AGENDA FOR A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE VALLECITOS WATER DISTRICT
WEDNESDAY, APRIL 3, 2013, AT 4:00 P.M.
AT THE DISTRICT OFFICE
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

CALL TO ORDER – PRESIDENT HERNANDEZ

PLEDGE OF ALLEGIANCE – DIRECTOR FERGUSON

ROLL CALL

In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. An emergency is defined as a work stoppage; a crippling disaster; or other activity which severely imperils public health, safety, or both. Also, items which arise after the posting of the Agenda may be added by a two-thirds vote of the Board of Directors.

ADOPT AGENDA FOR THE REGULAR MEETING OF APRIL 3, 2013

INTRODUCTION

Human Resources Technician Anderson will introduce new employee – Anthony Fonseca, Systems Collection Worker I.

ORAL COMMUNICATIONS

Persons wishing to address a matter not on the Agenda may be heard at this time; however, no action will be taken until the matter is placed on a future agenda in accordance with Board policy.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar will be voted upon by one motion. There will be no separate discussion of these items, unless a Board member or member of the public requests that a particular item(s) be removed from the Consent Calendar, in which case it will be considered separately under Action Items.

CONSENT CALENDAR

1.1 APPROVAL OF MINUTES

A. REGULAR BOARD MEETING – MARCH 6, 2013
B. COMMITTEE MEETING OF THE WHOLE SPECIAL BOARD MEETING – MARCH 11, 2013
C. REGULAR BOARD MEETING – MARCH 20, 2013

Approved minutes become a permanent public record of the District.

Recommendation: Approve Minutes
1.2 WARRANT LIST THROUGH APRIL 3, 2013 – $2,305,610.89

Recommendation: Approve Warrant List

1.3 FINAL ACCEPTANCE OF THE MERIDIAN AT LAKE SAN MARCOS WATER AND SEWER IMPROVEMENTS (PACIFICA L24, LLC) (FORMERLY LAKE SAN MARCOS RESIDENTIAL CONDOMINIUMS)

_Installation of water and sewer facilities has been completed._

Recommendation: Final Acceptance

1.4 FINAL ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS FOR NORDAHL ROAD AT SR 78 (CITY OF ESCONDIDO & CITY OF SAN MARCOS)

_All work completed in conformance with project plans and specifications._

Recommendation: Final Acceptance

*****END OF CONSENT CALENDAR*****

ACTION ITEMS

2.1 NORTH SAN DIEGO COUNTY REGIONAL RECYCLED WATER PROJECT (NSDCRRWP) PRESENTATION

_This presentation is for informational purposes only._

Recommendation: None

2.2 JOINT USE AGREEMENT WITH SDCWA FOR TEMPORARY USE OF VWD EASEMENT AND ACCESS ROAD AT TWIN OAKS RESERVOIR FACILITY

_Temporary use of access road needed due to construction near the Twin Oaks Treatment Plant._

Recommendation: Approve Joint Use Agreement

2.3 SAN MARCOS INTERCEPTOR PHASE 1A ACCEPTANCE

_Phase 1A extends from Bent Avenue to Via Vera Cruz and is the subject of the construction acceptance._

Recommendation: 1) Accept the project
2) File a Notice of Completion
3) Authorize release of retention funds to the contractor following the 30-day notice period, provided no claims are filed
2.4 CALL FOR NOMINATIONS FOR LOCAL AGENCY FORMATION COMMISSION (LAFCO) INDEPENDENT SPECIAL DISTRICT MEMBER

Nominations are being solicited for a regular Independent special district commission position on the LAFCO.

Recommendation: Request Board direction

2.5 CALIFORNIA WATER POLICY CONFERENCE

This conference is planned by a broad group of water industry professionals focusing on a variety of topics.

Recommendation: Request Board direction

*****END OF ACTION ITEMS*****

REPORTS

3.1 GENERAL MANAGER

3.2 DISTRICT LEGAL COUNSEL

3.3 SAN DIEGO COUNTY WATER AUTHORITY

3.4 ENCINA WASTEWATER AUTHORITY

3.5 LAFCO

3.6 DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

*****END OF REPORTS*****

OTHER BUSINESS

4.1 MEETINGS

WEF Flood Management Tour
May 16 – 17, 2013 – Begins/ends in Sacramento, CA

*****END OF OTHER BUSINESS*****

5.1 DIRECTORS COMMENTS/FUTURE AGENDA ITEMS

*****END OF DIRECTORS COMMENTS/FUTURE AGENDA ITEMS*****

6.1 ADJOURNMENT

*****END OF AGENDA*****
If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the Executive Secretary at 760.744.0460 ext. 264 at least 48 hours prior to the meeting.

