

**SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS**

**REGULAR BOARD MEETING
AGENDA**

April 30, 2012 – 1:30 p.m.

Location--1630 West Redlands Boulevard, Suite A, Redlands, California

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District office and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District office and in the Agenda Package on the Districts website.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. PUBLIC PARTICIPATION

Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.

2. ADDITIONS/DELETIONS TO AGENDA

Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

3. PUBLIC HEARING RELATED TO ADOPTION OF GROUNDWATER CHARGE

- Open Public Hearing
- Receive Public Comments or Testimony
- Close Public Hearing
- Consider Adoption of Resolution No. 476

Article 1, Section 75560 of the California Water Code requires that a Water Conservation District that proposes to levy a groundwater charge "...shall annually cause to be made an

It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Athena Medina at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

engineering investigation and report upon groundwater conditions of the District." District staff have presented the annual Bunker Hill Engineering Investigation Report and reviewed the Groundwater Replenishment Enterprise annual budget. District staff is recommending to the District's Board of Directors to raise the current amount of the groundwater charge of \$2.73 per acre-foot for groundwater production for agricultural purposes to \$3.14, and raise the current amount of \$9.81 per acre-foot for groundwater production for non-agricultural purposes to \$11.28, for the ensuing year (July 1, 2012 to June 30, 2013). The purpose of the groundwater charge is to fund the District's continuing groundwater replenishment efforts.

4. CONSENT CALENDAR

1. Approval of Board Minutes, April 11, 2012

5. ACTION ITEMS, NEW BUSINESS

A. SENATOR BOB DUTTON SB 1186

Recommendation: Staff recommends the Board review and provide direction to Staff as needed pertaining to a request for support of SB 1186; which is related to the American Disabilities Act (ADA).

B. ACWA GENERAL SESSION MEMBERSHIP MEETING VOTING DELEGATE

Recommendation: Staff recommends that Board consider appointing Director McDonald as our voting delegate for this meeting.

C. 22 ACRES PROPERTY FOR SALE

Recommendation: Staff recommends the Board receive and file the written report provided by Bruce Cash.

D. OFFER TO PURCHASE AGGREGATE

Recommendation: Staff recommends the Board review, discuss and consider approval of the offer made by Weka, Inc. to purchase aggregate materials from the District.

E. REDISTRICTING AND NUMBER OF DIVISIONS

Recommendation: Staff recommends the Board review and discusses the options presented for redistricting and direct staff to prepare a five division redistricting map and resolution for consideration at the June 13, 2012 Board meeting.

F. MSR\LAFCO CONSULT SUPPORT CONTRACT

Recommendation: Staff recommends the Board authorize the general manager to select and contract for sphere technical support in an amount not to exceed \$32,000.

6. INFORMATION ITEMS:

- A.** Collaborative Agreement Verbal Update (D. Cosgrove)
- B.** Monthly Recharge Report
- C.** Future Agenda Items & Staff Task requests from Directors

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

8. UPCOMING MEETINGS:

- 1. May 1, 2012 San Bernardino Valley Municipal Water District, 2:30 p.m.
- 2. May 3, 2012 Advisory Commission on Water Policy, 7:00 p.m.
- 3. May 7, 2012 Basin Technical Advisory Committee, 1:30 p.m.
- 4. May 8-11, 2012 ACWA Spring Conference and Exhibition at Conference Center, Portola & Marriott Hotels, Monterey, CA
- 5. May 14, 2012 Administrative Committee Meeting, 8:00 a.m.
- 6. May 15, 2012 San Bernardino Valley Municipal Water District, 2:30 p.m.
- 7. May 16, 2012 Board of Directors Meeting, 1:30 p.m.
- 8. May 21, 2012 Association of San Bernardino County Special District's Dinner, 6:00 p.m.

9. CLOSED SESSION

- 1. Under authority of government code section 54956.8, the board may recess to a Closed Session for a Conference with Real Property Negotiators related to the East Branch Extension Easement, located in the Santa Ana and Mill Creek Spreading Grounds APN 0168-321-10; 0168-341-04; 0168-342-04, 06, 09; 0168-381-02; 0297-051-01, 02; 0297-

011-07, and 0168-311-06. Real Property negotiators are Daniel B. Cozad and David B. Cosgrove for the District and Doug Headrick for SBVMWD.

2. The Board may convene in Closed Session to discuss exposure to litigation, under Government Code section 54956.9(b)(3)(e).
 3. Under authority of Government Code section 54956.9 (c), the Board may meet in Closed Session to decide whether to initiate litigation.
10. **ADJOURN MEETING.** The next regular Board meeting will be on May 16, 2012 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

RESOLUTION NO. 476

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO VALLEY WATER CONSERVATION
DISTRICT ESTABLISHING A GROUNDWATER CHARGE ON THE PRODUCTION OF
GROUNDWATER WITHIN DISTRICT BOUNDARIES, AND MAKING CERTAIN
FINDINGS RELATIVE THERETO**

WHEREAS, California Water Code, Division 21, Part 9 provides authority for the San Bernardino Valley Water Conservation District to consider and impose a groundwater charge on groundwater production within the District; and

WHEREAS, the California Legislature has found, in Water Code Section 75521, that such groundwater charges are in furtherance of District activities in the protection and augmentation of water supplies for users, which are necessary for the public health, welfare and safety; and

WHEREAS, Water Code Section 75523 allows for the use of proceeds from a groundwater charge for any District purposes, which may be authorized by law; and

WHEREAS, The District has presented a budget showing the needs and uses of the Groundwater Charge for 2011-2012 water year; and

WHEREAS, at the regular meeting of the Board of Directors on March 07, 2012, the District accepted an engineering investigation report, prepared by district Staff with the assistance of the agencies in the basin under the direction of Daniel Cozad, General Manager relating to groundwater conditions in the Bunker Hill Basin underlying the District boundaries; and

WHEREAS, the Engineering Investigation and preliminary Groundwater Enterprise Budget and rate options was presented to the Basin Technical Advisory Committee on March 05, 2012; and

WHEREAS, the District provided mailed notice to all groundwater producers within its District boundaries of a public meeting held on April 11, 2012, and a public hearing held on April 30, 2012, inviting all groundwater producers and all persons interested in the condition of groundwater or surface water supplies of the District to appear and submit evidence, and inviting all water producers to examine the engineering investigation report; and

WHEREAS, the Board of Directors has conducted a public meeting on April 11, 2012, and a public hearing on April 30, 2012, and has received comment and evidence submitted by the public at such hearing; and

WHEREAS, the Board has considered the engineering investigation report and the Addendum, and considered all comments and evidence presented to it at the public meetings and hearing; and

WHEREAS, the District has made available by wide distribution a Groundwater Enterprise Budget identifying the estimated use of the Groundwater Charge proceeds which will be subsequently incorporated in the District budget; and

WHEREAS, the District's ad valorem tax revenues are limited and the District has experienced a decrease in mining lease revenues and revenues from interest on reserves which are expected to continue; and

WHEREAS, on the basis of all evidence presented, including the engineering investigation and report and such public comment, the Board has determined that it is appropriate and in the best interests of the District and all those water users who rely, directly or indirectly, on the District's services, to levy a groundwater charge as further provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:

Section 1. As required by Water Code Section 75574, the Board hereby makes the following findings:

- A. Annual Change in Storage in those portions of the Bunker Hill Basin lying within the District's boundaries ("Bunker Hill Basin" herein), Fall 2010 to Fall 2011, is an increase of 116,020 acre-feet.
- B. Accumulated Change in Storage in the Bunker Hill Basin as of the Last Day of the Preceding Water Year (using 1993 as base year) is -224,603 acre-feet.
- C. Total Groundwater Production from the Bunker Hill Basin from the Preceding Water Year July 1, 2010 to June 30, 2011 is 184,122 acre-feet.

- D. Estimate of the Annual Change in Storage for the Current Water Year (July 1, 2011 to June 30, 2012) in the Bunker Hill Basin is 7,700 acre-feet.
- E. Estimate of the Annual Change in Storage for the Ensuing Water Year (July 1, 2012 to June 30, 2013) in the Bunker Hill Basin is 7,700 acre-feet.
- F. Average Annual Change in Storage for the Immediate Past Ten Water Years in the Bunker Hill Basin is - 362 acre-feet.
- G. Estimated Amount of Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2012 to June 30, 2013) is 6,045 acre-feet.
- H. Estimated Amount of Other-than-Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2012 to June 30, 2013) is 58,886 acre-feet.
- I. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2012 - June 30, 2013) within the Bunker Hill Basin is 76,340 acre-feet.
- J. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2012 - June 30, 2013) for the District is 64,035 acre-feet.
- K. The Amount of Water which is Necessary for the Replenishment of the Groundwater Supplies of the Bunker Hill Basin to maintain constant groundwater supplies for the Ensuing Water Year (July 1, 2012 to June 30, 2013) is 135,843 acre-feet.
- L. The Amount of Water which is Necessary from all sources, including natural recharge to bring the basin back to its "full" condition of 1993 is 224,603 acre-feet.

