

AGENDA FOR A REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE VALLECITOS WATER DISTRICT  
WEDNESDAY, JUNE 3, 2009, AT 4:00 P.M.  
AT THE DISTRICT OFFICE  
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

CALL TO ORDER – PRESIDENT HANNAN

PLEDGE OF ALLEGIANCE – DIRECTOR POLTL

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 JUNE 3, 2009

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 – MAY 27, 2009

*Approved minutes become a permanent public record of the District.*

**Recommendation: Approve Minutes**

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

ACTION ITEMS

2.1 REQUEST FOR REVIEW AND COMMENTS – EWA GENERAL COUNSEL  
CONFLICT LEGISLATION

*Kevin Hardy, General Manager of the Encina Wastewater Authority sent this document to member agency managers for review and comments.*

**Recommendation: Board direction**

2.2 ADOPTION OF ADDITIONAL CAPITAL FACILITY FEE ORDINANCE

*The 2008/2009 fiscal budget included Goals and Objectives for staff which included the development of a Capital Facility Fee Ordinance (Goal 4.3) related to the impacts associated with increased project densities.*

**Recommendation: Adopt Additional Capital Facility Fee Ordinance**

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

REPORTS

3.1 GENERAL MANAGER

3.2 DISTRICT LEGAL COUNSEL

3.3 DEPUTY GENERAL MANAGER – ENGINEERING AND OPERATIONS

3.4 SAN DIEGO COUNTY WATER AUTHORITY

3.5 ENCINA WASTEWATER AUTHORITY

3.6 ACWA/REGION 10

3.7 LAFCO

3.8 DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS  
ATTENDED

*Director Hannan submitted a written report on her attendance to the Council of Water Utilities on May 12, 2009*

*Director Hannan submitted a written report on her attendance to the JPIA Annual Conference from May 18-22, 2009*

*Director Shell submitted a written report on his attendance to the WateReuse and Desalination Research Conference on May 18-19, 2009*

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

OTHER BUSINESS

4.1 MEETINGS

**Council of Water Utilities**

June 16, 2009 – Stoneridge Country Club, Poway, CA

**24<sup>th</sup> WaterReuse Annual Symposium**

September 13-16, 2009 – Seattle, WA

**ACWA Region Event – ACWA Regions 8, 9 & 10 Joint Program & Tour**

October 8-9, 2009 – Lake Elsinore, CA

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

5.1 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. 261 at least 48 hours prior to the meeting.

AFFIDAVIT OF POSTING

I, Carol Lewis, 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, May 29, 2009.

  
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Carol Lewis

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE VALLECITOS WATER DISTRICT  
WEDNESDAY, JUNE 3, 2009, AT 4:00 PM AT THE DISTRICT OFFICE,  
201 VALLECITOS DE ORO, SAN MARCOS, CALIFORNIA

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

Director Shell led the pledge of allegiance.

Present: Director Ferguson  
Director Gentry  
Director Hannan  
Director Poltl  
Director Shell

Staff Present: General Manager Rucker  
Legal Counsel Scott  
Director of Finance Scaglione  
Director of Human Resources Caudle  
Engineering Manager Gerdes  
Operations Manager Arrant  
Capital Facilities/Construction Engineer Gumpel  
Public Information/Conservation Supervisor Urabe  
Public Information Specialist Webb  
Executive Secretary Lewis  
Administrative Secretary Posvar

ADOPT AGENDA FOR THE REGULAR MEETING OF JUNE 3, 2009

09-06-01 MOTION WAS MADE by Director Gentry, seconded by Director Shell, and carried unanimously, to adopt the agenda for the Regular Board Meeting of June 3, 2009.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

09-06-02 MOTION WAS MADE by Director Ferguson, seconded by Director Gentry, and carried unanimously, to approve the Consent Calendar as presented.

1.1 Approval of Minutes

A. Regular Board Meeting – May 27, 2009

ACTION ITEMS

REQUESTED FOR REVIEW AND COMMENTS – EWA GENERAL COUNSEL CONFLICT LEGISLATION

General Manager Rucker reported that Kevin Hardy, General Manager of Encina Wastewater Authority has sent a copy of a draft EWA Counsel Conflict of Interest Disclosure and Consent Policy out to all Member Agency Managers and is asking for comments prior to submission to the EWA Board for consideration. Vallecitos Water District's Legal Counsel has reviewed the document.

Legal Counsel Scott stated that he felt Tom Woodruff did a great job with this and feels it's a real fair resolution.

General discussion took place. The general consensus was that the resolution is necessary and good for all parties involved now and in the future. Comments will be forwarded to EWA.

No formal Board action was taken. Item was for discussion/comments only.

