

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF  
January 14, 2009  
1:30 P.M.

President Melody McDonald called the Board Meeting of the Board of Directors to order at 1:30 p.m. All present stood for the pledge of allegiance, led by President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President  
Manuel Aranda, Vice President  
Cheryl Tubbs, Director  
Clare Henry Day, Director  
Arnold Wright, Director  
Richard Corneille, Director  
John Longville, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

R. Robert Neufeld, General Manager  
Claud Seal, Assistant General Manager/District Engineer  
Colleen Theuer, Admin. Mgr/Recording Secretary  
Randy Scott, Project Manager, Wash Plan

GUESTS PRESENT:

Susan Longville, Cal-State San Bernardino  
Greg Gage, San Bernardino Valley Municipal Water District  
Don Lee, TetraTech

1. PUBLIC PARTICIPATION

President McDonald 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. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

3. BOARD DISCUSSION ITEMS

Director Aranda reported attending the Ad Hoc Committee meeting regarding water transfers; the Upper Santa Ana Water Resources Association meeting; and the Loma Linda City Legislative Committee meeting.

President McDonald reported attending the BTAC meeting; the San Bernardino Valley Municipal Water District Board meeting; and the Upper Santa Ana Water Resources Association meeting.

Director Day reported attending the Redlands Chamber of Commerce Annual Installation Dinner.

Director Tubbs reported attending the Ad Hoc Committee meeting regarding water transfers.

Director Corneille reported that there would be an Advisory Commission on Water Policy meeting on January 29, 2009 at 7:00 p.m.; he indicated he may not be able to attend. Director Tubbs stated that she would attend.

4. CONSENT CALENDAR

**It was moved by Director Corneille and seconded by Director Aranda to approve the minutes of December 12, 2008, and December 23, 2008. The motion carried unanimously.**

**It was moved by Director Day and seconded by Director Tubbs to approve the un-audited Financial Reports for the month of December, 2008. The motion carried unanimously.**

5. INFORMATION ITEMS

A. Board Committee Reports

Director Tubbs reported on the Ad Hoc Committee regarding water transfers that met on January 7, 2009. Director Corneille could not attend; therefore Director Aranda

attended as the alternate. At the conclusion of the meeting, staff was directed to gather more information on this item for presentation to the Board.

#### B. Wash Plan Update

Randy Scott reported on the progress of the Wash Plan. He said no CEQA lawsuit had been filed regarding the Final EIR. He and LSA were still working on reconciliation on cost over-runs for the Final EIR. He will be bringing the final reconciliation to the Wash Plan Task Force for approval on January 27 and then to the Board for approval. Regarding the EIS, he noted that it is on schedule and on budget thus far; the Administrative Draft has been submitted by URS. The biological evaluation that is required for BLM to submit to Fish and Wildlife Service, under the federal Endangered Species Act, is being prepared. This evaluation documents the opinion of the BLM and the effects of the land exchange on protected plants and animals. Work is also being done on the Habitat Conservation Plan (HCP), which is the last major component of the Wash Plan. A Draft EIS is anticipated by the third week in March; Mr. Scott said he anticipated an end-of-the-year completion of the Wash Plan.

#### C. Operations and Maintenance Report

Mr. Seal reported that two ponds in the Mill Creek spreading basins had been cleaned out in less than two days. He indicated that he, Randy Carlisle, and Chris Bahnsen have developed a list of proposed capital projects to be submitted at a Resources Committee meeting. A Resources Committee meeting was set for Tuesday, January 20, 2009 at 8:00 a.m.

#### D. Optimization Study Update

Mr. Neufeld reported on the Optimization Study. He discussed developing spreading areas outside the borrow pit, as the study has indicated that spreading in the borrow pit has been severely restricted due to a fault line. Mr. Neufeld indicated that Mr. Seal was familiarizing himself with the study and would become more heavily involved.

#### E. Assistant General Manager's Report

Mr. Seal discussed well water levels, indicating differences in water banked and what has actually been extracted by producers. Since the groundwater assessments are based on the honor system, it is difficult to confirm. Director Tubbs suggested that as a reminder to the producers, a statement of the water code regarding groundwater assessments be included with the groundwater statements. Mr. Neufeld confirmed that this would be included on those statements.

Mr. Seal said the District would be advertising for a student from the University of Redlands to work part-time for the purpose of providing GIS work for the District.

