

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
October 1, 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, led by President Tubbs.

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
Melody Henriques, Director

BOARD MEMBERS ABSENT:

None

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
Steve Luhn, GIS/CADD Analyst
Colleen Theuer, Administrative Services Manager/Recording Secretary

GUESTS:

Joe Grindstaff, General Manager, Santa Ana Watershed Project Authority
Bob Martin, General Manager, East Valley Water District
Glenn Lightfoot, Director, East Valley Water District
Don Goodin, Director, East Valley Water District

1. PUBLIC PARTICIPATION

President Tubbs 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. PRESENTATION

Mr. Libeu introduced Mr. Joe Grindstaff, General Manager of the Santa Ana Watershed Project Authority (SAWPA). Using visual aids, Mr. Grindstaff discussed the origins and purpose of SAWPA. He noted that SAWPA was formed in 1968 as a planning agency and was reformed in 1972, with a mission to plan and build facilities to protect the water quality of the Santa Ana River watershed. SAWPA has developed a watershed plan that includes water supply, habitat issues, and disposal of brine. The goal is to have enough stored water in the watershed so that during a drought year it would not be necessary to import water, and a further goal is to have enough stored water to handle three drought years. Mr. Grindstaff discussed several current and future projects, and then answered questions from the Board. After discussion, Mr. Libeu and the Board thanked Mr. Grindstaff for his presentation.

8f. Discuss Groundwater Level Mitigation Concept

President Tubbs asked if the Board would agree to take item 8f out of order.

It was moved by Director Henriques and seconded by Director Day to take item 8f, Discuss Groundwater Level Mitigation Concept, out of order. The motion carried unanimously.

Mr. Libeu discussed the possibility of purchasing state project water due to the drought conditions in the basin. The District participated in a similar project last year with several other agencies, with the San Bernardino Valley Municipal Water District (MUNI) providing the water. MUNI paid 50% of the cost, the District paid half of the remaining 50%, and the remaining costs were paid by the other participating agencies. Mr. Martin, General Manager of the East Valley Water District, encouraged the Board to consider purchasing state project water again this year, as the drought has become extremely serious. He will be strongly urging his Board to participate in the program as well as all the agencies from the Upper Santa Ana Water Resources Association. Discussion continued. Mr. Libeu recommended the Board refer this item to the Resources Committee for action.

It was moved by Director Henriques and seconded by Director Aranda to approve staff recommendation to refer the item of purchasing state project water to the Resources Committee for action. The motion carried unanimously.

3. DISCUSSION, REPORTS, AND/OR COMMENTS BY BOARD MEMBERS

Director Henriques reported on the CSDA meeting at Lake Tahoe that she, Director Aranda, and Mr. Libeu attended on September 16-19. She distributed and discussed material from the meeting, "What Makes Great Boards." She also reported on the Region 9 election, where Brad Luckey was elected Chairman, and Joe Kuebler was elected Vice Chair.

Director Aranda also reported on the CSDA meeting. He attended meetings on ethics and conflicts of interest, and discussed current senate and assembly bills.

4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 3, 2003

There was a discussion on the minutes from the regular Board meeting of September 3, 2003. Minor changes were noted.

It was moved by Vice President Day and seconded by Director Marcum to approve the minutes of the regular Board meeting of September 3, 2003, as amended. The motion carried 6-0, with Director Henriques abstaining due to her absence from the meeting.

5. COMMITTEE REPORTS

There were no Committee Reports for this meeting.

6. GENERAL MANAGER'S REPORT

Mr. Libeu reported on several meetings he attended during the month: He said the CSDA meeting in September provided some excellent, high quality workshops. He and President Tubbs went to Washington D.C. for a WESTCAS Conference, where he met with Mr. Rob Vining, Chief of Program Development for Washington D.C. Mr. Vining expressed enthusiasm for the District pit restoration project, and indicated he would pursue funding for the project. Mr. Libeu also attended the Local Agency Investment Fund (LAIF) Conference in Sacramento.

Mr. Libeu noted that the District facility electric bills have increased considerably from the previous year, though electrical use has not changed. At District request, Southern California Edison has completed an audit but found no problems. However, an electrical engineer will be conducting an investigation for possible wiring problems within the complex.

