

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
August 1, 2007
1:30 P.M.

Vice President Manuel Aranda 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 Vice President Aranda.

ROLL CALL:

BOARD MEMBERS PRESENT:

Manuel Aranda, Vice President
Cheryl Tubbs, Director
Richard Corneille, Director
Arnold Wright, Director
Clare Henry Day, Director
Glenda Douglas, Director

BOARD MEMBERS ABSENT:

Melody McDonald, President

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Colleen Theuer, Assistant to the General Manager/Recording Secretary

GUESTS PRESENT:

Kip Sturgeon, East Valley Water District
Chris Diggs, City of Redlands
Bob Glaubig, Public

1. PUBLIC PARTICIPATION

Vice President Aranda 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 AND ACCEPTANCE OF DIRECTOR'S RESIGNATION

Due to retirement and a move out of state, Director Douglas resigned as a member of the Board. Vice President Aranda accepted her resignation, with regret, and presented a Resolution to her in appreciation for her years of service. Ms. Douglas accepted the Resolution and spoke of her appreciation of the Board during her tenure with the District.

It was moved by Director Day and seconded by Director Wright to accept the resignation of Director Douglas. The motion carried 6-0, with President McDonald noted absent.

3. APPROVAL OF THE MINUTES

Minor word changes were noted in the minutes of the July 5, 2007 minutes.

It was moved by Director Corneille and seconded by Director Tubbs to approve the minutes of July 5, 2007, as amended. The motion carried 6-0, with President McDonald noted absent.

It was moved by Director Corneille and seconded by Director Tubbs to approve the minutes of July 23, 2007. The motion carried 6-0, with President McDonald noted absent.

4. BOARD COMMITTEE REPORTS

There were no Board committee reports for the month.

5. OPERATIONS AND MAINTENANCE REPORT

Vice President Aranda commented on the O & M report for the month. Director Corneille requested that a monthly summary of total amounts recharged for the month be provided at future Board meetings.

6. WASH PLAN UPDATE

Mr. Cosgrove briefed the Board on the current status of the Wash Plan, with Mr. Cavender, the project manager, participating by conference call. Mr. Cosgrove said that on July 23 a land exchange meeting was held with Jim Evans, the appraiser hired by BLM; Chris Bahnsen, from the Conservation District; Lilburn Corporation; the mining companies; and himself. The timeline period for the completion of the appraisal is 90 days, after which BLM has 60 days in which to review. Mr. Evans estimated that the completion of the appraisal would be well within the 90-day period, with an estimated time period of mid-November for the completion of the review by BLM. Mr. Cosgrove further explained that in order for the land exchange to be approved, it would be

necessary to bring legislation before the U.S. Congress. He discussed the process for crafting the legislation, and stated that a draft of the bill was ready to present to BLM for their review. He anticipated a copy of the bill would be available for the Task Force meeting scheduled for August 14. Mr. Cavender discussed the agenda for the Task Force meeting, indicating that the primary action items would be a status report and recommendations to approve budget augmentations. Mr. Cavender described the latest timeline for completing the project, and also said that Mr. Ray Hussey of LSA Associates has been assigned as the new project manager. Mr. Cosgrove and Mr. Cavender continued discussion and answered questions from the Board.

7. CONSENT CALENDAR

It was moved by Director Day and seconded by Director Wright to approve the Consent Calendar, consisting of the un-audited financial reports through July 31, 2007. The motion carried 6-0, with President McDonald noted absent.

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

A. LAFCO Payment

Mr. Cosgrove led a discussion concerning LAFCO's calculations for their yearly fees, stating that staff's calculations differ considerably from LAFCO's. He discussed several options available to the Board. After discussion, staff was directed to obtain Special Counsel's opinion for Closed Session at the September Board meeting.

It was moved by Director Tubbs and seconded by Director Corneille to continue the matter of the LAFCO payment to the next Board meeting in order to seek the advice of Special Counsel. The motion carried 6-0, with President McDonald noted absent.

B. Cost Sharing for the Integrated Regional Water Management Plan

Discussion ensued regarding the invoice from the San Bernardino Valley Municipal Water District in the amount of \$17,690.55, for the District's share of the Integrated Regional Water Management Plan. After discussion, the following motion was made:

It was moved by Director Corneille and seconded by Director Wright to approve payment in the amount of \$17,690.55 for the District's share for the Integrated Regional Water Management Plan. The motion carried 6-0, with President McDonald noted absent.

C. Upcoming Meetings

The BIA-San Bernardino County Water Conference, taking place at the Ontario Convention Center on August 9, was briefly discussed.

9. BOARD DISCUSSION ITEMS

Director Corneille said he attended the Advisory Commission meeting on July 19, noting that the groundwater computer model update was discussed in detail. Other items he discussed were Prop 50, the Governor's strategic growth plan, and the Delta Blue Ribbon Task Force. He encouraged the Board to adopt a Resolution in support of the Blue Ribbon Task Force. He noted that the next Advisory Commission meeting would be October 18.

10. CLOSED SESSION

The meeting adjourned to Closed Session at 3:05 p.m., under Government Code Section 54956.9(c), SBVWCD vs. LAFCO; Government Code Section 54956.8, negotiations with CEMEX, USA; Government Code Section 54956.8, negotiations regarding a water well site with the City of Redlands Municipal Utilities Department; and Government Code Section 54957, consider appointment of public employee.

At 4:40 p.m. the meeting reconvened into Open Session. Reportable action taken was the unanimous vote to appoint Mr. Marvin Shaw as the District's new General Manager.

11. ADJOURN MEETING

At 4:45 p.m., the meeting adjourned to a Special Board meeting scheduled for August 15, 2007 at 8:00 a.m., at District Headquarters, 1630 W Redlands Blvd., Suite A, Redlands, CA, to consider the new General Manager's contract.

Recording Secretary of the Board