

**Minutes for February 26, 2008
Ramona Municipal Water District
Board of Directors
Ramona Community Center
434 Aqua Lane, Ramona, California**

Special Meeting of the Board of Directors

PRESENT

Robert Krysak – President
Doug Wilsman – Vice President
Jim Robinson – Secretary
Red Hager – Treasurer
Kit Kesinger – Director

The Special Meeting of the Board of Directors of the Ramona Municipal Water District was called to order by President Krysak at 6:30 p.m., at the Ramona Community Center, 434 Aqua Lane, Ramona, County of San Diego, State of California.

Also present C.E. (Bud) Swanson, Recruiter for General Manager Position.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9 (a)
Name of Case: Davidson Coscan Partners v. Ramona Municipal Water District
- B. PUBLIC EMPLOYMENT**
Pursuant to Government Code Section 54957
Title: General Manager

The Board came out of the Closed Session at 7:38 p.m.

Minutes for February 26, 2008

Regular Meeting of the Board of Directors Of the Ramona Municipal Water District Ramona Community Center 434 Aqua Lane – Ramona California

AGENDA

A. Opening of Meeting

A.1. Call to Order and Pledge of Allegiance

The Regular Meeting of the Board of Directors of the Ramona Municipal Water District was called to order by President Krysak at 7:38 p.m., at the Ramona Community Center, 434 Aqua Lane, Ramona, County of San Diego, State of California.

Also present were: Thomas L. Brammell, General Manager; Sophie Akins, Legal Counsel; Tim Stanton, District Engineer, Alice Benson, Wastewater Operations Manager, Ralph McIntosh, Water Operations Superintendent; Kevin O’Leary, CalFire/North County Division Chief; Greg Griswold Battalion Chief/CalFire; Marc Hafner, Ramona Battalion Chief/CalFire; and Sherry McGarry, Administrative Secretary.

President Krysak announced that the Board had met in Closed Session and that Agenda Item A. was pulled as there was no item for discussion.

Concerning Agenda Item B “Public Employment, for the General Manager,” the Board voted to enter into a contract with Consultant Bud Swanson who will assist us in the search for the General Manager.

The terms of the Consultant’s contract are:

- RMWD will be responsible for all printing, advertising and miscellaneous expenses.
- Mr. Swanson will be paid a consulting fee of \$30,000 plus out of pocket expenses.
- Payment will be made in three installments; i.e., $\frac{1}{3}$ at beginning, $\frac{1}{3}$ when three viable candidates are presented to Board, and final payment upon hiring a General Manager.
- Mr. Swanson will be available for up to one year if a subsequent General Manager search is needed, and at no charge to the District.

President Krysak led the Board and members of the audience in the Pledge of Allegiance.

A.2. Consideration of Non-Agenda Items Which Arose Subsequent to the Posting of the Agenda

President Krysak advised that pursuant to California Government Code 54954.2 (b) there is an item that has arisen subsequent to the posting of the Agenda, which requires the immediate attention and action of the Board. The document is a legal opinion which was given to the Board this evening and is based upon information that was received by Legal Counsel. Further, it requires expeditious action due to the ongoing negotiations of the San Vicente effluent disposal agreement. President Krysak requested this item to be put on this Agenda as Agenda Item F.3. for discussion and possible action and to waive the attorney-client privilege as well as releasing the report to the general public.

M\S\C **AN EMERGENCY REPORT HAS ARISEN WHICH REQUIRES THE IMMEDIATE ATTENTION AND ACTION OF THE BOARD. TO APPROVE A MOTION TO PLACE THE LEGAL DOCUMENT ON THE AGENDA AS ITEM F.3. FOR DISCUSSION AND POSSIBLE ACTION AND TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE AND RELEASE THE REPORT TO THE GENERAL PUBLIC. (Wilsman/Hager)**
Approved 5-0

A.3. Adoption of Agenda for Meeting of February 26, 2008

President Krysak advised that E.1. is pulled for a future meeting, and the new Agenda Item F.3. is added as stated above.

M\S\C **APPROVE AGENDA AS MODIFIED.** (Wilsman/Kesinger) Approved 5-0.

A.4. Opportunity for Members of the Public to Address the Board on any Subject within its Jurisdiction but not on the Agenda

None.

A.5. Announcements and/or Informational Reports from Board and/or Staff

A.5.a. General Manager's Report

None.

A.5.b. Committee Reports

President Krysak reported on the Spangler/San Vicente Committee Effluent Disposal Negotiations, that he had a meeting with Maggie Johnson who is on the San Diego Country Estates Association Ad Hoc Water Study Committee. President Krysak advised that the SDCEA Board Executive Committee has taken an Action that will be consumed as part of the negotiations and he will report at the next meeting.

A.5.c. Staff Reports

A.5.c.-1. Status of Proposition "S" System Improvements
Recommendation: None.

No further action taken on this item.

A.5.c.-2. Status Report on Reverse Osmosis Unit and Brine Evaporation Pond for the San Vicente Wastewater Reclamation Plant.

Recommendation: None.

No further action taken on this item.

