

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
July 5, 2007
1:30 P.M.

President Melody McDonald 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 McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President
Manuel Aranda, Vice President
Cheryl Tubbs, Director
Richard Corneille, Director
Arnold Wright, Director
Clare Henry Day, Director
Glenda Douglas, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Rutan & Tucker, LLP
Tim Gosney, Lagerlof, Senecal et al

STAFF PRESENT:

Colleen Theuer, Assistant to the General Manager/Recording Secretary

GUESTS PRESENT:

None

1. PUBLIC PARTICIPATION

President McDonald announced this as the time for any persons present, who so desire, to make an oral presentation to the Board of Directors. Hearing none, the meeting proceeded with the published agenda items.

It was moved by Director Day and seconded by Director Tubbs to move item 8A to the beginning of the meeting; the motion carried unanimously.

8A. Budget Augment Request - LSA Associates, Inc.

Mr. Burnell Cavender, the District's consultant for the Wash Plan, participated by conference call. He led a discussion regarding the requests from LSA Associates, Inc. (LSA) for three budget augments: (1) Ratification of \$2,000 that was approved by the Technical Committee during its April 18, 2007 meeting to provide additional traffic count data to the City of Highland to support the City's Pavement Impact Analysis; (2) a request of \$143,450, which is specific to completing the EIR for the Land Management Plan and the EIS for the Federal Land Exchange; and (3) a request for \$235,000 for a consultant, if needed, for the preparation of the HCP and EA in the event the FWS is unable to prepare them in a timely manner. Mr. Cosgrove further discussed the background supporting these requests, and recommended approval of the first request without conditions, and recommended approval of the second and third request subject to approval of the Task Force. Further discussion followed. Director Tubbs pointed out that the second request needed no action since the Board approved an advance of \$50,000 on the budget augment at the Board meeting of June 22. After discussion, the following motions were made:

(1) It was moved by Director Corneille and seconded by Director Aranda to ratify an augment of \$2,000 that had been approved by the Technical Committee during its April 18, 2007 meeting. The motion carried unanimously.

(2) It was moved by Director Tubbs and seconded by Director Day to take no action at this time because an amount had already been authorized under the advanced amount of \$50,000 at the June 22, 2007 meeting; and that any contract amendment or formal augment would be reviewed and considered by the Board after it has been reviewed and considered by the Task Force. The motion carried unanimously.

(3) It was moved by Director Corneille and seconded by Director Day to take no action at this time, and indicate to LSA that the Board will reconsider the request after review and approval by the Task Force. The motion carried unanimously.

2. BOARD DISCUSSION ITEMS

Director Corneille reported on the Advisory Commission meeting of June 28, and noted that the next meeting would take place on July 19, 2007.

Directors Tubbs and Wright and Vice President Aranda all reported attending the Special Districts dinner. Vice President Aranda also reported attending a WESTCAS meeting in San Diego.

Director Douglas announced that, with regret, she would be resigning from the Board, as she has retired and has moved out of state. Mr. Cosgrove indicated that the Board would take action at the next Board meeting to accept Director Douglas' resignation.

President McDonald discussed her new role as president of the Board, and indicated that she is meeting with local water agencies, as well as District staff.

3. APPROVAL OF THE MINUTES

After a brief discussion, minor wording changes were noted on the minutes presented.

It was moved by Director Tubbs and seconded by Vice President Aranda to approve the minutes from the Regular Board Meeting of May 30, 2007, as amended. The motion carried unanimously.

It was moved by Vice President Aranda and seconded by Director Corneille to approve the minutes from the Adjourned May 30, 2007 Regular Meeting of June 1, 2007. The motion carried unanimously.

It was moved by Director Tubbs and seconded by Vice President Aranda to approve the minutes from the Special Meeting of June 8, 2007, as amended. The motion carried unanimously.

It was moved by Vice President Aranda and seconded by Director Tubbs to approve the minutes of the Special Meeting of June 22, 2007, as amended. The motion carried unanimously.

4. BOARD COMMITTEE REPORTS

There were no committee meetings during the month of June, 2007.

5. OPERATIONS AND MAINTENANCE REPORT

Jackie Silber reported on the Operations and Maintenance report, indicating that approximately 5 cfs had been released behind the dam, but generally no water had been spread in the District's basins.

