

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
July 2, 2003

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

ROLL CALL:

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Cheryl Tubbs, Vice President

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary
Tom Crowley, Assistant General Manager
Walter Christensen, Project Manager
Stephen Luhn, GIS/CAD Analyst
Colleen Theuer, Administrative Services Manager/Recording Secretary

GUESTS:

Jordan Bixler
Lisa Bixler
Ralph Simoni, California Advocates, Inc.
Roger Shintaku, Elan Associates, Ltd.

Mr. Libeu introduced special guests Jordan Bixler, a fifth grade student at Franklin Elementary School, Redlands Unified School District, and his mother Lisa Bixler. Mr.

Crowley said that Jordan and his mother had approached him several months before for information on water quality for a school science project. Mr. Crowley worked with Jordan, and also directed him to additional resources. Jordan created a science project (displayed in the Board room) that won first place in the Redlands School District and fourth place at the county level. Jordan answered questions from the Board, and said that he concluded from his research that tap water was just as good as bottled water. President Woodbury presented Jordan with a Certificate of Merit in appreciation of his work on his project.

Mr. Libeu discussed the new format of the Board agenda.

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. DIRECTORS' REPORTS

Director Henriques reported on activities she attended during the month, including the San Bernardino Chamber of Commerce fund-raiser golf tournament for the R.O.T.C., and the Kern County groundwater tour.

Director Aranda reported that his activities included meetings with Robert Reiter, General Manager of the San Bernardino Valley Municipal Water District; Ralph Simoni of California Advocates, Inc.; and Assemblyman Bob Dutton.

3. CONSENT CALENDAR

The minutes of the regular meeting of June 4 were briefly discussed, and minor changes were noted.

It was moved by Director Day and seconded by Director Marcum to approve the minutes of the Regular Meeting of June 4, 2003, as amended. The motion carried 6-0, with Vice President Tubbs absent.

4. COMMITTEE REPORTS

Director Henriques reported on the Public Affairs Committee meeting held on June 20, 2003. The District had contacted SLP Communications for proposals on a project-by-project basis, but little response had been received. Mr. Libeu said the committee plans to have a Public Affairs workshop-luncheon at the end of July, (a no-action meeting) and all Board members are invited. There will be outreach and public affairs consultants on hand to offer feedback on ideas and the direction the District needs to take. Discussion continued. The date of the workshop was set for Wednesday, July 30, at 10:30 a.m.

Director Aranda reported on the Legislative Committee meeting of June 20, 2003. A report from Senator Brulte indicated that the state would be assessing all special districts a sum of money in an effort to help with the state budget deficit. Special Districts would pay 20% of a total of \$232,000,000. There would be exemptions to this assessment, but would require a letter from the Board explaining why the District should be exempt. However, as there is much disagreement between Democrats and Republicans, the assessment has not been definitely established. Director Aranda said he would keep the Board updated on this item.

Director Aranda reported on AB 496 (Correa) that would establish a Santa Ana River Conservancy. The conservancy would be formed to "acquire and direct the management of specified public lands in the Santa Ana River watershed area and would prescribe the management, powers, and duties of the conservancy." Director Aranda said it was imperative that the District be named as an ex officio on this legislation, since part of the District's land is involved. Mr. Cosgrove said a letter had already been sent to Assemblyman Correa indicating that the District should be involved.

5. GENERAL MANAGER'S REPORT

Mr. Libeu reported on activities during the month of June: He, Director Aranda and Mr. Crowley attended the 1st Annual SAWPA Watershed Awards dinner and workshop at the Mission Inn on June 5th and 6th. One of the workshop sessions was conducted by the U.S. Forest Department regarding potential devastating fires that could take place during the summer. Another workshop included a presentation from Assemblyman Correa on AB 496, establishing the Santa Ana River Conservatory.

Mr. Libeu and Director Aranda also attended ACWA's two-day Legislative Forum in Sacramento on June 10th and 11th; he and Directors Aranda, Henriques, Tubbs and Woodbury, and Mr. Crowley, attended the Special Districts Dinner at the El Rancho Verde Country Club on June 16; and he, Director Aranda, and Mr. Crowley attended the State of the City (Redlands) luncheon on July 1. He and Director Tubbs will be attending the WESTCAS Conference in San Diego during the week of July 23. He will also be attending the National Water Resources Association Conference, of which he is a director for the state of California, on July 22nd - July 25 at Carlsbad, Calif.

