

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
ROSAMOND COMMUNITY SERVICES DISTRICT**

7PM Regular Board Meeting
Tuesday, June 21, 2016
District Board Room
3179 35th Street West
Rosamond, CA 93560

Minutes

President Wallis called the meeting to order at 7:00 p.m.

ROLL CALL

President Alfred Wallis
Vice President Olaf Landsgaard
Director Dennis Shingledecker
Director Byron Glennan
Director Ed MacKay

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

Motion made by Director MacKay, Seconded by Director Shingledecker to approve the agenda. Motion passed with 5 ayes.

BOARD SECRETARY

This portion of the agenda allows an individual the opportunity to address the Board on any item NOT ON THE AGENDA regarding District business. State law prohibits the District from taking any action on any items not on the agenda, unless authorized under §54954.2(b) of the Government Code, and your matter may be referred to the General Manager. An individual may also address the Board on any agenda item at the time the matter is discussed, and prior to Board consideration or action. Speakers will be limited to five (5) minutes. Your time will start when you approach the podium, and you will be given a 30 second warning before your time expires. If you choose to ask a question during this time, any response by the Board will not extend your time. Questions may be referred to the General Manager to be answered at a later time after the meeting. In order to allow for a smooth and orderly meeting, and allow each speaker the ability to address the Board, disruptions from the audience will not be tolerated and you could be asked to leave. We appreciate your cooperation in this democratic process.

PUBLIC COMMENTS

None

MINUTES

M 1. Approve June 10, 2016 Special Board Meeting Minutes

Motion made by Director MacKay, Seconded by Director Shingledecker to approve M 1. Motion passed with 5 ayes.

M 2. Approve May 17, 2016 Regular Board Meeting Minutes

Motion made by Vice-President Landsgaard, Seconded by Director Shingledecker to approve the minutes. Motion passed with 5 ayes.

CONSENT CALENDAR

CC 1. Approve Check/Voucher Register 5/10/2016 - 06/13/2016

CC 2. Approve Check/Voucher Register 5/10/2016 - 06/13/2016- Related Party

Motion made by Director MacKay, Seconded by Vice-President Landsgaard to approve CC 1. Motion passed with 5 ayes.

Motion made by Director MacKay, Seconded by Director Shingledecker to approve CC 2. Motion passed with 4 ayes and 1 recusal (Vice-President Landsgaard).

NEW BUSINESS

NB 1. Adopt **Resolution No. 2016-54**, ordering the preparation of an Engineer's Report for the levy and collection of assessments in Landscape and Lighting Assessment District No. 2 for Fiscal Year 2016/17.

Motion made by Vice-President Landsgaard, Seconded by Director MacKay to adopt Resolution No. 2016-54, ordering the preparation of an Engineer's Report for the levy and collection of assessments in Landscape and Lighting Assessment District No. 2 for Fiscal Year 2016/17. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|-------------------|-------------------------------|-------------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |
| President Wallis | <u>aye</u> | | |

NB 2. Adopt Resolution No. 2016-55, declaring intention to levy and collect assessments within the Landscaping and Lighting Assessment District No. 2, Zones 2, 3, 5, 7, 9 and 11 for Fiscal Year 2016/17.

Motion made by Director Shingledecker, Seconded by Director MacKay to adopt Resolution No. 2016-55, declaring intention to levy and collect assessments within the Landscaping and Lighting Assessment District No. 2, Zones 2, 3, 5, 7, 9 and 11 for Fiscal Year 2016/17. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|-------------------|-------------------------------|-------------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |
| President Wallis | <u>aye</u> | | |

NB 3. Adopt Resolution No. 2016-56, establishing Tie Breaking Procedures and Consolidating the District Board of Directors' Election with the General Election.

Motion made by Director MacKay, Seconded by Director Glennan to adopt Resolution No. 2016-56, establishing Tie Breaking Procedures and Consolidating the District Board of Directors' Election with the General Election. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|-------------------|-------------------------------|-------------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |
| President Wallis | <u>aye</u> | | |

NB 4. Adopt Resolution No. 2016-57, regarding Election candidates' statements.

