

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF
February 11, 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

BOARD MEMBERS ABSENT:

John Longville, Director

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

GUESTS PRESENT:

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

Mr. Neufeld requested that Item 6A, Consider Approval of Temporary Easement for Use of District Spreading Grounds by San Bernardino Valley Municipal Water District and Western Municipal Water District, be removed from the agenda in order to obtain further information.

3. BOARD DISCUSSION ITEMS

Director Corneille reported on the Advisory Commission on Water Policy (Advisory Commission) meeting held on January 29, 2009. He indicated that a presentation had been made regarding the Lakes & Streams project between the San Bernardino Valley Municipal Water District and the City of San Bernardino; this project will not be continued due to lack of funding. He noted that the next meeting of the Advisory Commission would be April 30, 2009. He suggested that possible agenda items for that meeting could include the Optimization Study and an update of the Corp of Engineers - 7-Oaks Dam presentation, and that perhaps the District could give that presentation.

Director Tubbs reported that she attended the Advisory Commission on Water Policy meeting on January 29; the ad hoc committee meeting to discuss consolidation issues; and the Special Districts dinner meeting that the District sponsored.

Director Day reported that he attended the Resources Committee meeting and the Special Districts dinner meeting.

Director Aranda reported attending the Special Districts dinner meeting and the Loma Linda Legislative Meeting. He noted that an ACWA Region 9 meeting would be held on February 12, 2009.

President McDonald reported attending the ad hoc committee meeting regarding consolidation issues; the BTAC meeting; and the Loma Linda Installation Dinner.

4. CONSENT CALENDAR

It was moved by Director Tubbs and seconded by Director Aranda to approve the minutes from the January 6, 2009 Board meeting. The motion carried 5-1-0, with Director Corneille abstaining due to his absence from the meeting, and Director Longville noted absent.

It was moved by Director Tubbs and seconded by Director Aranda to approve the minutes from the January 14, 2009 Board meeting. The motion carried 6-0, with Director Longville noted absent.

A brief discussion ensued regarding the minutes from the January 28, 2009 Board meeting and a word correction was noted on page 2, Item 3, "pursing" changed to "pursuing."

It was moved by Director Tubbs and seconded by Director Aranda to approve the minutes from the January 28, 2009 Board meeting, as amended. The motion carried 5-1-0, with Director Corneille abstaining due to his absence from a portion of the meeting, and Director Longville noted absent.

It was moved by Director Day and seconded by Director Aranda to approve the un-audited financial reports for January, 2009. The motion carried 6-0, with Director Longville noted absent.

There was a brief discussion on the Redlands Plaza financial report and the current tenants within the Redlands Plaza building.

5. INFORMATION ITEMS

A. Board Committee Reports

Director Day and Mr. Seal reported on the Resources Committee meeting. Possible capital projects were discussed at the meeting. Mr. Seal indicated that he would soon be able to bring to the Board some specific recommendations.

The meeting of the Ad Hoc Committee for Strategic Planning was discussed. Mr. Cosgrove said that discussion at the meeting included the action LAFCO had taken regarding the EIR, and the agreement between LAFCO, the San Bernardino Valley Municipal Water District, and the District to conduct a financial analysis regarding the consolidation issue. Also discussed was the negative reaction from LAFCO regarding a recent newspaper article; Mr. Cosgrove noted that LAFCO would be voting in mid-April on the consolidation issue.

B. Wash Plan Update

Mr. Cosgrove provided an update on the Wash Plan as Mr. Scott was not available for this meeting. He said that Mr. Scott continues to review the Administrative Draft of the EIS; he has also met with Fish and Wildlife Service. He said that Fred Hicks, the District's federal lobbyist, had indicated that Congressman Lewis was very interested in the land exchange and has offered to help in whatever way he could to move it along. Discussion continued. Director Tubbs discussed Mr. Scott's timetable for completion of the HCP and the estimated cost of \$250,000. She said that she researched the cost, and felt the cost should be closer to \$75,000 to \$100,000. Mr. Cosgrove said he would take this under advisement and report back to the Board.

C. Operations and Maintenance Report

Mr. Seal reported on the operations and maintenance of the District, noting the repair and replacement of some turnout valves downstream of the North Fork Box.

D. Optimization Study Update

Mr. Neufeld discussed the Optimization Study meeting held this date at the San Bernardino Valley Municipal Water District (SBVMWD). The next meeting will be held on March 9 at the District office. Mr. Seal discussed the meeting at length. He noted that according to the consultant MWH, the project would be finished mid-May 2009. A meeting was scheduled in the field for February 27, at 9:00 a.m.

