

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
January 8, 2003

The Regular Meeting of the Board of Directors was called to order at 1:30 p.m. by President Sterling Woodbury. All present stood for the pledge of allegiance.

ROLL CALL:

BOARD MEMBERS PRESENT:

Sterling Woodbury, President
Cheryl A. Tubbs, Vice President
Clare Henry Day, Director
Manuel Aranda, Jr., Director
Melody Henriques, Director
Arnold L. Wright, Director
Bert Marcum Jr., Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

D. Burnell Cavender, General Manager/Board Secretary
Tom Crowley, Assistant General Manager
Walter Christensen III, Project Manager
Stephen Luhn, GIS/CAD Analyst
Colleen Theuer, Admin. Services Mgr./Recording Secretary

CONSULTANTS PRESENT:

Susan Patane, SLP Communications

1. PUBLIC PARTICIPATION

President Woodbury announced this as the time for any persons present, who so desire, to make an oral petition to the Board of Directors. Hearing none, the meeting proceeded with the published agenda items.

3. PUBLIC AWARENESS/VISIBILITY PROGRAM

This item was taken out of order. Mr. Cavender presented the two new displays completed by Susan L. Patane Associates. Ms. Patane described and discussed the additional items she would be adding to the displays, which would include photos and maps showing District basins and the Seven-Oaks Dam area.

Mr. Cavender discussed upcoming events, which included the Highland Chamber of Commerce installation dinner on January 9; Director Henriques and staff member Walter Christensen will attend. On January 23, Director Aranda and Assistant Manager Tom Crowley will be attending the Loma Linda installation dinner. Also on January 23, Director Henriques and staff member Walter Christensen will be attending the San Bernardino City installation dinner. Ms. Patane also discussed several upcoming events.

Mr. Crowley said that he had visited Camp Dresser & McKee, an engineering consulting firm, and noticed that they had taken the District calendar pictures and framed them, displaying them in various areas of their offices. Ms. Patane suggested using the pictures for posters and note cards.

Director Aranda said that the San Bernardino Chamber of Commerce would be sponsoring a breakfast for Assemblyman Bob Dutton on January 31, at 7:30 a.m., at the Hilton Hotel in San Bernardino.

2. CONSENT CALENDAR

It was moved by Vice President Tubbs and seconded by Director Marcum to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of December 13, 2002; the Expenditures for the month of December 2002; and the un-audited Financial Reports as of December 31, 2002. The motion carried unanimously.

4. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Christensen stated that the Wash Committee TAC had met on December 20 for finalizing the scope of work for the consultant, LSA Consultants, now that the Task Force Agreement has been signed by all the member agencies. There were no significant changes in the scope of work. Mr. Cavender indicated they hoped to have LSA Consultants under contract within 30 days. The total projected cost is approximately \$834,000, with each member paying a percentage. The District will be

paying approximately 23%. Invoicing of the public agencies for 1/2 of their total will be done in the current fiscal year, and the remaining half next fiscal year. A separate interest-bearing bank account will be established for this project.

5. BOARD COMMITTEES AND ORGANIZATION REPRESENTATIVES

Mr. Cavender reviewed Appendix A and B of the Board of Directors Policy Manual for committee memberships. A brief discussion followed.

It was moved by Vice President Tubbs and seconded by Director Henriques to approve Appendix A and B for the Policy Manual for the Conduct of Business of the Board. The motion carried unanimously.

Mr. Cavender requested an addition to the agenda of a JPIA Executive Committee Nomination.

It was moved by Director Day and seconded by Director Marcum to approve the addition to the agenda of the JPIA Executive Committee Nomination. The motion carried unanimously.

Mr. Cavender requested that the Board consider adopting Resolution No. 391, nominating ACWA/JPIA Board member Melody A. Henriques to the ACWA/JPIA Executive Committee.

It was moved by Vice President Tubbs and seconded by Director Day to approve adoption of Resolution No. 391, nominating ACWA/JPIA Board member Melody A. Henriques to the ACWA/JPIA Executive Committee. The motion carried unanimously.

6. COMMITTEE REPORTS

A Legislative Committee meeting was scheduled for Thursday, January 16, at 3:00 p.m., for discussion of SB 34.

Mr. Cavender referred to the 2003-2004 Budget Preparation Calendar. He said the March Board meeting needed to be changed from March 5 to March 10, as the ACWA Federal Affairs Committee would be meeting in Washington D.C. the week of March 5.