6. WASH PLAN UPDATE

Mr. Cosgrove briefed the Board on the current status of the Wash Plan. He indicated that most items had been covered in the previous conversation with Mr. Cavender. Regarding the land exchange, he said BLM estimates the appraisal to be completed in November 2007. He said the appraisal and the EIS need to be processed together in order to complete the land exchange. He explained the need for special legislation to implement the BLM land exchange, and noted that he has a draft of the legislation

needed, and has asked for comments from Mr. Cavender, Mr. Fred Hicks, and the two mining companies. He then presented an informational slide show that he had presented to Congressman Lewis' staff member Justin Landon on July 3. Discussion continued and Mr. Cosgrove answered questions from the Board.

7. CONSENT CALENDAR

There was a brief discussion on the financial reports for May 31 and June 30, 2007.

It was moved by Director Tubbs and seconded by Vice President Aranda to approve the Consent Calendar, consisting of the un-audited financial reports through May 31, 2007; and the un-audited financial reports through June 30, 2007. The motion carried unanimously.

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

B. California Advocates Fee Increase Proposal and Renewal of Contract Amendment

Mr. Cosgrove led a discussion regarding the fee increase request from Ralph Simoni of California Advocates. He said that the proposal was negotiated between Mr. Simoni, Vice President Aranda, and himself. Discussion continued. Director Tubbs suggested approval for the increase, but also wanted an inclusion in the renewal contract amendment of a written report that would include current legislation, to be presented quarterly to the Board and the General Manager.

It was moved by Director Tubbs and seconded by Director Corneille to approve an increase in the fee for California Advocates from \$2,500/month to \$4,000/month, with the inclusion in the contract amendment of a written quarterly report of their activities and current legislation, to be directed to the Board President and the General Manager. The motion carried unanimously.

C. Resolution No. 430

It was moved by Director Corneille and seconded by Director Douglas to adopt Resolution No. 430, nominating Manuel Aranda for a position as an ACWA Region 9 Board Member. The motion carried unanimously.

D. LAFCO Payment

Mr. Cosgrove requested that the Board table this item until the August Board meeting, as staff was waiting for further information from the LAFCO staff on the computation of the amount invoiced the District. Discussion ensued. After discussion, the following motion was made:

It was moved by Director Tubbs and seconded by Vice President Aranda to table the item of LAFCO Payment until the August 1, 2007 Board meeting. The motion carried unanimously.

E. BIA/Baldy View - SB County Water Conference

There was a brief discussion to consider whether the District would be a sponsor for the upcoming BIA/Baldy View San Bernardino Water Conference, to be held on August 9. It was decided that the District would purchase a Table of Ten at a cost of \$1,250.

It was moved by Director Corneille and seconded by Director Tubbs to sponsor the BIA/Baldy View San Bernardino Water Conference, to be held on August 9, by purchasing a Table of Ten at a cost of \$1,250. The motion carried unanimously.

F. Approve Purchase of Water Trailer

It was moved by Director Tubbs and seconded by Vice President Aranda to approve the purchase of a new 500-gallon water trailer for field operations, in the amount of \$5,813.12. The motion carried unanimously.

G. Approve Contract Amendments for (1) Hicks-Richardson Associates; (2) Larry Jacinto Construction; (3) Todd Engineers.

After a brief discussion, the following motion was made:

It was moved by Director Day and seconded by Director Tubbs to approve contract amendments for (1) Hicks-Richardson Associates, with the inclusion of quarterly reports; (2) Larry Jacinto Construction; and (3) Todd Engineers. The motion carried unanimously.

H. FYI - Production and groundwater payments for golf courses and cemeteries.

The definition of agricultural groundwater rates vs. non-agricultural groundwater rates for golf courses and cemeteries was discussed.

FYI - Jackie Silber explained the purchase of the backup battery for the server.

There was a ten-minute break at 4:00 p.m.

9. CLOSED SESSION

The meeting adjourned into Closed Session at 4:10 p.m., under Government Code Section 54956.9(c), SBVWCD vs. LAFCO; Government Code Section 54956.9(c), regarding significant exposure to litigation;

**Government Code Section 54956.8, negotiations with CEMEX, USA; and
Government Code Section 54957, public employee item.**

At 5:30 p.m. the meeting reconvened into Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

10. ADJOURN MEETING

At 5:35 p.m., the meeting adjourned to the Board meeting scheduled for August 1, 2007, at 1:30 p.m., at District Headquarters, 1630 W Redlands Blvd., Suite A, Redlands, CA .

Recording Secretary of the Board