Section 2. The Board of Directors hereby finds that the entire District constitutes a single zone of benefit for the imposition of this charge. The basis for this finding is that the entire portion of the basin underlying the District boundary is fed by the same naturally occurring surface flows. Although the basin may be divided into various subparts, because of hydrogeologic conditions these areas are interconnected, and water recharged by the District from its existing recharge facilities contributes to underground "flows" which eventually reach other subparts of the basin. Thus, the District's recharge inures to the benefit of users in other areas by enhancing the availability of water supplies throughout the basin. In addition, the District maintains both the availability of surface water flows for groundwater recharge, and the facilities for accommodating the recharge, whether by the District or by other parties pursuant to collaborative regional groundwater management efforts. Agricultural production represents 20.5% of the District total production and non-agricultural production 79.5% for Calendar Year 2011.

Section 3. The Board finds that there is no past accumulation of the amount of water necessary to be replaced in the intake areas of the groundwater basins within the District to prevent the landward movement of salt water into the fresh groundwater body, or to prevent subsidence of the land within the District, either in the past water year or the proceeding 10 years, nor is there likely to be any amount of water necessary for these purposes in the ensuing water year. The Board further finds that the District is not obligated by contract to purchase any water. The Board also finds that further recharge of the basin is required based upon the findings related to change in storage stated in Section 1 above, to prevent depletion or degradation to the basin's groundwater supplies, to enhance both the availability and accessibility of such supplies, and to replenish, augment, and protect such supplies, and that the proceeds of the groundwater charge established hereon shall be used for such purposes.

Section 4. The Board of Directors hereby levies, assesses and affixes a groundwater charge in the amount of \$3.14 per acre-foot for agricultural water (§75508), and in the amount of \$11.28 per acre-foot for non-agricultural water the latter being 3.59 times the agricultural rate. Late charges on delinquent accounts will be 1% interest per month in accordance with Water Code §75615 et set. and any additional actual costs to collect delinquent amounts not paid by February 1, 2013 and August 1, 2013. Deposit or prepayment of production costs may be made by written agreement with the District. Exemptions: Notwithstanding the foregoing, for producers who can demonstrate either (1) that their production for the water year is restricted to basic, personal residential use limited to the property on which the applicable groundwater production facility is based; or (2) that their production for the water year is restricted to agricultural use limited to the property on which the applicable groundwater production facility is based, and total cumulative production for the applicable producer within the District is not in excess of two (2) acre feet over the course of the water year; such production shall be exempted from the groundwater charge provided the producer documents it's exemption prior to bi-annual collection of the groundwater charge (January 1, 2013 and July 1, 2013). In establishing this exemption, the Board finds that the likely revenues to be derived from the groundwater production subject to the exemption is outweighed by the administrative burdens in administering and collecting the charge.

Section 5. In connection with fixing the groundwater chart as set forth in Section 4 above, the Board of Directors makes the following findings:

- A. The groundwater charge is imposed upon the action of extraction of groundwater from the basin underlying the basin's boundaries, and not on property or groundwater extraction facilities as such. The groundwater charge will be incurred by groundwater producers through their voluntary action of groundwater production. The groundwater charge is not one for water delivery by the District to groundwater extractors, but rather relates to the District's service of maintaining groundwater supplies, recharge facilities, and management of both for groundwater extractors within the District. The District maintains no pipes, canals or other facilities directly connecting District facilities to the groundwater extractors' property or pumping facilities. In addition, parties subject to the groundwater charge are not property owners, per se, but predominantly either public or private entities involved in the business of providing water, or persons or entities involved in irrigation, for agricultural-related activities, and for uses of water exceeding what would be required for basic residential use of the property.
- B. The District has provided notice of the proposal for imposition of the groundwater charge through a number of different avenues. Mailed notice was provided to all operators reflected on the District's records as containing active groundwater production facilities within the District. In addition, published notice was provided in the San Bernardino Sun on March 16, March 23, and March 30, 2012. All such notices identified the prior and proposed existing rate for agricultural and non-agricultural water, the estimated total revenue to be collected from the charge, and the time and place for public hearing at a public meeting at which parties objecting to the charge could appear and be heard.
- C. The proposed groundwater charges, and engineering investigation prepared by the District, were reviewed at a public meeting held April 11, 2012, and a public hearing held April 30, 2012. In addition, the engineering investigation prepared by the District was presented to and reviewed with the Board of Directors at a public meeting on March 7, 2012, and was presented to the Basin Technical Advisory Committee on March 5, 2012.
- D. The groundwater charge is being levied to assist in offsetting the costs of the District's Groundwater Enterprise in providing groundwater supplies, groundwater recharge facilities, and recharge management and administration for the benefit of groundwater producers within the District. The Groundwater Enterprise Budget includes, but are not limited to, the following:
1. Making available the District's Santa Ana River water rights, in an amount no less than 10,400 acres per foot per year, for recharge into the Bunker Hill Basin;
 2. Conducting groundwater recharge activities by diverting both Santa Ana River and Mill Creek water supplies into District recharge facilities;
 3. Applying the District's experience and expertise in directing groundwater recharge effectively and efficiently, administering the physical recharge of groundwater both directly for the District and its water supplies, and recharging on behalf of other entities, including exchanges under the Santa Ana River/Mill Creek Cooperative Water Project Agreement;
 4. Maintaining and operating the District's diversion works, recharge basins and canals to insure the availability of sufficient infrastructure to accommodate needed groundwater recharge; and defense and protection of the District's water rights and manner of operations;
 5. Investigation and implementation of improvements to groundwater recharge infrastructure;
 6. Reporting to groundwater producers and other interested parties of groundwater recharge activities and conditions, including but not limited to the daily flow report;
 7. Conducting engineering analyses, such as the District's annual engineering investigation, designed to provide information regarding the District's groundwater basin and groundwater recharge facilities; and
 9. Administrative support, training and overhead for all the above-listed activities.
- E. The total amount of estimated revenues from the groundwater charge is estimated at approximately \$569,220 based on production reported for the 2010-2011 water year. These revenues do not fully recover expected cost and will not exceed the costs of providing the services as detailed above, in that the District's Groundwater Enterprise Budget for fiscal year 2011-2012 proposes \$681,019. The short fall will be funded from any other revenues of the District or District Reserves.
- F. The amount of groundwater charge paid by each individual payor will not exceed the benefit of the Conservation District's services to such parties, because the structure of the groundwater charge is such that the amount paid varies in direct proportion to the amount of groundwater supplies extracted, and therefore is proportional to the benefit each individual payor receives from the District's services.

- G. The District’s services are immediately available to all parties subject to the charge, because the charge is limited to those extracting groundwater, and therefore able to take advantage of the District’s services relative to groundwater recharge activities, facilities, and programs.
- H. The District’s services are directed toward groundwater production and extractors, and are not generally available to parties not involved with groundwater extraction, as are other general governmental services such as police, fire, library, or other broad governmental services. The District’s service is directed toward, and of benefit to, parties utilizing and extracting groundwater in the District.

Section 6. District staff is directed to prepare a report at the end of the water year for which the charge levied herein is imposed, detailing the revenues collected from the groundwater charge, and describing the purposes and expenses to which such revenues were applied toward the services detailed in Section 5(D) above.

Section 7. The Board of Directors further finds that the groundwater charge adopted herein is statutorily exempt from CEQA under Title 14, California Code of Regulations Sections 15273, 15301, and 15306. The action contemplated herein constitutes a structuring and establishment of a charge which will be used in part for meeting operating expenses and for purchasing or leasing equipment and materials. To the extent the groundwater charge revenues will be applied to groundwater testing, these activities fit within Title 14, California Code of Regulations Section 15306. Such activities involve the occasional taking of groundwater samples by means of temporary equipment, which will not cause any alteration to the land, and consist solely of information gathering. To the extent any portion of the funds is directed to maintenance, operation, or repair of existing facilities, involving no or negligible expansion of existing uses, these activities fit within Title 14, California Code of Regulations Section 15301. To the extent any portion of the funds is directed to construction or establishment of new facilities, environmental review of such facilities will occur at such time those facilities are proposed, and the nature, location, scope, and function of such potential future facilities becomes known. Under each of the above-referenced exemptions, therefore, the Board of Directors finds that the levy and implementation of the groundwater charge is therefore properly exempt from CEQA.

Section 8. The General Manager is hereby authorized and directed to provide notice to operators of the levy of the groundwater charge, as provided for in Water Code Section 75610.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 30th day of April 2012, by the following roll-call vote:

YES:	DIRECTORS:
NO:	DIRECTORS:
ABSTAIN:	DIRECTORS:
ABSENT:	DIRECTORS:

ATTEST:

Richard Corneille, President

Daniel Cozad, Secretary

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF April 11, 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
Clare Henry Day, Director
Bob Glaubig, Director
John Longville, Director
David E. Raley, Director
Manuel Aranda, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Athena Medina, Administrative Services Specialist

GUESTS PRESENT:

Don Lee, Tetra Tech
Charles Roberts, Highland Community News
Steve Johnson, Southern California Edison
Matt Litchfield, San Bernardino Municipal Water Department

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/deletions to the agenda.

3. PUBLIC MEETING RELATED TO ADOPTION OF THE GROUNDWATER CHARGE

President Corneille opened the Public Meeting related to the adoption of the groundwater charge. Daniel Cozad presented the Engineering Investigation Report (EI) required for the District to implement the groundwater charge. He noted that there were no requests or comments received pertaining to EI. Mr. Cozad requested that the Board of Directors approve EI. Steve Johnson of Southern California Edison (SCE) requested a copy of the EI presentation to submit to SCE management.