AFFIDAVIT OF POSTING

I, Diane Posvar, Executive Secretary of the Vallecitos Water District, hereby certify that I caused the posting of this Agenda in the outside display case at the District office, 201 Vallecitos de Oro, San Marcos, California by 3:00 p.m., Friday, March 29, 2013.

Diane Posvar
President Hernandez called the Regular meeting to order at the hour of 4:00 p.m.

Director Ferguson led the pledge of allegiance.

Present:  Director Evans  
Director Ferguson  
Director Martin  
Director Poltl  
Director Hernandez  

Staff Present:  Assistant General Manager Scaglione  
Legal Counsel Scott  
Director of Engineering & Operations Gerdes  
Administrative Services Manager Emmanuel  
Finance Manager Fusco  
Principal Engineer Gumpel  
Water Systems Supervisor Pedrazzi  
Public Information/Conservation Supervisor Urabe  
Public Information Representative Webb  
Public Information Representative Yerman  
CMMS Technician Galindez  
Human Resources Technician Anderson  
IT Technician Todd  
Executive Secretary Posvar  

ADOPT AGENDA FOR THE REGULAR MEETING OF APRIL 3, 2013

13-04-01  MOTION WAS MADE by Director Poltl, seconded by Director Martin, and carried unanimously, to adopt the agenda for the Regular Board Meeting of April 3, 2013.

INTRODUCTION

Human Resources Technician Anderson introduced new employee Anthony Fonseca, Systems Collection Worker I.

ORAL COMMUNICATIONS

Mr. Michael Hunsaker, member of the public, addressed the Board stating that one of the subjects that’s coming up is the video taping of the Board meetings and how to post them and how to create them. San Marcos does a fairly good job of it but they have more than one camera. You have people talking up at the podium, you have presentations. Just one camera probably will not catch all of that. Then the editing becomes a question as to whether or not you have a complete record of the meeting and then you do have the audio tapes. Since the last couple of meetings there have been a lot of questions on what is said and what the meeting was. Probably a good starting point would be to post these audio tapes in lieu of the video until video comes
on and perhaps even have both. This is not an inexpensive operation but the audio tapes for example, the San Marcos Unified School District regularly posts those. You can develop the website so the video can be added rather readily after that. He thanked the Board.

CONSENT CALENDAR

President Hernandez stated that Director Martin has asked to pull the minutes for A, B, and C off the calendar as well as Director Evans wanted Item B. He asked for an approval for the balance of the items on the consent calendar.

13-04-02 MOTION WAS MADE by Director Ferguson, seconded by Director Poltl, and carried unanimously, to approve items 1.2, 1.3 and 1.4 of the Consent Calendar.

1.2 Warrant List Through April 3, 2013 - $2,305,610.89

1.3 Final Acceptance of the Meridian at Lake San Marcos Water and Sewer Improvements (Pacifica L24, LLC) (Formerly Lake San Marcos Residential Condominiums)

1.4 Final Acceptance of Water and Sewer Improvements for Nordahl Road at SR 78 (City of Escondido & City of San Marcos)

President Hernandez started with Director Evans’ request for Item B, meeting of March 11, 2013.

Director Evans stated that she had a few questions when she read through it and would like to listen to the tape. She asked that this item be deferred to the next meeting.

Director Poltl stated that this came up at the last Board meeting and isn’t sure which way to go with that. At the last Board meeting they had four members who approved it and one member who said that they wanted to defer it. He stated that maybe there is an easier way that they don’t have to keep bringing things back. Maybe there’s a way of just saying that they abstain or that they don’t agree with it or something of that nature.

Director Evans stated that her question is if she is reading the minutes and it’s not the way she recalled it, and if she says she abstains or says no but everyone else says yes, she feels it’s incorrect and that’s the permanent record. She really doesn’t think it should be a permanent record until they have everyone at least who was at the meetings can agree that’s what the meeting was. She likes the idea that the audio is being available. She doesn’t know how long the audios stay. But that is the only reason she would pull it, is because as she read it, there were just a few things that she thought were not exactly how she remembered it. And as a permanent record, she would like to know it’s correct. It’s very well it could be her lack of memory.
apologized because Director Poltl is right, she should come and listen to it before the meeting and not ask to delay it. And she will do that.

