

**Borrego Springs Watermaster Board**  
**MINUTES**  
**Special Meeting**  
**June 25, 2020 @ 3:00 p.m.**  
**OPEN SESSION ITEMS TO BE HEARD AT 5:30**  
**Borrego Water District: 806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

**I. OPENING PROCEDURES**

- A. Call to Order: Borrego Water District General Manager Geoff Poole called the meeting to order at 3:09 p.m.
- B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
- C. Roll Call:     Directors:     Present:     Jim Bennett, Dave Duncan, Mark Jorgensen, Mike Seley, Shannon Smith  
  
                              Staff:             Geoff Poole, BWD  
   Steve Anderson, Best Best & Krieger  
   Michele Staples, Jackson Tidus  
   Jim Markman, Richards Watson  
   Gershon  
   Esmeralda Garcia, BWD  
   Wendy Quinn, Recording Secretary  
  
                              Public:         Rebecca Falk                     Martha Deichler  
   Tammy Baker                 Leanne Crow
- D. Approval of Agenda: *MSC: Smith/Seley approving the Agenda as amended (move Approval of Minutes to after the closed session). The roll call vote was unanimous.*
- E. Approval of Minutes: Moved to after the closed session.
- F. Comments from the Public on Items not on the Agenda: None
- G. Comments from Directors: None
- H. Correspondence Received from the Public: None

**II. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Legal Counsel (LC) pursuant to subdivision (b)(1) of Government Code Section 54957 V.

**III. CLOSED SESSION: PUBIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957.

The Board adjourned to closed session at 3:12 p.m., and the open session reconvened at 5:40 p.m. Mr. Poole reported that the Board had interviewed three candidates for Executive Director/Technical Consultant in closed session and would interview the fourth following the open session.

**I. OPENING PROCEDURES (continued)**

- D. Approval of Minutes:  
May 14, 2020 Watermaster Board Special Meeting. *MSC: Duncan/Jorgensen approving the Minutes of May 14, 2020 as amended (change Item II.D in part to read as follows: second sentence, “. . . ~~Ms. Falk~~ he had requested this item ~~to assist with~~ after reading Rebecca Falk’s ~~her~~ newspaper column”; third paragraph, first and second sentences, “. . . whatever is said by a WMB member is the opinion of that member . . . . She noted that the County refers official media inquiries to the Media Communications Office, ~~and if that individual Board of Supervisors members speak~~ to the press frequently, and they make it clear*
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*it is a personal opinion”; third sentence, “Ms. Falk felt the language requirement in the Policy requiring that sensitive issues be immediately referred to the Executive Director was too loose and therefore open to an overly restrictive interpretation”). The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.*

May 28, 2020 Watermaster Board Special Meeting. *MSC: Smith/Duncan approving the Minutes of May 28, 2020 as amended (add Rebecca Falk to the public attendance). The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.*

#### **IV. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION**

**A. Agreement with Richards Watson Gershon to serve as Watermaster Legal Counsel:** Mr. Poole reported that after interviews, the WMB had selected Jim Markman as its Legal Counsel and has negotiated a contract with him and his firm with Steve Anderson’s help. Mr. Anderson reported he had sent Mr. Markman a standard retainer agreement, including rates and the extent to which the firm will be involved in the ongoing adjudication. For the most part, that will be handled by the pumpers, because they signed the settlement agreement and are essential parties to the lawsuit. The WMB is not a party to the suit, but an arm of the Court; but if the WMB decides they want the attorney to take a more active role, that is their right. For example, once the preliminary injunction is issued, there could be judgment compliance issues.

*MSC: Smith/Duncan engaging Jim Markman and Richards Watson Gershon according to the terms reviewed by Mr. Anderson. The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.*

Mr. Poole will arrange for Mr. Markman to address the Board at a future meeting, as he had to leave early today.

**B. Meter Reading Options:** Mr. Smith noted that meter data must be captured by September 30. There are a number that need to be manually read. He recommended asking BWD if they would be interested in reading these meters, supervised by the Watermaster. He hoped to have a response and possible proposal at the next meeting. Mr. Poole replied that once he had the locations and number of meters, he would present it to the BWD Board. *MSC: Smith/Seley requesting a proposal from BWD for services to read meters and to certify their installation. The motion carried by roll call vote, with Director Duncan abstaining and all other Directors voting aye.*

#### **V. STAFF REPORT**

- A. Financial Reports: None**
- B. Water Use Reports: None**
- C. Executive Directors Report: None**

**III. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957 (continued): The Board adjourned to closed session at 6:15 p.m., and the open session reconvened at 7:45 p.m. There was no reportable action.

#### **VI. CLOSING PROCEDURE**

The next Board Meeting is scheduled for July 16, 2020 at Borrego Water District, 806 Palm Canyon Dr., Borrego Springs, CA 92004. There being no further business, the meeting was adjourned at 7:45 p.m..