A.5.c.-3 Status Report on Boulder Tank and Pipeline Projects.

Recommendation: None.

No further action taken on this item.

A.5.c.-4 Status Report on Bargar Water Treatment Plant.

Recommendation: None

District Engineer, Tim Stanton answered Director Hager's inquiry and advised that RMWD is waiting for results of the analyses done by the ECO Resources Inc' consultants. The other firm, United Water, was only interested in operating the Bargar Plant whereby RMWD would be assuming all the risk. In the case of ECO operating the plant, there is no risk to RMWD. The direction RMWD was proceeding was with a firm (i.e., ECO) that would bring the plant up to standards and sell us water at a discount, as well as the fact that RMWD would have no risk of future plant cost increases.

Director Hager stated that in order to be eligible for a grant we need plans. Tim Stanton responded that the ECO consultant needs to come up with the design plans in order for us to move forward for grants. Further, RMWD requested RWQCB to grant us a new permit which incorporates the salt reduction plan, which means that Bargar must be operational for salt reduction plan within a window period of time. The District Board has an opportunity to either invest money in the Bargar plant or in San Vicente. RMWD thinks it was a good plan to invest in Bargar and bring in low TDS water.

As a contingency plan, Director Wilsman asked Tim Stanton to inquire from a second firm what they are offering to operate the plant.

A.5.c.-5 Status Report on Obtaining Regional Water Quality Control Board Approval of Wastewater Discharge Requirements for San Vicente Wastewater Reclamation Facilities Based on Salt Reduction Plan.

Recommendation: None.

No further action taken on this item.

A.5.c.-5.1 Report from Director Hager on his meeting with RWQCB representatives.

Director Hager reported that on Jan 24, 2008, three staff member from RWQCB and an enforcement member of the State Water Resources Control Board visited the San Vicente plant. The purpose was to inspect the plant and Spangler Ranch. The State Board member submitted his report to the RWQCB and stated that he was requested to visit the plant on a consulting basis by the local RWQCB staff. The RWQCB group included Michelle Mata who is working

on the permit to operate the plant and Rebecca Stewart who is an enforcement officer. In the near future, they are working on a clean-up abatement order which will be sent to RMWD.

Director Hager met with Michelle Mata and Brian Kelley at RWQCB, on Friday, February 22, and was advised by Mr. Kelley that the State Inspection Report from the State Enforcement Officer recommended a 450 TDS level plus other additions and betterments. Rebecca Stewart stated RMWD is on the list as one of those Districts not in compliance. It is Director Hager's feeling that RMWD will be required to have an RO system and salt reduction plant, which in turn means Bargar.

Subsequently, Wastewater Operations Manager, Alice Benson, contacted our representative to RWQCB, Michelle Mata, and was advised that the report is still unofficial and thus the reason it was not shared with RMWD staff. At this point there is no additional info. Michelle Mata had heard that the 450 TDS was recommended by the state enforcement officer as a way of improving the quality of the basin as it stood today, but no official report has been received. In addition, Alice Benson stated that the RWQCB would consider the report from the State Board, in Sacramento very seriously.

Further, Alice Benson commented that there are several different types of orders that can be issued. The clean-up abatement order would identify what RMWD needs to accomplish and it would be our task to define how to accomplish it and then to propose a timeline. They are issuing an order because they would want us to take action. RMWD in the past has received notice of violation, but this is the next step. There is always the opportunity to discuss the situation with the staff of RWQCB before an appeal to the Board.

A.5.c.-6 Report on Additional Office Space for Division Chief Kevin O'Leary and Battalion Chief Greg Griswold.
Recommendation: None.

No further action taken on this item.

A.5.c.-7 Status Report Regarding District Records Management System.
Recommendation: None.

No further action taken on this item.

B. Ministerial Items

B.1. Consent Calendar

(All matters on the consent calendar are to be approved by one motion unless a Board Member requests separate action on a specific item)

Directors Krysak pulled Agenda Items B.1.a., pulled for discussion.

B.1.b. Informational Report of Accounts Payable Listing Feb. -1 - 15, 2008.
Recommendation: None.

B.1.c. Approval of Standard Employment Agreement Format to be Used for New Department Manager-level Employees Hired by the District.
Recommendation: That the Board approve the attached standard Employment Agreement (Exhibit "A"), to be used for all newly hired department manager-level employees.

B.1.d. Approval of Change Orders Nos. 7, 9 and 10 to Cora Constructors for the 6 MGD Pump Station At the Julian Tank Site.

Recommendation: That the Board approve the General Manager executing Change Orders Nos. 7, 9 and 10 to Cora Constructors for the 6 MGD Pump Station at the Julian Tank Site.

MS\C **MOTION TO APPROVE CONSENT ITEMS B.1.b., B.1.c., and B.1.d.,**
(Wilsman/Robinson) Approved 5-0.

B.1.a. Adoption of the Minutes for February 12, 2008.

Recommendation: That the Board adopt the Minutes for Feb. 12, 2008.