Motion made by Vice-President Landsgaard, Seconded by Director Shingledecker to adopt Resolution No. 2016-57, regarding Election candidates' statements. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|-------------------|-------------------------------|-------------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |
| President Wallis | <u>aye</u> | | |

NB 5. Adopt 2016-2017 Fiscal Year Preliminary Budget. (Presenter: Brad Rockabrand)

Motion made by Director MacKay, Seconded by Director Shingledecker to adopt the 2016-2017 Fiscal Year Preliminary Budget with no spending greater than and the lesser than 2015-2016 budget or 2016-2017 budget on any line item. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|-------------------|-------------------------------|-------------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |

President Wallis aye

NB 6. Adopt **Resolution No. 2016-58**, approving an inter-fund Promissory Note from the Sewer Enterprise Fund to the Water Enterprise Fund.

Motion made by Director Glennan, Seconded by Director MacKay to adopt Resolution No. 2016-58, approving an inter-fund Promissory Note from the Sewer Enterprise Fund to the Water Enterprise Fund. Motion passed based on the following Roll Call Vote:

| | | | |
|----------------------------------|------------|-------------------------------|------------|
| Vice-President Landsgaard | <u>aye</u> | Director Shingledecker | <u>aye</u> |
| Director Glennan | <u>aye</u> | Director MacKay | <u>aye</u> |
| President Wallis | <u>aye</u> | | |

NB 7. Water and Sewer Rate Study (Ronald Smith, General Manager)

- A. Approve an RFQ for a Rate Study for a cost of \$5,000.
- B. Authorize the appropriation of \$150,000 for a Water and Sewer Rate Study and Prop 218 process.

The Board gave direction to staff to reach out to GEI regarding the Rate Study.

DIRECTOR REPORTS/COMMENTS/FUTURE AGENDA ITEMS

D 1. Action to:

- A. Support current legislation, AB 1755 and S.2533. (Vice-President Landsgaard)
- B. Direct the General Manager to send correspondence to legislators regarding California’s Constitution, Article X, Section 2.

Motion made by Vice-President Landsgaard, Seconded by Director Mackay to direct the General Manager to write a letter to our State Legislators and when appropriate to our Congressman to support AB 1755 and S.2533. Motion passed with 5 ayes.

Director MacKay made comments.

GENERAL COUNSEL UPDATE

Allison Burns, Esq. -none

GENERAL MANAGER UPDATE

Ronald Smith -none

ASSISTANT GENERAL MANAGER UPDATE

John Houghton -none

DIRECTOR OF FINANCE UPDATE

Brad Rockabrand, CPA -none

DIRECTOR OF PUBLIC WORKS UPDATE

Brach Smith –update provided

DIRECTOR OF ADMINISTRATION/BOARD SECRETARY UPDATE

Lizette Guerrero, CMC -none

ADJOURNMENT -Without objection, the meeting was adjourned at 9:06 p.m.

Requirements Regarding Disabled Access: In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the RCSD Board Secretary/Assistant at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Please contact the Board Secretary/ Assistant by telephone at (661) 256-5808, Email: lguerrero@rosamondcsd.com or in writing at the Rosamond Community Services District, Attn: Board Secretary/Assistant; 3179 35th Street West, Rosamond, CA 93560.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District offices located at 3179 35th Street West, Rosamond, CA 93560. In addition, any such writing may also be posted on the District's web site.

Respectfully submitted:



President, Board of Directors
Rosamond Community Services District



Board Secretary

“To The Fullest Extent of Which They Are Capable”

CALIFORNIA CONSTITUTION, ARTICLE X SECTION 2

It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.

The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and **such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water.**

Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or as depriving any appropriator of water to which the appropriator is lawfully entitled.

