

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

REVISED
MINUTES OF THE BOARD MEETING OF
December 11, 2009
9:00 A.M.

President Melody McDonald called the Board Meeting of the Board of Directors to order at 9:00 a.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
Clare Henry Day, Director
Arnold Wright, Director
Richard Corneille, Director
John Longville, Director (9:06 a.m.)
David E. Raley, Director

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
Samantha Brown, Finance Supervisor
Randy Scott, Wash Plan Project Manager
Lisa Pierce, GIS Coordinator
Shanae Smith, Executive Assistant II

GUESTS PRESENT:

Randy Van Gelder, San Bernardino Valley Municipal Water District
Doug Headrick, San Bernardino Valley Municipal Water District
John Rossi, Western Municipal Water District
Erin Gilhuly, CV Strategies
Mark Shepherd, City of Redlands Resident
Charles Roberts, Highland Community News

1. PUBLIC PARTICIPATION

President Melody 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.

President McDonald requested self-introductions of all visitors attending the meeting.

2. ADDITIONS/DELETIONS TO AGENDA

There were no additions/deletions to the agenda.

3. BOARD DISCUSSION ITEMS

President McDonald welcomed Director David E. Raley to Division 5 to the District, and returning Directors Clare Henry Day and John Longville, for their appointment to Divisions 2, and 4, respectively.

Director Aranda deferred his report to Agenda Item 6D to be discussed later in the meeting.

President McDonald reported attending the Association of California Water Agencies Joint Powers' Authority (ACWA/JPIA) conference where she and Director Aranda attended the Executive Committee leadership workshop regarding management level training.

4. CONSENT CALENDAR

Minutes of the November 18, 2009, and the minutes of the November 23, 2009 Special Board meeting were reviewed.

It was moved by Director Corneille and seconded by Director Day to approve the minutes from the Board meeting of November 18, 2009. The motion carried unanimously.

It was moved by Director Day and seconded by Director Longville to approve the minutes of the Special Board meeting of November 23, 2009. The motion carried 6-1-1, with Directors Corneille and Wright abstaining due to their absence at the meeting.

5. SPECIAL PRESENTATION

Robert Neufeld reported that due to the Adoption of Resolution No. 3067 Denying LAFCO 3076 – Consolidation of San Bernardino Valley Water Conservation District and San Bernardino Valley Municipal Water (SBVMWD), the District had made a commitment to provide a level of service to its constituents that had not previously been provided. He noted he was instrumental in coordinating communications among the General Managers of the SBVMWD and Western Municipal Water District (WMWD) to

improve their working relationships with the District, and the benefits and services provided to the local communities. He introduced John Rossi of WMWD, and Randy Van Gelder and Doug Headrick of the SBVMWD. Mr. Neufeld also thanked Erin Gilhuly of CV Strategies, for her assistance with the presentation. Mr. Rossi said the purpose of the presentation was to inform the respective Boards of their General Managers' goals to implement a process for regional collaboration that would provide the citizens of the San Bernardino Basin Area (SBBA) with maximum water management planning, and maximum water resource flexibility. Questions from the Board were answered and discussed. Director Corneille commented that during the Integrated Regional Water Management (IRWMP) process, the Advisory Commission on Water Policy was a great forum for representation of elected officials from local water agencies, and that the program should be presented to the commission. A discussion ensued.

6. INFORMATION ITEMS

A. Board Committee

There were no Board Committee Reports for this meeting.

B. Wash Plan Update

Randy Scott summarized the Ad Hoc Committee meeting for the HCP on December 2, 2009, to review revisions to the HCP and proposed options for funding. He said the administrative document revisions were being reviewed and refined by the consultant and will be submitted to staff in the upcoming week for continued review. He suggested an additional meeting of the Ad Hoc Committee to review and discuss those changes to be submitted to the full Board for consideration, for subsequent authorization to submit to the US Fish and Wildlife Service as part of the District's 10A-Permit application scheduled for January 2010. The Ad Hoc committee also discussed potential funding alternative strategies for the Wash Plan implementation costs. Mr. Scott answered questions from the Board. A discussion ensued.

