

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF  
October 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 (1:40 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

R. Robert Neufeld, General Manager  
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:

Will McMullan, W. McMullan Associates  
Charles Roberts, Highland Community News  
Don Lee, Tetra Tech

# 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/deletions to the agenda.

## 3. BOARD DISCUSSION ITEMS

Director Corneille reported attending the Resources Committee meeting.

Director Tubbs reported attending the Administrative Committee meeting on October 2, 2009. She also stated that she was a speaker at the Mentone Area Community Association where she spoke to the general public about the District's water activities.

Director Day reported attending the Administrative Committee meeting and the Association of San Bernardino County Special Districts dinner.

Director Wright reported attending the Administrative Committee meeting; the Resources Committee meeting; and regular Board meetings.

Director Aranda briefly summarized his attendance at the Public Officials Conference in Indian Wells.

President McDonald announced the Cucamonga Valley Water District's (CVWD) Frontier Project Grand Opening, scheduled for November 7, 2009, at 10:00 a.m. She reported attending the ACWA Region 9 meeting; the Basin Technical Advisory Committee meeting (BTAC); the Association of San Bernardino County Special Districts dinner meeting; and the San Bernardino Valley Municipal Water District (SBVMWD) Board meeting.

Director Longville reported attending the regular Board meetings.

## 4. CONSENT CALENDAR

Minutes of the September 23, 2009 Board meeting were reviewed and briefly discussed. Minor changes in wording under Items 6B, 6E and 7 were noted.

**It was moved by Director Corneille and seconded by Director Tubbs to approve the minutes from the Board meeting of September 23, 2009, as amended. The motion carried unanimously.**

Administrative Manager Colleen Theuer provided a brief report on the un-audited financial reports for the month of September, 2009.

**It was moved by Director Aranda and seconded by Director Wright to approve the un-audited financial reports for the month of September, 2009. The motion carried unanimously.**

## 5. INFORMATION ITEMS

### A. Board Committee Reports

There were no Board Committee reports.

### B. Wash Plan Update

Randy Scott reported that he received a copy of the Administrative Draft Habitat Conservation Plan (HCP). He said that at the September 15, 2009 Task Force meeting, a schedule for completing the (HCP) was presented and the Task Force agreed to complete their review and provide comments within one week of receiving the document. He said that the schedule represents the best current projection for completion of the Land Exchange Environmental Impact Statement (EIS), HCP and 10a Permit issuance. He explained that these activities were impacted by the protracted Bureau of Land Management (BLM) noticing process on the Draft EIS, which delayed the start of the public review period. He said the delay resulted in a projected date of a Record of Decision (ROD) on the land exchange to mid-March 2010.

David Cosgrove advised the Board that Congressman Lewis' office would be briefed regarding the BLM Legislation to authorize the land exchange at a meeting scheduled for Monday, October 26, 2009 in Washington, D.C. He and General Manager Neufeld and President McDonald would be attending that meeting.

### C. Assistant General Manager's Report

Mr. Seal announced the following:

1. A meeting at the Inland Geological Survey was held on October 7, 2009. Suzie Earp of the Water Resources Institute (WRI) presented a slide show of the 1938 Santa Ana River flooding in the San Bernardino area.
2. State Water Project (SWP) water is being spread in the Santa Ana River spreading basins. The current spreading rate is about 50 cfs per day.
3. Field Personnel have been repairing and improving roads in the Santa Ana River area.

Mr. Seal reported that the Mill Creek spreading grounds aerial survey had been completed, and is in the process of being converted to digital print.

Mr. Seal reported that the District received the groundwater charge payment from the City of Riverside (City) in the amount of \$20,920, considerably less than normal for the current period. He said the City reported 10,730 AF of water pumped for the period January 1, 2008 through June 30, 2008, which provided the District with a \$71,351 payment. For the period ending December 31, 2008, a total of 9,733 AF of water was pumped for a fee amount of \$64,722; and for the period ending June 30, 2009, the City of Riverside reported 3,146 AF of water pumped for a fee amount of \$20,920, a 68% decrease from the previous reporting period. He said he contacted David Ferguson, the City's Water Department Superintendant, and his assistant Adam Lee, who reported that Riverside did not use most of their wells during the first quarter of 2009, due to construction work on a pipeline installation and well upgrades. He also said that demand was down, which drastically reduced the amount of water pumped. They are on line now, and demand has increased; they expect by the end of the year they should have pumped their combined permitted total of 53,400 AF. Mr. Ferguson noted the probable difference between the Riverside reported numbers and Watermaster reported numbers was due to different reporting agencies within their agreement and service area that report water pumped by Riverside, such as Meeks & Daily, while reports to Watermaster include all water pumped by Riverside.

