

**SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING**

**MINUTES OF November 14, 2018
1:30 p.m.**

President Corneille called the meeting of the Board of Directors to order at 1:30 p.m. All present stood for the Pledge of Allegiance, led by President Corneille.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President
David E. Raley, Director
T. Milford Harrison, Director (Arrival 1:40 p.m.)
John Longville, Director
Melody McDonald, Vice President

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Jeff Beehler, Land Resources Manager
Athena Monge, Administrative Services Specialist
Katelyn Scholte, Assistant Engineer

GUESTS PRESENT:

David Smith, East Valley Water District
Michelle Diamond, Tetra Tech
James Folmer, Highland Community News

1. PUBLIC PARTICIPATION

President Corneille announced that any persons present, who so desired, may make an oral presentation to the Board of Directors. Hearing none, the meeting continued with published agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the posted agenda.

3. PRESENTATION

Mikael Romich presented a PowerPoint presentation on the biological studies being performed in Mill Creek. Mr. Cozad noted that this project was a joint project with San Bernardino Valley Municipal Water District (Valley Municipal) which will be discussed in further detail under another agenda item. Mr. Romich has completed a habitat assessment on the biological

resources in Mill Creek and developed a plant community map and endangered species map. Mr. Romich collected drone imagery of the area and established a database for the information collected. He noted that the focus of the study was primarily the San Bernardino Kangaroo Rat (SBKR) and the California Gnatcatcher. Mr. Romich presented a review of the habitat suitability map. Director Raley asked what the marginal cost would be to maximize the value out of the land. Mr. Cozad said that if the District were to mitigate a project, the FWS would ask us to improve the property, and we would set up an endowment to maintain it. If another entity wanted to mitigate, it would pay for the initial work and endowment as well. President Corneille asked when the study will be complete. Mr. Romich said that in the spring he will perform the California Gnatcatcher and Cactus Wren survey to identify areas where they are nesting. The Board thanked Mr. Romich for his efforts.

4. CONSENT CALENDAR

It was moved by Director Harrison and seconded by Director Longville to approve Item A: Board Meeting Minutes, October 10, 2018, and Item C: Expenditure Report, October 2018. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes**

It was moved by Director Raley and seconded by Director Harrison to approve the balance of the Consent Calendar: Item B: Special Board Minutes, November 1, 2018. The motion carried 4-0 with all Directors present voting in the affirmative and Director Longville abstaining from the vote due to his absence at the November 1 meeting.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Abstain
Director Raley: Yes
Director Harrison: Yes**

5. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORTS, OCTOBER 2018

Mr. Cozad introduced this item for discussion. Director Raley asked for clarification regarding the graph budget. President Corneille asked why the groundwater charge was above budget. Mr. Cozad said that the budgeted amount was based on all potential Groundwater Council members being active in the Groundwater Council. Some of the entities have paid the groundwater charge assessment under the District's water code process rather than Groundwater Council dues offsetting each account by nearly the same amount. On a separate issue, President Corneille asked how much election fees would be for the recent race. Mr. Cozad stated that staff based the budgeted election fee prior costs for the last election, but no known estimate of charge is available and an actual cost will be known when we receive the invoice from the Registrar of Voters.

It was moved by Director Longville and seconded by Vice President McDonald to approve the Unaudited Financial Reports for October 2018. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes**

B. ACTIVE RECHARGE PARTNERSHIP AGREEMENT FOR THE UPPER SANTA ANA RIVER HABITAT CONSERVATION PLAN

Mr. Cozad introduced this item for discussion and provided a handout showing redline changes to the draft agreement. He said that the agreement would provide for conservation easements for the Upper Santa Ana River Habitat Conservation Plan (HCP). Director Harrison indicated he would be abstaining from the vote and not participating in the discussion to avoid any appearance of conflict due to his recent election to the Board of the San Bernardino Valley Municipal Water District. Mr. Cozad said that the agreement would make available up to 295 acres of District-owned land. Valley Municipal would pay the District for the conservation easements, and also pay for the mitigation endowment required by the U.S. Fish and Wildlife Service (USFWS) or others, and the Conservation Trust would hold those funds. The District is committing to use the funds received from Valley Municipal towards its mission and to develop specific recharge facilities called transfer projects in Mill Creek, City Creek, Twin Creek, and Plunge Creek, and once operational the District would be responsible for maintaining those facilities under this agreement. Mr. Cozad proposed that the Board approve the agreement as presented with non-substantive changes and that, should there be any substantive changes, those would be brought to the Board for ratification at a later meeting. Mr. Cosgrove indicated that the redline changes are listed primarily in Section 10. This section states that the transfer projects are conceptual and the costs are estimates, and there is nothing in the agreement that binds the Conservation District to these specific projects. President Corneille spoke in support of signing the agreement.