#### F. General Manager's Report

Mr. Neufeld reported on several items, including the training of staff on the daily flow report. He discussed the recent costly dump truck repairs, and suggested the possibility of including in the budget the purchase of a new truck. He reported attending the Big Bear Watermaster meeting; the BTAC meeting; and the San Bernardino Valley Municipal Water District Board meeting.

6. ACTION ITEMS, NEW BUSINESS, FYI

- A. Authorize General Manager to Move Forward with Recommendation from Ad Hoc Committee on Water Transfers

Mr. Neufeld reported that there was no discussion on the proposals for water transfers in the Ad Hoc Committee meeting of January 7, 2009; he requested approval from the Board to move forward to gather further information.

**It was moved by Director Tubbs and seconded by Director Wright to direct the General Manager to gather further information regarding water transfers. The motion carried unanimously.**

- B. Approve Resolution No. 445, Committing to Working Group Participation with the Water Resources Institute in the Development of an Internet-Based Tool to Comply with the Water Conservation in Landscaping Act (AB 1881)

Director Longville noted for the record that there was no conflict of interest involved with this presentation as there is no financial interest (Susan Longville is Director Longville's wife). Ms. Longville made a presentation regarding the development of an internet-based tool to comply with the Water Conservation in Landscaping Act (AB 1881). She said that in 2006 Governor Schwarzenegger signed AB 1881, establishing a structure for planning, designing, installing, maintaining, and managing water efficient landscapes through mandatory adoption of the DWR Model Landscape Ordinance, effective January 1, 2010. The DWR ordinance applies to residential, institutional or commercial new construction or institutional or commercial rehabilitated landscapes with a total project landscape area equal to or greater than 2,500 square feet requiring building or landscaping permits, plan checks, or design reviews. It requires compliance with AB 1881 before cities and counties can issue building or landscaping permits. Ms. Longville indicated that homeowners who are building their homes would have a difficult time with this mandate. However, the Water Resources Institute (WRI) at California State University, San Bernardino, could develop an internet-based Tool (Tool) that would assist property owners with the preparation of the Landscape Documentation Package required. Ms. Longville said that the District would not need to commit cash, but rather was being asked to provide \$25,000 of in-kind support in the form of staff time reviewing the Tool development over the next two years. Ms. Longville discussed the project at length and answered questions from the Board.

**It was moved by Director Corneille and seconded by Director Aranda to approve Resolution No. 445, Committing to Working Group Participation with the Water Resources Institute in the Development of an Internet-Based**

**Tool to comply with the Water Conservation in Landscaping Act (AB 1881).  
The motion carried unanimously.**

C. District Investment Policy for 2009

There was no change in the District Investment Policy for 2009.

**It was moved by Director Tubbs and seconded by Director Wright to approve the District Investment Policy for 2009. The motion carried unanimously.**

D. Authorize Board President to Form Ad Hoc Committee for Strategic Planning

Mr. Neufeld requested that the Board form an Ad Hoc Committee to develop strategic planning and goals for the future. Director Tubbs expressed concerns about forming another ad hoc committee and suggested that strategic planning should be at full Board level, or through the Outreach Committee. Discussion ensued. Concerns were raised about the financial impact of strategic planning, and the suggestion was made to revisit this item after the Board Budget Workshop scheduled for January 22, 2009. Discussion continued. After discussion, the following motion was made:

**It was moved by Director Tubbs and seconded by Director Aranda to authorize the Board president to form the ad hoc committee for strategic planning, subject to the results of the Board Budget Workshop on January 22, 2009. The motion carried unanimously.**

7. UPCOMING EVENTS

There was a brief discussion on the upcoming events.

8. CLOSED SESSION

**At 3:30 p.m., it was moved by Director Tubbs and seconded by Director Longville to adjourn to Closed Session, under Government Code Section 54956.8, consider Real Property negotiations with the City of Redlands regarding potential well sites along Orange Avenue; Government Code Section 54956.9(a), confer with legal counsel regarding the renewal of the temporary urgency permit No. 21212, filed with the State Water Resources Control Board; Government Code Section 54956.9(c), consider whether to initiate litigation; and Government Code Section 54956.9(a), confer with legal counsel regarding Case No. SCVSS 147526 San Bernardino Valley Water Conservation District vs. San Bernardino County Local Agency Formation Commission. The motion carried unanimously.**

At 4:55 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, there was no reportable action taken.

9. ADJOURN MEETING

At 4:56 p.m., the meeting adjourned to the Board meeting scheduled for January 28, 2009, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

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R. Robert Neufeld  
Secretary of the Board