

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
March 7, 2007
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
Manuel Aranda, Vice President
Richard Corneille, Director
Clare Henry Day, Director
Glenda Douglas, Director
Melody McDonald, Director
Arnold Wright, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esq., Rutan & Tucker, LLP

STAFF PRESENT:

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

GUESTS PRESENT:

Marc Lusebrink, Manatt, Phelps, Phillips
David McAlister, TetraTech

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.

Item 9C, the Annual Engineering Investigation Report, was taken out of order.

9C. Annual Engineering Investigation Report

Mr. Cosgrove explained that Article 1, Section 75560 of the California Water Code requires that when a Water Conservation District proposes to levy a groundwater replenishment charge on the underlying groundwater basins, an engineering investigation and report must be performed by the District. Using visual aids, Mr. Cosgrove presented the Annual Engineering Investigation Report (EI), with Kate White of Todd Engineers, Inc. assisting on a speaker phone.

It was moved by Vice President Aranda and seconded by Director Day to receive and file the 2006 - 2007 Annual Engineering Investigation Report.

Discussion ensued. Mr. Cosgrove explained that the EI was to be presented to the Board as a "receive and file" item in March, then it is presented at two meetings in April, a public meeting and a public hearing. The public meeting would be held during the District's regular Board meeting on April 4, 2007 and the public hearing would be held on Friday, April 27, 2007. Director Corneille inquired as to the differences in the report compared to prior years. Mr. Libeu replied that the District had not yet received all the background data from other agencies that was a part of the report in prior years. Mr. Cosgrove explained the report presented included all of the findings required by statute, but did not contain some of the additional information and data that had been included in some prior years' reports. Discussion continued. Director Corneille suggested consulting with the District's former Assistant General Manager in reviewing the report, once the additional information has been received. The motion was amended to include this request:

It was moved by Vice President Aranda and seconded by Director Day to receive and file the 2006 - 2007 Annual Engineering Investigation Report, amending the motion to direct staff to supplement the report as appropriate, once the additional information has been received. The motion carried unanimously.

2. BOARD DISCUSSION ITEMS

Director Douglas reported that she attended the ACWA Conference in Washington DC, the Highland Chamber luncheon, an Outreach Committee meeting, and a meeting with members of the Highland City Council. She presented a plaque to the District from the Loma Linda Chamber of Commerce, which thanked the District for outstanding support.

Director Wright reported that he interviewed candidates for the Assistant General Manager position on February 16.

Vice President Aranda reported that he attended the Washington DC Conference, WESTCAS, the San Bernardino Chamber, the Redlands Chamber, and the Loma Linda Chamber meetings.

President Tubbs reported that she attended the WESTCAS meeting, the Outreach Committee meeting, and the Special Districts dinner, and also interviewed candidates for the position of Assistant General Manager.

Director Day reported also interviewing candidates for the Assistant General Manager position.

Director McDonald reported attending the ACWA D.C. Conference and WESTCAS. She also met with Jody Scott from the City of Highland and attended a meeting at the Highland Chamber of Commerce.

Director Corneille reported that he attended the WRI breakfast at Cal-State San Bernardino and would be attending the Advisory Commission on Water Policy meeting on March 22 at 7:00 p.m. at the San Bernardino Valley Municipal Water District (Muni). He said Muni would be discussing the Integrated Water Management Plan, and would be asking all agencies for their support.

3. APPROVAL OF THE MINUTES

It was moved by Director Corneille and seconded by Vice President Aranda to approve the minutes of the regular meeting of February 7, 2007. The motion carried unanimously.

4. BOARD COMMITTEE REPORTS

President Tubbs reported on the Administrative Committee meeting on February 16 in which two candidates were interviewed for the position of Assistant General Manager. She described each candidate's qualifications and said both interviews went well.

Vice-President Aranda reported on the Outreach Committee meeting held on February 26. Issues were discussed concerning travel of the Board and staff, and several conclusions were reached. He said the General Manager would discuss these conclusions later in the meeting.

5. GENERAL MANAGER'S REPORT

Mr. Libeu summarized his report, discussing further the Big Bear Water Master Report and the Engineering Investigation Report. Regarding the Integrated Water Management Plan, the State Department of Water Resources had several suggestions on how to obtain grants for capital projects. Mr. Libeu discussed further and answered questions from the Board.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Libeu summarized his written report, and answered questions from the Board.