This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

Constitutional Standard has been integrated into the Water Code:

Sections 109, 1725, 1735 – Transfers

Sections 1425-35 – Urgency Permits and Transfers

How it came about? To reverse the majority in :

Herminghaus v. So. Cal. Edison, 200 Cal. 81 (1926)

(J. Shenk, dissenting)

I dissent. The decision in this case is important because of its effect generally upon the conservation of the waters of the state. The main opinion, it seems to me, will result in checking the progress of the state of California in conserving this most important natural resource. It unnecessarily pulls the teeth of the Water Commission Act. * * * In *Pabst v. Finmand*, 190 Cal. 124 . * * * it was said that “the declared policy of this state [is] to require the highest and greatest duty of water because of the immense importance to the state of the economical use of water,” and as stated in *Antioch v. Williams Irr. Dist.*, 188 Cal. 451, 461:

“It may without exaggeration be said that the full use of the waters of rivers and mountain streams for irrigation, power, and like beneficial purposes, is absolutely necessary to the continued growth and prosperity of the state.”

*** the growth and prosperity of the state are so dependent upon the proper conservation of the excess waters of its rivers by storage for irrigation and power uses. * * *
It is difficult to conceive of a question more intimately connected with the present and future industrial and economic development of the state than the conservation of the excess waters of its great rivers. The immediate question involved in this case is: How may the waters in excess of the reasonable requirements of the riparian owners be taken and put to a beneficial use? This question the state has endeavored to solve, at least in its initiatory stage, by the adoption of the Water Commission Act * * * the extensive project undertaken by the appellant [Southern California Edison] need not be stopped, the preference and other lawful rights of the plaintiffs would be protected, and the state be not impeded in working out its highly important task of conserving the waters of the state for this and coming generations. That such is the duty of the state can admit of no doubt. * * *”

Need to support:

AB 1755 (Dodd). Would create a statewide water information system and an online water transfer information clearinghouse.

and

S. 2533 - California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act (Feinstein). Includes short-term provisions to provide drought relief as well and long-term direction to help prepare Western states for future droughts. Addresses dams, desalination, ...

Need to ask that the bill include the ability to bring water (and/or water rights) from North of the Delta to South of the Delta.

Three “nuggets” from Water Law Conference

1. To get the North to play nicely with the South as “adults”, we need data. How much water is flowing in our rivers and streams? How fast do the sub-basins that are fed by Rivers recover? How much water is being used? State Water Board lost their action against pre 1915 water users because they had no idea. SB 88 now requires more frequent measuring – Annual reporting, etc. Data Analytics are needed to create water budgets using a common accounting framework.
2. Water Code section 1428 allows temporary permits to divert water for groundwater recharge. Staff Counsel for the State Water Resources Control Board is encouraging applications.
3. Antelope Valley Adjudication (as per Jeffrey Dunn of BB&K and other attorneys who represented parties): Water conserved is transferable up to 5 year Carry over. Water Code section 1011 also makes for this provision.

Recap of the *Antelope Valley Groundwater Cases (JCCP 4408) (Los Angeles Sup. Ct.)*.

The Antelope Valley Groundwater Adjudication case was initiated Oct. 29, 1999 in Santa Clara County Superior Court, when Diamond Farming Co. sued the cities of Lancaster and Palmdale, the Palmdale Water District, Antelope Valley Water Company, Palm Ranch Irrigation District, Quartz Hill Water District, Rosamond Community Services District and Mojave Public Utilities District. In 2001, Bolthouse Farms sued all the water providers named in the 1999 complaint, and added Littlerock Creek Irrigation District and L.A. County Waterworks districts 37 and 40. In 2006, the Antelope Valley-East Kern Water Agency filed for declaratory and injunctive relief. Cross-defendants in the various suits included the United States, private landowners, public landowners, various “small pumpers,” other public water suppliers and a community services district. The cases were consolidated in in the Los Angeles County Superior Court, and the subsequent trial took place in phases. The court determined that the basin has been in overdraft since at least 1951 and set total safe yield at 110,000 acre feet per year, consisting of 82,300 acre feet per year of native water plus augmented supply attributable to State Water Project imports. The court approved a physical solution via a final order issued December 28, 2015 which, among other things, requires significant pumping reductions. An appeal was subsequently filed, which is still pending in the Second District Court of Appeal.