

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
July 5, 2006  
1:30 P.M.

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  
Manuel Aranda, Vice President  
Clare Henry Day, Director  
Glenda Douglas, Director  
Richard Corneille, Director  
Melody Henriques-McDonald, Director  
Arnold Wright, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esq.

SPECIAL COUNSEL PRESENT:

H. Jess Senecal, Esq.

STAFF PRESENT:

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

GUESTS PRESENT:

David McAlister, Tetra Tech

## 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 Corneille reported that he and General Manager Larry Libeu met with Douglas Headrick of the City of Redlands on June 23. He stated he would discuss details during Closed Session, as the meeting related to consolidation issues. He also attended the Muni Water Advisory Commission (Commission) meeting on June 29. A highlight of the program was a presentation by the City of Riverside and their water activities. There was also an update on the Integrated Groundwater Management Plan, and included an analysis that by the year 2030, imported water demands per year were estimated to increase an additional 87,000 acre-feet. The next Commission meeting was scheduled for September 14 at 7:00 p.m. Director Corneille also said that a stakeholders committee was being formed, consisting of those agencies that worked with the regional board on the recharge of state project water and the potential treatment requirements of recharged state project water. The stakeholders' workshop meeting was set for September 12, 2006.

Director McDonald reported that she attended several chamber meetings during the month, as well as the WESTCAS meeting, the Special Districts dinner, a JPIA strategic planning meeting, and a legislative breakfast hosted by the Mayor of San Bernardino.

President Tubbs reported that she made a presentation at the Mentone Area Community Association (MACA) regarding the District's consolidation issues.

Vice President Aranda reported that he attended the usual Chamber meetings and the Special Districts meeting. He also reported that he attended the court hearing on June 29 regarding the Center for Biological Diversity's lawsuit against LAFCO, and indicated the outcome was very positive. He mentioned the sunset clause for the legislation regarding consolidation, and emphasized the importance of the District lobbyist watching for the potential of any legislation that could cause an extension of the clause.

Director Douglas reported that she attended the Special Districts meeting, the Highland Chamber luncheon, and a public meeting on the Seven Oaks Dam.

## 3. APPROVAL OF THE MINUTES

The minutes from the June 7, 2006 meeting were briefly discussed. Minor changes were noted.

**It was moved by Director Corneille and seconded by Director Wright to approve the minutes of the Regular meeting of June 7, 2006, as amended. The motion carried unanimously.**

4. BOARD COMMITTEE REPORTS

There were no committee reports for this meeting.

5. GENERAL MANAGER'S REPORT

Mr. Libeu summarized his written report. He highlighted the work on the Wash Plan (Plan) and noted that the parties involved with the Plan are very satisfied with Burnie Cavender and Dave Cosgrove's work and on how the Plan is being managed.

Mr. Libeu said that rebates amounting to approximately \$139,000 had been distributed, and that he had made a personal appearance before the East Valley Water District Board to present them their check. He indicated he had attempted to make additional personal presentations, but agency calendars had precluded that opportunity.

Mr. Libeu noted the court hearing on June 29, and indicated there would be further discussion during Closed Session. On a separate note, he asked the Board to consider changing the August Board meeting date to August 9, 2006; however, the change was not compatible with several Board member calendars, therefore the Board meeting would remain scheduled for August 2, 2006.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Libeu summarized his written report. He noted that the main focus for the month was routine maintenance, and that a purchase of a portable spray paint unit facilitated a great deal of maintenance painting on gates, valves and diversions structures. He distributed the latest flow report and discussed the recharge amounts in both SAR and MC as well as water levels behind the Seven Oaks Dam.

Mr. Libeu noted that JPIA was at the District for their annual inspection, which included checking all tenant spaces, and the results were quite good. Also, a broken water main at the front entrance to the Plaza was repaired during the month.

7. WASH PLAN UPDATE

Mr. Cosgrove reported in-depth on the progress of the Wash Plan. He described the transition that took place as Burnie Cavender, Mr. Libeu, and himself assumed the leadership role for the Wash Plan after the departure of Project Manager Walter Christensen. He noted the establishment of several working groups, each of which has a special focus element of the Plan, and included the HCP Group, Traffic Group, Trails Group, and a Screen Check Group. He gave a progress report on each group's work

as of this meeting date, and answered questions from the Board. The Board requested that this be a standard item on the agenda, and staff assured the Board that it would be so noted in the future.

8. CONSENT CALENDAR

Colleen Theuer presented the monthly financial statements, noting that the year-end balance was a positive amount of \$342,000. Mr. Libeu commented that this was accomplished in spite of groundwater rebates, Special Counsel expenses, Special Consultants reports, and the addition of two consultants' contracts. He further noted that no funds were transferred from the District LAIF account. He also distributed a graph showing mining revenues over the past three years, and noted a definite slowing in mining revenue in recent months.

