

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
February 5, 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

GUEST PRESENT:

Oscar Gonzalez, Integrated Water Resources, Inc.

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.

2. CONSENT CALENDAR

**It was moved by Vice President Tubbs and seconded by Director Wright to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of January 8, 2003; the Expenditures for the month of January 2003; and the un-audited Financial Reports as of January 2003. The motion carried unanimously.**

3. PUBLIC AWARENESS/VISIBILITY PROGRAM

There was a brief discussion on the District's new exhibit that was on display the previous week in the District lobby.

Mr. Cavender said the District website is up and running and will be updated weekly, and currently includes the recruitment announcement for the General Manager position. Several positive comments have been received about the website from potential candidates for the GM position.

Ms. Patane discussed timelines of the District for exhibition on the display, and distributed samples to the Board. She discussed several other possibilities to use on the display, and is continuing to work with the graphic designer.

Ms. Patane said she is working with staff to compile a District year's calendar of events, and hopes to be able to distribute these at each Board meeting. Director Aranda requested that the calendar be presented to the Public Affairs Committee before presenting to the Board. A Public Affairs Committee Meeting was set for February 11 at 3:30 p.m.

4. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Christensen said the District received the signed contract from LSA for environmental consulting services for the Wash Plan. He said everything is in place and the District is ready to proceed, and a notice of this status would be placed on the District website. The Task Force, which includes all agencies involved in the Wash Plan, will meet on February 11 at 10:00 a.m. to confirm the status. Ms. Patane indicated she would prepare a press release.

5. LAFCO MUNICIPAL SERVICE REVIEWS

Mr. Cavender explained that in accordance with the Knox, Cortese, Hertzberg Bill (AB 2838), passed by the State Legislature in 2000, all LAFCO entities throughout the state are required to prepare a "service review in conjunction with periodic sphere of influence studies" for all cities and special districts. The new law also required Service Review Guidelines be prepared by the Governor's Office of Planning and Research and be completed by July 1, 2001. They have not yet been formally completed; however, a final draft has been posted on the web and is also available in hard copy. Some counties, such as San Diego County and San Bernardino County, have begun their service reviews based upon their perception of the guidelines. San Bernardino County chose to do it geographically and has completed 14 service reviews of agencies, and is now initiating other reviews in other areas. Mr. Cosgrove summarized the primary components: the studies are designed to provide an overview of what the District does, how it interrelates with other agencies in and around its service area, what its funding is, opportunities that may exist for consolidation of services, and its responsiveness to the people that it serves. Discussion continued. Mr. Cavender said the District's service review is due by February 26.

6. ACWA/JPIA EXECUTIVE COMMITTEE NOMINATION

Mr. Cavender said the District received requests from two water agencies seeking support in the nominations of their candidates for election to the ACWA/JPIA Executive Committee. The two candidates are Joan Finnegan, from the Municipal Water District of Orange County, and Thomas Cuquet, from the South Sutter Water District. Resolutions supporting these candidates would need to be submitted to ACWA/JPIA by March 21, 2003.

**It was moved by Director Henriques and seconded by Director Marcum to concur in the nominations of Joan Finnegan and Thomas Cuquet to the ACWA/JPIA Executive Committee, and adopt Resolutions No. 392 and 393, respectively. The motion carried unanimously.**

7. REDISTRICTING PROGRAM

Mr. Cavender said that during the Board Workshop held earlier in the day, the Board favored Alternative A1 for the new Division boundaries for Directors. He asked the Board to consider approving Alternative A1 as the new Division boundaries.

**It was moved by Vice President Tubbs and seconded by Director Henriques to adopt the new Division boundaries for Directors specified in Alternative A1. The motion carried unanimously.**

Mr. Cavender said staff would prepare legal descriptions of each of the Division boundaries for submittal to the Registrar of Voters, and will bring the results to the Board meeting in March.

8. BUDGET AMENDMENT

Mr. Cavender explained that the District received an invoice from Jacinto Construction in the amount of \$215,000+, which had been budgeted for in last year's budget but not received until this fiscal year. Due to an oversight, it was not included in the current budget. The \$200,000 that was to be deferred for the Drought Management Project was used to pay the Jacinto invoice. After deferring amounts in other areas, the total amendment amount requested is \$45,000, to be taken out of reserves. Discussion followed.

**It was moved by Director Marcum and seconded by Director Henriques to approve an amendment of \$45,000 to the FY 2002-2003 budget. The motion carried unanimously.**

9. ASSOCIATION OF THE SAN BERNARDINO COUNTY SPECIAL DISTRICTS

Mr. Cavender advised the Board of a position open on the Association of San Bernardino County Special Districts Board of Directors. The election for this position will be held in February 2003. After discussion, the Board decided not to submit a support letter.

10. COMMITTEE REPORTS

Mr. Cavender reported that the Legislative Committee met on January 16 to review SB 34 (Soto). At the meeting, it was learned that several water agencies are concerned about this proposed legislation. The bill would establish the Inland Empire Water Quality Authority; however, it does not provide any details. Staff is attempting to set up a meeting with Senator Soto to discuss the bill. Discussion followed. Mr. Cosgrove said it is premature to take a position on the bill at this time.

11. GENERAL MANAGER'S REPORT

Mr. Cavender corrected meeting dates: The ACWA meeting is February 18, and the Upper Santa Ana Water Resources Association meeting is February 13.

Mr. Cavender discussed "Leroy's Law," an editorial in the *Sacramento Bee* newspaper regarding fiscal "shenanigans" by the Sacramento Suburban Water District. Director Henriques said ACWA was considering taking a survey on Directors' expenses from the various Districts. Vice President Tubbs asked why ACWA would be involved and what purpose would be served. Mr. Cosgrove said when there is a perception by the public

of abusive practices by public water agencies, ACWA wants to conduct a survey in an attempt to get a model that could be adopted by all other agencies, showing that the abuse is an exception and not the rule. Vice President Tubbs suggested a public awareness campaign. Director Aranda said that in December of last year the legislative committee met for the sole purpose of introducing legislation that may be acted upon through ACWA in the year 2002-2003. One proposal was that all members of the Board of Directors receive a flat salary in order to alleviate abuse. The entire legislative committee voted down the proposal. Discussion continued. Mr. Cosgrove said legal professionals have ethics requirements as part of their continuing legal education; it may soon become a requirement for other government officials.

Mr. Cavender said the WRI dinner would be held on February 8.

Mr. Cavender said the Source Water Assessment would end this week; invoices will be sent out to the agencies for the work completed by the District.

Regarding Santa Ana River spreading, Mr. Cavender said contracts have been signed with Kennedy-Jenks and Geo-Matrix to provide engineering support for the water facilities plan.

#### 12. ATTORNEY'S REPORT

There was no attorney's report for this meeting.

#### 13. DIRECTORS' REPORTS

Director Henriques advised that the next Region 9 meeting is scheduled for March 14 at Elsinore, no time has yet been scheduled.

#### 14. CLOSED SESSION

**It was moved by Director Day and seconded by Director Henriques to adjourn to Closed Session at 3:15 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, for Government Code 54956.9a only.

At 4:00 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

15. NEXT MEETING

The next Board meeting will be on Monday, March 10, 2003 at 1:30 p.m. A Board Workshop is also scheduled for Tuesday, February 25, 2003 at 9:00 a.m. to review District goals and objectives.

16. ADJOURN MEETING

There being no further business, the meeting adjourned at 4:05 p.m.

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Board Secretary