It was moved by Director Day and seconded by Director McDonald to approve the 2012 Engineering Investigation Report. The motion carried unanimously.

Mr. Cozad continued his presentation into the Groundwater Enterprise budget. He noted significant savings in areas throughout the budget. This enterprise was discussed in detail at the Board's February meeting and projected a deficit; which is the key factor in the District's need to implement a 15% increase in the groundwater charge. Also, identified were additional expenses needed to maintenance facilities due to recent thefts; vandalism and trespassing on District property primarily for theft of metals. Staff presented four potential rates to the Board to consider for a rate increase. Staff was directed to notice a potential increase of 15% because that would alleviate the entire deficit in the Groundwater Enterprise budget. Staff provided letters to all producers in the District and completed all legal advertising in the newspaper.

No formal communications have been received from any producer, however Mr. Cozad reported to the Board that East Valley Water District (EVWD) requested a presentation be made to their Board of Directors and that the EVWD Board of Directors took action to approve and support the noticed rate. There were no Board questions.

Public Meeting Comments:

Steve Johnson of SCE asked when the rate would be implemented. Mr. Cozad stated that they would be effective as of the next reporting period, July 2012-December 2012, but would be payable to the District in January\February 2013.

Matt Litchfield of San Bernardino Municipal Water Department inquired as to when the District would be implementing a two year budget. Mr. Cozad stated that the two year budget gives a forward forecast and that it ?will? be implemented next year. Mr. Litchfield also asked if the District would be implementing an additional increase a year from now if the District were to adopt a two year budget. Mr. Cozad was optimistic that with the 15% increase the District's finances should be stabilized, but is unable to confirm whether or not an increase will be needed for next year. He indicated that if there were to be an increase for next year it would be less than 15%. Director Day noted that the two year budget is not a fixed budget and that it would be reviewed annually. No further public comments were made and President Corneille closed the public meeting noting that the Board would consider the issue at the Public Hearing on April 30, 2012.

4. CONSENT CALENDAR

Approval of the Board Minutes from March 28, 2012

It was moved by Director Aranda and seconded by Director Longville to approve minutes from the March 28, 2012. The motion carried 7-0.

Approval of Unaudited Financials and Check Register, March 2012

Mr. Cozad noted changes that needed to be made pertaining to the groundwater classifications under agricultural and non-agricultural accounts. Discussion ensued.

By general acclamation the unaudited financials were approved, received and filed.

5. ACTION ITEMS, NEW BUSINESS

A. RESOLUTION CONSENTING TO JOIN THE HEALTH BENEFITS PROGRAM OF ACWAJPIA

Staff provided a brief overview of the action and consolidation with ACWA. Director Raley inquired as to what the fiscal impact would be. Director

McDonald noted that the cost will not change and does not affect the service provided. Mr. Cozad noted that the District may see lower costs over time due to reductions in duplicate staff; however currently there is no cost change.

It was moved by Director Longville and seconded by Director McDonald to approve the resolution consenting to join the Health Benefits Program of ACWA\JPIA. The motion carried 7-0.

B. CALIFORNIA SPECIAL DISTRICT ASSOCIATION (CSDA) NOMINATION

Director Aranda spoke on this item. He noted that he is currently the District's representative for CSDA and would like to be the District's representative at a state level by obtaining a position on the CSDA Board of Directors. Director Raley noted the concern over potential increases in director fees and expenses. Directors Longville and McDonald stated that CSDA would pay the cost for expenses related to their board meetings.

It was moved by Director McDonald and seconded by Director Day to support the nomination of Director Aranda to be placed on the ballot for CSDA. The motion carried 6-1 with Director Raley in opposition.

C. LOCAL FORMATION COMMISSION (LAFCO) SPECIAL DISTRICTS SELECTION ELECTION FOR THE REGULAR LAFCO MEMBER

President Corneille introduced this item for discussion. Mr. Cozad pointed to package page 49 which has the summary of candidates. President Corneille asked the Board to identify any known candidates and recommendations. Discussion ensued.

It was moved by Director McDonald and seconded by Director Raley to vote for Steven Farrell as a candidate for the LAFCO Board. The motion carried unanimously.

6. INFORMATION ITEMS:

A. General Manager's Report

This written report was included in the Agenda package. Mr. Cozad stated the United States Army Corp of Engineers (USACOE) will begin their drain back on April 15, 2012 to clean out the plunge pool area. He noted that all water runoff is being used by East Valley Water District, City of Redlands and Bear Valley. The District is capturing as much water as is available and permitted under our

water rights. Mr. Cozad also noted that the Big Bear Watermaster Annual Report has been finalized and distributed.

B. Future Agenda Items & Staff Task requests from Directors

President Corneille suggested that a Resources Committee meeting be coordinated to finalize the Operational Management Manual. He suggested that the Basis of Design report be discussed at that meeting as well. Also, noted was that the Board meeting he was to attend at Inland Empire Resources Conservation District (IERCD) was cancelled. President Corneille has a copy of their annual report and received a proposal from IERCD for public outreach and would like this item reviewed by the Board at a future meeting. Director Raley suggested that the Outreach Committee meet.

C. Collaborative Agreement Verbal Update

David Cosgrove presented this item. He noted there has not been any significant discussion on this item since the last Board meeting. There will be an update provided at next Board meeting.

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

Director Activity Reports

Director Raley attended the Basin Technical Advisory Committee (BTAC). The Cooperative Recharge project was discussed at this meeting. Director Raley handed out the 12 Point Pension Plan from Governor Brown to the Board and Staff for their review. He reviewed the Urban Water Capture Project and expressed that he believes this particular project may be of interest to the District.

Director Aranda attended the BTAC meeting and the USAWRA meeting. He noted that he is in the process of coordinating a meeting with Assemblyman Lara to discuss the rising groundwater rates and any related legislation.

Director McDonald attended BTAC. She noted that there is going to be approximately 14,000 acre feet available for recharge in the Santa Ana River. She discussed in brief the Santa Ana Sucker Task Force. Director McDonald attended the SBVMWD Board of Directors meeting and will be attending the ACWA State Legislative Committee on April 13th.

Director Glaubig attended the Ad Hoc Committee meeting.

Director Longville attended the Ad Hoc Committee meeting as well where they reviewed District maps and discussed the possibility of requesting the reestablishment of a District's sphere of influence. Discussion ensued.

Director Day had nothing to report, but that he would be out of the country and would miss the June meeting.

President Corneille attended the BTAC meeting. He noted that he would like to see the next step in the Redistricting on the next agenda for April 30th.

8. UPCOMING MEETINGS

Mr. Cozad inquired as to whether any directors would like to attend the Santa Ana Watershed Conference. Information will be forwarded to all directors.

9. CLOSED SESSION

At 4:01 p.m. it was moved by Director Day and seconded by Director Aranda to adjourn to Closed Session. The motion carried 7-0.

Legal counsel announced the Board would adjourn to closed session on all items listed on published agenda. Under the authority of Government Code section 54956.9 (b)(3)(e) the Board entered closed session to discuss exposure to litigation.

At 4:15 p.m. the Board reconvened into open session and General Counsel reported no reportable action was taken.

10. ADJOURN MEETING

It was moved by Director Day and seconded by Director Aranda to adjourn to the next scheduled meeting. The motion carried.

At 4:16 p.m. the meeting adjourned to the regular Board meeting scheduled for April 30, 2012 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

Daniel B. Cozad
General Manager



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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Memorandum No. 1093

To: Board of Directors

From: General Manager, Daniel Cozad

Date: April 30, 2012

Subject: Senator Bob Dutton SB 1186

RECOMMENDATION

Staff recommends the Board review and provide direction on to Staff as needed pertaining to a request for support of SB 1186; which is related to the American Disabilities Act (ADA).

BACKGROUND

There have been an abundance of frivolous lawsuits being filed against local small businesses in the Inland Empire for some time now and it is because of this that Senator Bob Dutton has developed new legislation that would allow those who are in violation of the ADA a 90-day window of opportunity to fix these violations.

Attached is a copy of a summary of SB 1186 with additional information with a sample support letters.

FISCAL IMPACT

There is no fiscal impact for this item.

BOARD
OF
DIRECTORS

Richard W. Corneille
Clare Henry Day

Bob Glaubig
John Longville

David E. Raley
Melody McDonald
Manuel Aranda, Jr.

GENERAL
MANAGER

Daniel B. Cozad



SENATE BILL 1186

SUMMARY

This bill would address the issue of frivolous and vexatious Americans with Disabilities Act (ADA) lawsuits by giving businesses a 90-day window to address ADA violations without fear of litigation.

EXISTING LAW

Existing federal law, the ADA, provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation.

Existing California law, the Unruh Civil Rights Act, declares that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Under California law, a violation of the ADA also constitutes a violation of the Unruh Act. Penalties for ADA violations are actual damages, plus treble actual damages but not less than \$1,000, and attorney's fees. Penalties for Unruh Act violations are actual damages, plus treble actual damages but not less than \$4,000, and attorney's fees.

NEED

Recently, there has been an increase in small businesses being challenged by lawsuits for their non-compliance of federal and state provisions of the ADA. In most cases, a handful of attorneys utilize a boilerplate lawsuit claiming a business is in violation of a number of special access laws. Using aggressive lawsuits and threats, these attorneys have designed a scheme to extract financial compensation knowing small businesses may lack

the resources to combat such a lawsuit in a court of law. In the end, businesses settle out of court and ultimately the only outcome is "legalized extortion."

