

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
June 9, 2004
1:30 p.m.

President Cheryl Tubbs called the Regular Meeting of the Board of Directors to order at 1:30 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
Arnold L. Wright, Director
Burt Marcum Jr., Director
Manuel Aranda, Jr., Director
Melody Henriques, Director
Sterling Woodbury, 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

GUESTS PRESENT:

Keith Dunbar, K.S. Dunbar & Associates, Inc.

1. PUBLIC PARTICIPATION

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

2. BOARD DISCUSSION ITEMS

Director Henriques reported on several events she attended during the month, including a Law Enforcement Dinner and the Special Districts monthly meeting. She also noted her recent marriage.

Director Aranda reported on the ACWA meeting in Monterey that he attended, and said it was a very educational meeting. He encouraged Board members to attend future ACWA meetings, as it is also a good outreach activity.

3. APPROVAL OF THE MINUTES

There was a brief discussion on the minutes for the public hearing/regular Board meeting of April 28, 2004. Minor changes were noted.

It was moved by Director Day and seconded by Director Henriques to approve the minutes of the public hearing/regular meeting of April 28, 2004, as amended. The motion carried unanimously.

4. BOARD COMMITTEE REPORTS

Director Aranda reported on the Outreach Committee meeting held on May 28. He said one of the items discussed was regarding Governor Schwarzenegger's efforts to control the California budget, which included assessing cities, counties, and special districts 40% of their collected property taxes, amounting to \$1.3 billion. This assessment would be for a period of two years only. However, indications are that he would attempt the same assessment after the two-year period if needed. Another item discussed was SB 1272 (Ortiz), which had gone to the Senate Appropriation Committee, was turned down, and is now in suspense. The ACWA Legislative Committee has decided to put together their own legislation that will address the issues raised by Senator Ortiz, and would include caps on compensation received by directors, amounting to \$175 per meeting.

Director Aranda said he spoke to Senator Brulte personally regarding the possibility of an appearance by him at the WRI breakfast. However, this could not be arranged. Stacy Aldstadt, Deputy General Manager of the City of San Bernardino Water Department, will instead speak on the Santa Ana Sucker and its impact on development.

Director Aranda said the District participated in the Loma Linda Business EXPO, and will also participate in the Loma Linda Chamber Golf Tournament by providing ten

cases of bottled water. The District will receive a "tee" sponsorship (a sign of the District name placed on one of the tees) for the water donation.

President Tubbs reported that the Administrative Committee met on May 13 and discussed the salary ranges/job classifications and the District insurance programs, both of which are on this agenda under item 8.

5. GENERAL MANAGER'S REPORT

Mr. Libeu reported on events he attended during the month. In June he will be attending WESTCAS on June 22-25 in San Diego; President Tubbs and David Cosgrove will also be attending. The WRI breakfast will be on June 17 at the Hilton Hotel in San Bernardino, and the Special Districts Dinner meeting will be in Calimesa on June 21.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Crowley reported and discussed the operations and maintenance activities for the month of May, which included the Crown Group's work of removing sediment from the Santa Ana and Mill Creek basins; the AB 303 environmental process; and the Seven Oaks Dam flood control pool.

7. CONSENT CALENDAR

Using visual aids, Ms. Theuer presented the financial reports for April and May 2004.

It was moved by Director Marcum and seconded by Director Aranda to approve the Consent Calendar, consisting of the Expenditures for April 2004 and May 2004 and the un-audited Financial Reports for April 2004 and May 2004. The motion carried unanimously.

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

- A. Approve Resolution No. 401 - A Resolution of the Board of Directors of the San Bernardino Valley Water Conservation District Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Approving the Project, and Directing the Staff to Submit Notices of Determination to the State Clearinghouse and San Bernardino County Clerk, for the Monitoring Wells in Bunker Hill Project

Mr. Libeu introduced Mr. Keith Dunbar of K.S. Dunbar & Associates, Inc., who prepared the mitigated negative declaration and associated documents, including Resolution No. 401. Mr. Libeu recommended that the Board approve Resolution No. 401, and authorize the General Manager to enter into a contract with K.S. Dunbar & Associates, Inc., for \$5,000 to prepare a supplement mitigated negative declaration for a new monitoring well. Discussion followed. Mr. Cosgrove suggested a change in Resolution

401, paragraph three, third line: "...and the District has incorporated revisions to the project suggested by comments, and received no ~~comment~~ nor objection..."

It was moved by Director Marcum and seconded by Director Henriques to approve Resolution No. 401, a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as amended. A roll call vote was taken, and the motion carried unanimously.