Director Henriques commented on the letter sent to ACWA/JPIA (JPIA) advising that the District would not renew liability insurance with their organization. JPIA requires a one-year notice, but the notice can be rescinded if they are notified ninety days in advance

of the renewal date. Director Henriques said JPIA is discussing the possibility of a mandatory rule requiring membership in their liability insurance program before being able to acquire workers' compensation insurance. Additionally, a Director of an agency would not be qualified to be a member on the JPIA Executive Committee, unless their agency was a member in all three JPIA insurance programs. She suggested evaluating carefully before considering changing to another insurance agency.

Director Woodbury briefly reported on the groundwater meeting that he and Mr. Crowley attended.

7. CONSENT CALENDAR

Using visual aids, Colleen Theuer briefly discussed the monthly revenues and expenditures. Mr. Libeu mentioned that in January 2004, after evaluation of the budget, he would be discussing a possible revision to the budget.

It was moved by Vice President Day and seconded by Director Wright to approve the Consent Calendar, consisting of the Expenditures for September 2003 and the un-audited financial reports for September 2003. The motion carried unanimously.

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

A. Meetings were scheduled for the following committees:

Resources Committee -	October 7, 2003, 8:00 a.m.
Administrative Committee -	October 9, 2003, 8:00 a.m.
Outreach Committee -	October 16, 2003, 3:30 p.m.

B. Mr. Libeu said that routine maintenance is needed on the existing percolation basins located in the Santa Ana River and Mill Creek spreading grounds. The type of maintenance to be performed is exempt from environmental documentation under the California Environmental Quality Act (CEQA), Section 15301; however, a finding of exemption and a Notice of Exemption is required prior to beginning work. Upon approval by the Board, staff would file the Notice of Exemption with the Clerk of the Board of Supervisors of the County of San Bernardino.

It was moved by Director Woodbury and seconded by Director Henriques to find that a routine maintenance proposal of the District's spreading basins falls within categorical exemption under the CEQA regulations, Section 15301, relating to maintenance activities of existing facilities. The motion carried unanimously.

(Minute Order 10/115/03)

C. Mr. Libeu reported that it is necessary to conduct maintenance operations in the Santa Ana River and Mill Creek spreading grounds. Previously Larry Jacinto Construction has contracted with the District for this maintenance, at a cost to the District. However, Crown Group, Inc. has contacted the District and offered to perform this maintenance, free of charge, in exchange for the material extracted from the basins. The District has no use for this material. Crown Group, Inc., has the District's standard insurance requirements and indemnification provisions. After consultation with General Counsel, staff prepared an access permit and recommended executing the permit for this work. Questions and discussion on the stockpiled materials were discussed.

It was moved by Vice President Day and seconded by Director Henriques to authorize the General Manager, in consultation with General Counsel, to execute an Access Permit for Crown Group, Inc., for the purpose of performing routine basin maintenance in the District's Santa Ana River and Mill Creek spreading grounds. The motion carried unanimously.

(Minute Order 10/116/03)

D. Mr. Libeu said that he and Director Woodbury attended the Federal Affairs Committee meeting in Sacramento in September. Discussion was on the pending provisions in the National Energy Policy legislation (HR 6), which would exempt fuels manufacturers from liability for cleanup of groundwater contamination by MTBE and ethanol. ACWA had asked its members to oppose these provisions, and requested letters be sent to California's House Representatives serving on a House-Senate conference committee opposing the pending provisions. Letters were sent as requested, and needed ratification from the Board.

It was moved by Director Woodbury and seconded by Director Aranda to ratify letters sent to California's House of Representatives serving on a House-Senate conference committee opposing pending provisions in the National Energy Policy legislation (HR 6). The motion carried unanimously.

(Minute Order 10/117/03)

E. Mr. Libeu explained that the City of Loma Linda (City) is constructing a north-south linear park, and plans to plant trees and shrubs along the entire length of the park. The City is seeking voluntary contributions to help fund the balance of the project. The contribution, ranging from \$100 to \$1,000, would be applied to the purchase of trees, trashcans, park benches, picnic tables, drinking fountains, and landscaping. Mr. Libeu recommended contributing \$500.00 towards the completion of the park. Discussion ensued.

It was moved by Director Henriques and seconded by Director Aranda to contribute \$500 to the City of Loma Linda towards the purchase of two trees (\$100/each) and a park bench (\$300), for the city's Edison Easement Trails Park. The motion carried unanimously.

(Minute Order 10/118/03)

9. CLOSED SESSION

The meeting was adjourned to Closed Session at 4:05 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 4:40 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

10. ADJOURN MEETING

There being no further business, the meeting adjourned at 4:40 p.m.

Board Secretary