

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
August 4, 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-McDonald, Director

BOARD MEMBERS ABSENT:

Sterling Woodbury, Director*

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary
Tom Crowley, Assistant General Manager
Colleen Theuer, Assistant to the General Manager/Recording Secretary
Steve Luhn, GIS/CAD Analyst

GUESTS PRESENT:

Keith S. Dunbar, K.S. Dunbar & Associates, Inc.
Roy Marroquin, Tetra Tech

*Passed Away on July 20, 2004

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 Aranda reported on his activities during the month, which included meeting with directors from the San Bernardino Valley Municipal Water District (Muni). He said he also was in the process of arranging a meeting with Assemblyman Bob Dutton.

President Tubbs reported that she also met with the directors from Muni, and attended the Special Districts dinner meeting on July 19.

Director Henriques-McDonald reported on the meetings she attended during the month, including the Special Districts dinner meeting, the Inland Empire Utilities breakfast and the Highland Chamber luncheon.

3. APPROVAL OF THE MINUTES

It was moved by Director Day and seconded by Director Wright to approve the minutes of the regular meeting of July 7, 2004. The motion carried 6-0, with the Division 4 position vacant.

4. BOARD COMMITTEE REPORTS

Director Aranda reported on the Outreach Committee meeting held on July 13, 2004. Items discussed at the meeting were the WRI Quarterly Breakfast scheduled for September 16; the Special Districts meeting in December that the District would be hosting; and the ACWA Legislative Committee meeting.

As an addendum to the Outreach Committee report, President Tubbs reported on the memorial service held for Director Sterling "Jack" Woodbury, who passed away on July 20, 2004 at the age of 80. Director Woodbury was a director with the District for 14 years.

President Tubbs requested that the Board take agenda items 9a and 9b out of order.

It was moved by Director Henriques-McDonald and seconded by Vice-President Day to take agenda items 9a and 9b out of order. The motion carried 6-0, with the Division 4 position vacant.

- 9A. Approve and Adopt Resolution No. 402 - 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 Notice of Determination to the State Clearinghouse and San Bernardino County Clerk, for the Lockheed Martin Corporation's Monitoring Wells in Bunker Hill Basin; and Authorize the General Manager to Execute an Access Permit for Lockheed Martin Corporation for the Purpose of Constructing 7 Monitoring Wells.

Mr. Libeu briefed the Board on the Lockheed Martin Corporation (LMC) request to construct 7 new monitoring wells on District property. Approval of Resolution No. 402 would adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, approve the project, and would direct staff to submit a Notice of Determination to the State. Additionally, Mr. Libeu recommended that the Board approve the execution of an Access Permit, which would allow LMC to construct the wells on District property.

- 9B. Approve and Adopt Resolution No. 403 - 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 Notice of Determination to the State Clearinghouse and San Bernardino County Clerk, for Santa Ana River Monitoring Well No. 2 Project.

Mr. Libeu explained that one of the wells LMC wishes to construct is in the Bunker Hill Basin. This provides an opportunity for the District to relocate a well scheduled to be drilled (under AB 303 grant) in Mill Creek to the Santa Ana River. Discussion ensued.

It was moved by Director Marcum and seconded by Director Henriques-McDonald to approve and adopt Resolution Nos. 402 and 403. The motion carried 6-0, with the Division 4 position vacant.

5. GENERAL MANAGER'S REPORT

Mr. Libeu summarized the General Manager's Report. The upcoming Public Meeting scheduled for August 10 was discussed. Directors Tubbs, Marcum, Aranda, and Henriques-McDonald advised that they would be attending the Public Meeting.

Mr. Libeu spoke on the passing of Director Sterling "Jack" Woodbury, and indicated that in lieu of flowers, the District made a \$250 contribution to the Redlands Humane Society.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Crowley summarized his report, and answered questions from the Board. He said Steve Luhn would be helping in the field during Randy Carlisle's vacation during August.

Mr. Libeu mentioned that Randy Carlisle has been with the District for 20 years as of August 2, and that he would be presented with a certificate of appreciation at the

September 1 Board meeting. President Tubbs asked staff to look into a service award program for 5, 10, 15, and 20-year employees.

7. SOURCE WATER ASSESSMENT PROGRAM UPDATE

Using visual aids, Mr. Steve Luhn, the District GIS/CAD Analyst, presented an update and a summary of the findings on the Source Water Assessment Program, and answered questions from the Board.

After the presentation, Director Aranda presented Mr. Luhn with a service award from the Loma Linda Chamber of Commerce for his participation as a vendor in their 16th Annual Golf Classic.