ADOPTION OF ADDITIONAL CAPITAL FACILITY FEE ORDINANCE

General Manager Rucker reported that the 2008/2009 fiscal budget included Goals and Objectives for staff, which included the development of a Capital Facility Fee Ordinance (Goal 4.3) related to the impacts associated with increased project densities.

Staff developed the Ordinance with the general framework for what is proposed and revolves around three specific areas that are impacted by developments that place a greater burden on water and sewer service than those considered in the District Master Plan. The three specific areas of impact are water storage facilities, land outfall conveyance, and wastewater treatment (MRF and EWA).

In addition, the Ordinance confirms the need for and methodology of impact studies that the District currently performs for development projects. This format is consistent with the current studies the District performs for Water Service Assessments required by SB610 and SB221. The purpose of including the study requirements in the proposed Ordinance is to ensure a consistent approach in reviewing new projects in the District.

This Ordinance is considered separate from the current revision to the District Water, Sewer and Reclamation Master Plan update which is based upon approved land uses. The additional Capacity Fee Ordinance has been developed to address the impacts from projects that increase density beyond those considered in the adopted Master Plan.

Legal Counsel has reviewed and approved the final document being presented for consideration and adoption.

This item was presented for review and discussion at the Engineering/Equipment Committee meeting on March 11, 2009. After discussion, the Committee recommended that the item be forwarded to the Finance/Investment Committee for discussion. The Finance/Investment Committee reviewed this item at their meeting on March 27, 2009, and recommended that it be presented to the full Board at the Board Workshop on March 30, 2009. The Board reviewed the draft Ordinance at the Board Workshop and agreed with the general concept and approach and referred it back to the Engineering Committee for final review. Staff was directed to revise the Ordinance to more clearly show that the proposed fees are based upon the increased capacity required for projects that include increased density. The purpose of the fee is to provide for the construction of additional facilities required because of the increased density and is not considered mitigation or an in lieu fee.

This final review was completed at the Engineering/Equipment Committee held on May 13, 2009, with the Engineering Committee recommending that the draft Ordinance be presented to the full Board for consideration and adoption.

09-06-03 MOTION WAS MADE by Director Ferguson, seconded by Director Gentry, and carried unanimously, to adopt the Additional Capacity Fee Ordinance.

Ordinance #164 - the roll call vote was as follows:

AYES: Ferguson, Gentry, Hannan, Poltl, Shell

NOES:

ABSENT:

ABSTAIN:

## REPORTS

### GENERAL MANAGER

General Manager Rucker reported that the West Tech litigation has been settled with the District.

### DISTRICT COUNSEL

Legal Counsel Scott stated that, with respect to claims, a provision for attorney's fees is not included in their contract documents with contractors to avoid arguments over who is going to pay whose attorney's fees which saves money in the long run.

### DEPUTY GENERAL MANAGER – ENGINEERING AND OPERATIONS

Engineering Manager Gerdes reported, on behalf of Deputy General Manager Lamb who was absent, that bids were opened today for the Discovery Street Sewer Project. Ten bids were received and ranged from \$1,420,000 to \$2,085,000. The low bidder was low by

\$275. Staff is in the process of reviewing the bid proposals. Copies of the three low bidders will be provided to Legal Counsel for review. The engineer's estimated budget for the project was \$2,050,000. The Capital budget is \$2.39 million and the total estimated project cost, based on the bids submitted, is \$2.2 million. Staff will be presenting this to the Engineering/Equipment Committee on May 10, 2009.

#### SAN DIEGO COUNTY WATER AUTHORITY

Director Ferguson stated that the invitation to the San Vicente Dam Raise Groundbreaking Ceremony was provided to each Board member in their packet. More information will be forthcoming.

Director Ferguson stated that she attended the EWA Phase V dedication ceremony on May 27, 2009.

#### ENCINA WASTEWATER AUTHORITY

None.

#### ACWA REGION 10

None.

#### LAFCO

None.

#### DIRECTORS REPORTS ON TRAVEL/CONFERENCES/SEMINARS ATTENDED

Director Hannan submitted a written report on her attendance to the Council of Water Utilities meeting on May 12, 2009.

Director Hannan submitted a written report on her attendance to the ACWA/JPIA Annual Conference May 18 – 22, 2009.

Director Shell submitted a written report on his attendance to the WaterReuse and Desalination Research Conference May 18 - 19, 2009.

#### OTHER BUSINESS

None.

#### ADJOURNMENT

There being no further business to discuss, President Hannan adjourned the Regular Meeting of the Board of Directors at the hour of 4:22 p.m.


A Regular Meeting of the Vallecitos Water District Board of Directors has been scheduled for Wednesday, June 17, 2009, at 4:00 p.m. at the District office, 201 Vallecitos de Oro, San Marcos, California.



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Trish Hannan, President  
Board of Directors  
Vallecitos Water District

ATTEST:



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William W. Rucker, Secretary  
Board of Directors  
Vallecitos Water District