E. Assistant General Manager's Report

Mr. Seal reported that the Engineering Investigation Report (EI) was in the process of being completed. However, he requested that the presentation of the report to the Board be moved from March 4 to March 11, 2009. Discussion ensued. As there were specific timelines involving the presentation, the public meeting, and the public hearing for the EI, the date was left at March 4.

Other items Mr. Seal discussed were the BTAC meeting he attended and updating the District website.

F. General Manager's Report

Mr. Neufeld said that he attended the Loma Linda Chamber of Commerce Installation Dinner and was seated next to Supervisor Derry, where they discussed several items, including the consolidation issue. Mr. Neufeld said he was encouraged by Supervisor Derry's support.

Mr. Neufeld reported that he received a call from Nancy Ferguson of the U.S. Fish and Wildlife Service (FWS), who asked if the District was interested in getting a capital project into the Federal Stimulus Plan. The drawback was that it had to be done within 48 hours. With the help of URS, Inc., the District was able to submit a project for \$1.5 million. A decision should be made within 45 days as to whether the project would be accepted.

The last item Mr. Neufeld reported was that he was a speaker at the Royal Knights of the Round Table in Redlands, where he discussed the mission of the District.

6. ACTION ITEMS, NEW BUSINESS, FYI

A. This item was removed from the agenda at the beginning of the meeting.

B. Approve Resolution No. 446, Stating Opposition to LAFCO 3076

Mr. Cosgrove said that Government Code Section 56668.8 sets the factors LAFCO considers in adopting any resolution on a change of organization, a part of which states "The Commission shall give great weight to any resolution raising objections to the action that is filed by a city or a district. The Commission's consideration shall be based only on financial or service-related concerns expressed in the protest..." Mr. Cosgrove

recommended approval of Resolution No. 446, stating opposition to changing the District's organization. Director Tubbs said that the Resolution should be looked at by the District's consultants to make sure everything needed is included in the resolution, then meet with the Ad Hoc Committee on Strategic Planning, and bring back to the Board for approval at the March 4 meeting.

It was moved by Director Aranda and seconded by Director Day to continue item 6B, Approve Resolution No. 446, to the March 4, 2009 Board meeting. The motion carried 6-0, with Director Longville noted absent.

- C. Consider Approval of Renewal of Contract for Project Manager for Wash Plan (Randy Scott)

Mr. Neufeld discussed the first amendment to the contract for Randy Scott as Project Manager for the Wash Plan. The amendment included an increase in the hourly fee from \$100 to \$150, with a not to exceed amount of \$180,000. Discussion ensued. During discussion, it was noted that the timeline for the completion of the project was for the end of the year 2009. After discussion, the following motion was made:

It was moved by Director Day and seconded by Director Aranda to approve the First Amendment to the Contract for Project Manager for the Wash Plan, amended as follows: \$150/hour with a not-to-exceed amount of \$100,000 through the end of the calendar year 2009, with the option of extending the contract if needed. The motion carried 6-0, with Director Longville noted absent.

- D & E. Consider Resolution No. 447, Concurring in Nomination of Thomas A. Cuquet to Executive Committee of ACWA/JPIA; Consider Resolution No. 448, Concurring in Nomination of E.G. "Jerry" Gladbach to Executive Committee of ACWA/JPIA

It was moved by Director Corneille and seconded by Director Aranda to approve Resolution No. 447, Concurring in Nomination of Thomas A. Cuquet; and Resolution No. 448, Concurring in Nomination of E.G. "Jerry" Gladbach to the Executive Committee of ACWA/JPIA. The motion carried 6-0, with Director Longville noted absent.

- F. Discussion and Possible Action to Update Standing and Ad Hoc Committee Assignments for District

Mr. Neufeld led a discussion regarding clarification on the various standing committees and ad hoc committees.

It was moved by Director Day and seconded by Director Aranda to authorize the Board president to change the name of the Ad Hoc Committee for Strategy Planning to LAFCO Consolidation and to add Director Aranda as an alternate; and to disband the Ad Hoc Administrative Committee. The motion carried 6-0, with Director Longville noted absent.

- G. Consider ACWA Sponsorship Opportunities Available for 2009 Spring Conference

The Outreach Budget and consideration of a possible sponsorship for the ACWA Spring Conference were discussed.

It was moved by Director Day and seconded by Director Tubbs to approve a Silver Sponsorship Level for \$2,000 for the 2009 ACWA Spring Conference. The motion carried 6-0, with Director Longville noted absent.

7. UPCOMING EVENTS

There was no discussion on the upcoming events.

8. CLOSED SESSION

At 3:50 p.m., it was moved by Director Corneille and seconded by Director Wright 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 March 4, 2009, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

R. Robert Neufeld
Secretary of the Board