7. WASH PLAN UPDATE

Mr. Cosgrove updated the Board on the Wash Plan. He said work continued on the Administrative Draft of the EIR for the Wash Plan, which was expected to be completed by the end of the month. Mr. Cavender, the Project Manager, set forth a schedule which requires the members of the Technical Committee to respond within two weeks upon receipt of this draft. Once comments were received, a Technical Committee meeting would be called. He also noted that Tom Dodson, a consultant retained by LAFCO, is preparing an Environmental Impact Report for consolidation purposes, and had requested a copy of the July 20th screen check draft EIR on the Wash Plan, if the anticipated delivery of the new screen check Administrative Draft is delayed for any considerable amount of time .

8. CONSENT CALENDAR

The financial statements were briefly discussed.

It was moved by Director Day and seconded by Vice-President Aranda to approve the Consent Calendar, consisting of the un-audited financial reports for February 2007. The motion carried unanimously.

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

A. Review Committee Membership

Mr. Libeu discussed the Outreach Committee's meeting of February 26 in which proposed changes in the membership committees and attendance at various meetings were discussed. The Outreach Committee had two recommendations: (1) approval of the membership of the Board standing committees as shown in Exhibit A in the Board Policy Manual; and (2) approval of the amendments to Exhibit B of the Board Policy Manual (as provided in the Board package), as recommended by the Outreach Committee. After a lengthy discussion, the following motion was made:

It was moved by Vice President Aranda and seconded by Director McDonald to approve the membership for the Board Standing Committees (Administrative, Resources and Outreach) as shown in Exhibit A of the Board Policy Manual; and approve the amendments to Exhibit B of the Board Policy Manual. The motion carried unanimously.

B. Upcoming Meetings

Mr. Libeu led a brief discussion on four upcoming meetings. Attendees to these meetings were decided upon pursuant to the Board Policy Manual

C. Annual Engineering Investigation Report

This item was taken out of order and previously discussed.

D. Certification of Final Environmental Impact Report for Application No. 31370 before the State Water Resources Control Board, and Adopt Resolution No. 428

Mr. Luesebrink, of Manatt, Phelps, Phillips law firm, made a presentation of the final Environmental Impact Report for the Application to Appropriate Water by Permit, and on the Program for Effective Recharge Coordination (PERC). After the presentation, he requested that the Board approve Resolution No. 428, Certification of the Final Environmental Impact Report, and approve the project, consisting of adoption of the PERC., as well as an indication by the Board of its approval to proceed with pursuit of the District's Application No. 31371 before the State Water Resources Control Board, as that Application shall be amended to conform to the Settlement Agreement. Discussion followed. Two changes were needed on the amendment: Page 2, paragraph 6, change from "duly noticed hearing" to "regular meeting of the Board," and page 3, section 2, change "findings" to "finding," a global change within the document. After discussion, the following motion was made:

It was moved by Director Day and seconded by Vice President Aranda to adopt Resolution No. 428, as amended, certifying the Final Environmental Impact Report for Application No. 31371 before the State Water Resources Control Board to appropriate waters of the Santa Ana River, and approve the project, consisting of adoption of the Program for Effective Recharge Coordination (PERC). The motion carried unanimously.

E. FY 2007-2008 Budget Development Process

Mr. Libeu briefly discussed time periods for committee reviews of the proposed budget for FY 2007-2008. The following schedules were decided upon:

Outreach Committee: April 5, 2007- 9:00 a.m.
Administrative Committee: April 10, 2007 - 9:00 a.m.
Resources Committee: April 12, 2007 - 2:00 p.m.
Budget Workshop: April 26, 2007- 2:00 p.m.

10. CLOSED SESSION

At 4:40 p.m. the meeting adjourned to Closed Session, as provided by the authority of Government Code Section 54956.9(a), to consider the Application No. 31371 before the State Water Resources Control Board to appropriate waters of the Santa Ana River; and Government Code Section

54956.9(a), to existing litigation entitled San Bernardino Valley Water Conservation District v. San Bernardino Valley Municipal Water District, SBCSC Case No. SCVSS 145224; Government Code Section 54956.8, re: easement agreement with San Bernardino Valley Municipal Water District/Western Municipal Water District concerning the District's Santa Ana River facilities; and Government Code Section 54957 and 54957.6, to consider public employee items: review the performance and contract of General Manager. The motion carried unanimously.

At 5:30 p.m., the meeting reconvened into Open Session. During Closed Session, under Government Code Section 54956.9(a), the Board took action to dismiss the litigation against the San Bernardino Valley Municipal Water District; and under Government Code Section 54957 and 54957.6, re: public employee items: review the performance and contract of General Manager, the Board deferred this item to a special Board meeting to be held March 15, 2007 at 4:00 p.m.

11. ADJOURN MEETING

At 5:30 p.m., the meeting adjourned to the Special Board meeting scheduled for Thursday, March 15, 2007 at District Headquarters, 1630 W Redlands Blvd., Suite A, Redlands, CA at 4:00 p.m.

Board Secretary