Mr. Seal requested a Resources Committee meeting, which was then scheduled for October 26, 2009, at 8:00 a.m.

#### D. General Manager's Report

Mr. Neufeld reported attending the Chino Basin Watermaster Conference. He said Gary Ovitt, Chairman of the San Bernardino County Board of Supervisors was present. Mr. Ovitt discussed a joint plan between the San Bernardino County Flood Control District (SBCFCD), and parties in the Chino Basin area to improve flood control facilities for the purpose of recharge. He said the plan was in the first phase and would be a county-wide effort. Mr. Neufeld said he was invited to participate in a Task Force for the plan, which he accepted. Mr. Neufeld also reported that the Cumulative Unmet Replenishment Obligation (CURO) was discussed at the conference. He said it is a significant issue in the Chino basin regarding the unrestricted ability to produce water out of the basin without replenishment requirements on the part of the parties responsible for over-production.

Mr. Neufeld announced he will be making a presentation to the San Bernardino Area Chamber of Commerce (SBACC) regarding the role and functions of the District in the basin.

Mr. Neufeld announced that Samantha Brown has accepted the offer extended by the District for the position of Finance Supervisor, and that her start date is scheduled for October 19, 2009.

Mr. Neufeld reported attending the State Water Resources Control Board's (SWRCB) 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). He said that SWRCB staff accepted the District's comment letter regarding existing pre-1914 water rights, and the District's recommendation to incorporate the language into their final decision.

Director Corneille said the SBVMWD has circulated a Request for Proposal (RFP) for the proposed Stormwater Capture Program to maximize the capture of storm water coming out of the San Bernardino Mountains. He said he requested that the SBVMWD make a presentation to the Advisory Commission on Water Policy regarding the proposed conceptual design at the meeting scheduled for October 29, 2009. A discussion ensued.

## 6. ACTION ITEMS, NEW BUSINESS, FYI

### A. CONSIDER APPROVAL OF NEW EMPLOYEE JOB DESCRIPTION

Mr. Neufeld explained that the purpose of the new job description was to clarify job duties that Shanae Smith, Executive Assistant, will be assuming when the Administrative Manager retires. He said the Executive Assistant II title change was the only significant change to the position, and that in the future, an Executive Assistant I position would be created and implemented as a back-up to the Executive Assistant II position. He requested that the Board approve the new job description of Executive Assistant II, as recommended by the Administrative Committee.

Director Tubbs said that it was her understanding that the new job description was a rewrite or amendment of Ms. Smith's job description, and a refinement of the position she currently holds. She clarified that Ms. Smith would not be required to apply for the Executive Assistant II position. A discussion ensued regarding the notary requirement indicated in the new job description.

**It was moved by Director Longville and seconded by Director Tubbs to approve a new job description, Executive Assistant II, as recommended by the Administrative Committee. The motion carried unanimously.**

### B. CONSIDER CONTRACT FOR NEW REDLANDS PLAZA PROPERTY MANAGER

Mr. Neufeld said that interviews for the property management services were conducted by Mr. Seal and Administrative Assistant, Athena Medina. He said Preferred Management Group was selected as the best candidate for the District's property management needs for the Redlands Plaza.

David Cosgrove said upon review of the proposed contract for Preferred Management Group, the following items were of concern:

1. The proposed fidelity bonds were to be paid by the District
2. The District would indemnify Preferred Management Group as property manager for negligence or willful misconduct.

Mr. Cosgrove said that he wanted to ensure that the approval of the proposed contract would be subject to approval by General Counsel. A discussion ensued.

**It was moved by Director Tubbs and seconded by Director Day to approve the business terms of Preferred Management Group for property management services for Redlands Plaza, at a cost of \$800/per month, subject to an agreement that is satisfactory to General Counsel. The motion carried unanimously.**

In addition, Ms. Theuer said that clarification will be needed regarding financial management responsibilities indicated in the proposal submitted by Preferred Management Group.

#### C. REPORT ON STRATEGIC PLAN – Will McMullan

Mr. McMullan led a lengthy discussion on the goals and general approach for the strategic reorganization of the District.

#### 7. UPCOMING EVENTS

President McDonald noted the WESTCAS Conference event did not require Board approval as stated on the agenda, as it is a pre-approved event in accordance with the Board Policy Manual.

#### 8. CLOSED SESSION

**At 4:08p.m., it was moved by Director Corneille and seconded by Director Tubbs 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; under Government Code Section 54956.8, consider Real Property negotiations regarding the Mentone Property; 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.**

At 5:14 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, there was no reportable action taken.

#### 9. ADJOURN MEETING

At 5:14 p.m., the meeting adjourned to the Regular Board Meeting scheduled for October 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