

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
REGULAR BOARD MEETING

MINUTES OF September 12, 2012
1:30 P.M.

President Corneille 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 Corneille.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President
Melody McDonald, Vice President
Bob Glaubig, Director
David E. Raley, Director
Manuel Aranda, Director
Clare Henry Day, Director
John Longville, Director (1:45 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Athena Medina, Administrative Services Specialist

GUESTS PRESENT:

Charles Roberts, Highland Community News
Kip Sturgeon, East Valley Water District
Don Lee, Tetra Tech

1. PUBLIC PARTICIPATION

President Corneille 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 continued with published agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Approval of the Board Minutes from August 29, 2012

It was moved by Director Aranda and seconded by Director McDonald to approve the minutes from August 29, 2012 with revisions from Legal Counsel. The motion carried 6-0. Director Longville was noted absent.

Approval of Unaudited Financial and Check Register, August 2012

It was moved by Director Day and seconded by Director Aranda to approve the Unaudited Financials and Check Register for August 2012. The motion carried 6-0. Director Longville was noted absent.

Groundwater Assessment Report, GWA #38

The Board reviewed and held a brief discussion regarding the updated report. No action was taken.

4. ACTION ITEMS, NEW BUSINESS

A. EAST BRANCH EXTENSION II EASEMENT AGREEMENT--EBX--4 AND EBX --8

Mr. Cozad presented this item for the Board; he stated that the objectionable encroachment permit requirement language has been taken out of the agreement. However, the District will have to provide notice to the Department of Water Resources (DWR) if they need access to land DWR holds under the easement. Mr. Cozad also stated that the request for the Board to authorize the General Manager to sign is due to the number of steps required to process and finalize this agreement. DWR management approved the valuation at \$299,600 which is the same as Board previously negotiated and approved.

Director Day recommended that the District obtain the plat map and that it be included in the agreement.

President Corneille pointed out items 9 to 11 of the Right of Way Contract which are specific to the operation of the canal; which state the basins shall be restored to original condition after construction is complete, during construction channels will not be obstructed, and that SBVMWD will make up for the water delivery difference if any is lost due to conveyance or reduced percolation capacity caused during construction of this project. Mr. Cozad stated that the District has a letter of agreement from SBVMWD committing to repay the District for the construction of 60 cfs canal to be enlarged and up to \$25,000 to expand basins if needed to so that the District can continue spreading in full capacity in the affected basins under the existing Easement Agreement.

President Corneille also inquired as to whether the City of Redlands was involved in this agreement. Mr. Cosgrove stated that the District should confirm with the City of Redlands that they are not in opposition of this agreement. Mr. Cozad spoke with Chris Diggs with the City of Redlands and he did not have any concerns directly pertaining to this agreement. Director Raley asked if the documents that are in the Board package are the final draft for approval. Mr. Cozad confirmed that they are.

It was moved by Director McDonald and seconded by Director Aranda to approve the Easement Agreement for EBX-4 and EBX-8 in the amount of \$299,600, to obtain plat maps for agreement from DWR, and authorize the General Manager to sign and obtain non-objection letter from City of Redlands. The motion carried 7-0.

B. REDISTRICTING INTO FIVE NEW DIVISIONS

Mr. Cozad reviewed the memo included in Board package beginning on package page 72 and noted that at the last meeting of the Board of Directors they had agreed to move from seven to five divisions. The map that has been developed is based on Resolution No. 463 and the requirements are included in the SB 235 language. A resolution must be passed with a two thirds (2/3) majority vote and a public hearing must be held not less than 30 days after approval of resolution and no more than 60 days after approval. Mr. Cozad recommended October 31st as the date for the public hearing. The date for public hearing, map and summary must be published in the newspaper. Mr. Cozad stated there will be an additional resolution to be approved on how the District will proceed with redistricting. Package page 77 shows the selected map with the five new divisions identified, on page 78 is the population statistics, and on page 79 is the Resolution No. 481.