Director Martin stated that is why he asked at the last meeting that it be held and not move on it because it wasn’t exactly what he remembered happening so he wanted to make sure it was. Again, just by abstaining, when the other four vote and vote for it, they’re accepting it. And it’s not fair to them as well because if they were listening to the tape, they might hear something quite different. (next statement unintelligible) If someone asks to abstain or change a time of a meeting, he is always willing to do whatever a Director needs to have more time to make sure it’s done correctly. He has no problem with holding Item B so she can listen to the tape.

Director Poltl stated that he is just trying to move it along but he appreciates what Director Evans was saying to read beforehand, maybe iron out those problems before the meeting so that way they can move it on and not carry too much over.

Director Evans asked Director Poltl that if she pulled this up now and listened to it and then it’s on the next consent calendar, does he feel that will end – it’s approved. She doesn’t understand what the time loss is.

Director Poltl stated that there really is no time loss it’s just that we keep bringing things back. They don’t really need a unanimous decision to approve the Board minutes. If she feels something is wrong, she could always bring it up, say what it is and then it could be in the minutes, at least the minutes of this meeting.

Director Evans stated she will listen to it and if she has a problem, she will do that.

Director Martin stated that at the last meeting he asked that the regular minutes of the Board meeting of March 6 not be voted upon so he could listen to the tape. And he is going to have some questions that he thinks is mostly of Counsel. He knows there are a few different ways to write minutes of the meeting and he doesn’t have a problem with that at all, he thinks that’s great. Keep it short, keep it simple, he agrees with that. Under one of the action items, the word that they used after they had spoke about it, was the ACWA Region 10 Board member vacancy. They were talking about it and the process. The minutes that were kept said general discussion took place, no action was taken at this time. He thought that was great, that’s perfect. He gets it, keeps it simple. There was discussion, he can hear it on the tape. He hears Director Ferguson, he hears other people make comment but it wasn’t written down and that’s fine, he doesn’t have a problem with it. And it also took place, Saudi Arabian guests coming to tour the facilities and the General Manager took time and some of the staff took time, and he asked if they get compensated for this. Again, a Board member made some comments but again the answer is general discussion took place and no action was taken on this item. That’s fine, that’s a great way to do it. At the end of the Board meeting, Director Poltl brought up a couple of items that are verbatim word for word. This is not an agendized item, this is under other issues. Down to the point where one of the statements says Director Martin stated he doesn’t, quotes “untelligible” what the Board
would do to find out here. There’s a verbatim on something that was not agendized under that general discussion but yet they had an action item. He’s just trying to see where and who makes that distinction upon going verbatim, where does that take place.

Legal Counsel Scott stated that he thinks the minutes, frankly the best minutes, are the short and sweet minutes of a Board meeting. That basically, there is kind of a summary of what happened. Now capturing that summary is not always exacting. You can have disagreements or whatever. Probably in this case, and he noticed the minutes of the 6th, the 11th and the 20th were pretty lengthy, there’s a lot of stuff in there, and it may be that staff felt that it was important to the Board that this get detailed and word by word, we get all the stuff on record. But how they want to do their minutes is really up to them. What he would suggest they do, because he thinks if there is a question or concern about the 6th or the 11th or the 20th, there’s 14, 18, almost 20 pages of each minutes. And there’s sections like he said, they’re lengthy and some were general discussion and no action was taken. So he thinks in this case staff would probably appreciate some direction from the Board about how specific they would like when they get into these discussions; how they would prefer to have these minutes. He thinks this should come from them. With respect to the specific minutes, he thinks what would be a good idea is they’ve got the detail of these minutes now, if any Director has any questions or concerns about what was said, because frankly sometimes we don’t always articulate exactly what we want to say, it doesn’t always come out the way we intended it. So perhaps maybe on these minutes, he thinks for Director Evans, she could go back and kind of look in there and if there is something that’s not exactly what she recalled or what she intended, just clarify it. Just make sure they can change it, to get it correct, because they are the minutes of the District and they want to get them right. But he thinks they need to provide staff the direction on how detailed they would like. If they prefer, because sometimes this varies with Boards and it varies with Board members, some think it’s really important to get everything said down or not. But he thinks if they could provide staff, and Diane in particular, the Board can provide direction to make sure they either go lengthy when staff thinks it is supposed to be lengthy or shorten it. That is really up to them.