8. CONSENT CALENDAR

It was moved by Director Marcum and seconded by Director Aranda to approve the Consent Calendar, consisting of the Expenditures for July 2004; the un-audited Financial Reports for July 2004; and the Approval of Contract Renewals for Todd Engineers, Larry Jacinto Construction, Hicks-Richardson Associates, California Advocates, and Wes Green Realty. The motion carried 6-0, with the Division 4 position vacant.

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

C. Approve and Authorize Award of Contract for AB 303 Well Drilling

Mr. Libeu briefed the Board on engaging the services of Layne Christensen Company for drilling and outfitting wells in the Santa Ana River and Mill Creek, in conformance with plans and specifications prepared by Todd Engineers, in an amount not to exceed \$238,406. The District was awarded a \$230,000 grant from the Department of Water Resources for this project. Mr. Libeu and Mr. Crowley discussed and answered questions from the Board.

It was moved by Director Henriques-McDonald and seconded by Director Aranda to approve and authorize award of contract with Layne Christensen Company for the drilling and outfitting of monitoring wells in the Santa Ana River, as part of the AB 303 grant, in an amount not to exceed \$238,406. The motion carried 6-0, with the Division 4 position vacant.

D. Approve and Authorize Contract Task Order to Larry Jacinto Construction for Clearing Vegetation and Related Maintenance Work at the Bear Valley River Pick-Up Site in the Amount of \$7,500

Mr. Libeu discussed the need for removal of vegetation and maintenance of the Bear Valley River pick-up site, a project that is done approximately every three years. He

recommended the Board approve a contract for this work with Larry Jacinto Construction, in the amount of \$7,500.

It was moved by Director Henriques-McDonald and seconded by Director Aranda to approve and authorize execution of a Task Order to Larry Jacinto Construction for clearing vegetation and related maintenance work at the Bear Valley River pick-up, in the amount of \$7,500. The motion carried 6-0, with the Division 4 position vacant.

E. Adopt Resolution of Intention to Approve an Amendment to CalPERS Contract

Mr. Libeu said that this item was included in the 2004-2005 budget, and CalPERS requires several steps before final adoption of the amendment can be completed. He recommended approval of the first step, the Resolution of Intention to Approve an Amendment to the CalPERS contract. Discussion ensued. After discussion, it was decided to table this item and discuss further in a Board workshop, to be scheduled at a later date.

It was moved by Director Marcum and seconded by Director Wright to table Item E, Adopt Resolution of Intention to Approve an Amendment to CalPERS Contract. The motion carried 6-0, with the Division 4 position vacant.

F. Approve and Authorize Execution of Contract with Eadie & Payne, LLP, for Annual Audit

Mr. Libeu explained that Eadie & Payne, LLP, had performed the District's audit for the last two years. Their estimate for this year's audit includes three items: (1) Base audit cost, \$12,500; (2) GASB 34 work, \$5,000; and (3) Redlands Plaza, \$2,500, if needed, for a total of \$20,000. He suggested approving an amount not to exceed \$18,000.

It was moved by Vice President Day and seconded by Director Henriques-McDonald to approve and authorize execution of a contract with Eadie & Payne, LLP, for the District audit for the year 2003-2004, in the amount of \$18,000. The motion carried 6-0, with the Division 4 position vacant.

At 3:25 p.m., a ten-minute recess was taken. The meeting reconvened at 3:35 p.m.

G. Candidate Selection for LAFCO Regular Special District Member

There was a discussion on the choices of candidates for the position of Regular Special District Member for LAFCO.

It was moved by Director Marcum and seconded by Vice President Day to cast a vote for Kimberly Cox, candidate for the position of LAFCO Regular

Special District Member. The motion carried 6-0, with the Division 4 position vacant.

- H. Notification to the Board of Vacancy and Determination of Manner of Selection of Successor

Mr. Cosgrove said that Director Woodbury's passing has created a Board vacancy for Division 4. The two options for filling the vacancy are (1) appoint a new Board member; and (2) call for a special election, at a cost of approximately \$35,000 - \$45,000. If the option of appointment were chosen, it would have to be done within 60 days of notification of the vacancy (today's date). Both options were discussed. After discussion, the option of the District appointing a new Board member was chosen. Staff was directed to advertise the position on the District website, the newspapers, and at local libraries.

It was moved by Director Henriques-McDonald and seconded by Vice President Day to direct staff to begin implementing procedures for the Board to appoint a new Board member for the Division 4 vacancy. The motion carried 6-0, with the Division 4 position vacant.

10. CLOSED SESSION

It was moved by Director Henriques-McDonald and seconded by Director Aranda to adjourn to Closed Session at 3:50 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 6-0, with the Division 4 position vacant.

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

At 5:05 p.m., the meeting reconvened to Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

11. ADJOURN MEETING

In remembrance of Director Sterling "Jack" Woodbury, the meeting adjourned at 5:06 p.m. to the August 10, 2004 Public Meeting.

Board Secretary