Mr. Cosgrove stated that we are initiating the first step of the two step process: The District is adopting the map, and initiating the process for reduction of

divisions from seven to five and opening up for public hearing. The final confirmation of map has to be done at public hearing. Director McDonald asked if you could extend directors' term; in San Bernardino two director's terms come up at the same time. Mr. Cosgrove said you cannot, by the redistricting process, extend or extinguish any directors' term.

Director Glaubig asked if a director in a newly appointed division is able to run for election as an incumbent. Mr. Cosgrove indicated he believed the answer was yes, but that this has to be verified by the Registrar of Voters. President Corneille stated for the record that his perception of the community of interest within the parties he represents changes drastically under the selected scenario, and he would not have ranked that scenario first, but he did not oppose the option, due to fairness issue and support of others. Director Longville noted that other agencies hire expensive consultants and special counsel to perform their redistricting. He commended Staff on their efforts, cost savings and the clear data that was provided to the Board for their considerations. Mr. Cozad thanked the interns for all of their hard work on the twelve redistricting scenarios.

A roll call vote was performed on Resolution No. 481, votes were as follows:

President Corneille: aye

Director Day: aye

Director Glaubig: aye

Director Longville: aye

Director Raley: aye

Vice President McDonald: aye

Director Aranda: aye

It was moved by Director Longville to approve Resolution No. 481, reducing the District divisions from seven to five and the map included. It was seconded by Director McDonald. The motion carried 7-0.

C. REINSTATEMENT OF THE DISTRICTS SPHERE OF INFLUENCE

Mr. Cozad stated that in March of 2006, LAFCO passed a resolution reducing the District to a zero sphere of influence (SOI). After the District was not consolidated, the District SOI was not reestablished. Earlier this year the Board appointed an Ad Hoc Committee to discuss the issues, review options, discuss the processes, and work with Staff to put together materials necessary to make a recommendation to the Board.

Package page 82 shows a map of the recommended SOI with the Wash Area Addition. The City of Riverside does not oppose the Wash Area Addition being included in the District SOI, but has not committed to support inclusion into the District boundary.

SBVMWD approved a letter at their last board meeting documenting their support the District's reinstatement of the SOI in accordance with the map that has been presented in the Districts Board package. Prior to officially asking LAFCO for reinstatement of SOI, Staff would like to meet with surrounding agencies and the public to obtain feedback and to provide rationale for reinstatement of the SOI.

It was moved by Director Longville to approve the Ad Hoc Committees recommendation to approve mapped area after revision and direct Staff to coordinate with LAFCO to request reinstatement of sphere of influence. It was seconded by Director McDonald. The motion carried 7-0.

D. CONTRACT FOR SALE OF AGGREGATE MATERIAL FROM BASIN CLEANING

It was moved by Director Aranda to authorize the General Manager to contract for the sale of aggregate accumulated due to basin cleaning and maintenance. It was seconded by Director Day. The motion carried 7-0.

E. CONTRACT FOR EMPLOYMENT RETIRED ANNUITANT, RANDY CARLISLE

Mr. Cozad stated that Staff recommends the Board enter into an agreement that would be approved by District Counsel with Randy Carlisle to perform work for the District as a retired annuitant and consult and oversee field projects. The requirements for this program are that the employee may not work over 960 hours and the position must be temporary with a rate that is similar, to that last worked. The hourly rate would approximately be \$35\hr. Director Raley asked if this item is included in the budget. Mr. Cozad stated he included \$50,000 in the budget to cover this cost with no benefits.

It was moved by Director McDonald to authorize the General Manager to enter into an employment contract with retired annuitant, Randy Carlisle for a term not to exceed 960 hours at a rate similar to what he was previously employed at. It was seconded by Director Aranda. The motion carried 7-0.

