

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE PUBLIC HEARING AND REGULAR BOARD MEETING OF
April 30, 2003

The Public Hearing/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
Bert Marcum Jr., Director

BOARD MEMBERS ABSENT:

Arnold L. Wright, Director

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

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

CONSULTANTS PRESENT:

Susan Patane, SLP Communications

GUESTS:

Marc Luesebrink, Manatt, Phelps, Phillips

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. PUBLIC HEARING FOR ADOPTION OF GROUNDWATER CHARGE

President Woodbury opened the Public Hearing at 1:32 p.m. No oral or written communication had been received since the date of the first notice. There were no members of the public in attendance.

It was moved by Director Day and seconded by Vice President Tubbs to close the Public Hearing at 1:33 p.m. The motion carried 6-0, with Director Wright absent.

3. GROUNDWATER REPLENISHMENT PROGRAM

It was moved by Vice President Tubbs and seconded by Director Aranda to adopt Resolution No. 394, continuing the groundwater charge rates at \$1.50 per acre-foot for agricultural purposes, and \$5.50 per acre-foot for non-agricultural purposes for the ensuing year (July 1, 2003 to June 30, 2004). The motion carried 5-0, with Director Wright absent and Director Marcum excused for potential conflict of interest.

At this time, Mr. Cavender requested an item be added to the agenda. He asked that item 8 be changed to 8a, and add 8b, "Authorize Purchase and Financing of a New Vehicle." He said that after the posting of the agenda, staff had been made aware of a 0% financing rate for the purchase of a new vehicle, but was valid only through April 30. Therefore it was necessary for a two-thirds vote from the Board to add as an agenda item. A brief discussion ensued.

It was moved by Director Henriques and seconded by Director Day to add to the agenda item number 8b, "Authorize Purchase and Financing of a New Vehicle." The motion carried 5-1, with Director Aranda opposing and Director Wright absent.

4. CONSENT CALENDAR

There was a brief discussion on the April 17, 2003 minutes. Noted were additions that Mr. L. Ski Harrison, Esq., was at the meeting in place of Mr. Cosgrove; and Mr. Lawrence Libeu was also present at the meeting.

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 March 31, 2003; the Special Board Meeting of April 11, 2003; the

Special Board Meeting of April 17, 2003, as amended; the un-audited financial reports for April 2003; and the Expenditures for April 2003. The motion carried 6-0, with Director Wright absent.

5. PUBLIC AWARENESS/VISIBILITY PROGRAM

Mr. Cavender reviewed public awareness activities for the month. He reported that Director Aranda manned the District's information booth at the Loma Linda Business Exposition on April 24, 2003. He also mentioned that the District is hosting a Special Districts dinner at Clara's Restaurant on May 19, 2003.

Ms. Patane reported on other activities, including several political fundraisers and meetings with public and city officials. Regarding the Special Districts Dinner, she said that Supervisor Dennis Hansberger would be unable to speak at the dinner, but had asked Assemblyman Russ Bogh to speak in his place. She said planning continues on Mr. Cavender's retirement dinner.

6. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Christensen reported on the status of the Wash Plan. He said the preliminary component plans had been submitted, however, there were still some details that needed work. A meeting with staff and the Department of Water Resources was scheduled for May 1 regarding a pipeline in the area.

7. PERSONNEL PAY RANGES

Mr. Cavender said the Board is required to approve the pay ranges of District employees, other than the General Manager, on an annual basis. The Personnel Committee reviewed the ranges and recommends that the Board adopt the current ranges for FY 2003-2004.

It was moved by Director Henriques and seconded by Vice President Tubbs to adopt the current personnel pay ranges for FY 2003-2004. The motion carried 6-0, with Director Wright absent.

8a. FY 2003-2004 DISTRICT OPERATING BUDGET

Mr. Cavender led a discussion on the proposed budget for FY 2003-2004. He said the Finance Committee had recommended that the Board review the Public Affairs budget before approval. Discussion continued, and the Board directed the Public Affairs Committee to meet and review their budget once again before final approval.

