

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF
September 23, 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 (1:44 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

Bill Ihrke, Rutan & Tucker, LLP

STAFF PRESENT:

R. Robert Neufeld, General Manager (1:50 p.m.)
Claud Seal, Assistant General Manager/District Engineer
Colleen Theuer, Admin. Mgr/Recording Secretary
Randy Scott, Wash Plan Project Manager
Shanae Smith, Executive Assistant

GUESTS PRESENT:

Charles Roberts, Highland Community News

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

It was moved by Director Longville and seconded by Director Aranda to add the *Three Valleys Municipal Water District's Leadership Breakfast* on Thursday, October 15, 2009 to Item 7, Upcoming Events. The motion carried unanimously.

3. BOARD DISCUSSION ITEMS

Directors Corneille, Day and Wright reported attending the Resources Committee meeting.

Director Aranda reported attending the San Bernardino Valley Municipal Water District Board (SBVMWD) meeting.

President McDonald reported attending the Local Agency Formation Commission (LAFCO) hearing where Resolution No. 3067 Denying LAFCO 3076 - Consolidation of the San Bernardino Valley Water Conservation District and San Bernardino Valley Municipal Water District was adopted. She noted additional discussion items on LAFCO's agenda and announced the District would receive a refund for its apportionment for Fiscal Year 2008-09. She reported attending the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan (Wash Plan) Task Force meeting.

4. CONSENT CALENDAR

Minutes of the September 9, 2009 Board meeting were reviewed.

It was moved by Director Corneille and seconded by Director Aranda to approve the minutes from the Board meeting of September 9, 2009. The motion carried unanimously.

5. INFORMATION ITEMS

A. Board Committee Reports

Director Day deferred the Resources Committee Report to Mr. Seal, as it would be discussed during the Assistant General Manager's Report.

B. Wash Plan Update

Mr. Scott recapped the Wash Plan Task Force meeting held on September 15, 2009. He said Jones and Stokes provided a slide show presentation of the Habitat Conservation Plan (HCP) and the schedule of completion for the environmental documents associated. Mr. Scott distributed the revised schedule and reviewed adjustments made under the HCP Incidental Take schedule. He said the administrative draft was completed this week for review and the end of the comment period is October 22, 2009. He said response to comments should be submitted no later than October 26, 2009.

Mr. Scott announced a Task Force meeting scheduled for November 3, 2009 and the critical milestone date for the EIS Notice of Intent, still under review by the Bureau of Land Management's (BLM) Washington office. A discussion continued regarding the appraisal of the value of the land to be exchanged.

C. Operations and Maintenance Report

Mr. Seal reported on the District spreading State Project Water (SWP) water in the Santa Ana River (SAR) spreading basins, currently in Pond 15. He said the current spreading rate is between 25 and 35 cfs, and SWP spreading in Mill Creek will begin next week. He said Field personnel had been repairing and improving roads in both the SAR and Mill Creek areas, and Ranch Rock Contracting had nearly finished cleaning out SAR spreading basin No. 10.

D. Assistant General Manager's Report

Mr. Seal distributed the Daily Flow Report (DFR) and noted revisions to formulas for calculating inflows and deliveries. Director Corneille directed staff to follow-up with Michael Huffstutler of Bear Valley Mutual Water Company (BVMWC) regarding the updated DFR for possible additional revisions. A discussion continued regarding the new format.

Mr. Seal reported on the Resources Committee meeting from Wednesday, September 16, 2009, where the aerial surveying of Mill Creek and surrounding areas was discussed. The committee recommended forwarding the survey contract to the Board of Directors for review and approval.

Mr. Seal briefly summarized a meeting with Doug Headrick and Bob Tincher regarding the SBVMWD's plans for improvement of the water and conveyance system from the Cuttle Weir that will increase diversion capacity released from the Seven Oaks Dam (SOD) from 150 cfs to 300 cfs or more. He said they plan to begin environmental investigations and to solicit Requests For Proposals (RFP) for the engineering design work for the project.

E. General Manager's Report

Mr. Neufeld said he met with the United States Army Corp of Engineers (USACE) regarding the water conservation and water quality studies scheduled to be completed mid 2010. He reported that SBVMWD, Western Municipal Water District (WMWD), East Valley Water District (EVWD), the City of Redlands and District representatives met collectively to discuss the \$7 million budget from Congressman Lewis to complete the studies. Dr. Axt of the USACE Planning Department in the Los Angeles office reported the study will move forward in a timely manner. A discussion ensued regarding the funds allocated to the study by Congress and the process for obtaining funding approval. He stated that a complete accounting of funding spent to date, and the balance of the funds, would be reviewed, as the stakeholders would like to revise language to reallocate funds within the accounts.

Mr. Neufeld announced the State Water Resources Control Board's (SWRCB) Public Workshop, scheduled for Wednesday, October 7, 2009, regarding the Draft Decision Partially Approving Applications 31165 and 31370 submitted by the San Bernardino Valley Municipal Water District (SBVMWD) and Western Municipal Water District.

Mr. Neufeld reviewed a letter to the Secretary of Interior from Congresswoman Grace Napolitano in Washington, DC. The Board directed Mr. Neufeld to write a letter to the Congresswoman regarding the District's support of the water conservation initiative.

6. ACTION ITEMS, NEW BUSINESS, FYI

A. Consider Approval of W. McMullan & Associates Contract for Strategic Planning

Mr. Neufeld announced the amount of the proposal version 3 for strategic planning submitted by Mr. McMullan had been reduced.