F. COLLABORATIVE AGREEMENT WITH SAN BERNARDINO MUNICIPAL WATER DISTRICT (SBVMWD) AND WESTERN MUNICIPAL WATER DISTRICT (WMWD)

Mr. Cozad introduced this item; there is a Board letter on package page 85. The actual agreement is not ready for review yet and is slated for consideration at the SBVMWD meeting on September 18th. Mr. Cosgrove submitted his changes. Staff is finalizing legal description and maps. It is anticipated the language will be available on Friday. In response to President Corneille's request Mr. Cozad reviewed the proposed sequence of approval. Each of the three boards will review independently and once reviewed and agreed upon the boards of SBVMWD and WMWD will attend the District's Board meeting to sign in October. President Corneille asked if the agreement is in compliance with the principles agreed upon in December of 2011 at the joint meeting. Mr. Cozad said that the only significant change is the groundwater credit system that has been removed and the price reduced to \$350,000 to reflect that change.

Director Raley asked if the agreement is effective October 1st. Mr. Cozad stated that was correct. Director Raley stated there was no specific date in agreement and that it only states effective upon signature; he requested a specific date be indicated since it is a 50 year agreement. President Corneille noted no action is required today.

G. OPERATIONS AND MAINTENANCE MANUAL

President Corneille reviewed this item and noted there were two copies available for review. He has worked on this item over the last six months and has updated it significantly. The previous Operations and Maintenance Manual had not been updated since 1994. President Corneille thanked Staff for their assistance in the preparation of the manual, particularly Ryan Hejka, Engineering Intern. He said one of the items that took extensive time was to obtain pictures of each measuring point which Mr. Hejka did. President Corneille made field visits to review measuring points. He stated that Field Staff also contributed by submitting pictures of all field equipment they use. There is currently an org-chart as well. President Corneille asked the Board to review once they have time available to do so. He was thankful for Staff's help as well as having the opportunity to contribute his time in updating it. The Resources Committee reviewed and added their input to the manual also. Director Day thanked President Corneille for his efforts in assisting with the update.

It was moved by Director Day to approve the September 2012 version of the Operations and Maintenance Manual. It was seconded by Director McDonald. The motion carried 7-0.

5. INFORMATION ITEMS:

A. General Manager's Report

Mr. Cozad said the water in Santa Ana and Mill Creek is full of sand and silt due to the recent storms; no one is taking it as surface water. The Mill Creek facility is currently out making it difficult to divert water. There were repairs to the soft plug, however due to the recent storm it has washed out as it was intended. The District has decided to wait until these storms pass rather than repair for the small intermittent flows expected. Mr. Cozad stated that the District will be utilizing the river bed to sink the water that has silt; we will manage it so that Alabama crossing will have a minimum amount of flow passing it. The soft plug will be repaired within the next couple of weeks. He also said the District did receive a request today from SBVMWD for 5000 acre ft. of State Project Water to be recharged in Dike D over the next few weeks. Mr. Cozad said Field Staff will be moving material in the basins next week and performing repairs and maintenance themselves rather than pay a contractor as they have in the past to save the District money. He noted Field Staff is currently working with East Valley Water District at their surface water treatment plant since they are having difficulty with the diurnal change in flow; the District is diverting water to them to keep Northfork at a steady flow.

Mr. Cozad said that the District will be entering into an access permit with a Navy contractor to perform survey work on District property in the Borrow Pit. Mr. Cozad briefly reminded the Board of the easement agreement benefiting the City of Highland with San Bernardino County Flood Control that will be presented in October. President Corneille asked for a status update on the Wash Plan. Mr. Cozad stated that the District is currently waiting on a response from Robertson's Ready Mix on mapped habitat to be proposed to USFWS. He noted there is a handout on the Wash Plan Financials for Board review. Mr. Cosgrove stated that he and the General Manager had a meeting with the mining partners to discuss the mining footprint and mitigation properties, but the mining partners will need to perform some internal coordination to find out who will performing what tasks and where.