BACKGROUND

This issue has been an on-going problem for roughly a decade. Several bills have attempted to fix this problem, including:

SB 855 (Poochigian, 2005): Same concept as this bill, died in Senate Committee.

SB 1608 (Corbett, 2008): Enacts several reforms intended to increase compliance with ADA laws, including setting up a process whereby business owners can voluntarily hire a specialist to inspect their buildings to ensure compliance with disability access standards. SB 1608 was signed into law but has had little impact so far.

SUPPORT/OPPOSITION

See attached.

STATUS

Introduced.

FOR MORE INFORMATION

Staff:

Larry.venus@sen.ca.gov
(916) 651-4031

SUPPORT

OPPOSITION

YOUR LETTER HEAD

Sample Letter to a Senator

Senator (Name)
State Capitol
Sacramento, CA 95814

Dear Senator (Name),

As a small business owner in _____, I'm writing this letter to voice my support for Senate Bill 1186 that will stop unscrupulous attorneys, using the Americans with Disabilities Act (ADA), from extorting money from businesses for what amounts to be minor violations.

This common-sense piece of legislation that includes giving the business owner a chance to fix minor ADA violations within a reasonable amount of time without facing the risk of a lawsuit will protect both my business and the rights of the disabled community.

It will also stop the practice of suspicious lawyers who are sending letters to business owners extorting money, between \$5,000 and \$6,500, to avoid a costly lawsuit.

I would like to thank you for carefully considering this important legislation. During these tough economic times when we are just trying to survive, we can ill-afford these frivolous lawsuits and extortion tactics that put my very existence as a business at risk.

Passing SB 1186 will help protect the small business community and preserve the rights of disabled persons who choose to patronize my business.

Sincerely,

Business owner
Business Name
Address
Phone Number
E-mail Address

Cc Senator Noreen Evans
Chair: Senate Judiciary Committee
Senator Tom Harman (Vice Chair)
Senator Sam Blakeslee
Senator Ellen Corbett
Senator Mark Leno

YOUR LETTER HEAD

Sample Letter to a Senator

The Honorable Senator Dutton
State Capitol,
Sacramento, CA 95814

Dear Senator Dutton:

SB1186 is of paramount interest to me because I am a small business owner in (City) that has been under siege by unscrupulous attorneys looking to make easy money based on minor ADA infractions.

I am concerned that without this legislation in place small businesses like mine will be forced out of business because the demand for attorney costs and damages or "shake down" will tip the scale between staying open and closing the doors for good.

Please know that I do not disagree with the concept of equal access for all and appropriate accommodations for those that need it. If compliance has not been met immediate action should be taken to correct any breaches. However, identifying those violations followed by punitive legal action is an assault that could mean the very end of some small businesses.

The passage of SB1186 would address the issue of frivolous and vexatious Americans with Disabilities Act (ADA) lawsuits by giving businesses a 90-day window to address ADA violations without fear of litigation.

Thank you for listening to the voice of the small business community. I fully support SB1186. Passing this important piece of legislation will help to ensure a sound and healthy business foundation in every community in the State of California.

Sincerely,

Business owner
Business Name
Address
Phone Number
E-mail Address

Cc Senator Noreen Evans
Chair: Senate Judiciary Committee
Senator Tom Harman (Vice Chair)
Senator Sam Blakeslee, Judiciary Committee
Senator Ellen Corbett, Judiciary Committee
Senator Mark Leno, Judiciary Committee



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A
Redlands, CA 92373-8032
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www.sbvwd.dst.ca.us

Memorandum No. 1094

To: Board of Directors

From: General Manager, Daniel Cozad

Date: April 30, 2012

Subject: ACWA General Session Membership Meeting Voting Delegate

RECOMMENDATION

Staff recommends that the Board consider appointing Director McDonald as voting delegate for this meeting.

BACKGROUND

There will be a General Session Membership Meeting of the ACWA membership at ACWA's 2012 Spring Conference on May 9, 2012. At this meeting there will be a vote on proposed amendments to bylaws recommended by ACWA Board of Directors. In prior years the District has appointed one director to vote on the District's behalf.

Attached is a copy of the General Session Membership Meeting letter from ACWA with additional information on the membership voting process. The complete package for this item is available upon request.

FISCAL IMPACT

There is no fiscal impact for this item.

BOARD
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Richard W. Corneille
Clare Henry Day

Bob Glaubig
John Longville

David E. Raley
Melody McDonald
Manuel Aranda, Jr.

GENERAL
MANAGER

Daniel B. Cozad



Association of California Water Agencies
910 K Street, Suite 100,
Sacramento, California 95814-3577
916.441.4545 FAX 916.325.4849

Hall of the States
400 N. Capitol St., N.W., Suite 357 South,
Washington, D.C. 20001-1512
202.434.4760 FAX 202.434.4763
www.acwa.com

MEMORANDUM

TO: ACWA Public Agency Members
General Managers and Board Presidents

CC: ACWA Board of Directors

FROM: Randy Record, ACWA President
John A. Coleman, ACWA Vice President

DATE: April 3, 2012



SUBJECT: General Session Membership Meeting at ACWA's 2012 Spring Conference – May 9, 2012

There will be a General Session Membership Meeting of the ACWA membership at ACWA's 2012 Spring Conference in Monterey, California, on Wednesday, May 9. The purpose of this meeting is to conduct a vote by the membership on proposed amendments to the bylaws recommended by the ACWA Board of Directors at its meeting of March 30. The proposed bylaws amendments are attached hereto. The bylaws amendments represent several clean-up items from the comprehensive amendments approved by the membership on December 1, 2010.

As reviewed and recommended by the Legal Affairs Committee and ACWA Board of Directors, the significant changes in the draft amended bylaws include:

- Per the recommendation from Region 10, clarifying the respective roles of the Board and the Executive Committee, making clear that the Board retains ultimate authority for the Association.
- Per the recommendation from Region 10, separating the role of the Executive Director from the Treasurer.
- Inclusion of a code of conduct for Board Members, to be developed and enforced by the Board.
- Conversion of the Insurance and Personnel Committee into a Personnel and Benefits Committee, in light of HBA's independence from ACWA.

- Elevation of the Membership Committee from special committee to standing committee status, with a seat on the ACWA Board of Directors.
- Updating of the qualifications for State Legislative Committee members in light of the Association's focus on regions rather than types of districts.

The Board of Directors recommends adoption of these bylaws amendments through a vote of the membership. Scott Shapiro, chair of the Legal Affairs Committee, is available in advance of the meeting of the membership to answer any questions you may have (916-520-5234 or sshapiro@downeybrand.com) and will also provide a brief overview of these changes during the General Session Membership Meeting before the item is called for a vote.

MEMBERSHIP VOTING PROCESS

Each member agency present will be issued one proxy card for voting purposes. Proxy cards will be available for pick up on **Wednesday, May 9, 2012**, between **9:00 a.m.** and **1:00 p.m.** at the **General Session Proxy Desk** in the **De Anza Foyer** area of the **Portola Plaza Hotel**, outside of the **De Anza Ballroom** where the luncheon and General Session Membership meeting will be held. Members are allowed one proxy card per agency, and a representative of the agency will be required to register and sign as the proxy holder.

To expedite the sign-in process at the **General Session Proxy Desk**, please indicate your voting designee on the enclosed proxy form and return it by fax (**916-554-2350**) or e-mail (**donnap@acwa.com**) at your earliest convenience. If there is a last minute change of delegate, please let us know before the meeting date by contacting ACWA's Executive Assistant/Clerk of the Board, Donna Pangborn, at 916-441-4545 or donnap@acwa.com.

If you have any questions, do not hesitate to contact us by telephone or e-mail.

dgp

Enclosures:

1. General Session Membership Meeting – Agenda, May 9, 2012
2. General Session Membership Meeting – Minutes, November 30, 2011
3. Draft ACWA Bylaws Amendments – Redline Version
4. Draft ACWA Bylaws Amendments – Clean Version
5. Proxy Form



Association of California Water Agencies
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Sacramento, California 95814-3577
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Hall of the States
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Washington, D.C. 20001-1512
202.434.4760 FAX 202.434.4763
www.acwa.com

GENERAL SESSION MEMBERSHIP MEETING

Wednesday, May 9, 2012

Portola Plaza Hotel, De Anza Ballroom

At the Conclusion of the Luncheon Program: 1:30 p.m.

Monterey, California

AGENDA

- | | |
|---|--------------------------------|
| I. Call to Order | Randy Record |
| II. Approval of General Session Membership Meeting Minutes: | Randy Record |
| • November 30, 2011 | |
| III. Proposed Draft ACWA Bylaws Amendments | Randy Record and Scott Shapiro |
| IV. Adjournment | Randy Record |

Note: For members not attending the luncheon program, the doors will be open at 1:20 p.m. to allow access to the General Session Membership Meeting.

