

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
February 4, 2004

President Cheryl Tubbs called the Regular Meeting of the Board of Directors to order at 1:35 p.m. All present stood for the pledge of allegiance, led by President Tubbs.

ROLL CALL:

BOARD MEMBERS PRESENT:

Cheryl Tubbs, President
Clare Henry Day, Vice President
Sterling Woodbury, Director
Arnold L. Wright, Director
Bert Marcum Jr., Director
Manuel Aranda, Jr., Director
Melody Henriques, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary
Tom Crowley, Assistant General Manager
Colleen Theuer, Administrative Services Manager/Recording Secretary

1. PUBLIC PARTICIPATION

President Tubbs announced this as the time for any persons present, who so desire, to make an oral petition to the Board of Directors. Hearing none, the meeting proceeded with the published agenda items.

2. DISCUSSION, MONTHLY ACTIVITY REPORTS, AND/OR COMMENTS BY
BOARD MEMBERS

Director Henriques reported that she attended the Loma Linda Chamber of Commerce 2004 Community Awards and Installation Dinner on January 22, and the San

Bernardino Chamber of Commerce Annual Installation Dinner on January 29. She also attended the ACWA/JPIA Executive Board meeting, and noted that there is a vacancy on that Board.

Director Aranda reported that he attended the monthly Special Districts Dinner meeting on January 19; the Loma Linda Chamber of Commerce 2004 Community Awards and Installation Dinner on January 22; and the San Bernardino Chamber of Commerce Annual Installation Dinner on January 29. He also met with Robert Thompson, from Senator Nell Soto's office. Regarding Senator Deborah Ortiz's investigation into water district corruption, Director Aranda discussed several issues of concern to her, including first class travel; unreported income; abuse of credit cards; \$1,000 dinners; and elections without challenges. She has also said that Directors are "volunteers" and should not be paid. She is writing legislation regarding this matter, and is planning to bring it to the ACWA Legislative Committee. ACWA is opposed to the legislation but is willing to work with her. Discussion ensued. Director Aranda said he would keep the Board apprised on this matter.

President Tubbs said she attended the Loma Linda Chamber of Commerce 2004 Community Awards and Installation Dinner on January 22, and that Director Aranda was elected to their Board of Directors.

Director Day said he would be out of the State from June 28 to July 16, 2004.

3. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 14, 2004

There was a brief discussion on the minutes of the regular meeting of January 14, 2004.

It was moved by Director Woodbury and seconded by Vice President Day to approve the minutes of the regular meeting of January 14, 2004, as amended. The motion carried unanimously.

4. COMMITTEE REPORTS

A. Resources Committee: Director Marcum reported on the Resources Committee meeting held on January 15, 2004. He said the purpose of the meeting was to discuss (1) a water replenishment reimbursement plan for recovering the cost of purchasing State Water Project water (SWP), and (2) future annual purchases of SWP water. The Board approved the purchase of SWP water for this year at the December board meeting in the amount of \$420,000. He said staff had prepared several recovery options, which would be discussed under Item No. 7a.

B. Administrative Committee: President Tubbs reported on the Administrative Committee meeting held on January 22, 2004. She said the purpose of the meeting was also to discuss a reimbursement plan to recover the purchase of SWP water, and future annual purchases of SWP water. She said the committee agreed with the

Resources Committee on their recommendation, and included two other alternatives, to be discussed under Item No. 7a.

C. Outreach Committee: Director Aranda had reported on the Outreach Committee meeting held on January 13, 2004, at the previous Board meeting of January 14.

Regarding the water replenishment reimbursement plan, he attended the Resources Committee and Administrative Committee meetings of January 15 and 22, respectively, and commended both committees for their thoroughness in considering the various options for recovering the cost of the purchase of SWP water.

Director Aranda discussed the 2004 Environmental EXPO (EXPO) to be held at Cal-State San Bernardino on April 24. He said the District last participated in the EXPO in 2002, and suggested participating in 2004 at the \$5,000 "Gold Level," which would entitle the District to 10,000 plastic "goodie" bags with the District logo imprinted on them. The Gold Level also entitles the District to a booth (this would not have to be manned), a banner, a tee shirt, and two complimentary lunches. A motion was made to add this item to the agenda:

It was moved by Director Henriques and seconded by Director Woodbury to add to the agenda, under Item No. 7b, Approval for the District to Participate in the 2004 Environmental EXPO, at the Gold Level, for \$5,000. The motion carried unanimously.