It was moved by President Corneille and seconded by Director Longville to approve the Active Recharge Partnership Agreement for the Upper Santa Ana River HCP as amended within redline version handout and any minor revisions proposed by staff. The motion carried 4-0 with all Directors present voting in the affirmative and Director Harrison abstaining.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Abstain**

C. ENGINEERING INVESTIGATION PLAN FOR 2019

Mr. Cozad introduced this item for discussion. He stated that Katelyn Scholte, Assistant Engineer, prepared the Draft Engineering Investigation Plan for 2019 which is included on package pages 54 to 60. President Corneille noted that the Upper Santa Ana Water Resources Association which is listed in the draft plan has been disbanded. He also recommended presenting the Engineering Investigation Report to the Groundwater Council if time allows. Mr. Cozad concurred with his recommendation. President Corneille requested that the Draft Engineering Report be reviewed by the Operations Committee prior to its release to the public. The Board thanked staff for their efforts and the cost savings to the District by preparing the report in-house.

It was moved by Vice President McDonald and seconded by Director Harrison to approve the Engineering Investigation Plan for 2019 with minor revisions. The motion carried 5-0 with all Directors present voting in the affirmative.

President Corneille: Yes

Vice President McDonald: Yes

Director Longville: Yes

Director Raley: Yes

Director Harrison: Yes

D. GROUNDWATER COUNCIL BUDGET COMMITTEE EFFORT FOR 2019

Mr. Cozad presented this item for discussion noting the inclusion of the draft Groundwater Council Equitable Allocation Model on pages 61-65. He has been appointed chair of the Groundwater Council Budget Committee. He discussed the sustainability costs which are the costs to refill the basin. Ms. Scholte expanded on the allocations presented. Mr. Cozad said that the numbers shown are preliminary and that distributions would change. This item was received and filed.

E. 2019 BOARD MEETING CALENDAR REVIEW

President Corneille presented this item for discussion. The September meeting was scheduled for September 25, 2019 to allow Board members who desire to go to the California Joint Powers Authority Conference typically planned for the second week of September. President Corneille suggested that September 25 would be too close to the October meeting. The May meeting is scheduled for the fourth Wednesday of May due to Association of California Water Agencies Conference being held on the second Wednesday of the month. Several Board Members and Staff attend this meeting. Director Longville said that he would like to keep the meetings consistent and to adhere to the schedule to the maximum extent possible. It was the consensus of the Board to change the September Board Meeting to September 11 and for the remainder of the calendar to remain as presented.

It was moved by President Corneille and seconded by Director Longville to approve the Draft 2019 Board Meeting Calendar with the revision of September's meeting being moved to September 11. The motion carried 5-0 with all Directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes

F. RESOLUTION OF APPRECIATION FOR SERVICE ON THE BOARD OF DIRECTORS

President Corneille introduced this item for discussion. Mr. Cosgrove thanked Director Harrison for his service on the Board and congratulated him on his recent election to the Board of Directors of Valley Municipal. There were minor revisions made to the resolution which were noted.

It was moved by Vice President McDonald and seconded by President Corneille to approve Resolution No. 562 with minor revisions. The motion carried 5-0 with all directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes

6. INFORMATION ITEMS

A. WASH PLAN VERBAL UPDATE

Mr. Beehler provided a verbal update on the Wash Plan. The Environmental Investigation Report and Environmental Investigation Statement are in Washington, D.C. awaiting review. They moved forward without a cultural section, which will be approved separately. Mr. Beehler said that the District had obtained the 401 permits, and the state version of the permit is forthcoming. The last permit the District needs to receive will come from the US Army Corps of Engineers (USCOE). They had prepared their packet to submit to USFWS the previous week. Staff has completed the staging of rocks and boulders for the Plunge Creek restoration. The consultant is completing the bid documents and the Operations Committee will review the final documents for this project before they go to bid. Mr. Beehler indicated that the District might have permits by January 2019. This item was received and filed.

B. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad indicated that the written General Manager's Report was included in the Board Package on pages 70 to 76. The Monthly Recharge Report was included on page 77. He stated that the District received an estimate from the contractor working on the Enhanced Recharge Project, J.F. Shea Construction, for the recoating and repairs needed to the Parshall Flume on Santa Ana River. The work will complete a new low-flow weir and instrumentation, which is estimated to cost about \$104,000. Staff will be filing a Notice of Exemption for this project. The District will contribute less than \$50,000 to the total cost as its share. Mr. Cozad stated that the Wash Plan Land Exchange Bill is still in Committee and noted that a letter

included on package page 75 was sent out by the District and partner agencies. This item was received and filed.

C. NOTICE OF VACANCY AND APPOINTMENT PROCESS-DIVISION 3

Mr. Cozad reviewed the proposed schedule for the advertising of the Notice of Vacancy and described the appointment process. A handout of the schedule was provided to the Board for review. The new director must be appointed no later than February 6. It was the consensus of the Board to appoint a Board member rather than hold a special election and to do so in accordance with the proposed schedule.

D. FUTURE AGENDA ITEMS AND STAFF TASKS

There were none discussed.

7. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND/OR COMMENTS BY BOARD MEMBERS

President Corneille attended the Advisory Commission meeting on October 11, Association of San Bernardino County Special Districts (ASBCSD) dinner meeting on October 15, and Sterling Natural Resource Center Groundbreaking on October 20. He attended the CalPERS Award Presentation on October 22, a tour of Steps 4 Life homes on October 24 and Redlands Rise N Shine on November 2.

Vice President McDonald attended the Valley Municipal Board Workshop on November 13 and November 6. She also attended the Three Valley's Municipal Water District (TVMWD) Leadership Breakfast on October 31, Highland Area Chamber of Commerce (HACC) Luncheon on October 23, CalPERS Award Presentation on October 22, the ACWA Regulatory Summit on October 16, and ASBCSD Dinner meeting on October 15.

Director Raley attended the Water Use Efficiency Committee Workshop on October 17, Sterling Natural Resource Center Groundbreaking on October 20, and Big Bear Watermaster Committee meeting on October 23. He attended the Special Board meeting on November 1 and Valley Municipal Board Workshop on November 13.

Director Longville made no report.

Director Harrison attended the ASBCSD Dinner meeting on October 15, Valley Municipal Board meeting on October 16 and San Bernardino Area Chamber of Commerce meeting on October 17. He attended the CalPERS Award Presentation on October 22, HACC Luncheon on October 23 and TVMWD Leadership Breakfast on October 31. Director Harrison also attended the Redlands Rise N Shine on November 2, the CSDA Teleconference on November 1, Valley Municipal Board Meeting on November 6, Valley Municipal Board Workshop on November 13, and Loma Linda Chamber of Commerce meeting on November 7.

8. UPCOMING MEETINGS

President Corneille will chair the Advisory Commission on Water Policy on January 10, 2019.

9. CLOSED SESSION

It was moved Vice President McDonald and seconded by Director Harrison to adjourn to Closed Session. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Yes**

General Counsel announced that the meeting would adjourn to closed session under the posted agenda items.

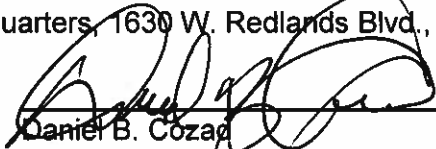
At 3:39 p.m., the meeting reconvened into Open Session. Mr. Cosgrove noted that there was no reportable action.

10. ADJOURN MEETING

It was moved by President Corneille and seconded by Director Harrison to adjourn. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Absent
Director Harrison: Yes**

At 3:40 p.m., the meeting was adjourned to the Board of Directors Meeting scheduled for 9:30 a.m. December 12, 2018, at District Headquarters, 1630 W. Redlands Blvd., Redlands, Calif.


Daniel B. Cozad
General Manager