USI Consulting

Figure 1
Project Status Report

Project Name: San Bernardino Valley Water Conservation District, (SBVWCD)

Department: Real Properties, Surplus

Focus Area: San Bernardino County, California

Product/Process: Marketing 21 Acre Site, APN 0297-041-07

Prepared By: BEC

Document Owner(s)	Project/Organization Role
USI Consulting	Advisory/ Consulting for sale of surplus property

Project Status Report Version Control

Version	Date	Author	Change Description
FFA	11/15/11	USI/SBVWCD	FFA signed by USI and SBVWCD
Status Report	02/08/12	USI	<ul style="list-style-type: none">• Verbal Status 01/17/12• Email Status 02/07/12• Written Status 02/08/12
Status Report	04/25/12	USI	* Written Status Report via email

Confidential
Document1
Last printed on 4/24/2012 6:15:00 PM

1 PROJECT STATUS REPORT PURPOSE

The Project Status Report is a document that Project Managers may use as a means of formal regular reporting on the status of a project to key project stakeholders, including the Steering Committee, Project Sponsor, and Senior Manager.

2 PROJECT STATUS REPORT

2.1 Project Status Report Details

The purpose of this report is to provide SBWCD with brief status on marketing efforts associated with 21 acre surplus property within upper Santa Ana River Watershed.

- The Project Status Report provides a project milestone used to provide formal reporting on the status of the project to key stakeholders, SBWCD Executive staff, BOD Committee and BOD during the course of the marketing process.

- USI continues to promote the property to a diverse list of potential user's for mitigation, recreation/trail and/or open space purposes.
- USI continues to have contact and discussions with those contacts set forth in our report dated 02/08/12.
- USI has initiated discussions with Tierragg, Inc., The Dangermond Group and Riverside Land Conservancy. These discussions and related meetings continue at this writing.

2.2 Project Status Report Template

Project Name		
Prepared By: Bruce E. Cash	Date: 04/24/12	Reporting Period: 02/08/12 to 04/24/12
Project Overall Status: Marketing efforts continue with weekly emphasis. To date, no offers have been received.		

Confidential

4/24/2012

Prepared by BEC
Project Manager

Approved by Bruce E. Cash
Project Sponsor

Executive Sponsor

Client Sponsor

4/24/2012



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www.sbvwd.dst.ca.us

Memorandum No. 1095

To: Board of Directors

From: General Manager, Daniel Cozad

Date: April 30, 2012

Subject: Offer to Purchase Aggregate

RECOMMENDATION

Staff Recommends the Board review, discuss and consider approval of the offer made by Weka, Inc. to purchase aggregate materials from the District.

BACKGROUND

Weka, Inc. approached the District with an offer to purchase aggregate materials that may be needed if they are awarded the contract for the City of Redlands 2012 CIP Water Pipeline Replacement Project. Attached is a copy of their proposal letter.

FISCAL IMPACT

The amount contractor offered to purchase material for is \$1.00 per ton. The fiscal impact is contingent on the amount of aggregate needed by contractor. Revenue to the District could range from \$10,000 to \$15,000.

BOARD
OF
DIRECTORS

Richard W. Corneille
Clare Henry Day

Bob Glaubig
John Longville

David E. Raley
Melody McDonald
Manuel Aranda, Jr.

GENERAL
MANAGER

Daniel B. Cozad

Weka, Inc.
27075 5th Street
Highland, CA 92346
Ph: (909) 425-8700 – Fax: (909) 425-8706
Contractors License #670100
wekainc@gmail.com

April 18, 2012

Mr. Daniel B. Cozad
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
P.O. Box 1839
Redlands, California 92373


Re: City of Redlands' 2012 CIP Water Pipeline Replacement Project (Project No. 71206)

Dear Daniel:

Weka, Inc. is bidding the above-referenced project on April 26, 2012. If we are the successful low bidder we would like to purchase approximately 10,000 to 15,000 Tons of sand at \$1.00 per Ton and will process the sand ourselves.

Please contact me if you have any questions.

Sincerely,



Steven K. Himle
Co-Owner



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Memorandum No. 1096

To: Board of Directors

From: General Manager, Daniel B. Cozad

Date: April 30, 2012

Subject: REDISTRICTING FOR FIVE POTENTIAL DIVISIONS

RECOMMENDATION

Staff recommends the Board review and discuss the options presented for redistricting and direct staff to prepare a five division redistricting map and resolution for consideration at the June 13, 2012 Board meeting.

BACKGROUND

The District is required to review Division Boundaries after the decennial US Census. All political bodies use the same information from the US Census Bureau. The purpose of the redistricting is to insure each Division of District is as nearly equal in population as may be.

Elections Code section 22000

a) Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 1973 of Title 42 of the United States Code (VOTING RIGHTS ACT), as amended, to the extent those provisions are applicable. In adjusting the boundaries of the district, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the district. This section does not apply to districts in which only landowners vote for directors or whose directors are all elected at large or appointed.

(b) The resolution specified in subdivision (a) shall be adopted by a vote of not less than a majority of the directors.

The District is currently comprised of seven Divisions. Figure 1 shows the District's Boundary and Division Boundaries. The Divisions were based on the 2000 census information. Currently Division 2 and 4 contain majority Hispanic population. In Figure 2, the Districts current seven division boundaries are shown with the 2010 population in the census blocks that make up the divisions.

BOARD
OF
DIRECTORS

Richard W. Corneille
Clare Henry Day

Bob Glaubig
John Longville

David E. Raley
Melody McDonald
Manuel Aranda, Jr.

GENERAL
MANAGER

Daniel B. Cozad

The District's population in the 2010 census is estimated at 227,529 persons with seven divisions the ideal division would contain 32,504 persons. The current boundaries contain between 30,397 and 35,366 persons. Division 3 is the highest above the ideal and Division 1 is the lowest above the ideal. Based on this deviation the Board is required to redistrict to equalize the Divisions.

In November 2010 the Board passed Resolution 427 stating the Board's intent to move from seven divisions to five divisions. SB 235 authored by and supported by the District provides for this change of divisions without a vote of the entire District. This law went into effect on January 1, 2012. This law requires the District vote to make the change more than 180 days preceding the election of a director. Additionally to make this change:

1. The Board must adopt by vote of two-thirds (5 members), a resolution proposing to reduce the number of directors from seven to five. The resolution shall contain a map and description of the boundaries for the five divisions proposed to be established.
2. The Board secretary shall set a date for a public hearing on the proposal to reduce the number of directors, which shall be not less than 30 days and not more than 60 days after the date on which the board adopted the resolution. The secretary shall give notice of the hearing, which shall include a description of the proposal and shall contain a map and general description of the proposed boundaries of the five divisions. The District must also publish notice of the hearing according to Section 6063 of the Government Code in at least one newspaper of general circulation within the jurisdiction of the district at least 10 days before the hearing.
3. The Board shall hold the hearing to receive and consider any written or oral comments regarding the proposed reduction in the number of directors. After receiving and considering those comments, the board, by a recorded vote of two-thirds of the total membership of the board, shall do either of the following:
 - (1) Disapprove the proposal.
 - (2) Adopt a resolution that orders the reduction in the number of members of the board.

A reduction in the number of directors and a change in division boundaries pursuant to this section shall not affect the term of office of any director. A director of a division for which boundaries have been changed shall continue to be the director of the division bearing the number of his or her division until the office becomes vacant by means of term expiration or otherwise, whether or not the director is a resident within the boundaries of the division as changed. The successor to the office of a division for which boundaries have been changed shall be a resident and voter of that division.

At its meeting on February 2012 the Board requested that staff provide some initial scenarios to assist the Board in discussion and to allow the Board to provide direction to staff on a five or seven division redistricting approach best represents the interest of the constituents of the District. Figure 3 shows the locations of current director's residences in each District Division.

Discussion and Direction to Staff

To assist the Board staff has prepared three scenarios to reflect the flexibility and constraints of redistricting and the effect on currently elected board members and their terms office. These are not intended to be recommended division maps and have not been reviewed for voter rights act requirements, but present some of the many options given population and census tract boundary

constraints for the District. The ideal map would five divisions containing a population of 45,545. Each scenario is described below and shown in Attachment 1.

Scenario 1

Scenario 1 provides for five nearly equal divisions and with variances less than 1% (ranging from .03% to .71%). Population totals range from 45236 to 45868. This scenario map has Directors Day and Raley (terms ending in 2013) in Division 1, and Directors Corneille and Glaubig (terms ending 2015) in Division 3 and only one director in all other divisions. This map is shown as page 1 of Attachment 1.

Scenario 2

Scenario 2 also provides for five nearly equal divisions and with variances less than 1% (ranging from .03% to .62%). Population totals range from 45261 to 45774. This scenario map has Directors Day and Corneille (terms ending in 2013 and 2015 respectively) in Division 1, and Directors Raley and Glaubig (terms ending in 2013 and 2015 respectively) in Division 3 and only one director in all other divisions. This map is shown as page 2 of Attachment 1.

Scenario 3

Scenario 1 provides for five nearly equal divisions and with variances less than 1% (ranging from .15% to .83%). Population totals range from 45168 to 45744. This scenario map has Directors Day and Raley (terms ending in 2013) in Division 1, and Directors Corneille and Glaubig (terms ending 2015) in Division 3 and only one director in all other divisions. This map also has no divisions crossing Santa Ana Wash divide in the District boundary. This map is shown as page 3 of Attachment 1.

Interns and staff prepared these scenarios but many other scenarios can be completed give adequate time and resources. Staff will prepare final maps for consideration based on the Boards direction.