It was moved by Director Henriques and seconded by Director Aranda to authorize the General Manager to enter into a contract with K.S. Dunbar & Associates, not to exceed \$5,000, for preparation of a supplement Mitigated Negative Declaration. The motion carried unanimously.

B. Approve and Authorize Second Amendment to Contract with EDAW, Inc.

Mr. Crowley explained that during the process of preparing an EIR for the application before the State Board to divert water from the Santa Ana River, it became apparent that further work would be necessary. Four tasks were identified in preparing the EIR that required additional work and costs: Developing the project description; preparing the administrative draft EIR; preparing the draft EIR; and project management. The cost for the additional work would be \$29,500, increasing the original contract amount to \$203,376. A brief discussion ensued.

It was moved by Director Henriques and seconded by Director Aranda to approve and authorize the Second Amendment to the Contract Services Agreement for Litigation Consultant for Environmental Services with EDAW, Inc., in the amount of \$29,500. The motion carried unanimously.

C. Make a Finding of Exemption for Maintenance of the Bear Valley River Pick-Up

Mr. Libeu proposed that the District perform routine maintenance on the Bear Valley River Pick-Up and remove excess sediment and debris that has accumulated in the normal course of operation. The maintenance of this facility is the responsibility of the District and needs to be done every 1-3 years. Mr. Crowley indicated the work would need to be contracted out, and that three bids have been received for this work. Jacinto Construction has come in with the lowest bid at \$7,500. Discussion followed.

It was moved by Director Henriques and seconded by Director Aranda to approve making a Finding of Exemption for Maintenance of the Bear Valley River Pick-Up. The motion carried unanimously.

D. Approve Reinstatement Request with ACWA/JPIA Insurance

Mr. Libeu explained that over the last several months, Staff had reviewed the District's insurance programs and researched other alternatives, in order to compare coverage and costs. These findings were then reviewed and discussed during Administrative

Committee meetings. It was found that ACWA/JPIA offered the most coverage at the least cost. Mr. Libeu recommended that the District continue the insurance programs (auto and general liability, property, and workers' compensation) with ACWA/JPIA.

It was moved by Director Day and seconded by Director Aranda to approve reinstatement of the auto and general liability, property, and workers' compensation insurance programs with ACWA/JPIA. The motion carried unanimously.

E. Nominations for Regular Special District Member of LAFCO

Mr. Libeu said that due to a lack of quorum at LAFCO's Special District Selection Committee meetings for the position of Regular Special District member on the LAFCO Board, voting had to once again be tabled. LAFCO has found it necessary to reopen the nomination period and conduct the process by mail. Mr. Libeu recommended nominating three candidates: Gerald Smith, incumbent, from Baldy Mesa Water District; Bruce H. Field, from Lake Arrowhead Community Services District; and Kimberly Cox, from Mojave Water Agency.

It was moved by Director Day and seconded by Director Henriques to approve the nominations of Gerald Smith, incumbent, Baldy Mesa Water District; Bruce H. Field, Lake Arrowhead Community Services District; and Kimberly Cox, Mojave Water Agency, for the position of a Regular Special District member of LAFCO. The motion carried unanimously.

F. Approve Proposed FY 2004-2005 Budget

Mr. Libeu recommended approval and adoption of the proposed FY 2004-2005 Operating and Capital budget, which had also been reviewed by all of the District committees.

It was moved by Director Henriques and seconded by Director Wright to approve and adopt the FY 2004-2005 Operating and Capital budgets. The motion carried unanimously.

G. Approve Salary and Job Classification Schedules

Mr. Libeu said that the proposed salary and job classification schedules were revised in an effort to streamline some of the administrative affairs of the District. He said that the Administrative Committee had met and approved the schedules for Board approval.

It was moved by Director Henriques and seconded by Director Day to approve the Salary and Job Classifications Schedules.

Discussion followed. Mr. Libeu answered questions from the Board, and explained the salary schedule in detail. After discussion, Staff was directed to refer this item back to the Administrative Committee for further review.

It was moved by Director Aranda and seconded by Director Marcum to refer the item of Approving the Salary and Job Classifications Schedules to the Administrative Committee for further review. The motion carried unanimously.

An Administrative Committee meeting was scheduled for June 14, 2004, at 1:30 p.m., to further review the Schedules.

9. CLOSED SESSION

It was moved by Director Day and seconded by Director Aranda to adjourn to Closed Session, at 3:15 p.m., as provided by the authority of Government Code Section 54956.9a, with respect to Application 31371 before the State Water Resources Control Board to appropriate waters of the Santa Ana River. The motion carried unanimously.

Director Wright and Director Marcum were excused from the Closed Session due to a possible conflict of interest.

10. ADJOURN MEETING

There being no further business, the meeting adjourned at 3:35 p.m.

Board Secretary