing litigation. Pursuant to Government Code Section 54956.9 (a)
Name of Case: Strub v. Palomar Mutual Water Company – San Diego County Superior Court Case No. 162650. In the Court of Appeal of the State of California Fourth Appellate District, Division One:
Rancho Pauma Mutual Water Company v. Yuima Municipal Water District.**

Closed Session

Staff and Counsel directed to take appropriate action.

The Board entered closed session at 3:42 p.m. and resumed deliberation in open session at 4:31 p.m.

REPORT AFTER CLOSED SESSION

Counsel and staff were directed to take appropriate action in connection with the named case.

VI. ADJOURNMENT

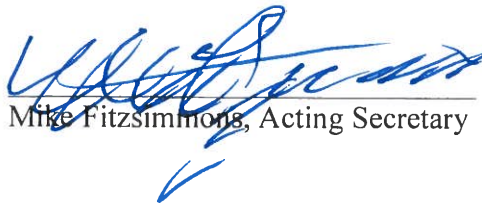
There being no further business to come before the board, President Knutson declared the meeting adjourned at 4:35 p.m.

Adjourn @ 4:35 p.m.

The next meeting of the Board will be a Special Meeting on Thursday, August 20th at 2:00 pm. The next Regular Adjourned Meeting of the Board will be held on Friday, August 28, 2015 at 2:00 p.m.

Next meeting:
Thursday, August 20 @ 2:00 pm
(Special Meeting)

August Regular
Adj. Meeting:
August 28, 2015
@ 2:00 pm
(Regular Meeting)


Mike Fitzsimmons, Acting Secretary

ATTEST:


W.D. "Bill" Knutson, President