Mr. Crowley and Mr. Reiter (General Manager for San Bernardino Valley Municipal Water District - Muni) recently attended a safety meeting with the California Department of Forestry (CDF) at Lake Arrowhead. CDF was planning emergency fire planning in the mountains, and was interested in water facilities that could be made available to them in the event of a fire. Muni offered their pipeline and the fire hydrants along the pipeline, and the District identified basins that could be quickly filled with state project water for pick up by helicopters. Muni and the District are compiling an emergency facility map for the fire chiefs that will include contact names and phone numbers.

Discussion continued. Mr. Libeu said he would have additional information on this subject for the August Board meeting.

6. CONSENT CALENDAR

Using overhead aids, Ms. Theuer presented and answered questions regarding the June financial reports.

It was moved by Director Henriques and seconded by Director Marcum to approve the Consent Calendar, consisting of the Expenditures for June 2003 and the un-audited financial reports for June 2003. The motion carried 6-0, with Vice President Tubbs absent.

7. BOARD LETTERS, ACTION ITEMS, NEW BUSINESS, FYI

A. The approval of Contract Amendment No. 3 for Wes Green Realty was deferred until the August 6, 2003 Board meeting.

B, C. Regarding the approval of Contract Amendment No. 6 with California Advocates, Inc., for legislative advocacy services (no change in compensation), and approval of Contract Amendment No. 2 with Hicks-Richardson Associates for federal legislative advocacy services (no change in compensation):

It was moved by Director Henriques and seconded by Director Wright to approve Contract Amendment No. 6 with California Advocates, Inc. for legislative advocacy services, and approve Contract Amendment No. 2 with Hicks-Richardson Associates for federal legislative advocacy services. The motion carried 6-0, with Vice President Tubbs absent.

(Minute Order 7/100/03)

D. Regarding establishing a date for the September Board meeting, August 27 or September 10 was suggested. This item was continued until the August meeting so that Mr. Libeu could poll the Board members to establish the date.

E. Mr. Libeu discussed the contract proposal with Elan Associates, an engineering consulting firm located in Corona, Calif. Because the District is involved in several projects that require interactions with various state and federal agencies, he suggested Elan Associates as a professional liaison service to help establish working relationships with these agencies. He has been familiar with Elan Associates for fourteen years and found them to be very effective. Mr. Roger Shintaku of Elan Associates was introduced and answered questions from the Board. Discussion continued.

It was moved by Director Henriques and seconded by Director Marcum to approve the Agreement with Elan Associates, Ltd., to perform

administrative liaison services, not to exceed \$50,000. The motion carried 6-0, with Vice President Tubbs absent.

(Minute Order 7/101/03)

F. Mr. Libeu discussed the proposed amendment to Task 2 for the EDAW, Inc. Contract Services Agreement. EDAW, Inc. had originally been hired to conduct an environmental review regarding the District's water rights application. After several meetings with the water rights consultants, it was determined that an Environmental Impact Report (EIR) would be required, which was not included in Task 2 of the original agreement. The new contract amount would be \$148,876 for Task 2, making the total contract \$173,876. Mr. Cosgrove discussed further.

It was moved by Director Marcum and seconded by Director Henriques to approve and authorize an amendment to Task 2 of the Contract Services Agreement for Litigation Consultant for Environmental Services with EDAW, Inc., in an amount of \$148,876. The motion carried 6-0, with Vice President Tubbs absent.

(Minute Order 7/102/03)

G. Mr. Libeu discussed, for future action, the possibility of reorganizing the District committee structure. He suggested combining the six existing committees into three: an Administrative Committee (combining Personnel, Finance); the Resources Committee (combining Water Resources and Land Resources); and an Outreach Committee (combining Public Affairs and Legislative). Mr. Cosgrove discussed further. More information would be made available at the August meeting.

Mr. Libeu welcomed Mr. Ralph Simoni, of California Advocates, Inc. Mr. Simoni updated the Board on the progress of the current state legislature. Among the items discussed, Mr. Simoni said that the state budget had not yet been completed, as there was a \$38 billion shortfall. There had been some concern that the state would try to tap into Special Districts' reserves; however, state statute prevents that action. The possibility of a recall of Governor Gray Davis was also mentioned. After further discussion, Mr. Simoni left the meeting at 4:10 p.m.

At 4:10 p.m., a five-minute recess was taken.

At 4:15 p.m., the meeting reconvened. Director Aranda was excused, as previously discussed with the General Manager, to attend a funeral.

8. CLOSED SESSION

It was moved by Director Henriques and seconded by Director Day to adjourn to Closed Session at 4:15 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 54956.9c, 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; and Government Code Section 54956.8, consider lease and/or Real Property negotiations with CEMEX, USA. The motion carried 6-0, with Vice President Tubbs absent.

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

At 5:00 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

9. ADJOURN MEETING

There being no further business, the meeting adjourned at 5:00 p.m.

Board Secretary