

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
March 10, 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.

Ms. Patane reported on current public affairs activities. She distributed the calendar of events for Board review and discussion. She mentioned several upcoming fund-raisers for local politicians.

Mr. Cavender said the WRI Quarterly Breakfast would be held on Thursday, March 13. Dr. Tom Gillogly, a researcher from the MWH Applied Research Department in Pasadena, would be the guest speaker, discussing perchlorate and other water quality issues.

2. CONSENT CALENDAR

It was moved by Director Wright and seconded by Vice President Tubbs to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of February 5, 2003; the Expenditures for the month of February 2003; and the un-audited Financial Reports for February 2003. The motion carried unanimously.

4. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Regarding the status of the Wash Plan, Mr. Christensen said that some component plans had been received, and a meeting would soon be scheduled with LSA.

5. PROPOSAL TO PURCHASE DISTRICT PROPERTY

Mr. Cavender reported that the Land Resources Committee (Committee) met with Doug Headrick, from the City of Redlands Municipal Utilities Department (City), on February 20, to discuss the City's proposal to purchase 1.62 acres of District property for the purpose of constructing two or three water production wells, located at the Cemex processing plant on North Orange Street. The Committee recommended that the Board consider selling the acreage to the City at a proposed price of \$100,000. The price took into consideration lost royalties to the District, and compensation to Cemex for the property. A lengthy discussion ensued regarding the pros and cons of selling or leasing the land.

It was moved by Director Henriques and seconded by Director Marcum to authorize the Board President to sign the Agreement for Purchase and Sale

and Escrow Instructions for the sale of 1.62 acres of District property to the City of Redlands, subject to review by Counsel.

Vice President Tubbs added that the sale should be cost free to the District, with the buyer paying all costs of the sale.

The motion carried unanimously.

6. ENGINEERING INVESTIGATION REPORT

Mr. Crowley said that the purpose of the Engineering Report is to comply with Water Code requirements, wherein a District proposing to levy a groundwater charge requires an annual engineering investigation and report on the groundwater conditions of the District. Using visual aids, Mr. Crowley briefed the Board on the Engineering Investigation Report for the 2002-2003 water year. A brief discussion ensued.

It was moved by Vice President Tubbs and seconded by Director Marcum to accept the 2002-2003 Engineering Investigation of the Bunker Hill Groundwater Basin. The motion carried unanimously.

Before discussion of the proposed groundwater replenishment rates, Directors Marcum and Wright were excused due to a possible financial conflict of interest. Using visual aids, Mr. Crowley explained the groundwater replenishment program's 2003-2004 budget, and discussed in detail planned capital improvements and maintenance projects. Director Day reported that the Finance Committee met on February 28 and recommended that the groundwater charge rates remain at \$1.50 per acre-foot for agriculture use and \$5.50 per acre-foot for non-agriculture use for the 2003-2004 year. Discussion continued on whether to retain the present rates.

It was moved by Vice President Tubbs and seconded by President Woodbury to continue the groundwater charge of \$1.50 per acre-foot for agriculture use and \$5.50 per acre-foot for non-agriculture use for fiscal year 2003-2004. The motion carried 3-2, with Directors Henriques and Aranda voting against, and Directors Marcum and Wright absent.

There was a ten-minute break at 3:50 p.m.

At 4:00 p.m., the meeting reconvened, with Directors Marcum and Wright attending.

7. COMMITTEE REPORTS

Regarding legislative items, Director Aranda reported on SB34 (Soto) concerning perchlorates. He said he discussed the bill with Senator Soto and invited her to the District for a meeting for further discussion. She has agreed to a meeting, and Mr. Crowley will be making the arrangements.

At 4:10 p.m., Director Henriques was excused.

8. GENERAL MANAGER'S REPORT

Mr. Cavender advised the Board that he would be attending the WESTCAS meeting on March 12-14, 2003, in Scottsdale, Arizona.

Regarding the ACWA Federal Affairs Committee, Mr. Cavender referred to the written report on the annual Washington D.C. meeting held March 2-5, 2003 that he attended along with Vice President Tubbs and Director Henriques. Mr. Cavender and Vice President Tubbs further briefed the Board on the meeting.

Regarding the Hydrology Committee/FERC Task Force, Mr. Cavender said that there was nothing new to report at this time.

Regarding the Drought Management Project, Mr. Cavender reported that staff had not yet received the information needed from the City of San Bernardino to compile a final report.

Mr. Cavender reported briefly on a meeting that he and Mr. Christensen attended hosted by the County Parks office, regarding the Santa Ana River Trail system.

9. ATTORNEY'S REPORT

There was no attorney's report for this meeting.

10. DIRECTORS' REPORTS

There were no Directors' reports for this meeting.

11. CLOSED SESSION

It was moved by Director Marcum and seconded by Vice President Tubbs to adjourn to Closed Session at 4:25 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; and 54957, a personnel issue. The motion carried unanimously.

Directors Marcum and Wright were excused due to a potential conflict of interest, for Government Code 54956.9a only.

At 5:10 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

12. NEXT MEETING

The next Board meeting will be on Monday, March 31, 2003 at 1:30 p.m., rather than April 2, due to a conflict with the annual CSDA Legislative Symposium in Sacramento.

13. ADJOURN MEETING

There being no further business, the meeting adjourned at 5:10 p.m.

Board Secretary