Bill Ihrke, representing David Cosgrove of Rutan & Tucker, LLP summarized communications of the agreement provisions regarding coordinated meetings and fees that will be imposed in the event of a cancellation of said meetings.

It was moved by Director Tubbs and seconded by Director Day to approve the W. McMullan & Associates Contract for Strategic Planning, in the amount of \$35,455. The motion carried unanimously.

Discussion continued regarding the affirmation of the reorganization of the District, and the incorporation of basin stakeholders selected by the District to participate in the planning survey process.

B. Approve Two (2) Construction Contracts with Larry Jacinto Construction

Mr. Seal presented a slide show presentation of the Mill Creek spreading grounds and described a concept plan for replacing the control gate at the Cuttle Weir inlet structure.

It was moved by Director Corneille and seconded by Director Longville to approve Two (2) Construction Contracts with Larry Jacinto Construction to

Complete Phase 2 of the Mill Creek Inlet Channel Repairs in the amount of \$23,272.60, and to modify the Cuttle Weir opening in the amount of \$18,070. The motion carried, with the approval of the construction contract to complete Phase 2 of the Mill Creek Inlet Channel Repairs in the amount of \$23,272.60 approved unanimously by the Board.

A discussion ensued regarding the contract cost that would be shared between the District and the SBVMWD for the Cuttle Weir construction contract, and controls outlined in the 2008 Easement and License Agreement which allows for use of District facilities and payment for maintenance, as part of the 2005 Settlement Agreement among the District, SBVMWD and Western Municipal Water District (Western).

A motion was then made by Director Longville to amend the motion, which was accepted by Director Corneille as a partial substitute motion to his original motion. It was then moved by Director Corneille and seconded by Director Longville to approve the Construction Contract with Larry Jacinto Construction to modify the Cuttle Weir opening in the amount of \$18,070 per recommendation for half of contract costs to be reimbursed by SBVMWD. Motion carried 5-2, with Director Tubbs and Director Aranda opposed.

- C. Approve Contract with Dodson Environmental for Environmental Investigation of Mill Creek Spreading Grounds

Mr. Neufeld briefly reviewed the Department of Water Resources' (DWR) proposed East Branch Extension-Phase II Project (EBXII) discussed at the September 2, 2009 meeting with the DWR and legal counsel. Mr. Neufeld described topographic surveys from aerial flight lines conducted by DWR, which included coverage of the proposed project area, including the District's Mill Creek property. Using visual aids, Mr. Neufeld discussed the need for an environmental investigation of the proposed project area. A discussion ensued.

It was moved by Director Tubbs and seconded by Director Day to table the contract with Dodson Environmental for Environmental Investigation of Mill Creek Spreading Grounds, and direct staff to meet with DWR and review their EIR. The motion carried unanimously.

- D. Approve Contract with Aero Tech Surveys for Aerial Survey of Mill Creek Spreading Grounds and Local Areas

It was moved by Director Corneille and seconded by Director Longville to approve the contract with AeroTech Surveys for Aerial Survey of Mill Creek Spreading Grounds and Local Areas. The motion carried unanimously.

- E. Approve Reallocation of Capital Project Funds, Within the Current FY Capital Projects Budget by Moving \$40,725 from North Earth Channel Improvement, In Order to Fund Items B., C., and D. Above

Mr. Neufeld asked to exclude Item C., "Approve Contract with Dodson Environmental for Environmental Investigation of Mill Creek Spreading Grounds" from this vote as it had been tabled.

It was moved by Director Tubbs and seconded Director Longville to approve Reallocation of Capital Project Funds, Within the Current FY Capital Projects Budget by Moving \$40,725 from North Earth Channel Improvement, In Order To Fund Items B., and D, excluding Item C. The motion carried unanimously.

7. UPCOMING EVENTS

Director Tubbs stated that the Three Valley's Municipal Water District's Leadership Breakfast scheduled for Thursday, October 15, 2009, required Board approval for attendance. Both President McDonald and Director Aranda expressed interest in attending.

It was moved by Director Day and seconded by Director Longville to approve attendance of President McDonald and Director Aranda to the *Three Valleys Municipal Water District's Leadership Breakfast* on Thursday, October 15, 2009. The motion carried unanimously.

8. CLOSED SESSION

At 4:08 p.m., it was moved by Director Day and seconded by Director Aranda 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(c), consider whether to initiate litigation; and Government Code Section 54956.9(b)(3)(a), and Section 54956.0(c), and Section 54956.0(b)(1), confer with legal counsel regarding significant exposure to litigation in one case. The motion carried unanimously.

The Closed Session adjourned at 5:10 p.m. and the regular meeting reconvened.

Pursuant to Government Code Section 54957.1, the following action was reported out from the Closed Session: It was moved by Director Longville and seconded by Director Aranda to authorize staff and legal counsel to submit comments and attend the State Water Resources Control Board (SWRCB) Public Workshop on October 7, 2009, regarding the Draft Decision Partially Approving Applications 31165 and 31370 submitted by the San Bernardino Valley Municipal Water District (SBVMWD) and Western Municipal Water District (Western). The motion passed 6-0, with Director Wright excused.

9. ADJOURN MEETING

At 5:10 p.m., the meeting adjourned to the Regular Board Meeting scheduled for October 14, 2009, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

R. Robert Neufeld
Secretary of the Board