Staff will use also use the Boards prior direction from September 2011 using the following guidelines:

- Consider the topography, geography and cohesiveness, contiguity, integrity, and compactness of the Divisions
- Consider Communities of interest, zip code and census block boundaries and continuity with existing Divisions
- District population should ideally be within 1% of each other
- Voters Rights Act tests for impairment/dilution should be documented by District Counsel and added to the documentation produced

Next Steps

The San Bernardino County Registrar of Voters requires the District adopt a resolution and convey the boundaries of the divisions to the at least 180 days prior to the first election after the census is released. SB-235 also requires any changes be complete at least 180 days prior to the next election. Our next elections will be in 2013 and so all redistricting should be completed in fiscal year 2011-2012.

Staff Requests the Board provide direction on five or seven divisions so staff can prepare all required information and maps for the Boards consideration at the June 2012 meeting.

FISCAL IMPACT

There is no direct fiscal impact to the redistricting; staff is doing the work in-house so only software and data costs are a factor and estimated at about \$5000. The long term cost reduction in election costs and Directors costs would have a long term benefit to the District and reduce its operating costs in years when elections are scheduled. Staff prepared Table 1. below to document the range of potential savings.

Table 1**Redistricting Division Reduction Costs and Benefits**

Cost Area Description	Divisions 7	Divisions 5	Average Savings	Assumptions
Max Director Fees	\$148,932	\$106,380	\$42,552	Assumes 9 Meetings/Div/Mo.
Budgeted Director Fees	\$70,000	\$50,000	\$20,000	2011-12 Budget
Budgeted Expenses	\$20,000	\$14,286	\$5,714	2011-12 Budget
Elections Base Fee	\$1,050	\$750	\$300	Base fee estimate \$600
Election per Reg. Voter	\$70,000	\$70,000	\$0	Same number of Challengers

Estimate	Annual	10 Years (with 3% inflation)
Budgeted Based Savings	\$26,014	\$298,224.63
Maximum Savings	\$48,566	\$556,758.04

FIGURES

Figure 1 Current District Boundaries based on the 2000 Census

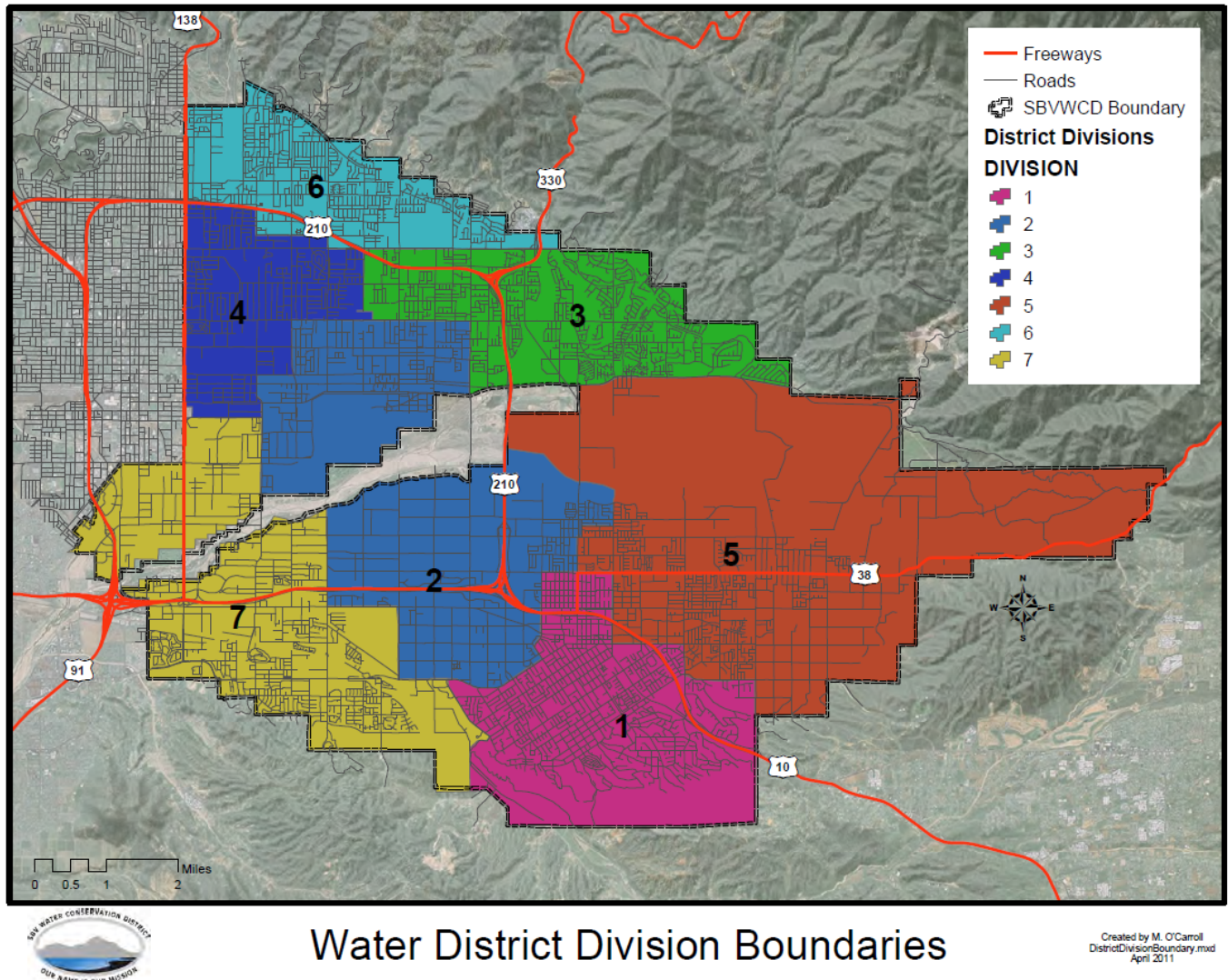
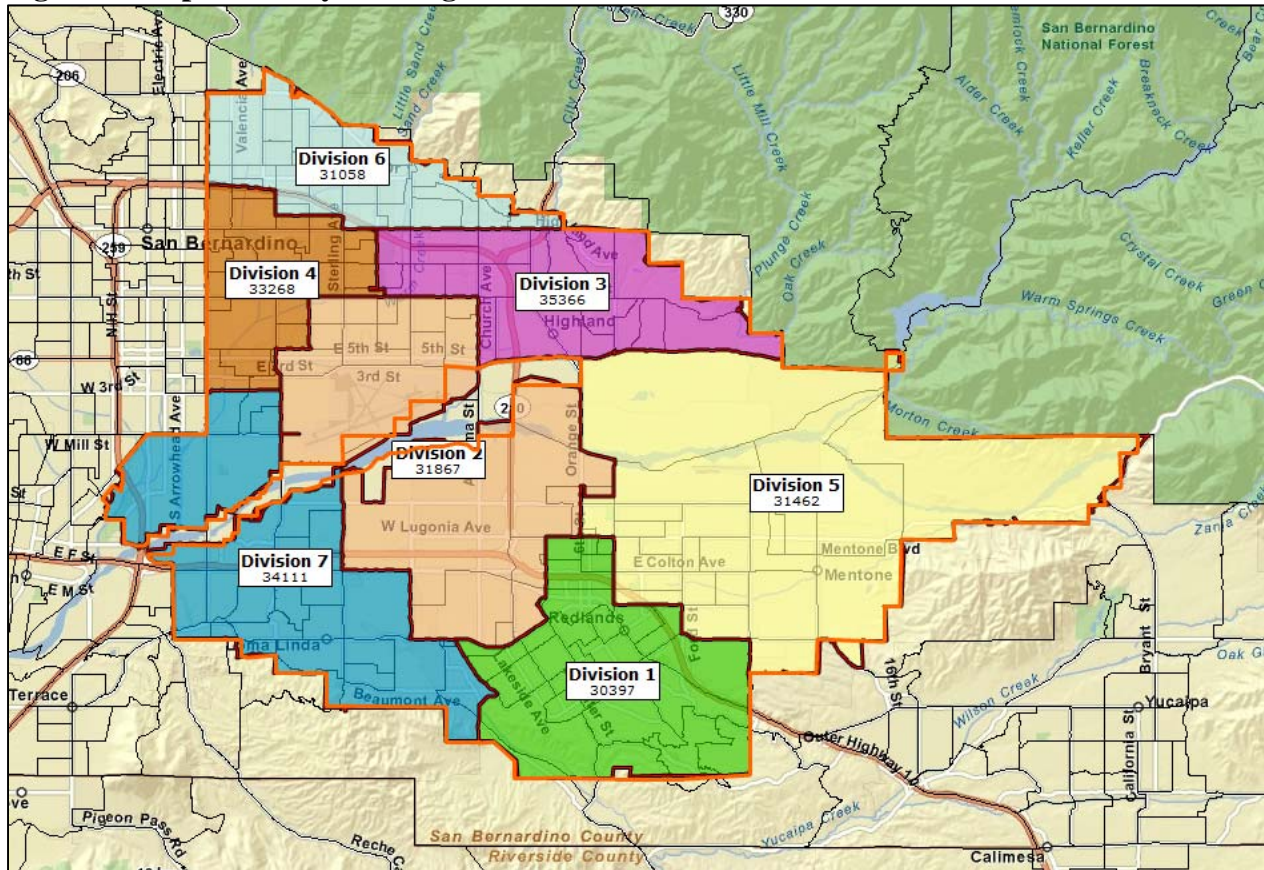


