

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
September 7, 2005
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
Manuel Aranda, Jr., Director
Melody Henriques-McDonald, Director
Glenda Douglas, Director
Richard Corneille, Director

BOARD MEMBERS ABSENT:

Arnold Wright, Director

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esq.

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary
Colleen Theuer, Assistant to the General Manager/Recording Secretary
Walter Christensen, Project Manager
Robin MacGregor, Administrative Assistant

GUESTS PRESENT:

James Walker, GeoTrans, 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. AWARD PRESENTATION

Mr. Crowley reported that Robin MacGregor, a part-time Administrative Assistant for the District, has been with the District for five years. President Tubbs awarded her with a five-year service award, thanking her for a job well done.

Mr. Libeu excused himself from the meeting in order to attend the Board meeting at the San Bernardino Valley Municipal Water District (Muni).

3. BOARD DISCUSSION ITEMS

Consolidation issues were discussed among all Board members and staff. Director Aranda reported that he would be attending the upcoming ACWA Region 9 meeting and CSDA meeting. Director Corneille thanked the Board for their support during his family's difficult time over the death of his son.

4. APPROVAL OF THE MINUTES

It was moved by Director Corneille and seconded by Vice President Day to approve the minutes of the regular meeting of August 3, 2005 and the regular meeting of August 12, 2005. The motion carried 6-0, with Director Wright absent.

5. BOARD COMMITTEE REPORTS

There were no committee reports for this meeting.

6. GENERAL MANAGER'S REPORT

Mr. Crowley presented Mr. Libeu's report. Mr. Libeu had added an addendum to his report, distributed at the meeting, regarding an independent financial analysis previously discussed by the Board. Discussion ensued. The District's auditor, Eadie & Payne, LLP, recommended the firm of Soren, McAdam and Christenson to conduct the financial analysis. Mr. Libeu also had been in contact with another firm, and planned on bringing proposals from both firms to the Board for review.

7. OPERATIONS AND MAINTENANCE REPORT

Mr. Crowley summarized his report, noting that the City of Highland (Highland) requested using District property for their 11th Annual Highland Trails Day Event, scheduled for October 15, with a backup date of October 22. He said that Highland would provide the liability insurance necessary for the event. Discussion continued, and Mr. Crowley answered questions from the Board.

Mr. Libeu returned from the Muni Board meeting and reported that no action had been taken. Muni indicated they were planning to meet the following week, the date not yet decided.

8. CONSENT CALENDAR

It was moved by Vice President Day and seconded by Director Henriques-McDonald to approve the Consent Calendar, consisting of the Expenditures for August 2005, and the Un-audited Financial Reports for August 2005. The motion carried 6-0, with Director Wright absent.

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

A. Line C - Church Street Drainage Realignment Project

Mr. Cosgrove reported that the City of Highland requested entering into an easement agreement with the District for the construction of drain facilities for S-P East Highlands LLC, that would be constructed partially on District land. He reviewed and discussed the Mitigated Negative Declaration approved on January 4, 2005 by the Planning Commission of the City of Highland, with regards to the Church Street Drainage Realignment Project. The easement agreement would be entered into with the District and the City of Highland, as well as the developer. Mr. Cosgrove requested Board approval of Resolution No. 415, making the findings that there is no substantial evidence of a significant effect on the environment as presented in a mitigated negative declaration by the City of Highland; authorize staff to enter into the easement agreement for the construction, maintenance, and operation of those facilities; authorize issuance of a temporary access permit; and authorize the General Manager and the Board president to sign these agreements once they have been put in a form that is acceptable to General Counsel, the City of Highland, and the developer. Discussion continued; Mr. Cosgrove answered questions from the Board. President Tubbs suggested minor word changes to the Resolution before approving.

It was moved by Vice President Day and seconded by Director Aranda to (1) adopt Resolution No. 415 with changes indicated by the Board President; and (2) authorize the Board President to sign a Grant of Easement, and the General Manager to sign an Access Permit, with the City of Highland and S-P East Highlands, LLC, in a form acceptable to General Counsel.

Discussion continued.

The motion carried 6-0, with Director Wright absent.

B. NWRA Election

It was moved by Director Henriques-McDonald and seconded by Director Douglas to approve Resolution No. 412, Nomination of Lawrence M. Libeu, for a California Caucus position on the National Water Resources Association Board (NWRA), as a representative for the State of California through ACWA. The motion carried 6-0, with Director Wright absent.

C. ACWA Region 9 Election

There was a brief discussion on the ACWA Region 9 nominating committee's slate of nominees for Chair, Vice Chair, and the candidates for Board seats.

It was moved by Vice President Day and seconded by Director Aranda to cast a vote for the following nominees for the ACWA Region 9 Board: Chair, Joe Kuebler, Eastern Municipal Water District; Vice Chair, Steve Robbins, Coachella Valley Water District; Board Representatives, Brad Luckey, Imperial Irrigation District; Ben Wicke, Elsinore Valley Municipal Water District; Jerry Wilson, Cucamonga Valley Water District; Manny Aranda, San Bernardino Valley Water Conservation District; and Skip Wilson, East Valley Water District. The motion carried 6-0, with Director Wright absent.

D. ACWA Election

It was moved by Director Henriques-McDonald and seconded by Director Douglas to adopt Resolution No. 413, supporting the nomination of Director Andy Horne, of the Imperial Irrigation District, for the office of ACWA Vice President. The motion carried 6-0, with Director Wright absent.

E. ACWA/JPIA Election

It was moved by Director Henriques-McDonald and seconded by Director Aranda to adopt Resolution No. 414, supporting the nomination of Director Joan Finnegan, of the Municipal Water District of Orange County, for the office of ACWA/JPIA Vice President. The motion carried 6-0, with Director Wright absent.

10. CLOSED SESSION

Mr. Cosgrove indicated that a copy of the Settlement Agreement, entitled Settlement Agreement Among San Bernardino Valley Water Conservation District, San Bernardino Valley Municipal Water District, and Western Municipal Water District of Riverside County, approved by the District Board on August 12, 2005, would be available for inspection at the District. He requested a Closed Session under Government Code Section 54956.9, in connection with continuing issues with respect to water rights application 31371 and implementation of the settlement.

It was moved by Director Day and seconded by Director Aranda to adjourn to Closed Session, at 3:17 p.m., as provided by the authority of Government Code Section 54956.9, relating to Application 31371, presently pending before the State Water Resources Board. The motion carried 6-0, with Director Wright absent.

At 4:05 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

11. ADJOURN MEETING

At 4:05 p.m., the meeting adjourned to the Board meeting scheduled for October 5, 2005 at District Headquarters, 1630 W. Redlands Blvd., Ste. A, Redlands, CA, at 1:30 p.m.

Board Secretary