

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
October 5, 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
Glenda Douglas, Director
Richard Corneille, Director
Arnold Wright, Director

BOARD MEMBERS ABSENT:

Melody Henriques-McDonald, Director

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esq.

STAFF PRESENT:

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

GUESTS PRESENT:

Brendan Shire, Tetra Tech, Inc.
J. McAlister, Tetra Tech, Inc.

1. PUBLIC PARTICIPATION

Mr. Libeu announced that Director Henriques-McDonald would not be attending the Board meeting due to a death in the family.

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 that he would be attending the WESTCAS meeting in Reno October 18-20, and the ACWA Legislative Committee meeting on October 21. President Tubbs and Director Corneille reported that they would also be attending the WESTCAS meeting; President Tubbs updated the Board on the LAFCO meeting of September 21.

3. APPROVAL OF THE MINUTES

It was moved by Vice President Day and seconded by Director Aranda to approve the minutes of the regular meeting of September 7, 2005 and the minutes of the special meeting of September 28, 2005. The motion carried 6-0, with Director Henriques-McDonald absent.

4. BOARD COMMITTEE REPORTS

There were no committee reports for this meeting.

5. GENERAL MANAGER'S REPORT

Mr. Libeu summarized his written monthly report. Regarding LAFCO issues, he reported that on September 28th the District had requested, by letter, that LAFCO include on their October 19 agenda the District's request for an outside consultant, independent of the committee established to review the possible consolidation of the District with the San Bernardino Valley Municipal Water District (Muni). However, Ms. Kathleen Rollings-McDonald, the Executive Director of LAFCO, advised that the LAFCO agenda had already been posted for the October 19 meeting, and therefore the District's request would be delayed until LAFCO's November 16 meeting.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Crowley summarized his written monthly report. A discussion ensued on both the Integrated Management Program Demonstration Project Agreement (IMPDP) and the Daily Flow Report. Mr. Libeu also noted that the CDF had used the District pit as a staging area for practice in fighting fires.

7. CONSENT CALENDAR

There was a brief discussion on the financial reports and Redlands Plaza.

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

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

A. ACWA/JPIA Election

Mr. Libeu discussed supporting Wes Bannister, of the Orange County Water District, as a candidate for the position of ACWA/JPIA President, and recommended adoption of Resolution No. 416, stating same.

It was moved by Director Aranda and seconded by Director Douglas to adopt Resolution No. 416, supporting the nomination of Director Wes Bannister of Orange County Water District, for the position of ACWA/JPIA President. The motion carried 6-0, with Director Henriques-McDonald absent.

B. Consider Retention of Lagerlof, Senecal, Bradley, Gosney, & Kruse, LLP, to Assist in the Provision of Advice Regarding the Conservation District's MSR and Other Proceedings

Discussion ensued on whether to retain the services of Lagerlof, Senecal, Bradley, Gosney, & Kruse, LLP, to provide legal assistance with regard to the consolidation efforts against the District, the related costs, and possible caps on the related costs. Staff recommended engaging these services in two phases: Phase one (1) would entail a comprehensive analysis of all previous work, and to assist and advise staff and District counsel in future actions; Phase two (2) would be dependent upon the results of actions in Phase 1.

It was moved by Vice President Day and seconded by Director Douglas to retain the services of Lagerlof, Senecal, Bradley, Gosney, & Kruse, LLP to provide legal assistance regarding the Conservation District's MSR and related proceedings; and to initially cap the fees of Phase 1 at \$25,000. The motion carried 6-0, with Director Henriques-McDonald absent.

Discussion continued. It was further determined that if a waiver were obtained from the firm Rutan & Tucker, Mr. Cosgrove would continue work in this matter, along with Mr. Senecal of Lagerlof, Senecal, et al.

9. CLOSED SESSION

It was moved by Director Corneille and seconded by Vice President Day to adjourn to Closed Session, at 2:05 p.m., as provided by the authority of Government Code Section 54956.8, relating to real property negotiations re: easement agreement with San Bernardino Valley Municipal Water District/Western Municipal Water District; the negotiators would be Lawrence Libeu and David Cosgrove for the District; Robert Reiter and David Aladjem for the San Bernardino Valley Municipal Water District; and John Rossi for the Western Municipal Water District. The motion carried 6-0, with Director Henriques-McDonald absent.

At 3:10 p.m. the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

10. ADJOURN MEETING

At 3:10 p.m., the meeting adjourned to the Board meeting scheduled for November 2, 2005 at District Headquarters, 1630 W. Redlands Blvd., Ste. A, Redlands, CA, at 1:30 p.m.

Board Secretary