Director Martin stated again, the first two as he mentioned were on there and it was an action item and he thinks it was recorded marvelously by staff. General discussion took place, no action was taken. He thinks that’s all it needs to be. When, at the end of the meeting, the Director commentary, somewhat for this Board inflammatory, it was word for word verbatim. That just makes him think that it’s more botched. He could be wrong.

Legal Counsel Scott stated that he thinks there was probably an impression on staff that that was important to make sure that that was properly documented. They need to direct staff as to whether or not that’s the way they want to do it.

Director Martin stated he had another question, he wanted to listen to the tape for the 6th and he was informed that he could come in here and sit in a room and listen to it. That was great and he did that, he listened to it. He jotted down some of the inconsistencies, some of this was short, this was long, and it’s like who’s choosing
what’s what, he doesn’t know. And maybe they need to give better direction to staff, if they weren’t directed by someone to do what they did.

Legal Counsel Scott stated that all he is saying is, having done tons of minutes over the years himself, it’s a really hard job to get everybody on, and somebody that is not as clear, sometimes you’ll get different emphasis. So he thinks, staff is here to please. However they want to direct the staff to do it, it will get done. He thinks sometimes there was probably some feeling of importance of this section as opposed to that section. But historically, he thinks they’ve done it; they’ve had fairly simple minutes and it hasn’t been a big deal. So he thinks it’s basically their call how they think would be the appropriate way to do it and they can go from there.

Director Martin stated two points; number one is he’s been on different Boards and he’s never seen minutes as concise as these minutes were taken. So that was very, very interesting. And the second thing is how would he be able to have a tape of the meetings; is that problematic.

Legal Counsel Scott stated they’re public records. What they do, typically, is under the Attorney General opinions, tapes can be held for about 30-60 days. And then basically they get rid of them because they start to congregate. Again, it’s really up to them. He has other districts that frankly put the tape on the website. Anybody who wants to can listen to the meeting on the website. But then they still have to come back, that’s why he says the actual minutes that go into the record generally should be, he thinks the better practice rather than verbatim, is to have kind of a summary of what occurred, then try to do the best to make sure that summary reflects exactly what happened without getting too detailed in one area or another. They could do that; they could also put them up online, this day and age they can easily be put on the website. Again, it’s really however the Board wants to do it.

Director Martin stated that what he is saying up until this point it’s been Board direction to destroy the tapes after 30-60 days.

Legal Counsel Scott stated he thinks that was his direction under the Attorney General opinions. This is something that probably goes back 20-25 years. What they don’t want to do is, before they had computers and such, they basically didn’t want to have one set of minutes that said this and then another set of minutes that was reflected this way, so there was some legal issues that were of concern at one point that may not be as much of a concern today. But that is basically what they had; the Board had a policy, he would have to go back into the records, it’s probably been 20 years ago since it came before the Board, but it was basically that they would follow the Attorney General guidelines which was, he believed, the destruction of records for minutes was something in the effect of 30 or 60 days. It’s in the Brown Act; there is a specific provision now. So they just followed and observed that.

Director Martin asked how they go about, as a Board now they’re at this point, and he would hate to see anymore records get destroyed because he thinks that if you have a
tape or you have a DVD that is a very accurate occurrence of what happened versus minutes, which can be inaccurate. If he would say them, they would hardly say anything, they’d be very inaccurate. He’d be clear about it. But that’s what they go by. So Counsel is saying they adopt the minutes, that is exactly what happened, not what the tape say or don’t say, because they will be destroyed.

Legal Counsel Scott stated that is why they want to be careful and be correct when they adopt the minutes. Depending on how lengthy they want to go. They can get a court reporter in here and they can do it that way, they can put them up online. In this day and age, just put them up online. They want to make sure that then everybody can listen to them.

Director Martin stated he is just making sure there is consistency. From an observer looking at those minutes, like wow this discussion ensued and that went on for three or four minutes, nothing is written down. But then Mr. Poltl’s comments were verbatim. And everyone that talked after that. He doesn’t understand that part. To him as an observer that seemed odd.

Legal Counsel Scott stated he read the minutes the first time as he did. He thinks staff felt that was an important part of the meeting to make sure they captured it. Again, it’s their direction, whatever the Board would like staff to do, however they want to do the minutes. He thinks historically they’ve been accurate, have had a good process, he doesn’t think there have ever been any issues over 25-30 years that he knows of. Again, they can be as detailed as they want it.

