

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF March 15, 2017
9:00 A.M.

President Corneille called the Board Meeting of the Board of Directors to order at 9:08 a.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
David E. Raley, Director
T. Milford Harrison, Director (Arrival 9:50 a.m.)
John Longville, Director (Arrival 9:36 a.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Athena Monge, Administrative Services Specialist
Katelyn Scholte, Assistant Engineer

GUESTS PRESENT:

Michelle Diamond, Tetra Tech
Chet F. Anderson, Citizen of Redlands
David E. Smith, East Valley Water District
James Morales, East Valley Water District

1. PUBLIC PARTICIPATION

President Corneille announced this as the time for any persons present, who so desired, 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 none.

3. CONSENT CALENDAR

It was moved by Director Raley and seconded by Vice President McDonald to approve Consent Calendar Item A: Board Minutes, February 8, 2017, Item B: Special Board Minutes, March 1, 2017; Item C: Expenditure Report, February 2017 and Item D: Groundwater Assessment Report for July 1, 2016-December 31, 2016. The motion carried 3-0 with all Directors present voting in the affirmative and Director Longville and Harrison noted absent from the vote.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Absent
Director Raley: Yes
Director Harrison: Absent

4. COMMITTEE REPORTS/ACTION ITEMS

A. OPERATIONS COMMITTEE VERBAL UPDATE

President Corneille introduced this item for discussion. He stated that staff produced several documents for review and discussion at the March 13th Operations Committee meeting. The Committee reviewed Plunge Creek and Mill Creek permitting approaches. The Committee also reviewed the Enhanced Recharge Project status, preliminary plans for Mendoza Property, the draft Capital Improvement Program, and SB-88 flow metering compliance for Mill Creek. There will be a follow up meeting on April 4th, where Committee comments on the documents presented at the meeting and a field trip will be conducted. Mr. Cozad said that this year the District will need to clean some of the SAR basins during the wet period. We typically clean them in the dry season, but since the District has had water year round, we will need to take some of them out of service in April to clean them out. Vice President McDonald asked if Jacinto will be cleaning out the basins or if staff will be able to do it. Mr. Cozad said that it depends on how much the District can dry it out. He indicated that the large basins on Santa Ana side will likely need to be cleaned out with heavy equipment because they have been wet for most of the year. This item was received and filed.

B. UNAUDITED FINANCIAL REPORTS, FEBRUARY 2017

It was moved by Vice President McDonald and seconded by Director Raley to approve the February 2017 Unaudited Financial Report. The motion carried 3-0 with all Directors present voting in the affirmative and Director Longville and Harrison noted absent from the vote.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Absent
Director Raley: Yes
Director Harrison: Absent

C. GROUNDWATER LATE PAYER, NON-RESPONDENTS AND INVESTIGATION LIST FOR GWA #47

Mr. Cozad said that staff is working on following up with producers. He indicated most of the information is included in memo. This item was received and filed.

D. FINAL ENGINEERING INVESTIGATION REPORT FOR 2017

Mr. Cozad presented a PowerPoint presentation on this item. He indicated that the majority of the Draft Engineering Investigation Report (EI Report) presented at the February meeting remains unchanged. Mr. Cozad indicated that Assistant Engineer, Katelyn Scholte did a great job putting the report together. He said that there is an increase in change of storage from last year and water levels increased by 16,820 AF. These numbers are compared with Valley Municipal's model. President Corneille stated that the District's calculation is more simplistic and costs much less to calculate than Valley Municipal, who uses a comprehensive computer model initially developed by USGS and refined over the years. He said the methodology the District uses has stood up against the model of Valley Municipal. Mr. Cozad continued with presentation noting the accumulated change in storage is -566,555. He indicated that Valley Municipal performed an estimate on how much the water table would increase if all the available SWP water was recharged and it agrees very closely with the 150% of Average, 85,224 AF increase. President Corneille said that the EI Report is done annually to help establish the groundwater charge. The draft report was presented at the February 8th Board meeting and the final will be presented again at the April 12th Public Meeting and at BTAC on April 3rd. President Corneille noted it is also available on the District website for review. He said that previously the District hired consultants to prepare the EI Report, but now it is able to be done in house staff. This item was received and filed.