B. Monthly Recharge Report

No discussion.

C. Future Agenda Items & Staff Task requests from Directors

President Corneille requested a District priorities update report be added to October meeting. He also stated that the East Branch Extension presentation will be in October and the project is moving into final design of this project for review and comment. There will need to be a Resource Committee to discuss this item.

Director Raley requested that a project timeline be put together on the Wash Plan. He would like to identify why the project has been delayed. Director Day

stated that he has noticed a lot of activity on Robertson's plant and would like Staff to report back on this. Mr. Cozad stated that he will check on this and that CEMEX is currently nonoperational due to the fire at their plant.

6. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND
/OR COMMENTS BY BOARD MEMBERS

A. City of Highland Trails Opportunity

Director Glaubig presented an opportunity for the District to partner with the City of Highland Trails Committee on an outreach project. Every year the Committee hosts a trails day where members of the public hike, bike or ride horses on a designated route. The event location is usually decided in October for the following April, and Director Glaubig inquired as to if this is something the Board would like to be a part of.

Mr. Cozad stated that the District has never allowed the public onto our property for this type of event and would need to verify with ACWA\JPIA any potential liability issues since the roads are not graded for this type of use.

Director Glaubig stated that the City is determining possible routes at tomorrow's meeting. Mr. Cosgrove asked if the routes would be going through any of these environmentally sensitive areas. Director McDonald is supportive of the potential outreach opportunity, but would like to make sure it is environmentally safe. Director Glaubig stated that the City of Highland Trails Committee normally have these events on existing trails and that the District may not be able to meet their needs but it is something that he is willing to explore.

Director Aranda is in support of this outreach opportunity. He commented on the District's previous activities where they used to perform tours of District facilities and how he is still asked about them. He also noted the importance of informing the public of District functions. Director Glaubig stated that this is the opportunity to do just that. Director Glaubig received consensus from the Board to move forward with contacting the City and informing them of our interest to participate in this event.

B. Board approval for Director Selected meetings\travel cost proposals
President Corneille introduced this item and noted that the costs are included in the Board package. Director Raley inquired as to the total costs of this item. Mr. Cozad stated approximately \$5,000 for Directors Corneille, McDonald and

Aranda. Director McDonald noted that ACWA\JPIA will be paying half of her costs for this event.

It was moved by Director Longville and seconded by Director Aranda to approve the ACWA 2012 Fall Conferences expenses for Directors Corneille, McDonald and Aranda. The motion carried 7-0.

Director Activity Reports

Director McDonald attended the Ad Hoc Committee Meeting on the sphere of influence and BTAC meeting and the allocations is 40k acre feet of carry over, MWD offer to buy 35k acre feet and accepted a \$75 per acre foot charge.

Director Glaubig attended the Ad Hoc Committees on the audit and the sphere of influence.

Director Longville chaired the Ad Hoc Committee on the sphere of influence.

Director Day and Raley made no report.

Director Aranda made presentations to Campus Hill Church and San Bernardino Area Chamber of Commerce. He continues to have requests for presentations. Director Aranda will be attending the ACWA Communications Committee meeting in Sacramento on September 13th. He also attended a dedication of a memorial built in remembrance of 9/11 for the City of Loma Linda.

President Corneille chaired the Advisory Commission at SBVMWD. He attended the Ad Hoc Committee on the audit and worked on the Operations and Maintenance Manual.

7. UPCOMING MEETINGS

President Corneille noted that the Public Hearing needs to be set for Redistricting. The Regular Board Meeting will be on October 10th. The Public Hearing has been set for October 31st at 1:30 p.m.

8. ADJOURN MEETING

It was moved by Director McDonald and seconded by Director Aranda to adjourn to the next scheduled meeting. The motion carried 7-0.

At 3:28 p.m. the meeting adjourned to the Regular Board of Directors Meeting on October 10, 2012 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.



Daniel B. Cozad
General Manager