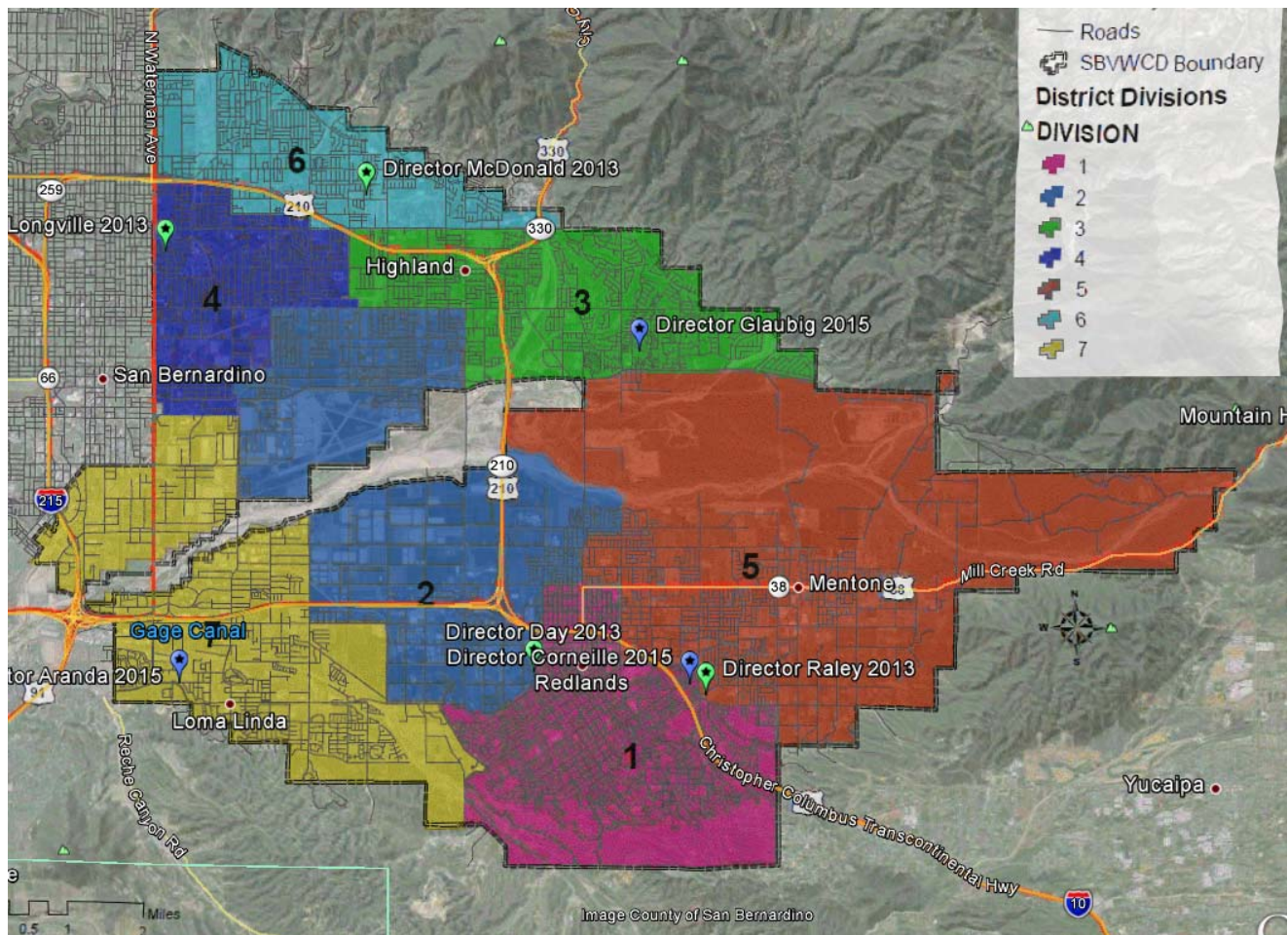
Figure 2 - Population by Existing Division based on 2010 Census

Population Summary Report

Division	Total Population	Deviation Pop	Deviation %	Non-Hispanic white (%)	Hispanic (%)	Non-Hispanic black (%)	Non-Hispanic Asian (%)	Non-Hispanic Hawaiian/ Pacific Islander or Other (%)
Division 1	30,397	-2,107	-6%	60.53	26.7	4.61	6.35	0.62
Division 2	31,867	-637	-2%	23.5	53.42	11.42	9.5	0.54
Division 3	35,366	2,862	9%	40.23	37.65	10.98	9.23	0.53
Division 4	33,268	764	2%	16.95	62.87	14.95	3.17	0.65
Division 5	31,462	-1,042	-3%	52.9	32.48	5.54	6.96	0.8
Division 6	31,058	-1,446	-4%	33.06	44.37	17.19	3.07	0.88
Division 7	34,111	1,607	5%	30.12	30.85	9.33	27.15	0.97
Total	227,529	32,504	-15%					

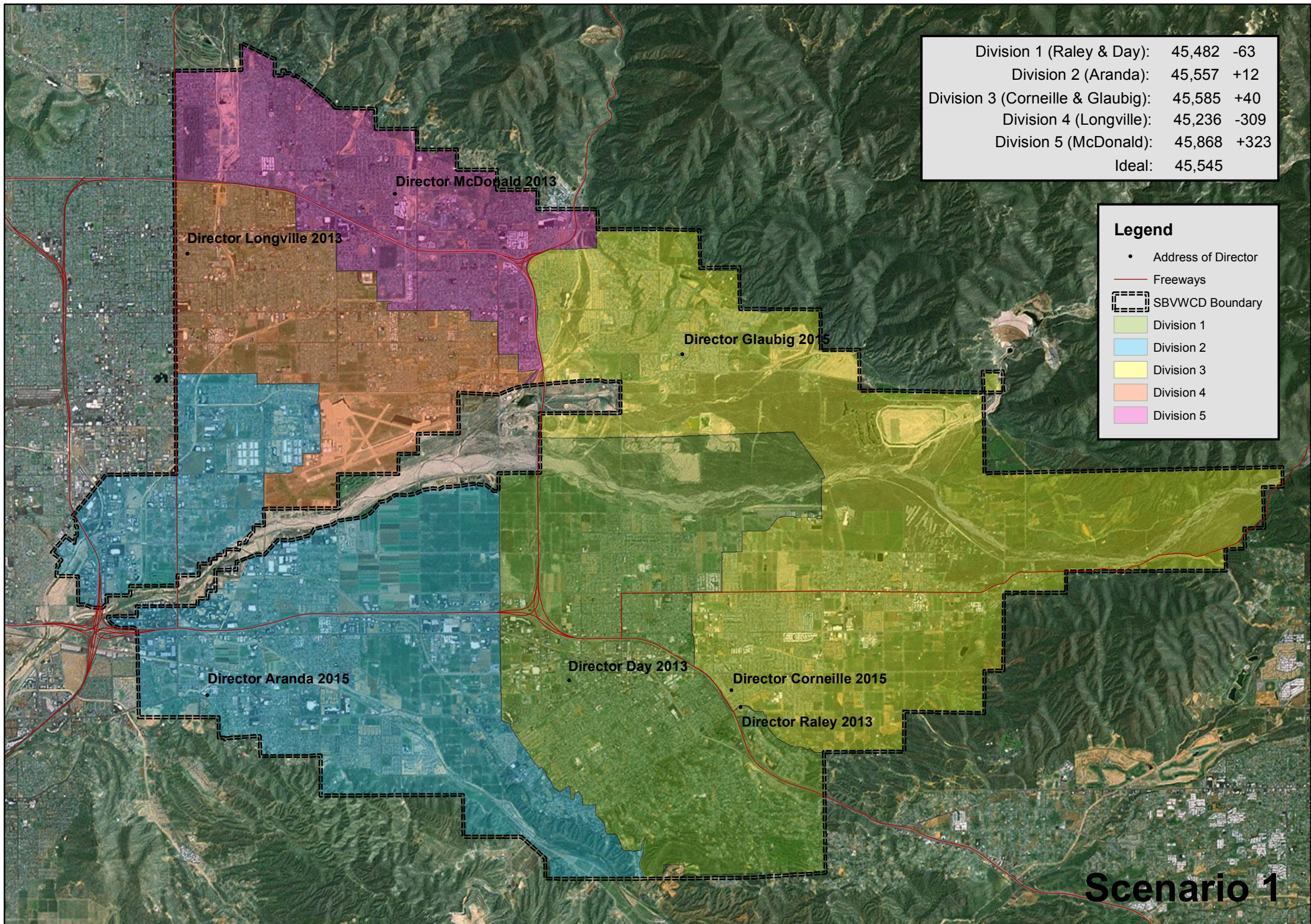
Total Population: 227,529
 Ideal Population: 32,504
 Mean Deviation: 1,387
 Mean Percent Deviation: 88.82
 Largest Positive Deviation: 2,862
 Largest Negative Deviation: -2,107
 Overall Range in Deviation: -4,969
 Overall Range in Deviation %: -15%

