

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF
March 10, 2010
1:30 P.M.

President Clare Henry Day 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 Day.

ROLL CALL:

BOARD MEMBERS PRESENT:

Clare Henry Day, President
Melody McDonald, Vice President
Manuel Aranda, Director
Arnold Wright, Director
John Longville, Director (1:36 p.m.)
Richard Corneille, Director
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

GUESTS PRESENT:

Don Lee, Tetrattech
Christine Goeyvarts, Robertson's Ready Mix

1. PUBLIC PARTICIPATION

President Day 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 an addition to the agenda be the preparation of the Engineering Investigation. The final data was received yesterday and to assist to meet the timeline of the publications the Engineering Investigation would need to be presented today, the full final report of the Engineering Investigation will be posted at the end of next week. The presentation of the Engineering Investigation will be in brief form and will be the information the Board of Directors needs to make any changes in the groundwater assessment charge.

Mr. Cosgrove reported that staff is requesting additional agenda item for the Board to give direction on the published proposed groundwater assessment charge for the upcoming water year. This charge will be published in the newspaper and mailed out to the producers beginning this week. As standard policy staff gets direction from the Board on what the rate published should be, this is in no way setting the rate.

Discussion ensued on groundwater assessment requirements.

It was moved by Director Corneille and seconded by Director McDonald to add the Engineering Investigation presentation and the Published Proposed Groundwater Assessment Charge for the upcoming water year to the agenda as 6-1 and 6-2, respectively. The motion carried unanimously.

3. BOARD DISCUSSION ITEMS

Director Corneille reported attending Resource Committee Meeting.

Director Raley reported attending Redlands Rise and Shine.

Director Aranda reported attending the City of Loma Linda Legislative Committee, the topic discussed was the budget crisis. Director Aranda also presented continuing drought of State of California to the Loma Linda Chamber of Commerce and was asked to present to a health clinic. He reported that the Outreach Committee meeting was rescheduled.

Director Wright reported attending the Resources Committee meeting.

Director McDonald reported attending the Wash Plan Task Force Meeting.

President Day reported attending the Resources Committee meeting and the Wash Plan Task Force Meeting.

4. CONSENT CALENDAR

Approval of the Board Meeting Minutes, February 10, 2010

Discussion began on changes being requested.

It was moved by Director Corneille and seconded by Director Aranda to table the Board minutes of February 10th, 2010 to come back to the Board with changes on March 24th, 2010.

Discussion ensued regarding the accuracy of the minutes.

The motion carried unanimously.

Approval of the Un-Audited Financial Reports for January, 2010.

It was moved by Director McDonald and seconded by Director Longville to approve the un-audited Financial Reports for January 2010.

Ms. Brown answered questions asked by the Board of Directors.

The motion carried unanimously.

5. INFORMATION ITEMS

A. Board Committee Reports

As the Chair of the Resource Committee Director Corneille reported discussing a number of planning items in the meeting held on March 8, 2010, which included: the proposal to lower the slope in the borrow pit, needing of traffic control on Greenspot road, having MARKS model airplane club move out of Borrow Pit, the plan regarding the Borrow Pit wetlands and development around the pit. As well as Lisa Pierce discussed the grant for forest service during the committee meeting. Questions were asked and answered.

Administrative Committee Meeting was scheduled for April 12th, 2010 at 8 a.m.

Outreach Committee Meeting is to be determined for March 2010.

B. Financial Report

None to report at this time.

C. Legal Counsel Report

None to report at this time.

D. Assistant General Manager's Report

Mr. Seal reported the following:

- Santa Ana River Year To Date has spread 1,103 Acre Feet
- Daily flows are up to 0-40 cfs.
- Dam is releasing 3-4 cfs on a daily basis
- Mill Creek is up to 1,239 acre feet spread
- Seven Oaks Dam water elevation is at 2,277 ft, almost 12,899 AF in storage, which is considered about 9 percent full

Mr. Seal also reported that the Big Bear Watermaster report is complete and they would be meeting tomorrow. More water was lost this last year than in previous years and they will be discussing how to handle those losses. The Resource Committee Meeting discussed a number of different capital improvement options for planning purposes. The Daily Flow Report is now being done completely by staff, the labor time involved in the Daily Flow Process has been reduced from approximately 2 hours per day to 10 minutes per day and Mr. Seal is now only reviewing field data before it is distributed to the public. Mr. Seal answered the questions asked by the Board.

E. General Manager's Report

Mr. Neufeld reported on direction on LAFCO apportionment, the ballot measure passed and will decrease our payment by 50 percent for the annual payments to LAFCO.