Director Martin asked how he would go about making a motion to make that occur. He has no idea; what would he do right now. They’re here talking about it, it’s agendized.

Legal Counsel Scott stated he thinks they’ve got Board comments or possible future actions at the end of the agenda. If he wants to bring it up there, ask the Board Chair to put it on the agenda as far as how they want to have a Board policy with respect to minutes.

Director Martin asked if this could be an action item for tonight or action item for future.

Legal Counsel Scott stated he thought it would have to be a future; it’s not on the agenda this evening.

Director Martin asked if he could ask for a general consensus of the Board not to allow staff to destroy any more tapes, including the 6th.

Legal Counsel Scott asked the Executive Secretary how long they go back.

Executive Secretary Posvar stated the records retention policy states audio be kept for 30 days; after that they are deleted.

Legal Counsel Scott stated when they bring it back, they’ll hold onto these minutes,
there’s nothing sacred here. These are important minutes, they won’t destroy them. Basically, the Board adopted a retention policy a long time ago. This was one of the enumerated things. He thinks it’s pretty common practice. If they went around to public agencies in California, that’s pretty much what they do.

Director Martin stated that if they do action items just the way they’ve done it, they need to do that. But if they are going to start doing it verbatim, they’re word that he heard that were different on the tape than were here and they’re approving these as the record forever and not the actual tape, which is more accurate, he’d be doing something incorrect.

Legal Counsel Scott stated that he thinks they’re best served to have a summary of their meeting minutes. Otherwise they have to spend a lot of time trying to capture every word for every Board meeting.

Director Martin stated he spent a day and a half. He didn’t enjoy doing it. If it was all written out he wouldn’t have had to do it.

President Hernandez suggested that perhaps they could take this to the Committee level and then could have a full discussion and then perhaps when minutes are brought forth, if there is an item that wants to be further detailed or not, then it could be brought up at that time and then they could have a complete discussion about it.

Director Martin stated he had absolutely no problem with that as long as he knows that these minutes and any other minutes that they may still have from February or January are kept and not destroyed between now and that future meeting. And they’ll have a chance to go over it, as he said there were quite a few discrepancies in the narrative. And anybody would make discrepancies but if they’re making their narrative as Polit’s there’s a reason for it. He doesn’t know what that reason is but to him it looked very suspicious, that’s all.

Legal Counsel Scott stated there is also, the public can come in, anybody can tape these meetings and keep that tape for as long as they like; that’s also allowed too. Anymore it’s pretty common practice whether they video the meetings or whether it’s taped. Where’s it’s gotten controversial as to what exactly was said, what they’ve done is simply put them up on the website so anybody can listen to them.

Director Martin stated he thinks that might be something they could talk about at the Committee meeting, but please hold onto those. He’ll be abstaining from those tonight because just in case the Board doesn’t go the way they keep those, he can’t agree with the way some of the minutes are.

Director Evans stated she wanted to belabor it so just had three quick ones. Where he said she could listen to it and go back and do…

Legal Counsel Scott stated that his suggestion, what happens typically is if a Board member, and this normally occurs during the time that the Board member is reviewing their agenda, they may see that something, the minutes aren’t quite reflective of what their intent was or what they thought they said or whatever, during the meeting what would typically happen is when they move to approve the minutes, a Board member might say I’d like to modify this paragraph on page such and such because I think I said this…. So his suggestion is simply, she might take the opportunity to go through it.
Even if she doesn’t listen to the tape, she can listen to the tape too, but if she wanted to go through there and basically for her comments what she meant to say or what she thought she said, he would just modify it and bring it back to the Board. And if the rest of the Board is comfortable with that, that’s an easy way to do it.

Director Evans stated her dilemma is it isn’t about something she said and she doesn’t want to imply someone else said something until she hears it. It’s her perception what was said. She would like to do that and she understands that she can bring it back that way. Secondly, he said “staff obviously we approved 20 some odd years, we’ve done fairly summarized capturing this, what happened.”

Legal Counsel Scott stated absolutely.

Director Evans stated that she would like to know, he said staff, who is staff that would direct them to do it verbatim? There’s got to be someone. The Board did not give that change of authority. So she would like to know who is staff.

Legal Counsel Scott stated he thinks she needs to talk to the General Manager. He is not privy to who said what.

Director Evans responded o.k.

President Hernandez stated short of Item 1.1 B, could he get an approval of the two additional minutes that were presented.