C. Finance Supervisor's Report

Samantha Brown announced Board meeting financials will be reported at the second Board meeting of the month to accurately depict expenses for the prior month. She reported that the accounting software was upgraded to the 2010 version to assist the District in obtaining more accurate and detailed financial reports. She also noted that on January 1, 2010, the District will have a new payroll provider that will help increase efficiency and decrease monthly payroll costs.

D. Assistant General Manager's Report

Claud Seal distributed copies of the Santa Ana River Basin State water spreading activities assembled by Sam Fuller of SBVMWD, that have been included in District spreading activities reported at the Upper Santa Ana Water Resources (USAWRA) meeting.

Mr. Seal made the following announcements:

1. Field personnel are no longer spreading State Water Project (SWP) water in the District's Santa Ana River spreading basins. Over 1,115 AF of SWP water purchased from SBVMWD has been spread. Current spreading rate for additional water for SBVMWD is about 52 cfs per day. SWP water spreading began in Mill Creek last week; 328 AF spread to date. In addition, storm water run-off in the Mill Creek Spreading Grounds is being spread. Total water spread through December 9th was over 16,848 AF in all area spreading basins with a total spreading amount of 4,600 AF. The last of the water should be spread by the end of January, 2010.
2. The new John Deere JD-60D was delivered last Monday, November 30, 2009. The field crew has been using the opportunity to become more familiar with the excavator while cleaning out the channel upstream of the Cuttle Weir and the Inlet Structure.
3. The Cuttle Weir modifications and upgrades have been completed except for the placement of the log boom "skimmer."
4. The Mill Creek Spreading Grounds Aerial Survey has been flown and is being converted to digital print.
5. SBVMWD has issued an RFP for Environmental Documentation and Construction Documents for the "Enhanced Recharge in the Santa Ana River Spreading Basins." Three engineering firms have submitted proposals on the project. The District participated in the review.

Mr. Seal presented a slide show presentation of the improved Cuttle Weir structure and answered questions from the Board.

E. General Manager's Report

Mr. Neufeld expanded on Mr. Seal's report regarding the preparation of the Engineering Investigation Report mandated for the District's groundwater charge. He said in the past, engineering services were retained by Todd Engineers. He introduced Lisa Pierce, the new GIS Coordinator as a valued addition to the District's Engineering Department, with not only GIS experience, but she is also a well respected leader in the water and environmental community. Ms. Pierce had both EIS and EIR writing experience in her past employment history, and offers additional skills in marketing and community outreach capacity building for the District. Mr. Neufeld noted that hiring Ms. Pierce part-time will save considerable costs for the District, as the process will be completed internally with her assistance.

Mr. Neufeld reported attending the ACWA Fall Conference where the water leaders of the state of California were in attendance. On December 4, 2009, Governor Schwarzenegger called on local water leaders to vote for the water bond on the November 2010 ballot. Mr. Neufeld clarified that the water bond has not yet passed, but has been approved by the legislature to be placed on the 2010 ballot. He said if the

bond is not approved, the state of the economy will suffer significantly. He noted the District's role will be to educate its constituents regarding the importance of the approval of the bond. A discussion ensued regarding ACWA's public education campaign, and materials that will be available to local water agencies for distribution.

General Manager Neufeld reported that Mark Nuaimi was no longer the Assistant City Manager at the City of Colton. His position as Chairman of LAFCO would not be affected by this change as he is one of two City representatives to LAFCO and that has not changed.

Mr. Neufeld reported that dialogue has begun with the Director of the Orange County Flood Control District (OCFCD) regarding the possibility of obtaining the U.S. Army Corp of Engineers (USACE) facilities at the Seven Oaks Dam (SOD).

7. ACTION ITEMS, NEW BUSINESS, FYI

A. ELECTION OF OFFICERS

It was moved by Director McDonald and seconded by Director Aranda to nominate Clare Henry Day to the office of President. The motion carried unanimously.

It was moved by Director Corneille and seconded by Director Aranda to nominate Director McDonald as Vice President elect. The motion carried unanimously.

After discussion, the following motions took place:

It was moved by Director Corneille and seconded by Director Aranda to close the nominations for the office of President. The motion carried unanimously. As there were no further nominations, Clare Henry Day was declared President.

It was moved by President Day and seconded by Director Aranda to close the nominations for the office of Vice President. The motion carried unanimously. As there were no further nominations, Melody McDonald was declared Vice President.

