

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE PUBLIC HEARING AND THE
REGULAR BOARD MEETING

April 28, 2004
1:30 p.m.

President Cheryl Tubbs called the Public Hearing/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
Arnold L. Wright, Director
Burt Marcum Jr., Director
Manuel Aranda, Jr., Director
Melody Henriques, Director

BOARD MEMBERS ABSENT:

Sterling Woodbury, Director

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary
Tom Crowley, Assistant General Manager
Colleen Theuer, Administrative Services Manager/Recording Secretary

GUESTS PRESENT:

None

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. PUBLIC HEARING

President Tubbs opened the Public Hearing to receive comments and testimony regarding the proposed groundwater charge for the fiscal year 2004-2005. Mr. Cosgrove advised the Board that the District had received letters from the City of Riverside, the City of San Bernardino, and East Valley Water District, all commenting on the proposed increase in rates from \$1.50 to \$3.11 for agricultural purposes, and from \$5.50 to \$11.94 for non-agricultural purposes. It was noted by Mr. Libeu that the letters received from the City of San Bernardino and East Valley Water District had suggested modifications as to how the District should appropriate funds received, while the City of Riverside was in opposition to the rate increase. At the Board workshop earlier this date, the Board reviewed an alternative rate increase of 10%, from \$1.50 to \$1.65 for agricultural purposes, and from \$5.50 to \$6.05 for non-agricultural purposes, to be incorporated in the FY 2004-2005 budget. The currently proposed increase would generate anticipated revenue of \$513,975.00. Alternative new proposal rates could be considered at the Board meeting this date. There was no public present at the Public Hearing.

It was moved by Director Day and seconded by Director Wright to close the Public Hearing at 1:35 p.m. The motion carried 6-0, with Director Woodbury absent.

3. ADOPT RESOLUTION NO. 400

It was moved by Director Henriques and seconded by Director Aranda to adopt Resolution No. 400, increasing the groundwater charge rates from \$1.50 to \$1.65 for per acre-foot for agricultural purposes, and from \$5.50 to \$6.05 per acre-foot for non-agricultural purposes, for the ensuing year (July 1, 2004 to June 30, 2005). The motion carried 4-0, with two abstentions, Directors Marcum and Wright, due to a potential conflict of interest, and Director Woodbury absent.

4. DISCUSSION ITEMS

President Tubbs reported on the LAFCO Special District Selection Committee meeting she attended on April 8. The purpose of the meeting was to select a voting member to represent independent Special Districts on the San Bernardino LAFCO. As there was

not a quorum, another meeting was scheduled for May 17. She designated Director Henriques as the District's voter representative for this meeting.

Director Henriques reported that she attended Highland and San Bernardino Chamber events during the month, and noted that attorneys had been in some of the chamber businesses and had been filing suits for not complying with ADA. She suggested that staff verify that the District is in compliance with ADA.

Director Aranda reported that he attended the ACWA Local Government Committee meeting during the month, where SB 1272 (Ortiz) was discussed. Supporters of the bill seem to be from the State and labor unions. He said it seems probable at this point that the bill would be put in suspension for a period of time. He indicated he would keep the Board advised on the status of the bill.

5. APPROVAL OF THE MINUTES

It was moved by Director Day and seconded by Director Aranda to approve the minutes of the Public Meeting/Regular Meeting of April 7, 2004. The motion carried 5-1-0, with Director Wright abstaining and Director Woodbury absent.

6. COMMITTEE REPORTS

Mr. Libeu reported on the committee meetings held during the month of April, which included the Administrative, Outreach, and Resources Committees, as well as the Ad Hoc Environmental Review Committee and the Ad Hoc Finance Committee. He said an additional Outreach Committee meeting would need to be scheduled during May.

7. GENERAL MANAGER'S REPORT

Mr. Libeu reported that he went to several ACWA meetings during the month. He and Mr. Crowley also met with Mr. Milligan, Mr. Bulot, Mr. Rieter, and Mr. Harriger, regarding water rights. They discussed the possibility of an ad hoc committee comprised of two board members from each of the concerned districts to discuss further. After further discussion, President Tubbs appointed herself and Director Aranda as the members of the ad hoc committee, and suggested four possible dates for meeting: May 10, 13, 25th, or 27th. Staff was asked to contact San Bernardino Valley Municipal Water District to set up the meeting.

Mr. Libeu discussed the District's recent participation at the Cal-State San Bernardino EXPO on April 24, 2004 and distributed the "goody bags," which the District's contribution sponsored. These bags displayed the District logo and were distributed to the attendees of the EXPO.

Other activities Mr. Libeu discussed were the Special Districts Dinner, held on April 19; the upcoming ACWA Spring Conference on May 4-6; and the WESTCAS Conference in Washington DC on May 17-20.

8. OPERATIONS AND MAINTENANCE REPORT

Mr. Crowley reported that field staff has been conducting weed control and maintenance in the field. He said he had earlier reported that Caltrans had planned a widening of SR 38 from Bryant Street to the bridge crossing at Mill Creek, which would have caused a delay in Edison delivering diverted water to the City of Redlands and Crafton Water Company. However, a new approach will allow the delivery without interruption. Regarding the Seven Oaks Dam flood control pool, nothing had changed from the last report. He said Staff was informed that releases from the Dam would begin on May 5.

9. CONSENT CALENDAR

The financial reports were deferred until the June 2004 regular Board meeting.

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

A. Approval of General Manager's Revised Contract

Mr. Cosgrove said the District entered into a contract with Mr. Libeu as General Manager on May 5, 2003, which called for a performance review in six months. The Board, in Closed Session in February 2004, discussed a qualitative review of the General Manager's performance; at that time the Board determined that an adjustment to the terms of employment were appropriate. The final action on the terms of employment was to be voted on in Open Session.

It was moved by Director Aranda and seconded by Director Wright to award the General Manager a lump sum performance payment of \$13,000, to be paid on or before May 5, 2004, with the base salary remaining at \$117,500, to be reviewed on May 5, 2005, and annually thereafter; and to amend the General Manager's contract to reflect the accrual of vacation at a rate of 1.66 days per month, effective November 5, 2003; the accrual of sick leave at a rate of one (1) day per month, beginning May 5, 2004; and the accrual of administrative leave at a rate of 40 hours on May 5, 2004, and on every anniversary date thereafter. The motion carried 6-0, with Director Woodbury absent.

B. Ratify Letter to Joe Canciamilla, re: AB 2864

Mr. Libeu asked the Board to ratify the letter sent on April 7 to Assembly Member Joe Canciamilla, in support of AB 2864. The bill relates to water rights fees and the adoption of a more equitable funding structure.

It was moved by Director Henriques and seconded by Director Aranda to ratify the letter sent to Assembly Member Joe Canciamilla, supporting AB 2864. The motion carried 6-0, with Director Woodbury absent.

C. Change June Board Meeting Date to June 9, 2004

Due to conflicts in scheduling, Mr. Libeu requested that the next regular Board meeting date be changed from June 2 to June 9, 2004.

It was moved by Director Day and seconded by Director Henriques to change the June 2, 2004 Board meeting date to June 9, 2004. The motion carried 6-0, with Director Woodbury absent.

11. CLOSED SESSION

There was no Closed Session for this meeting.

12. ADJOURN MEETING

There being no further business, the meeting adjourned at 2:40 p.m.

Board Secretary