Director Poltl stated he was a little confused.

President Hernandez stated they are approving only two sets of minutes; the 6th and the 20th. Director Evans would like to hold on the meeting on the 11th and Director Martin is going to abstain from all three. That is what he heard.

Director Martin stated he wanted to change, he is not going to abstain he is going to vote no. The first one isn’t correct, he heard that. He didn’t know about the second or third one.

President Hernandez stated the first and third, A and C.

Director Ferguson asked why don’t they refer the whole batch to the next committee meeting.

13-04-03 MOTION WAS MADE by Director Ferguson, seconded by Director Evans, and carried unanimously, to refer all minutes to the next meeting.

Mr. Michael Hunsaker, member of the public, addressed the Board stating he agreed with Mr. Martin that these records should not be destroyed. It was very confusing meetings and there is a lot of room for misinterpretation and misrepresentation by error and there is some comments in there that are extremely important which would not occur in a summary at all, which have particular consequences. He would like to see, as mentioned again, have these things posted. He does a lot of commentary to a lot of people and he wants to double check and make sure that if he has any errors or misinterpretations, that he can clean them up. He thanked the Board.
Director Martin asked Mr. Hunsaker if he has read the minutes of March 6.

Mr. Hunsaker responded that he has read one version, the initial one. And, like him, he thinks that the staff has done a fairly good job on it.

Director Martin thanked him and stated he just wanted to know if he already read them.

Mr. Hunsaker stated he has gone through them once but he hasn’t had enough time to really analyze them and see what the consequences and accuracy was.

Director Martin asked when these documents become public.

Legal Counsel Scott responded by clarifying with the Executive Secretary that he thought she posts them on Friday.

Executive Secretary Posvar responded that they are included in the Board packet for approval. Every agenda item is in the Board packet and are not considered approved.

Legal Counsel Scott clarified they are released to the public on Friday.

Executive Secretary Posvar responded the Board packet is available to the public on Friday.

Legal Counsel Scott stated that anybody can access it.

**ACTION ITEMS**

**NORTH SAN DIEGO COUNTY REGIONAL RECYCLED WATER PROJECT (NSDCRRWP) PRESENTATION**

Principal Engineer Gumpel facilitated a presentation on the North San Diego County Regional Recycled Water Project. The presentation included the following:

- What is recycled water?
- What does VWD do now?
- Understanding San Diego water
- Study area/ location map
- Participating North County agencies
- Project goals
- Existing recycled water use
- Potential regional recycled water demands
- Short term (20/20) project costs
- Regional long term (2030) options
- Long term (2030) Option A costs
- Recommendations
- Current status
- Next steps
- Ultimate objective
General discussion took place.

This item was presented for information only.

**JOINT USE AGREEMENT WITH SDCWA FOR TEMPORARY USE OF VWD EASEMENT AND ACCESS ROAD AT TWIN OAKS RESERVOIR FACILITY**

Assistant General Manager Scaglione stated that the District has an easement and an access road by our Twin Oaks facility and the SDCWA’s contractors are putting in the 54" line that connects the desal plant in Carlsbad to San Marcos. They are making improvements to their aqueduct system and also to the connection pipe at the treatment plant. They need the use of that access road during construction. District Counsel has reviewed a Joint Use Agreement that staff has been contemplating with the SDCWA. The SDCWA will be responsible for notification such as emergency agencies, residents in the area, companies that have to deliver, and signage for the temporary use of the road. At the end of the project, the access road will be slurry sealed. The agreement is until June 30, 2016 or when construction ends if prior to June 30, 2016.

Staff recommended the Board approve the Joint Use Agreement with SDCWA for the temporary use of the District’s easement and access road at the Twin Oaks Reservoir Facility.

13-04-04 MOTION WAS MADE by Director Ferguson, seconded by Director Evans, and carried unanimously, to approve the Joint Use agreement.

Director Ferguson stated that the SDCWA has built up a very good rapport with all of the residents in Twin Oaks. They have been very good in their public relations with the Twin Oaks residents. She feels comfortable that it will continue.