It was moved by Vice-President Tubbs and seconded by Director Day to table the FY 2003-2004 budget until the next regular Board meeting of June 4, 2003. The motion carried 6-0, with Director Wright absent.

8b. AUTHORIZE PURCHASE AND FINANCING OF A NEW VEHICLE

Mr. Crowley led a discussion on the purchase and financing of a 2003 Chevrolet Suburban 1500 with Tom Bell Chevrolet/GMAC.

It was moved by Vice President Tubbs and seconded by Director Henriques to approve a contract with Tom Bell Chevrolet/GMAC for the purchase of a 2003 Chevrolet Suburban 150. The motion carried 6-0, with Director Wright absent.

9. LAFCO MUNICIPAL SERVICE REVIEW

Mr. Cavender reported that LAFCO has requested every agency within their jurisdiction to perform a municipal service review, a requirement every five years due to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. He recommended the Board approve a contract with tWrite, Inc. for the preparation of the non-technical portions of the service review, at a cost of \$3,500.

It was moved by Director Marcum and seconded by Vice-President Tubbs to issue a work order to tWrite for \$3,500 to prepare the non-technical portions of the LAFCO Municipal Service Review. The motion carried 6-0, with Director Wright absent.

10. LAND RESOURCES

Mr. Christensen updated the Board on the progress of an easement with the City of Redlands and CEMEX, USA, and lease amendments with the mining companies.

11. COMMITTEE REPORTS

Director Aranda updated the Board on the Assembly Bill regarding PERS retirement for directors. He said he would provide updated information to the Board at the next meeting.

12. GENERAL MANAGER'S REPORT

Mr. Cavender reported that the next quarterly breakfast with the Water Resources Institute has tentatively been set for Friday, June 20, 2003.

Mr. Cavender reported that the Big Bear Watermaster Reports were ready for distribution.

Mr. Crowley reported on Santa Ana River (SAR) spreading, and said the District has taken 8,585 AF of water that was made available to the Conservation District from the SAR and the Edison system, or 91%. This information will be provided to the water agency meetings held in the upper SAR region. Discussion continued. Water releases from the Dam and water diversions were discussed.

Mr. Cavender reported that some of the units in the building are experiencing leaks. The building roof may need to be repaired or replaced. He said he would keep the Board posted.

Mr. Cavender reported that Mr. Christensen took David Hansberger, from East Valley Resource Conservation District (EVRCD), on a tour of the Mentone property adjacent to the District's house. The idea of a demonstration garden was discussed. Mr. Christensen advised that EVRCD would incur the costs in the beginning. Discussion continued. Vice-President Tubbs requested this item be placed on the agenda for the next Board meeting on June 4, 2003.

Mr. Cavender said there is another open position on the Association of San Bernardino Special District's Board. The position was discussed.

13. DIRECTORS REPORTS

Director Henriques reported that she was asked to be on the nominating committee for ACWA.

14. ATTORNEY'S REPORT

There was no attorney's report for this meeting.

12. CLOSED SESSION

It was moved by Director Day and seconded by Director Henriques to adjourn to Closed Session at 3:55 p.m., as provided by the authority of Government Code Section 54956.9a, Application before the State Water Resources Control Board to appropriate waters of the Santa Ana River (applications 31165, 31370, and 31371); Government Code Section 54956.9a, 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; and Government Code Section 54956.8. The motion carried 6-0, with Director Wright absent.

Director Marcum was excused due to a potential conflict of interest relating to the application before the State Water Resources Control Board, arising out of ownership of Bear Valley and Crafton Water Company stock.

At 3:55 p.m. a five-minute recess was taken.

At 5:30 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

13. NEXT MEETING

The next regular Board meeting will be on June 4, 2003, at 1:30 p.m.

14. ADJOURN MEETING

There being no further business, the meeting adjourned at 5:30 p.m.

Board Secretary