E. PUBLIC RECORDS REQUEST ACT POLICY REVIEW AND DISCUSSION

Mr. Cosgrove introduced this item for discussion. New case law regarding City of San Jose vs. Superior Court of Santa Clara County identified whether or not electronic communications stored on public officials private electronic devices are constituted to be public records. In this case, the City took the position that since the devices of the public officials were not in possession of the city that they cannot be considered to be public records. However, the Superior Court ruled in favor of the requesting party and deemed that the communications needed to be reviewed to identify whether they constitute a public record or not. Mr. Cosgrove stated that communications conducted related to public business are subject to review and potential production; this applies to both staff and public officials. The District will be looking at policy changes to be implemented. Mr. Cosgrove said that all Directors should have District email and said that all communications related to District business should only be communicated through this email. He also asked for the Board to refrain from communicating via text message. Any text messages related to District business should be transferred into an email. The Board will also need to review all personal electronic devices to identify what items may be a public record and what may not be. ACWA/JPIA is in the process of putting together model policies and Rutan & Tucker has already generated some policies for other agencies. Mr. Cosgrove will review both policies and likely combine both to a Board policy. President Corneille said that the Finance & Administration Committee should be involved in the revision of the policy. Vice President McDonald was on the ACWA/JPIA conference call along with Director Harrison and said that each Director is responsible for going through their own device. She noted that an affidavit will have to be added and each Director will need to sign one. Vice President McDonald asked about text messages that have already been deleted by carrier. Mr.

Cosgrove stated that the Board will not be responsible for communications automatically deleted by private carriers. He noted that it is the responsibility of the public official not the agency to review its device. From this point on there will need to be a separation of public communications and private communications. Additional policy changes will be developed by staff, legal counsel and the Finance & Administration Committee and be brought back to Board for final approval. This item was received and filed.

F. ACWA/JPIA CONCURRING NOMINATIONS

It was moved by Vice President McDonald and seconded by Director Harrison to provide resolution of support concurring the nomination of Kathy Tiegs with Cucamonga Valley Water District to the ACWA/JPIA Executive Committee. The motion carried 4-0 with all Directors present voting in the affirmative and Director Raley noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Absent
Director Harrison: Yes**

President Corneille noted that Director Raley stepped out to to participate in a CSDA Audit Committee conference call scheduled for 10:00 a.m. this morning.

It was moved by Vice President McDonald and seconded by President Corneille to provide resolution of support concurring the nomination of David Drake with Rincon Valley Water District to the ACWA/JPIA Executive Committee. The motion carried 4-0 with all Directors present voting in the affirmative and Director Raley noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Absent
Director Harrison: Yes**

It was moved by Vice President McDonald and seconded by Director Harrison to provide resolution of support concurring the nomination of Thomas Cuquet with South Sutter Water District to the ACWA/JPIA Executive Committee. The motion carried 4-0 with all Directors present voting in the affirmative and Director Raley noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Absent
Director Harrison: Yes**

G. CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS

Mr. Cozad introduced this item for discussion. CSDA has an open seat available for Seat C of the Southern Network and Director Harrison expressed interest in this position. The proposed fiscal impact is estimated at \$4800 per year. Vice President McDonald spoke in favor of nominating Director Harrison to the Board of CSDA. She indicated that exposure of the District and the information obtained from CSDA are the primary benefits. President Corneille was disappointed that the fiscal impact estimate only included expenses and did not include Directors Fees. He requested in the future that Director's Fees be included in any fiscal impact estimates.

It was moved by Vice President McDonald and seconded by Director Longville to approve Resolution No. 546 in support of Director Harrison for CSDA Board of Directors, Southern Network-Seat C. The motion carried 4-0 with all Directors present voting in the affirmative and Director Raley noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Absent
Director Harrison: Yes**

5. INFORMATION ITEMS

A. WASH PLAN REPORT

Mr. Cozad indicated that the Wash Plan Report is included on package page 70. He said that staff is working on the EIR/EIS related to changes in the biological section. Mr. Cozad said that there are some concerns about the level of effort of the consultant versus the value of services. Meetings with the consultant are scheduled to resolve their shortcomings. He noted that the MOU has been approved by several agencies. President Corneille asked if staff is attending Task Force member agency workshops and meetings where they discuss or adopt the MOU. Mr. Cozad indicated that between Mr. Beehler and himself they have been attending these. The EIR/EIS will not be in Federal Register until May or June due to changes in administration. When there is a new Presidential administration, the Department of Interior does not generally move forward on Federal Register actions until senior positions are filled. The Task Force meeting is tentatively scheduled for April 18th. This item was received and filed.

B. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad indicated that the written General Manager's Report is included in the Board Package on pages 73-79. SOD is currently releasing 2.5 CFS. The District has recharged the water from behind SOD. Mill Creek is flowing and Ms. Scholte and Mr. Purvis have measured flow rates, against the weir values. Staff has talked to both Senator Feinstein's staff and local representatives working on getting a hearing for Land Exchange bill. Included on package page 77 is authorization from CADFW letter authorizing the Conservation Trust to hold and manage mitigation lands for the Wash Plan. The second item on page 79 is a letter requesting

amendment on Senate Bill 50. This bill seeks to prohibit federal land transfers. Discussion ensued. The total recharge through February 28th is 20,108 AF (water year to date). This item was received and filed.