**SAN MARCOS INTERCEPTOR PHASE 1A ACCEPTANCE**

Assistant General Manager Scaglione stated that the larger Interceptor project is the 21” line that will be replaced with 9,000 feet of 36” and 42” line. This particular phase accommodated the City’s development west of Grand Avenue to Bent Avenue and extends to Via Vera Cruz. Charles King Company was awarded the contract for this project in March of 2012. There was one large change order for $164,000 to extend the actual project and avoid traffic control when the next phase of the project begins. It helped avoid those costs in the future. The total budget for the Interceptor project is $15.4 million. Phase 1A costs $3.6 million; $4 million was expended previously on other sections that had been done. There is $7.8 million remaining in the budget to complete the interceptor project.

Staff recommended the Board accept the project, file a Notice of Completion, and authorize the release of retention funds to the contractor following the 30-day notice period, provided no claims are filed.

General discussion followed.
13-04-05  MOTION WAS MADE by President Hernandez, seconded by Director Martin, and carried unanimously, to accept the project, file a Notice of Completion, and authorized release of funds to the contractor following the 30-day notice period, provided no claims are filed.

CALL FOR NOMINATIONS FOR LOCAL AGENCY FORMATION COMMISSION (LAFCO) INDEPENDENT SPECIAL DISTRICT MEMBER

Assistant General Manager Scaglione stated that LAFCO is accepting nominations for a regular independent Special District member position as distinguished from an Advisory position. He stated that the incumbent, John Ingalls of Santa Fe Irrigation District, has indicated he will seek re-election for the term that will expire in May 2017. A forum of candidates will be held at the regular CSDA Quarterly Dinner Meeting. The deadline to submit nominations is May 3, 2013.

Director Evans stated that she has been very interested in being on LAFCO and is the Special Advisory delegate. She stated that if she reads this correctly, Mr. Ingalls is going to apply to re-elect, but thinks it would be a good experience for us to at least put a nomination in. As much as she would like to do it, since she is busy with the Water Authority, she would like to nominate Hal Martin. She noticed on the list that he doesn’t really have a seat.

Director Martin stated he appreciated that, however, there is an incumbent who has a lot of experience and he thinks they would probably do a fantastic job. He again thanked her.

No action was taken.

CALIFORNIA WATER POLICY CONFERENCE

Assistant General Manager Scaglione stated this is an annual conference and takes place on April 18 and 19. Per Ordinance No. 179, this is not a compensable event. If any Board member is interested in attending, action would need to be taken to approve a per diem and expense claim for this event. It does conflict with the WEF tour that is coming up on the 17th – 19th in central valley.

No action was taken.

REPORTS

GENERAL MANAGER

Assistant General Manager Scaglione stated that the upcoming Committee meeting on Monday has a long agenda and will be on the budget process and progress. Due to the length of the meeting and length of meetings that we have been having, he wanted to schedule a time. There is concern about the start time for these committee meetings.
President Hernandez stated that Director Poltl had requested that in these committee meetings that extend for hours that perhaps the time could be moved to make it a little more convenient. He asked Director Poltl what that time would be.

Director Poltl stated 4:00 p.m. would be fine.

Director Martin stated he would like to try to make it consistent, he didn’t care what time it was as long as the time is consistent for everybody.

Director Ferguson stated that she would like to move that all the committee meetings begin at 4:00 p.m.

13-04-06 MOTION WAS MADE by Director Ferguson, seconded by Director Evans, and carried unanimously, to have all committee meetings begin at 4:00 p.m.

Assistant General Manager Scaglione stated that an e-mail was sent to the Board regarding an article in the Union Tribune on the award from the WaterReuse Association for the District’s Water Academy tours.

Assistant General Manager Scaglione stated that an invitation was received from SDCWA on a Zero house that was built by KB Homes. This is a water efficient house using gray water, rain barrel collection system, etc. On Friday, April 19, there will be a dedication and they were looking for somebody from the District to present a 3-5 minute speech. The dedication will be an hour long event.

Director Ferguson stated she would recommend Lisa. She knows more about the rain barrels than anybody in the water authority does.

13-04-07 MOTION WAS MADE by Director Ferguson, seconded by Director Evans, and carried unanimously, to designate Lisa Urabe the District’s representative at the dedication.

DISTRICT COUNSEL
None.

SAN DIEGO COUNTY WATER AUTHORITY
Director Evans stated the Board received a copy of the March 28 Summary of Formal Board of Directors’ Meeting. She stated the meeting was very long, it went until 4:30. She stated it was very interesting; they had a wonderful presentation on the Bay Delta situation. They had two representatives who were very much for the 9,000 area feet of the plan the Governor presented and then too for the portfolio; it was a wonderful way of comparing them.
Director Evans stated that she has an orientation tomorrow which is about four hours and they have scheduled a meeting for New Board members of 2012 and 2013 for the end of the month.

