

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF  
March 25, 2009  
1:30 P.M.

Vice President Manuel Aranda 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 Vice President Aranda.

ROLL CALL:

BOARD MEMBERS PRESENT:

Manuel Aranda, Vice President  
Cheryl Tubbs, Director  
Clare Henry Day, Director  
Arnold Wright, Director  
Richard Corneille, Director (2:30 p.m.)  
John Longville, Director (1:40 p.m.)

BOARD MEMBERS ABSENT:

Melody McDonald, President

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:

Greg Gage, San Bernardino Valley Municipal Water District  
Douglas Headrick, San Bernardino Valley Municipal Water District  
Max Rasouli, City of Riverside  
Don Lee, Tetra Tech

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.

Director Corneille monitored the meeting by phone until his arrival at the meeting at 2:30 p.m.

2. ADDITIONS/DELETIONS TO AGENDA

There were no additions/deletions to the agenda.

3. BOARD DISCUSSION ITEMS

Director Tubbs reported attending several ad hoc committee meetings during the month.

Director Day reported same.

Director Aranda reported attending the ACWA State Legislative Committee meeting in Sacramento.

Director Wright reported attending the Administrative Committee meeting.

4. CONSENT CALENDAR

**It was moved by Director Tubbs and seconded by Director Day to approve the minutes from the March 11, 2009 Board meeting. The motion carried 5-0, with Directors McDonald and Corneille noted absent.**

5. INFORMATION ITEMS

A. Board Committee Reports

There were no Board committee reports for this meeting.

B. Wash Plan Update

Randy Scott updated the Board on the Wash Plan. He said the Task Force met on March 24, 2009, where he provided copies of the Final Administrative Draft of the EIS. The EIS is ready for public distribution, pending approval by the Bureau of Land Management (BLM). The BLM's process for approval involves review of the EIS and then submission to the Federal Register. BLM will notify the District when the document may be distributed for public review for a 90-day comment period. Mr. Scott indicated

that he also made a presentation on the spectral analysis, which is additional data used for the biological assessment; this analysis will be sent to the BLM and Fish & Wildlife Service for the land exchange and will also be used in the Habitat Conservation Plan (HCP). Regarding the HCP, Mr. Scott indicated that he had been researching firms for the preparation of this portion of the project. He recommended amending the current contract with URS for that work, and also allow them to use a sub-consultant with special expertise on habitat conservation plans. Other firms suggested in the discussion were Jones & Stokes Associates, and PBS & J. At the end of Mr. Scott's discussion, direction from the Board was to solicit a scope of work and cost from the firms URS, Jones & Stokes, and PBS & J.

#### C. Operations and Maintenance Report

Mr. Seal reported that the SAR flow through the North Fork Box had been shut down since Monday, March 23rd, due to a damaged section of pipe. Repairs to the pipe should be completed by Monday, March 30th. During this time SAR water had been directed down the main channel, causing a loss of approximately 12-24 cfs per day.

Mr. Seal discussed possible upcoming expenses for three equipment items: (1) replacement of the dump truck, at an approximate cost of \$24,000; (2) replacement of the portable air compressor (cost to be determined); and (3) addition of a used excavator with about an 18' - 22' reach, cost approximately \$75,000. Additional possible budget items for the next year included adding hydraulic operators to six gates at a cost of approximately \$21,000, and the installation of an estimated 2,000 feet of chain link fencing on the south side of Mill Creek spreading grounds, at a cost of approximately \$30,000.

#### D. Optimization Study Update

Mr. Seal reported that the next Optimization Study meeting would take place on April 3, 2009 at 9:00 a.m. at the San Bernardino Valley Municipal Water District (SBVMWD). He noted that the "floating log" barrier discussed at the last meeting was becoming less feasible and would be discussed further at the next meeting.

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

Mr. Seal reported that an addendum to the Engineering Investigation Report was in the process of being prepared and would be ready within two weeks. The addendum concerns using the predicted basin well yields for 2009-2010. A brief discussion followed, and Mr. Seal answered questions from the Board.

Mr. Seal discussed briefly the District's website and said that changes in the structure of the site were under consideration.

