

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
August 6, 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  
Cheryl Tubbs, Vice President  
Arnold L. Wright, Director  
Bert Marcum Jr., Director  
Clare Henry Day, Director  
Manuel Aranda, Jr., Director  
Melody Henriques, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

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

GUESTS:

Kip Sturgeon, East Valley Water District  
Greg Prudhomme, *Kuebler, Prudhomme & Co.*  
Beth Camareo, *EXCEED*  
Reggie Vasquez, *EXCEED*

2. DISCUSSION AND/OR COMMENTS BY BOARD MEMBERS

A. Sadly, President Woodbury announced his resignation as President of the Board of Directors, due to ill health, but will remain on the Board as Director. The Board regretfully accepted his resignation. He then opened the floor for nominations for President.

**It was moved by Director Marcum and seconded by Director Day to nominate Vice President Tubbs for President.**

**It was moved by Director Henriques and seconded by Director Aranda to close the nominations. The motion carried unanimously.**

**It was moved by Director Henriques and seconded by Director Aranda that as there were no further nominations, Vice President Tubbs would be declared President by unanimous vote. The motion carried.**

President Tubbs expressed regret at Director Woodbury's resignation, and appreciation for his work during his tenure as President of the Board of Directors. President Tubbs then opened the floor for nominations for Vice President.

**It was moved by Director Wright and seconded by Director Aranda to nominate Director Clare Henry Day as Vice President.**

President Tubbs asked for any other nominations. There were none.

**It was moved by Director Henriques and seconded by Director Marcum to close the nominations. The motion carried unanimously.**

**It was moved by Director Henriques and seconded by Director Marcum that Director Clare Henry Day be declared Vice President by unanimous vote. The motion carried.**

Other discussion/comments by Board members:

Director Henriques reported on the ACWA Board of Directors Retreat at Cambria, CA. She also gave notice that she will be out of state for the next Board meeting of September 3.

Director Woodbury said he had received materials regarding nominations for the President and Vice President for the ACWA Board of Directors. Director Henriques discussed sending a letter as well as adopting a resolution in support of candidates of the District's choosing. Mr. Cosgrove said this item would have to be added to the agenda if the Board wished to take action. Discussion continued.

**It was moved by Director Henriques and seconded by Director Woodbury to add to the agenda (7H) the Call for Candidate Nominations for President**

**and Vice President of the ACWA Board of Directors. The motion carried 6-1, with Director Aranda opposing.**

Director Aranda reported on the meeting he had with Assemblyman Bob Dutton's staff regarding the Water Resources Institute breakfast forum scheduled for October 3. Bob Dutton and State Senator Nell Soto have agreed to participate.

3. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 2, 2003

**It was moved by Director Woodbury and seconded by Director Marcum to approve the minutes of the regular meeting of July 2, 2003. The motion carried unanimously.**

4. COMMITTEE REPORTS

There was a brief discussion on the Board workshop held on July 30, 2003.

5. GENERAL MANAGER'S REPORT

Mr. Luhn reported that the District had been researching the possibility of hiring temporary workers to help in the eradication of the salt cedar weed growing on District property. The Sheriff's Department has an inmate work program, but the District would have to provide transportation, supervision, and insurance. Another option might be help through *EXCEED*, a temporary employment agency for developmentally and physically challenged individuals. Mr. Luhn introduced Reggie Vasquez and Beth Camaero from *EXCEED*. Using visual aids, Ms. Camaero presented the *EXCEED* program. They have been in business for 22 years, and serve approximately 500 clients. They previously toured the District facilities in the field and concluded that their workers could do the fieldwork required by the District. Ms. Camaero indicated they are looking for permanent year around work for their workers, who work 5-6 hours a day. She said the District must furnish the necessary tools, a portable toilet, and possibly a lean-to since there would be no shade. Mr. Libeu said Eastern Municipal Water Company uses *EXCEED* on a daily basis. He said the District field supervisor, Randy Carlisle, would lay out the work, but supervision of the workers would be done by *EXCEED*. Ms. Camaero discussed further the advantages in using *EXCEED*. Then Mr. Vasquez and Ms. Camaero excused themselves from the meeting. Discussion continued. Concern was expressed over the use of the necessary tools needed in the field, as well as concern over the District's liability. Director Marcum discussed other alternatives, such as hiring agricultural workers. After further discussion, Mr. Libeu said he would address the concerns of the Board, as well as other alternatives, and bring this item back to the September Board meeting.

Mr. Libeu discussed the possibility of being a sponsor for the ACWA Fall Conference, and explained the different levels of sponsorship.

**It was moved by Director Marcum and seconded by Director Woodbury to approve \$300 for the sponsorship program for the ACWA Fall Conference December 3-5, 2003. The motion carried unanimously.**

Mr. Libeu discussed the possibility of becoming a sponsor for the American Red Cross, Inland Empire Chapter Backyard BBQ, and recommended a \$500 sponsorship. President Tubbs suggested bringing this item to the Public Affairs Outreach Committee for discussion.