C. STRATEGIC PLANNING WORKSHOP REVIEW

Mr. Cozad introduced this item for discussion. Included on package page 82-88 are forms that may be completed by the Board and submitted to General Manager in preparation for March 23rd Strategic Planning Workshop to be held at 10:30 a.m. at Napoli Restaurant. These scores will serve as the Board's self-assessment. The results will be compared to the last self-assessment done in 2014. Mr. Cozad reviewed the forms and discussed in brief.

D. GROUNDWATER SUSTAINABILITY COUNCIL (GSC) UPDATE

Mr. Cozad said there is a written report on package page 89. He said the GSC received a letter from the City of San Bernardino Water Department (City of SB) stating they did not see a need to form a council. The City of SB also indicated that Valley Municipal should cover the cost out of their tax base from the assessed valuation. There was a meeting on Monday, March 13th. Mr. Cozad said the City of SB is the only participant that indicated they did not support being part of the agreement or council. The GSC asked them to produce a white paper of their ideas for an alternative. The group requested the BTAC engineering subcommittee to determine the amount of surcharge on pumping (like the groundwater charge) would be for the entire area for recharge as a dollar per acre foot fee, and what the fee would be like if charged on assessed valuation. The next meeting for the GSC will be May 8th. This item was received and filed.

E. FUTURE AGENDA ITEMS & STAFF TASKS

President Corneille requested that the Board discuss changing its October Board meeting to a different date at the next meeting.

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

President Corneille congratulated Director Raley on being awarded for civic activities of Patriots of the Past Present and Future by Senator Morrell's office. Director Raley and President Corneille attended the ceremony at March AFB on March 10th. President Corneille attended webinar on ACWA Groundwater Committee on February 15th, ASBCSD Dinner meeting on February 27th, and Advisory Commission pre-meeting with Doug Headrick on March 2nd. He attended the Advisory Commission meeting on March 9th, State of the County on March 8th and he previously reported on March 13th Operations Committee meeting he chaired. President Corneille said that there will be a tour of Valley Municipal's facilities some time before the next Advisory Commission meeting in June.

Director Harrison attended ASBCSD Dinner meeting on February 27th, State of the County on March 8th, ACWA/JPIA Conference call on March 6th on Public Records Request, and Operations Committee on March 13th. He attended the Valley Municipal Board meeting on March 7th.

Director Longville attended the March 8th State of the County, February 23rd Inland Economic Partnership annual awards and March 16th he will be attending the UC Riverside program. He also attended the February 27th ASBCSD Dinner meeting.

Director Raley attended the Redlands Rise N Shine on March 3rd, State of the County on March 8th, Advisory Commission on March 9th and Valley Municipal Workshop on March 14th.

Vice President McDonald attended the Valley Municipal Workshop on March 14th, Strategic Analysis Committee for Valley Municipal on March 9th, Valley Municipal Board meeting on March 7th. She attended the ACWA State Legislative Symposium on March 8th, Conservation District Special Board Meeting on March 1st, HACC Luncheon on February 28th, and ASBCSD Dinner Meeting on February 27th. Vice President McDonald attended the February 23rd SBACC Business After Hours, Valley Municipal Meeting on February 21st and Bud Wright's funeral.

ACWA Spring Conference travel requests are included on package page 90-91.

It was moved by President Corneille and seconded by Director Longville to approve the travel request for ACWA Spring Conference for President Corneille in the amount of \$2,523 and for Director Harrison in the amount of \$3,694.47. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes**

ACWA State Legislative Symposium travel requests is included on package page 92.

It was moved by President Corneille and seconded by Director Harrison to approve the travel request for Vice President McDonald in the amount of \$1,126.49 for ACWA State Legislative Symposium. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes**

7. UPCOMING MEETINGS

President Corneille noted that Form 700's are due March 24th to District Office.

8. CLOSED SESSION

It was moved by Director Longville and seconded by Vice President McDonald to adjourn to Closed Session. The motion carried 5-0 with all Directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes

General Counsel announced that the meeting will adjourn to closed session under all items posted on the published agenda and to discuss filed litigation under 549546.9 (a) related to Case #216-CV-09178-MWF-E.

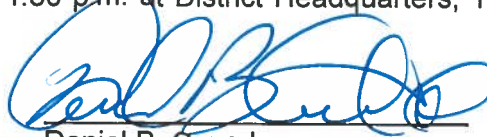
At 12:13 p.m., the meeting reconvened into Open Session. Mr. Cosgrove noted that the Board authorized staff to intervene in Case #216-CV-09178-MWF-E as intervenor plaintiff for limited operation of the Seven Oaks Dam. Under 54957.1 (a) unable to report out due to expectation of service.

9. ADJOURN MEETING

It was moved by Director Longville and seconded by Vice President McDonald to adjourn. The motion carried 5-0 with all Directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes

At 12:14 p.m. the meeting adjourned to the next regular Board Meeting and Groundwater Public Meeting scheduled for April 12, 2017 at 1:30 p.m. at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.



Daniel B. Cozad
General Manager