B. APPOINTMENT OF COMMITTEES

President Day made the following announcements:

- 1) Vice President McDonald will replace Cheryl Tubbs as Chair of the Administrative Committee; President Day and Director Wright will continue as members, with Director Raley as the alternate.

- 2) Director Corneille will Chair the Resources Committee; President Day and Director Wright will continue as members, with Director Aranda as the alternate.
- 3) Director Aranda will Chair the Outreach Committee; Directors Longville and Raley will be members of the committee, with Vice President McDonald as the alternate.

A discussion ensued regarding Section 4060.4 of the Policy Handbook for the Conduct of Business of the Board that authorizes the Board President to modify standing committee appointments, or by vote of the full Board. A discussion ensued regarding Director Raley's interests and his background in finance as it relates to existing standing committees and his potential future appointments to said committees.

C. APPROVE AMENDMENT TO GENERAL COUNSEL CONTRACT

It was moved by Director Corneille and seconded by Director Day to Authorize the General Manager to Execute an Amendment to the General Counsel Contract. The motion carried unanimously.

D. APPROVE SCHEDULE OF 2010 BOARD MEETING CALENDAR

It was moved by Director McDonald and seconded by Director Longville to Approve the Schedule of 2010 Board Meeting Calendar. The motion carried unanimously.

Discussion ensued. Director Longville suggested that Board members be notified electronically of all modifications to the schedule of Board meetings to avoid conflicts in personal schedules. Director Corneille inquired about the need for two monthly meetings. He suggested that the Board use the time externally as opposed to the Board room. Mr. Neufeld said during the strategic planning process and subsequent implementation of the plan, the District will continue with the existing schedule to facilitate the meetings. President Day suggested that revisions to the schedule of Board meetings be made as the Board deemed necessary.

E. CONSIDER APPROVAL OF THIRD AMENDMENT TO W. MCMULLAN & ASSOCIATES CONTRACT FOR STRATEGIC PLANNING FACILITATOR AT THE REQUEST OF THE BOARD

Mr. Neufeld said this item was brought forward by the Board of Directors due to the depth of the strategic planning workshop.

It was moved by Director McDonald and seconded by Director Longville to discuss staff's recommendation to amend the W. McMullan Associates Contract. The motion carried 5-1-1, with Director Raley opposed, and Director Wright abstained due to his absence at the meeting.

President Day briefly summarized the elements outlined in the vision plan that needed to be accomplished, and the Board decided to continue the workshop at a later date. Director Raley said he was not present at the workshop. He reported that Mr. Mullen has forwarded the meeting materials for his review. He said that upon review of the materials, he deemed it unnecessary to schedule an additional meeting with the facilitator, and felt that as an alternative, the facilitator should submit a report; a subsequent meeting of the Board should be scheduled to review and refine the details of the report. Director Raley said that he would not support an additional \$8,000 to have the facilitator present. A discussion ensued regarding clarification of the contract amendment costs and support of the Board to complete the plan process.

It was moved by Director McDonald and seconded by Director Longville to Approve the Third Amendment to W. McMullan Associates Contract. The motion carried 5-1-1, with Director Raley opposed, and Director Wright abstaining due to his absence at the November 23, 2009 meeting.

8. UPCOMING EVENTS

Mr. Neufeld announced the Department of Water Resources Grant Funding workshops to solicit comments on the draft guidelines and Proposal Solicit Packages (PSP) prepared for the Local Groundwater Assistance (LGA) and Proposition 50 Supplemental Integrated Regional Water Management (IRWM) funding. He said the workshop was free, but required Board approval for Board of Director attendance. Discussion ensued.

It was moved by Vice President McDonald and seconded by Director Aranda to authorize one member of staff to attend the Department of Water Resources (DWR) Grant Funding workshop scheduled, January 7, 2010. The motion carried unanimously.

9. CLOSED SESSION

At 10:55 a.m., it was moved by Director Corneille and seconded by Director McDonald to adjourn to Closed Session, 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 11:32 a.m. and the regular meeting reconvened.

10. ADJOURN MEETING

At 11:32 a.m., the meeting adjourned to the Regular Board meeting scheduled for January 13, 2009, at 1:30 p.m., at 1630 W. Redlands Blvd., Redlands, CA.

R. Robert Neufeld
Secretary of the Board