Mr. Neufeld requested direction from the Board regarding a letter received from the US Department of Interior Bureau of Reclamation regarding a proposed project being undertaken on behalf of US Department of Interior Bureau and Western Municipal Water District to construct a new pipeline and other projects, he would like to refer this to the Resource Committee and bring back to the Board with the direction of the Resource Committee.

Mr. Neufeld distributed material as requested by the Board; the material was an update of Fred Hicks projects he is working on for the District.

6. ACTION ITEMS, NEW BUSINESS, FYI

1. Presentation of the Engineering Investigation Report

Ms. Brown distributed a copy of the presentation to the Board and the public.

Mr. Cosgrove introduced the Engineering Investigation Report by reporting that to establish the groundwater charge, which is a fundamental component of our

overall revenue picture, the California Water Code requires we do an annual examination of the groundwater basin called the Engineering Investigation that has to be presented to the Board of Directors in March of each year. The statute requires that various findings be made and which are defined as tasks under the Engineering Investigation.

Mr. Seal presented the Engineering Investigation PowerPoint presentation.

Discussion ensued regarding the Engineering Investigation.

2. Consideration of establishment of Proposed Published Groundwater Charge

Mr. Neufeld is requesting direction from the Board on the establishment of proposed published groundwater charge and staff is recommending no change to the groundwater charge at this time.

Discussion ensued regarding the groundwater revenues and the groundwater charge.

It was moved by Director McDonald and seconded by Director Aranda to Publish the Proposed Groundwater Rate at \$2.51 for Agriculture and \$9.05 for Non-Agriculture.

Discussion ensued regarding the reason and procedure to increase the Groundwater Charge.

The motion carried 5-2, with Director Raley and Director Corneille opposed.

A. Discuss and Consider Nominee for California Special Districts Association

Mr. Neufeld reported that there is a notice from California Special Districts Association but there are no requested nominations at this time.

No action taken.

B. Consideration of Amending Resolution No. 440 Regarding Change in Meeting Dates and Frequency of Regular Board of Directors Meetings.

Mr. Neufeld reported that the Board had requested that this be brought back to the Board for Consideration.

Discussion ensued regarding the ability to decrease Board Meetings to one per month.

It was moved by Director McDonald and seconded by Director Longville to table this item and have it brought back to the Board in 6 months.

Discussion ensued regarding the canceling of meetings procedures.

The motion carried 6-1, with Director Corneille opposed.

C. Review of Ordinance 95-1 as Requested by Director Corneille

Director Corneille reported that Ordinance 95-1 was signed in January of 1996, since then the Director fees have been automatically increased every year by 5% and now are up to \$197.00. Director Corneille is requesting this come back on a yearly basis for review.

Discussion ensued regarding Ordinance 95-1.

It was moved by Director Longville and seconded by Director Corneille to direct staff to revise the Ordinance 95-1 Section 1c to have the automatic increase of Director's fees come back to the Board of Directors annually in December and if no action is taken would otherwise increase by the 5 percent March of every year.

Discussion continued on the procedures.

The motion carried unanimously.

Mr. Neufeld requested clarification on the current year's Directors fees increase. Discussion ensued regarding the revision of the Ordinance.

It was moved by Director McDonald and seconded by Director Raley to direct staff to revise the Ordinance 95-1 to reflect the change to forego the 5 percent increase for the Directors fees to begin in March 2010. The motion carried unanimously.

Discussion continued regarding the number of authorized compensated meeting by the Board of Directions.

It was moved by Director Raley and seconded by Director Corneille to direct staff to revise the Ordinance 95-1 to reflect by motion of the Board that the number of the authorized compensated meetings can be changed. The motion carried unanimously.

D. Review Wash Plan Profit and Loss Reported to the Task Force

Mr. Neufeld reported that the Wash Plan Profit and Loss was requested to be brought back to the full Board after the Task Force Meeting.

Mr. Cosgrove summarized the Wash Plan Task Force Meeting, which was on March 4, 2010. He also answered questions asked by the Board of Directors.

7. UPCOMING EVENTS

No action taken.

8. CLOSED SESSION

At 4:25 p.m., it was moved by Director Longville and seconded by Director McDonald to adjourn to Closed Session, Government Code Section 54957(b), to discuss a personnel matter; 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 4:30 p.m., and the regular meeting reconvened, with no reportable action.

9. ADJOURN MEETING

At 4:31 p.m., the meeting adjourned to the regular Board meeting scheduled for March 24, 2010, at 1:30 p.m., 1630 W. Redlands Blvd., Redlands, CA.

R. Robert Neufeld
Secretary of the Board