

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
September 3, 2003

President Cheryl Tubbs 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:

Cheryl Tubbs, President
Clare Henry Day, Vice President
Sterling Woodbury, Director
Arnold L. Wright, Director
Bert Marcum Jr., Director
Manuel Aranda, Jr., Director

BOARD MEMBERS ABSENT:

Melody Henriques, Director

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
Colleen Theuer, Administrative Services Manager/Recording Secretary

GUESTS:

Kip Sturgeon, East Valley Water District

2. DISCUSSION AND/OR COMMENTS BY BOARD MEMBERS

Director Aranda reported on several meetings he attended during the month, including the Legislative Advocacy Program on August 8 in Rancho Cucamonga, attending with President Tubbs, Director Henriques and staff member Walter Christensen; a speaking engagement by Congressman Jerry Lewis on August 20, attending with Director

Henriques and staff member Tom Crowley; and the monthly Legislative Committee meeting in Sacramento. Additionally, on August 26, Congressman Joe Baca visited the District for a presentation by District staff on Plan B. Also present were the Bureau of Land Management (BLM), Robertson's Ready Mix, the City of Redlands, and the City of San Bernardino. During discussion after the presentation, Congressman Baca cited 1920 legislation prohibiting land transfer by the Bureau of Land Management. Since Plan B relies on a land transfer, he suggested an amendment to the present legislation. He also indicated that he was in support of Plan B.

Director Marcum asked about the formation of an advisory committee, as discussed in the previous Board meeting. He said it would be a good outreach idea that would allow the producers to learn about the District as well as address any concerns they might have. Discussion ensued. Mr. Cosgrove suggested that staff work out the details with Director Marcum and bring it to the Board as an agenda item.

3. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 6, 2003

It was moved by Director Wright and seconded by Director Aranda to approve the minutes of the regular meeting of August 6, 2003. The motion carried 6-0, with Director Henriques absent.

4. COMMITTEE REPORTS

There were no committee reports for this meeting.

5. GENERAL MANAGER'S REPORT

Mr. Libeu reported that two staff members, Walter Christensen and Steve Luhn, had participated in the laying of an emergency firewater delivery pipeline in the Santa Ana River Seven Oaks Dam borrow pit area. He said the project was completed on time, and thanked the staff members for their help. He gave details of the project, and noted that the project had been in cooperation with the San Bernardino Valley Municipal Water District.

Mr. Libeu said that on August 18, he met with the staff of the State Water Resources Control Board regarding water rights issues, attending with staff member Tom Crowley and attorney Marc Luesebrink of Manatt, Phelps & Phillips.

Mr. Libeu reported that the Corp of Engineers advised him that the restoration project for the borrow pit may run over their \$5,000,000 share, and were concerned about proceeding with the project. Mr. Libeu told them that the District would make every effort to make up the difference, possibly with state money or grants, and to proceed with the project.

Mr. Libeu encouraged the Board to attend the Region 9 meeting scheduled for September 12, at Cucamonga Water District in Rancho Cucamonga. Director Henriques is the outgoing Chair, and elections would be taking place for new officers.

Mr. Libeu advised the Board that he would be attending the California Special Districts Association meeting in Lake Tahoe, September 16-18, 2003, and the WESTCAS meeting in Washington D.C., September 22-24, 2003.

6. CONSENT CALENDAR

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

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

A. **It was moved by Vice President Day and seconded by Director Aranda to ratify the *Proclamation for Dedicated Service* for Director Sterling Woodbury, presented at a luncheon on September 3, 2003. The motion carried 6-0, with Director Henriques absent.**

(Minute Order 09/109/03)

B. Director Aranda explained AB 896, which would return optional membership rights in the Public Employees' Retirement System (PERS) to elected or appointed officials. ACWA supports the bill, and has asked the District to support the bill as well, in the form of a letter to Senator Dede Alpert of the Senate Appropriations Committee.

It was moved by Director Aranda and seconded by Director Woodbury to send a letter of support for AB 896 to Senator Dede Alpert of the Senate Appropriations Committee. The motion carried 6-0, with Director Henriques absent.

(Minute Order 09/110/03)

C. Mr. Libeu discussed the possibility of negotiating with *EXCEED*, for supplemental maintenance labor resources, for fieldwork. Vice President Day asked about other farm labor resources, previously discussed. Director Marcum suggested contacting Chuck Hills (Larry Jacinto Farming, Inc.) as he is a weed abatement expert and has the equipment for this type of fieldwork. Discussion continued.

It was moved by Director Marcum and seconded by Director Wright to authorize staff to continue to investigate using EXCEED, possibly together with agricultural or weed abatement services, and bring to the Board a

proposal or findings of the investigation. The motion carried 6-0, with Director Henriques absent.

(Minute Order 09/111/03)

D. Mr. Libeu explained Proposition 53, *Funding for California's Infrastructure*, which would require a small percentage of the state's General Fund be allotted for state infrastructure projects. Mr. Cosgrove said the proposition is drawn up so that 50% of the allotted amount goes to state agencies and 50% to local agencies. Director Aranda noted that ACWA has formally endorsed this proposition. Director Marcum said the state has budget problems and this bill might further complicate matters. Discussion continued.

It was moved by Vice President Day and seconded by Director Woodbury to take no action on Proposition 53 at this time. The motion carried 5-1-0, with Director Aranda opposing, and Director Henriques absent.

(Minute Order 09/112/03)

E. This item, regarding the ACWA Region 9 elections, was previously discussed during the General Manager's report.

F. Mr. Cosgrove led a discussion on the restructuring of the District committees and the resulting changes to the Board Policy Manual (included in the Board package). The Standing Committees changes were discussed at length. Mr. Cosgrove advised that Standing Committee meetings are subject to the Brown Act and would be conducted in the same manner as a meeting of the Board of Directors. Any member of the Board may attend and participate in the committee meetings, but would be unable to cast a vote. Discussion continued, and other changes and suggestions were made: On page 2, strike "The Secretary is appointed by the Board of Directors;" page 12, 4.2a, strike "...excluding the costs of any alcoholic beverages;" page 18, Appendix B, add Director Woodbury to the Federal Affairs Committee; change ACWA representatives to "All Board and Staff;" and change WESTCAS representatives to "All Board/Libeu."

It was moved by Director Woodbury and seconded by Vice President Day to approve the proposed amendments to the Board Policy Manual, as amended. The motion carried 6-0, with Director Henriques absent.

(Minute Order 09/113/03)

G. There was a brief discussion on new committee assignments suggested by President Tubbs and Mr. Libeu: For the Administrative Committee, Directors Tubbs, Day and Wright; and as alternate Director Henriques; for the Resources Committee, Directors Marcum, Woodbury, and Day; and as alternate Director Tubbs; for the Outreach Committee, Directors Aranda, Henriques, and Tubbs, and as alternate Director Woodbury. Additionally, an Ad Hoc Environmental Review Committee would

be formed for the Water Rights E.I.R. Members of this committee would be: Directors Henriques, Day and Tubbs, and as alternate Director Woodbury.

It was moved by Director Marcum and seconded by Vice President Day to approve the new committee assignments as presented. The motion carried 6-0, with Director Henriques absent.

(Minute Order 09/114/03)

At 3:10 p.m., the meeting broke for a ten-minute recess.

8. CLOSED SESSION

The meeting was adjourned to Closed Session at 3:20 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 economic conflict of interest arising out of their Mutual Water Company stock.

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.

9. ADJOURN MEETING

There being no further business, the meeting adjourned at 4:00 p.m.

Board Secretary