ENCINA WASTEWATER AUTHORITY

Director Poltl reported on the April 2 Policy and Finance Committee meeting. The discussion topic was the fiscal year of 2014 proposed operating and capital budget review. They have done a terrific job on holding the line for five years. They are now talking about pass-throughs which generally have to do with meeting standards, new requirements that are being enacted by different federal and state agencies. Those are costs that keep coming in. They may be asking for more people; they've been at a minimal levels for quite a while, low 60's as far as employment goes, and may have to pick it up on the engineering side.

Director Poltl reported on the Real Estate Committee meeting held today; this is what they call the South Parcel. Last year they did a study; they have a number of acres there, he believes about 28 gross acres, that EWA is not using at this time. It is owned by all the member agencies. They will be doing a study to determine the best use for that land.

President Hernandez reported on the Board meeting stating the balance of the meeting was the approval of the items that were brought before the Capital Improvement Committee.

LAFCO

Director Evans stated that she sent in her nomination form for being accepted as the delegate.

DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

Director Evans reported on the WateReuse Conference stating it was very interesting; at one of the sessions she was at they had a doctor get up and the biggest thing was they actually got a medical group to approve the water as safe for drinking. That was an enormous step for them and had just happened the week before.

OTHER BUSINESS

None.

DIRECTORS COMMENTS/FUTURE AGENDA ITEMS

President Hernandez commented on the groundbreaking that took place at Poseidon. There was a great turnout; the press was there, televisions cameras, everybody signing the pipe – the casing that is going in. They are doing a great deal of outreach. In
addition to the BBQ they had the week before, they are going door to door with the gift packages for those that did not come to the BBQ to let them know that they’re working with the residents. The District was well represented – Director Evans and Director Martin were there and the San Diego County Water Authority.

Director Ferguson stated that she went to the BBQ the week before and got quite a few comments from people she knows in the neighborhood. They are very concerned about several items which she brought to Peter MacLaggan’s attention.

President Hernandez asked Director Ferguson to pass those items along to General Manager Lamb. He stated that the Director of news for Television Mundo was there and wanted to interview somebody, so they were trying to get somebody out there. He further stated to follow up to make sure the items that the citizens are concerned about are addressed and they don’t fall through the crack, it might be helpful to pass those along.

Director Ferguson stated she would be glad to; she did give them to Peter and he talked to the construction manager. They are going to resolve the problem. She will share with Dennis what some of the concerns were.

Director Evans stated that she was at the BBQ also and was very impressed with what they had for the public; they had over 100. She indicated that there were only 17 at the Alvin Dunn display. She was very impressed with Director Ferguson because she knew a lot of the people and she was right in there talking.

Director Ferguson stated that that is her District, they are her constituents.

Director Martin thanked Director Ferguson for bringing up that they bring up the tape situation at their next committee meeting. He wanted to confirm that no tapes are going to be destroyed between now and then. He also asked the date that the policy was made to start destroying them. He understood from members of the public that they could go online somehow and get some at one time.

Legal Counsel Scott stated no. He thinks it’s the retention policy; it’s probably been 25-30 years. He thinks the Board did adopt a retention policy some time ago when the statutes were passed. They can go back in the archives to find out exactly when it was done. He further stated for clarification, isn’t the discussion of policy relating to Board minutes, including retention periods, specificity of the minutes and availability on the website, isn’t that what kind of captures what they were talking about.

Director Martin stated he would add to the end of his terms et al, anything to do with it. So they can discuss everything and nothing is shunned.

Legal Counsel Scott clarified adding “including but not limited to”. 
Director Martin thanked him.

Director Ferguson stated that her motion was that this be brought up at the next Committee meeting. She would like to find out if the Board concurs that it should be brought up at the committee meeting after that because Dennis will not be here. In all fairness, this discussion should include their General Manager.

Assistant General Manager Scaglione stated that he will be back for that meeting on the 8th.

ADJOURNMENT

There being no further business to discuss, President Hernandez adjourned the Regular Meeting of the Board of Directors at the hour of 5:15 p.m.

A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, April 17, 2013, at 4:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.

__________________________________________
James Hernandez, President
Board of Directors
Vallecitos Water District

ATTEST:

__________________________________________
Thomas Scaglione, Treasurer
Board of Directors
Vallecitos Water District