Discussion continued on the EXPO. Mr. Libeu recommended that the District participate in the 2004 Environmental EXPO, but leave manning the booth to the discretion of staff. The motion to approve was taken out of order.

It was moved by Director Henriques and seconded by Director Aranda to approve participation by the District in the 2004 Environmental EXPO, at the Gold Level, for \$5,000. The motion carried unanimously.

Mr. Crowley noted that the District would be conducting two tours of the District facilities on Friday, February 6, and Tuesday, February 10, for two 5th grade classes from Urbita School District. He said these tours were the result of a schoolteacher visiting the District booth at the EXPO in 2002.

5 GENERAL MANAGER'S REPORT

Mr. Libeu discussed his heart attack on January 19 and subsequent surgery, and thanked the Assistant General manager Tom Crowley and the staff for their support. He said he has been able to return to work part-time and would resume full-time work in approximately four to six weeks.

Mr. Crowley reported on a meeting held January 20 with the Bureau of Land Management (BLM) for the purpose of an update on the land appraisals for the land to

be exchanged. The meeting helped in providing materials to the Department of the Interior staff in Washington D.C., as they will be coordinating the appraisal process.

Regarding water rights, Mr. Crowley reported that the District continues to meet with the San Bernardino Valley Municipal Water District and Western Municipal Water District. The next meeting is scheduled for February 17.

Mr. Crowley reported that the Loma Linda Chamber of Commerce nominated the District for Business of the Year, and nominated Director Aranda for Citizen of the Year. Though neither won, he said it was an honor to be nominated. He reported on several upcoming meetings, including the WESTCAS Winter Conference on February 17 - 20th in Las Vegas, Nevada, and the ACWA/DC Conference on February 23 - 25 in Washington D.C.

President Tubbs reported that the 25th Anniversary Dinner for Congressman Jerry Lewis, held on January 24, was a very impressive and enjoyable event; there were approximately 1,000 people in attendance.

6. CONSENT CALENDAR

Using visual aids, Ms. Theuer presented the January expenditures, and included a separate presentation of the January expenditures using the revised 2003 - 2004 budget discussed at the Budget Workshop of January 14, 2004. A brief discussion ensued.

It was moved by Director Woodbury and seconded by Director Aranda to approve the Consent Calendar, consisting of the Expenditures for January 2004; the un-audited Financial Reports for January 2004; and the 2003-2004 Budget Revision. The motion carried unanimously.

7. BOARD LETTERS, ACTION ITEMS, NEW BUSINESS, FYI

Mr. Libeu discussed the various scenarios and options compiled by staff for recovering the costs of purchasing SWP water as well as for annual purchases of water. He explained that recovering the cost would entail increasing groundwater assessment rates. The options to be presented were based on a five-year and a ten-year recovery period, and were for the cost of the water only. Using visual aids, Mr. Crowley presented the options and answered questions from the Board. A lengthy discussion ensued.

It was moved by Director Henriques and seconded by Director Aranda to direct staff to publish, for hearing purposes, a recommendation that the groundwater assessment rates for FY 2004-2005 be increased to \$11.94 for non-agricultural producers and to \$3.11 for agricultural producers (recovery period of five years), as part of the required annual review of the assessment rates. The motion carried unanimously.

(Minute Order 02/001/04)

8. CLOSED SESSION

It was moved by Director Day and seconded by Director Henriques to adjourn to Closed Session at 3:00 p.m., as provided by the authority of Government Code Section 54957 and 54957.6, to consider the public employee performance evaluation for the General Manager. The motion carried unanimously.

At 4:30 p.m., it was moved by Director Day and seconded by Director Henriques to reconvene into Open Session. The motion carried unanimously.

In accordance with Government Code Section 54957.1a and 54957.6, the Board took action to review the General Manager and gave direction to Mr. Cosgrove regarding the revision of the General Manager's employment contract.

9. ADJOURN MEETING

There being no further business, the meeting adjourned at 4:30 p.m.

Board Secretary