Figure 3 Current Divisions and Director Locations

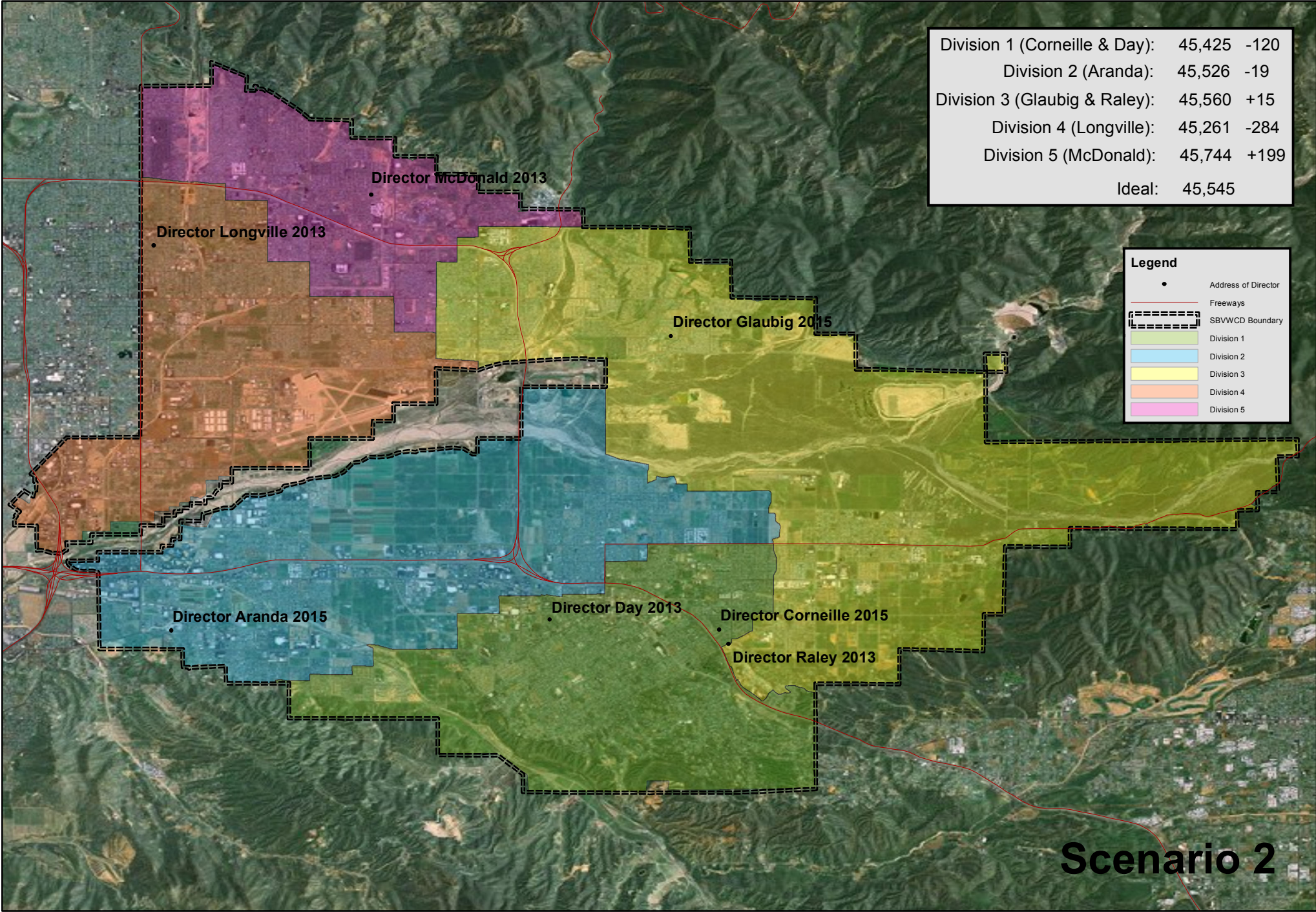


Figure, for Scenario 1, 2 and 3 are shown as in Attachment 1 due to size

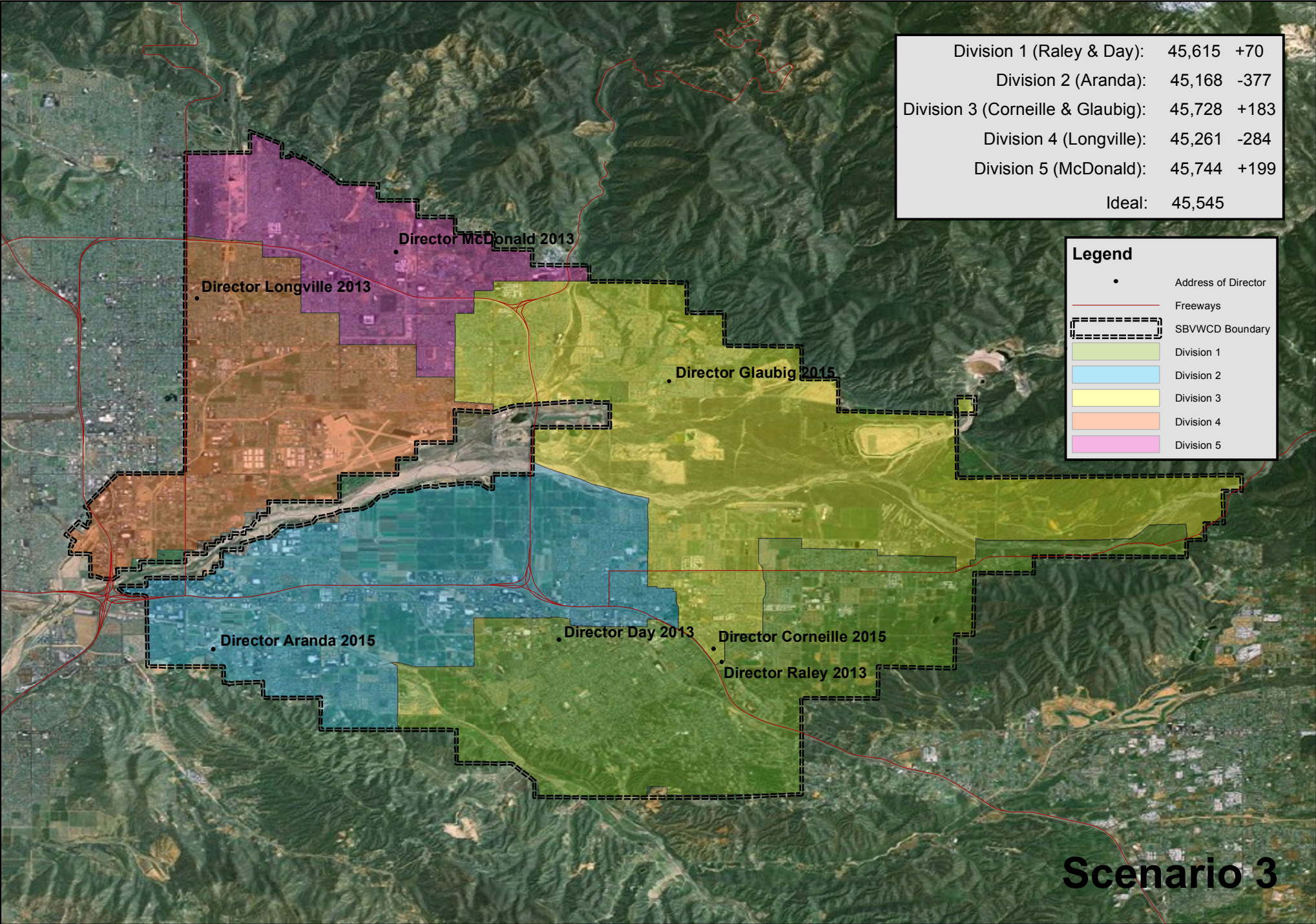
Potential Water District Division Boundaries



Potential Water District Division Boundaries



Potential Water District Division Boundaries





SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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www.sbvwd.dst.ca.us

Memorandum No. 1097

To: Board of Directors

From: General Manager, Daniel Cozad

Date: April 30, 2011

Subject: MSR\LAFCO Consultant Support Contract

RECOMMENDATION

Ad Hoc Committee and Staff recommend the Board authorize the General Manager to contract for technical support in an amount not to exceed \$32,000 to support future Municipal Service Review and related LAFCO issues.

BACKGROUND

The Board directed Staff on its priorities to review and address governance related issues including the Municipal Service Review and other LAFCO issues within the calendar year 2012. With the reduction in staff no existing staff can address the technical and governance issues needed to support the District in LAFCO issues. The District will continue to utilize the previous contractor for these services for 2012.

FISCAL IMPACT

The District budget for 2011-12 includes adequate professional services budget for these costs.

BOARD
OF
DIRECTORS

Richard W. Corneille
Clare Henry Day

Bob Glaubig
John Longville

David E. Raley
Melody McDonald
Manuel Aranda, Jr.

GENERAL
MANAGER

Daniel B. Cozad

San Bernardino Valley Water Conservation District

Monthly Recharge Report

From: 3/1/2012
To: 3/31/2012



	March				
	Avg Daily Recharge	Monthly Recharge	Recharge YTD	BTAC Max*	% Max
Santa Ana River	35.8	1109	2,136	30,000	7%
Mill Creek	16.3	505	3,172	18,000	18%
State Water Project	0.0	0	0	NA	NA
In River Channel Recharge**	2.1	66	487	NA	NA
Total	54	1680	5,795	48,000	12%

Values in Acre Feet
*BTAC Revised Max in December 2011
**Monitoring began in Mid-April 2011
*** All Values Based on Water Year Oct-Sep 2012