#### F. General Manager's Report

Mr. Neufeld commented on the appeals court affirmation of the lower court's decision regarding jurisdiction of LAFCO and the District.

6. ACTION ITEMS, NEW BUSINESS, FYI

- A. Consider Resolution No. 450, Concurring in Nomination of Lou Reinkens to Executive Committee of ACWA/JPIA

Discussion ensued regarding the nomination of Lou Reinkens to the ACWA/JPIA Executive Committee. This item had been placed on the agenda per President McDonald's request.

**It was moved by Director Longville and seconded by Director Wright to approve Resolution No. 450, Concurring in Nomination of Lou Reinkens to the Executive Committee of ACWA/JPIA, based on the recommendation from President McDonald. The motion carried 5-0, with Directors McDonald and Corneille noted absent.**

- B. Consider Call for Nominations for ACWA Region 9 Board

The District received notification from the ACWA Region 9 Membership of a vacancy on their Board for the remainder of the 2008-2009 term. Mr. Neufeld asked the Board for nominations for the ACWA Region 9 Board. Vice President Aranda, noting that the person for this position would serve only the remainder of the 2008-2009 year, recommended taking no action on this item. Director Longville said he would like to nominate the person who is running for the LAFCO Alternate position. After discussion, this item was tabled until the end of the meeting so that further information could be gathered from staff.

**It was moved by Director Longville and seconded by Director Tubbs to table this item until the end of the meeting in order to gather further information from staff. The motion carried 5-0, with Directors McDonald and Corneille noted absent.**

- C. Adopt and Approve Resolution No. 446, Opposing Consolidation with the San Bernardino Valley Municipal Water District

Mr. Cosgrove explained that this item had been brought before the Board at an earlier meeting, where the Board directed staff to confer with District consultants to ensure that all pertinent materials were included in Resolution 446, stating opposition to LAFCO 3076, consolidation of the District with the San Bernardino Valley Municipal Water District. The District consultants reviewed the resolution and indicated there was nothing further to add.

**It was moved by Director Tubbs and seconded by Director Longville to adopt and approve Resolution No. 446, stating opposition to LAFCO 3076, Consolidation of the District with the San Bernardino Valley Municipal**

**Water District. The motion carried 5-0, with Directors McDonald and Corneille noted absent.**

At 2:20 p.m., a break was taken by the Board.

At 2:30 p.m., Director Corneille arrived for the meeting.

At 2:35 p.m., the Board meeting reconvened.

**D. Discussion on Groundwater Rates for 2009-2010**

Mr. Neufeld indicated that this item was for information only. Mr. Cosgrove noted that a budget for fiscal year 2009-2010 had not yet been set; the budget indicated for the groundwater rates for next fiscal year were the current best estimates. Director Corneille said that he requested budget information that would encompass several options for increases in the groundwater charge rates and the effects the different rates would have on the District. He said he was satisfied with the information provided, noting that even with a 100% increase in the groundwater rates, the District would still need to draw from reserves, due to the large drop in mining revenues. This item would be further discussed at the Board Meeting/Public Meeting on April 8, 2009.

At this time, item 6B, which had been tabled earlier in the meeting, and after receiving further information from staff, was discussed.

**It was moved by Director Day and seconded by Director Longville to take from the table item 6B, Consider Call for Nominations for ACWA Region 9 Board, and further, to take no action. The motion carried 6-0, with Director McDonald noted absent.**

**7. UPCOMING EVENTS**

It was noted that a presentation of the Engineering Investigation Report would be given at the Upper Santa Ana Water Resources Association meeting scheduled for April 9, 2009.

**8. CLOSED SESSION**

**At 2:40 p.m., it was moved by Director Tubbs and seconded by Director Corneille 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 3:30 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, action taken was that Staff was directed to advise LAFCO, by letter, that the District would not pursue an appeal regarding SCVSS 147526, San Bernardino Valley Water Conservation District vs. San Bernardino County Local Agency Formation Commission.

9. ADJOURN MEETING

At 3:32 p.m., the meeting adjourned to the Board Meeting/Public Meeting scheduled for April 9, 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