6. CONSENT CALENDAR

Mr. Libeu advised the Board that he, Ms. Theuer and Greg Prudhomme, of *Kuebler, Prudhomme & Co.*, (a CPA corporation) had worked together in revising the format of the financial statements. With visual aids, the financial reports were discussed for the month of July 2003.

**It was moved by Director Marcum and seconded by Director Aranda to approve the Consent Calendar, consisting of the Expenditures for July 2003 and the un-audited financial reports for July 2003. The motion carried unanimously.**

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

A. After a brief discussion, Mr. Libeu recommended approving the one-year contract amendment with Wes Green Realty for property management for the District, with no changes in costs. Mr. Cosgrove suggested the possibility of one of the standing committees overseeing Wes Green Realty. Discussion continued.

**It was moved by Director Marcum and seconded by Director Woodbury to approve the one-year contract amendment with Wes Green Realty for property management for the District. The motion carried 5-2, with Directors Henriques and Aranda opposing.**

**(Minute Order 8/103/03)**

B. There was a discussion on the reorganization of the District committees. Mr. Libeu proposed that the present six committees be reduced to three: the Administrative Committee, the Resources Committee and the Outreach Committee. Mr. Cosgrove said appropriate changes to the Board Policy Manual would need to be made, and he offered two suggestions: he could bring a draft of the revised manual to the September meeting for adoption by the Board, or the draft could be brought for committee review under the structure of the existing committees. No appointments to the new committees could be made until the revised policy manual was approved. Discussion continued.

**It was moved by Vice President Day and seconded by Director Aranda to approve the new Board Committee reorganization, and to further instruct**

**District Counsel to amend the Board Policy Manual as required, to be submitted to the Board for approval at the September Board meeting. The motion carried unanimously.**

**(Minute Order 8/104/03)**

C. Mr. Libeu led a discussion on retaining the services of Eadie & Payne, LLP, to conduct the District audit for FY 2002-2003 and FY 2003-2004. The cost for the current year would be \$12,000, with FY 2003-2004 to be negotiated.

**It was moved by Director Woodbury and seconded by Vice President Day to retain Eadie & Payne, LLP, to conduct an audit for fiscal year 2002-2003, at a cost of \$12,000, with the intent to negotiate an agreement with them for conducting an audit the following fiscal year. The motion carried unanimously.**

**(Minute Order 8/105/03)**

D. Using visual aids, Mr. Libeu led a discussion regarding Elan Associates, Ltd. (Elan), and Staff recommendation to approve engineering services for the purpose of evaluating maintenance and repair work on the District's main canal in the Santa Ana River spreading grounds. A large sinkhole had been created downstream of the Greenspot Road crossing, due to turbulent flows when diverting large amounts of water. Before repairing the canal, Staff conducted a field review with Elan, and Elan recommended a field survey be conducted to obtain cross sections of the canal from the Parshall Flume to upstream of the Greenspot Road crossing. This would allow evaluation of other maintenance activities that would prevent turbulent flows from occurring in the future. The cost of these services would not exceed \$9,000.

**It was moved by Vice President Day and seconded by Director Henriques to approve a contract service agreement with Elan Associates, Ltd., for surveying and engineering services, for \$9,000. The motion carried unanimously.**

**(Minute Order 8/106/03)**

E. Regarding the Robertson's Ready Mix, Ltd. amendment to the Lease Agreement (Cone Camp Lease), President Tubbs excused herself due to a conflict of interest. Mr. Libeu discussed the lease agreement, and he and Mr. Christensen answered questions from the Board.

**It was moved by Director Henriques and seconded by Director Aranda to approve and authorize the Board President to execute on behalf of the District the amendment to the Lease Agreement for Mineral Excavations (Cone Camp Lease), and to authorize Director Woodbury to sign the**

**agreement as former President of the Board. The motion carried 6-0-1, with President Tubbs excused due to a conflict of interest.**

**(Minute Order 8/107/03)**

F. President Tubbs re-entered the Board meeting. There was a brief discussion regarding the upcoming election in November. Maps of the Directors' new divisions were distributed.

G. After discussion, it was decided that the next Board meeting date would not be changed from the normal date of September 3, 2003. Director Henriques was excused from the meeting, as she would be out of state during that time.

H. Regarding the ACWA request for nominations for President and Vice President, Director Henriques said that the District should support a candidate listed by ACWA if the District does not desire to nominate anyone else. Discussion of the candidates ensued. It was not necessary to support a candidate for President as there was only one candidate, but the Board agreed to support nominee Greg Zlotnick for Vice President.

**It was moved by Director Woodbury and seconded by Director Aranda to prepare a resolution and a letter of support for nominee Greg Zlotnick for ACWA Vice President. The motion carried 6-0-1, with Director Henriques abstaining.**

**(Minute Order 8/108/03)**

8. CLOSED SESSION

**The meeting was adjourned to Closed Session at 3:43 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.**

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

At 4:30 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 4:30 p.m.

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Board Secretary