President Krysak revised the minutes as follows:

Under A.5.b. Committee Reports

President Krysak reported on the Spangler Committee, and stated he has entered into discussion with the principal parties but has ~~unsuccessfully reached~~ **failed to reach** a negotiated settlement. He recommends that the issue be brought back on the next Agenda in order to discuss and act on either of the two proposals that have been submitted to this Board related to the effluent disposal.

Under B.1.e. Informational Item on the Ramona Fire Department's Participation in the S.A.F.E. Grant Program and Subsequent Grant Award.

Director Wilsman stated that the Fire Department Informational Item Agenda Item B.1.e. is listed under Consent. He further commented that it is listed as Information, which usually does not require a ~~normal~~ **formal** action. Sophie Akins responded that it is clear from the description what is being requested of the Board and that this example is basically a drafting issue, but can be allowed under Consent Items.

MS\C **MOTION TO APPROVE THE MINUTES OF FEBRUARY 12, 2008, AS CORRECTED.** (Wilsman/Kesinger) Approved 5-0

C. Public Hearing/Bid Openings

(This space on the agenda is reserved in the event there is a public hearing or bid opening)

D. Agenda items which anticipate possible input from members of the public (This space on the agenda is reserved in the event a member of the public is scheduled to address the Board)

E. Agenda items which anticipate possible input from other agencies/consultants
(This space on the agenda is reserved in the event another agency/consultant is scheduled to address the Board)

E. 1. "Presentation by San Diego Fire Victims Lawyers regarding legal representation of Ramona Municipal Water District in lawsuit against SDG&E to recover Witch Creek fire loss damages." - Michael S. Feinberg

This item postponed until a future meeting.

F. Agenda items which anticipate possible input from staff

F.1. Discussion and Possible Action on Passing a Resolution to Implement the Safely Surrender Baby Program in the Ramona Fire Department.

Recommendation: That the Board adopt Resolution 08-1387 designating Ramona Fire Stations 80, 81 and 82 as Safe Haven Sites under the Safely Surrendered Baby Law.

Marc Hafner, Ramona Battalion Chief/CalFire, stated that the County Fire Chiefs and County Supervisors unanimously voted to implement the safe haven program allowing surrender of a baby confidentially without reprisal at a permanently staffed county fire station.

M\S\C MOTION TO APPROVE RESOLUTION 08-1387 DESIGNATING RAMONA FIRE STATIONS 80, 81 AND 82 AS SAFE HAVEN SITES UNDER THE SAFELY SURRENDERED BABY LAW. (Hager/Wilsman) Approved 5-0.

F.2. Discussion and Possible Action Authorizing Replacement of Trail Guide Poles, Installation of a “Motorized Vehicles Prohibited” Sign, and Request of “Trespass Arrest Authorization”

Recommendation: That the Board authorize replacement of trail guide poles, installation of a “Motorized Vehicles Prohibited” sign and approval of a request to the San Diego County Sheriff’s Department for “Trespass Arrest Authorization”.

Tom Brammell, General Manager, introduced this item for the Ramona Parks and Recreation Association and commented that RMWD is the landowner of the park land and authorization is required from the Board on three items: 1) to replace the trail guide poles; 2) to install motorized vehicles prohibited signs, and 3) to complete a letter authorization that RMWD will allow the Sheriff to review the activities of the park and arrest people if that is the appropriate action to take. There is no cost to the District.

M\S\C MOTION TO APPROVE REPLACEMENT OF TRIAL GUIDE POLES, INSTALLATION OF “MOTORIZED VEHICLES PROHIBITED” SIGNS AND APPROVAL OF A REQUEST TO SAN DIEGO COUNTY SHERIFF’S DEPARTMENT FOR “TRESPASS ARREST AUTHORIZATION”. (Wilsman/Kryszak) Approved 5-0

F.3. Discussion and Possible Action on the Waiver of the Attorney-Client Privilege associated with the Memorandum from Best Best & Krieger, entitled “Regulation of Recycled Water in California,” dated February 26, 2008.

M\S\C MOTION TO APPROVE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE ASSOCIATED WITH THE MEMORANDUM FROM BEST BEST & KRIEGER, ENTITLED “REGULATION OF RECYCLED WATER IN CALIFORNIA,” DATED FEBRUARY 26, 2008. (Wilsman/Kryszak) Approved 5-0

G. Remaining Agenda Items

G.1. Directors' Comments

Directors' comments are comments by directors concerning District business which may be of interest to the Board. Directors' comments are placed on the agenda to enable individual members to convey information to the Board and the public. There is to be no discussion or action taken on comments made by Board members.

H. Closing Agenda Items

H.1. Items for Subsequent Meetings

Director Wilsman asked that the Bargar Plant and upgrade to RO system be together on next Agenda.

**H.2. Date and Time for the Next Regular Meeting
March 12, 2008 - 7:30 p.m.**

H.3. Adjourn

M\S\C **MOTION TO ADJOURN MEETING AT 8:11 P.M.** (Robinson/Kesinger)
Approved 5-0

Robert E. Krysak, President
Board of Directors
RAMONA MUNICIPAL WATER DISTRICT