**It was moved by Director Day and seconded by Vice President Aranda to approve the Consent Calendar, consisting of the Warrant Table for June 2006 and the un-audited financial reports for June 2006. The motion carried unanimously.**

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

- A. Approve Contract Amendments For: (1) Hicks-Richardson Associates; (2) California Advocates; (3) Wes Green Realty; (4) Larry Jacinto Construction; (5) Todd Engineers

Mr. Libeu reported that several contracts were up for renewal for FY 2006-2007, and Included (1) Hicks-Richardson Associates, Amendment No. 6; (2) California Advocates, Amendment No. 9; (3) Wes Green Realty; (4) Larry Jacinto Construction, Amendment No. 3; and (5) Todd Engineers, Amendment No. 5. Director Corneille asked for clarification on the differences between the two lobbyists firms, Hicks-Richardson Associates and California Advocates, and asked questions regarding the Todd Engineers contract. Mr. Libeu discussed the differences of the lobbyist firms (one being federal and the other state); and explained that the contract with Todd Engineers was on an as-needed basis, and used primarily for their hydrological and groundwater expertise in the District's water rights application. Discussion continued. After discussion, Mr. Libeu requested that item no. 3 be deferred until the August Board meeting, due to information not yet received from Wes Green Realty.

**It was moved by Director Douglas and seconded by Director Wright to approve the contract amendments for (1) Hicks-Richardson Associates; (2) California Advocates; (4) Larry Jacinto Construction; (5) Todd Engineers; and to defer item no. 3, Wes Green Realty, until the August 2, 2006 Board meeting. The motion carried unanimously.**

B. Approve Budget Augment for LSA Associates

Mr. Libeu discussed the role LSA Associates (LSA) had in preparing a traffic study for the Wash Plan in the City of Highland. LSA submitted the completed revised traffic study on August 18, 2005. However, the City of Highland had several concerns with the study, and engaged the services of their own traffic consultant, resulting in a continuing dialogue of comments and revisions to the traffic study over a period of eight months. As this work was over and beyond the original scope as envisioned by LSA, they have requested a budget augment in the amount of \$20,000 to cover the costs of the additional work. Mr. Libeu indicated that Staff had thoroughly reviewed the request and found it to be in order, and recommended approval. The District's share of the augment would be \$4,630.00. Discussion followed.

**It was moved by Director Day and seconded by Director McDonald to approve the budget augment request for additional work performed for the Wash Plan Traffic Report, from LSA Associates, in the amount of \$20,000; the District's share would be approximately \$4,630.00. The motion carried unanimously.**

Director Corneille recommended that Staff bring to the Board an updated budget for the Wash Plan.

C. Approve Contract with Dudek Associates

Mr. Libeu advised that as part of the development of the Habitat Conservation Plan (HCP) for the Wash Plan, the Fish & Wildlife Service (FWS) had recommended that a Slender-horned Spineflower Translocation Plan (SSTP) be completed. This request was prompted after a field inspection by the Wildlife Service, mining interests, and the District showed an isolated population of the species in a critical mining area. If this population could be relocated, the mining area could then be fully utilized. Therefore, an SSTP would be required. As Dudek Associates (Dudek) have been working with LSA as a sub-contractor on the Wash Plan, and because of their familiarity with the project, they would be able to perform the SSTP in the most efficient manner. In early April 2006, a proposal from Dudek for this work was received in the amount of \$38,000.

**It was moved by Director Day and seconded by Director McDonald to approve the proposed contract with Dudek Associates for the Preparation of the Slender-Horned Spineflower Translocation Plan (SSTP), for the Wash Plan, in the amount of \$38,000.**

Discussion ensued. Due to contract irregularities, the Board decided this item should be tabled and discussion deferred to Closed Session.

**It was moved by Vice President Aranda and seconded by Director Douglas to withdraw the motion on the table and to defer further discussion on this item until Closed Session. The motion carried unanimously.**

A break was taken at 3:10 p.m., and at 3:20 p.m. the meeting reconvened.

10. CLOSED SESSION

**It was moved by Director McDonald and seconded by Director Day to adjourn to Closed Session at 3:20 p.m., as provided by the authority of Government Code Section 54956.9(c), to determine whether to initiate litigation. The motion carried unanimously.**

At 3:50 p.m., the meeting reconvened into Open Session. Reportable action taken was that item No. 9C would be tabled until the August 2, 2006 Board meeting.

11. ADJOURN MEETING

At 3:55 p.m., the meeting adjourned to the Board meeting scheduled for **August 2, 2006** at District Headquarters, 1630 W Redlands Blvd., Ste. A, Redlands, CA at 1:30 p.m.

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Board Secretary