

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
November 5, 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
Colleen Theuer, Administrative Services Manager/Recording Secretary

GUESTS:

Kip Sturgeon, 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. DISCUSSION, MONTHLY ACTIVITY REPORTS, AND/OR COMMENTS BY BOARD MEMBERS

Director Aranda reported on a newspaper article from the Sacramento Bee, regarding an investigation into corruption and abuse within Special Districts in California.

President Tubbs reported on the San Bernardino Valley Municipal Water District (Muni) meeting of November 4, in which Muni decided not to take action on the purchase of State Project Water, and instead would conduct a workshop regarding the matter on November 5. She was hopeful they would take action at the workshop.

3. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 1, 2003

There was a discussion on the minutes from the regular Board meeting of October 1, 2003. Minor changes were noted.

It was moved by Director Henriques and seconded by Director Marcum to approve the minutes of the regular Board meeting of October 1, 2003, as amended. The motion carried unanimously.

4. COMMITTEE REPORTS

Director Marcum reported on the Resources Committee meeting held on October 7. The committee had discussed the District contributing to the Groundwater Level Mitigation Program for imported water. He said that while the District contributed to a similar program last year, it is generally not budgeted for or a part of the District's mission. However, the committee agreed that due to the very low water levels, the District should be involved in the purchase of the State Project Water. Discussion ensued. Vice President Day suggested that if the drought problem continues, the purchase of the water by the District might become an annual expectation, which would require a change in District policy. The Board should then consider it as an operating measure and budget accordingly. President Tubbs suggested the possibility of setting up a reserve fund specifically for problem years. Discussion continued.

President Tubbs reported on the Administrative Committee meeting held on October 14. The committee recommended participating in the Groundwater Level Mitigation Program by contributing 50% of the negotiated user share, not to exceed \$240,000. Regarding other items listed on the committee agenda, there was no action taken on District insurance, as staff was continuing to look into alternatives. There was also no action taken on personnel policies or the WESTCAS W.E.T. contribution.

Director Aranda reported on the Outreach Committee meeting held on October 16. He distributed samples of "Fact Sheets," a compilation of public relations information sheets, and said final copies would be distributed at the next Board meeting. Other

items he discussed included AB 896, the legislation that would allow directors to become members of PERS, and the WRI breakfast scheduled for November 21.

5. GENERAL MANAGER'S REPORT

Mr. Libeu reported on several meetings he attended during the month, among them his first session of the Special District Institute Management Certification Program, and the WESTCAS conference in Tucson, which he attended with President Tubbs.

Mr. Libeu reported that staff had completed the District's Municipal Services Review and it had been submitted to LAFCO. He said staff did an outstanding job on the report.

There was discussion on the Christmas luncheon and the possibility of changing to a Christmas dinner, apart from the usual Board meeting. Because of several conflicts, it was decided that the tradition of a Christmas luncheon following the December Board meeting would continue.

6. CONSENT CALENDAR

Using visual aids, Ms. Theuer briefly discussed the monthly revenues and expenditures, as well as comparing the current year's and previous year's revenues and expenditures.

Mr. Libeu summarized the recommendation for participation in the 2003 Groundwater Level Mitigation Program, whereas the District would pay 50% of the negotiated user share, not to exceed an amount of \$240,000.

It was moved by Director Woodbury and seconded by Director Marcum that the District participate in the 2003 Groundwater Level Mitigation Program by paying 50% of the negotiated user share, not to exceed an amount of \$240,000. The motion carried unanimously.

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

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

A. Implementation of AB 303 Grant

Using visual aids, Mr. Libeu discussed implementing the AB 303 grant awarded to the District for construction of two groundwater monitoring wells in the Santa Ana River and Mill Creek spreading grounds, in the amount of \$230,000. Two consultants are required for implementation of the project; K. S. Dunbar was selected for the CEQA review, at a cost of \$15,100, and Todd Engineers was selected to perform the engineering aspects of the project, at a cost of \$93,600. The remaining portion of the grant would go

towards permits, materials, and construction of the wells. The project would begin in November 2003, with anticipated completion by August 2004. The grant does allow the project to be completed by March 2005, so there would be some flexibility in the event it would be needed. The District would pay the costs of the project upfront, and then be reimbursed through the grant.

It was moved by Director Marcum and seconded by Director Henriques to authorize the General Manager, in consultation with General Counsel, to execute consultant services agreements with K. S. Dunbar & Associates, Inc., and Todd Engineers, for the purpose of providing environmental and technical engineering services for implementation of the AB 303 grant (pursuant to the Local Groundwater Management Assistance Act of 2000). The motion carried unanimously.

(Minute Order 11/119/03)

B. Appointment of Lawrence M. Libeu to the Big Bear Watermaster

Mr. Cosgrove explained that as the General Manager serves as the District Watermaster representative, Mr. Libeu would need to be appointed to the position, replacing Mr. Cavender, who has retired. Mr. Cosgrove would then present to the San Bernardino County Superior Court a motion seeking the appointment of Mr. Libeu.

It was moved by Director Henriques and seconded by Director Woodbury to authorize General Counsel to present to the San Bernardino County Superior Court a motion seeking appointment of Lawrence M. Libeu as the District's Big Bear Watermaster Representative. The motion carried unanimously.

(Minute Order 11/120/03)

C. LAIF Resolution - Signature Authorization Changes

Mr. Libeu explained that the signature authorizations for the LAIF account were no longer current, and would need to be updated by a new resolution from the Board. Resolution No. 397 would re-certify signatures as well as delegate Mr. Libeu, Mr. Crowley, and Ms. Theuer as signatories for the LAIF fund.

It was moved by Vice President Day and seconded by Director Henriques to adopt Resolution No. 397, re-certifying Board signatures and delegating Mr. Libeu, Mr. Crowley, and Ms. Theuer as signatories for the LAIF fund. The motion carried unanimously.

(Minute Order 11/121/03)

D. Change Date of December 2003 Board Meeting

Due to conflicts in schedules, there was discussion on changing the December Board meeting date. After discussion, it was decided that the Board meeting would take place on December 17, 2003, at 10:00 a.m., and would adjourn to the Christmas Luncheon at Clara's Restaurant at approximately 12:30 p.m.

E. FYI - RWQCB Basin Plan Amendment - Re-segmentation of SAR, Mill Creek and Lytle Creek

Using visual aids, Mr. Libeu briefed the Board on a possible amendment to the RWQCD Basin Plan. He said that in October, the Basin Plan Amendment Task Force (Task Force) met to discuss re-segmenting and/or reclassifying the upper reaches of the Santa Ana River, Mill Creek, and Lytle Creek, to better represent the existing uses of those areas. He detailed the current status of the areas and discussed how they would be reclassified. The Task Force would prepare the technical information in support of these changes, with Tim Moore, of Risk Sciences, heading up the coalition. Mr. Libeu said that this item would be referred to the Resources Committee and the Administrative Committee for further discussion.

8. CLOSED SESSION

There was no Closed Session for this meeting.

It was moved by Director Marcum and seconded by Director Woodbury to depart from the agenda, in order to designate a voter representative for the ACWA election to be held at the ACWA Conference in San Diego, December 3-5, 2003. The motion carried unanimously.

It was moved by Director Henriques and seconded by Director Marcum to designate Director Aranda as the voter representative for the ACWA election to be held during the ACWA Conference in San Diego, December 3-5, 2003, with Director Henriques as alternate. The motion carried unanimously.

9. ADJOURN MEETING

There being no further business, the meeting adjourned at 3:00 p.m.

Board Secretary