7. GENERAL MANAGER'S REPORT

Mr. Cavender noted several upcoming meetings:

January 17: a joint telecom for Regions 5, 7, 9 and 10 is scheduled at 10:00 a.m., regarding the wild and scenic rivers and Senator Boxer's proposed Bill. The proposed bill does not include rivers in Region 9.

January 20: a meeting of the Association of Ground Water Agencies, scheduled for 1:30 p.m. in Azusa, has been changed to Chino Basin Watermaster.

January 24: an ACWA Legislative Committee Meeting is scheduled, and Director Aranda will be attending.

January 27: a meeting is scheduled with the ACWA Federal Affairs Committee that President Woodbury and General Manager Cavender will attend.

January 30: a local government committee is scheduled that General Manager Cavender will attend.

February 8: the Water Resources Institute (WRI) will be hosting a Lifetime Achievement Dinner to honor Lois Kreiger; the Board has reserved a table for eight. Staff will invite Supervisor Hansberger and his wife or Assemblyman Bob Dutton and his wife as guests of the District.

No meeting has yet been scheduled for the ACWA Groundwater Committee.

Regarding the Drought Management Project (Project), Mr. Crowley reported that the Project water was suspended in November for lack of state water availability. The invoices for the District's share of the cost have all been received except for the City of San Bernardino. The total spent to date is approximately \$200,000.

The Cal-State San Bernardino EXPO 2003 and the level of District contribution were discussed. Due to the District allotting \$400,000 for the Drought Management Project, and the low interest rates on District investments, the board directed General Manager Cavender to advise the EXPO organizers that the District would not participate in the EXPO for 2003.

It was moved by Director Aranda and seconded by Director Marcum that the District will not participate in the Cal-State San Bernardino EXPO 2003. The motion carried unanimously.

Mr. Cavender advised that the federal private mileage rate had been reduced from \$0.365/mile to \$0.36/mile for the year 2003.

8. ATTORNEY'S REPORT

Mr. Cosgrove said that three pieces of legislation were passed regarding the Brown Act:

AB 1797, which reiterates existing law regarding a conflict of interest in Closed Session, now includes Open Session meetings. The bill requires a public official who has a financial interest in a decision must "...publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse himself or herself from

discussing and voting on the matter, and leave the room until after the discussion, vote , and other disposition of the matter is concluded..."

AB 3035 regards incorporating ADA requirements into meeting agendas. The District already includes wording on agendas that the District will comply with special assistance if needed. Additional language now needs to be included as it relates to the availability of materials in an alternate format. The bill requires "...that these agendas, agenda packets, and other writings distributed to members of a legislative body be made available in appropriate alternative formats to persons with a disability and that the agendas include information on the availability of disability-related aids or services to enable the person to participate in the public meeting."

Government Code Section 54963, a new section, prohibits disclosure of information discussed in Closed Session. It allows for relief by way of injunction, or disciplinary action (if against an employee), or even referral to the Grand Jury for a violation. There are exceptions, for example, as when a legislative body member believes that the Closed Session was improperly called, or expressing an opinion "...concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session..."

Mr. Cosgrove answered questions from the Board regarding these issues.

9. DIRECTORS' REPORTS

There were no Directors' reports for this meeting.

10. CLOSED SESSION

It was moved by Vice President Tubbs and seconded by Director Henriques to adjourn to Closed Session at 2:55 p.m., as provided by the authority of Government Code 54956.9a, Application before the State Water Resources Control Board to appropriate waters of the Santa Ana River; Government Code Section 54956.9c, applications by Southern California Edison to re-license hydroelectric plants; Government Code Section 54956.9 (b)(3)(a) and Section 54956.9(c), confer with legal counsel regarding significant exposure to litigation in one case; Government Code Section 54956.8, lease and/or Real Property negotiations with Robertson's Ready Mix; Government Code Section 54956.8, consider lease and/or Real Property negotiations with CEMEX, USA. The motion carried unanimously.

Directors Marcum and Wright were excused due to a potential conflict of interest.

At 3:05 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

11. NEXT MEETING

The next Board meeting will be on Wednesday, February 5, 2003 at 1:30 p.m. A Board Workshop is also scheduled for Wednesday, January 29, 2003 to review District boundaries.

12. ADJOURN MEETING

There being no further business, the meeting adjourned at 3:06 p.m.

Board Secretary