

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF NOVEMBER 10, 2021
1:30 pm

President McDonald called the Board of Directors meeting to order at 1:32 pm by in-person, teleconference, and Zoom meeting; all those in attendance stood for the pledge of allegiance led by President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President
David E. Raley, Director
Robert Stewart, Director
Richard Corneille, Vice President

BOARD MEMBERS ABSENT:

John Longville, Director

GENERAL COUNSEL PRESENT:

Dave Cosgrove, District Counsel

STAFF PRESENT:

Daniel Cozad, General Manager
Betsy Miller, Land Resources Manager/Assistant General Manager
Erwin Fogerson, Senior Engineer/Project Manager
Katelyn Scholte, Assistant Engineer
Athena Lokelani, Administrative Specialist
Angie Quiroga, Administrative Analyst

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
Willow Green, Tetra Tech
David E. Smith, East Valley Water District
Jake Marcon
Paul Kielhold, San Bernardino Valley Municipal Water District
Kimberli Munkres, ThunderWheel Communications
Stephen Readmond, Videographer

1. PUBLIC PARTICIPATION

President McDonald announced that any persons present, who so desired, may make an oral presentation to the Board of Directors. There being none, the meeting continued with the posted agenda items.

Mr. Cosgrove stated that the District is conducting a hybrid meeting consistent with applicable government codes and Resolution No. 592, adopted by the Board on November 10, 2021. He noted that for those that are in attendance are masked and the District is observing heightened Covid-19 protocols with social distancing.

2. ADDITIONS/DELETIONS TO AGENDA

Mr. Cozad stated that a surprise presentation in celebration of President McDonald's 30 years with the District will be presented. A tribute video prepared by our outreach consultants, Board and staff, was shown via Zoom. The Board and staff expressed their appreciation and congratulated President McDonald on her hard work and efforts and thirty years of service to the District. President McDonald thanked everyone for her wonderful surprise tribute. She said it has been an honor and a privilege to serve the District. Mr. Cozad thanked Kimberli Munkres and Stephen Readmond for their preparation of the tribute video.

3. GUEST RECOGNITIONS/SELF INTRODUCTIONS

The guests listed above made self-introductions. Director Harrison congratulated President McDonald on 30 years at the District.

4. CONSENT CALENDAR

President McDonald introduced this item for discussion.

It was moved by Director Raley and seconded by Director Stewart to approve the Consent Calendar: Item A: Succession and Transition Workshop Minutes, October 6, 2021; Item B: Board Minutes, October 13, 2021; Item C: Expenditure Report, October 2021 and Item D: Resolution No. 593 AB 361. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was absent from the vote.

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

5. COMMITTEE REPORTS/ACTION ITEMS

A. OPERATIONS COMMITTEE VERBAL UPDATE

Vice President Corneille provided a verbal update of the Operations Committee (Committee) meeting held on November 4, 2021. The Committee received a field supervisor update, including a PowerPoint presentation on the removal of homeless encampments, gate installations, and tamarisk and other invasive plant removal projects. A detailed update on the Mentone Shop improvements was provided, with the Committee providing feedback to staff on the design build package. Staff will be purchasing a bridge crane for support of maintenance activities. An update was provided on the 408 permit for the Mill Creek diversion project; staff continues to provide information in response to comments from the U.S. Army Corp of Engineers (COE). A preliminary report was received on the Active Recharge Transfer Projects (ARTP), along with an update received on maintenance of the Plunge Creek Conservation Project. The Committee reviewed the new Exchange Plan Agreement along with potential impacts to the

District, which were determined to be minimal. The District will continue to be the Exchange Plan Agreement project manager. Vice President Corneille complimented the engineering and environmental staff on their efforts. Director Raley asked for additional details on the ARTP. Vice President Corneille noted that further discussion on the ARTPs would occur during the associated information item. Director Stewart thanked the Board for his appointment to the Operations Committee; he also thanked the engineering staff for their efforts and noted how busy all staff will be with the upcoming projects. This item was received and filed.

B. UNAUDITED FINANCIAL REPORT, OCTOBER 2021

Mr. Cozad introduced this item for discussion, noting its inclusion on package page 25. The Enhanced Recharge Lease Agreement payment has been received. Vice President Corneille asked about GL 4026-GW Sustainability/Replenishment. Mr. Cozad said that these funds are collected as a component of the groundwater charge. Vice President Corneille asked about GL 7126-ARTP Engr/Prof Services. Mr. Cozad said that all charges for this general ledger account show up in a work in progress account. Vice President Corneille recommended showing the breakdown of the costs, rather than lumping them all together, somewhere as they are incurred.

It was moved by Vice President Corneille and seconded by Director Raley to approve the Unaudited Financial Reports from October 2021. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

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

C. ENGINEERING INVESTIGATION PLAN FOR 2022

Ms. Scholte introduced this item for discussion, noting its inclusion on package page 30. She provided background on the Engineering Investigation Plan, stating that staff will follow the Plan used in previous years. The District's two new Engineering//Biology interns will assist with completion of the report.

It was moved by Director Stewart and seconded by Vice President Corneille to approve the Engineering Investigation Plan for 2022 as presented. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

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

D. YEAR TWO AMENDMENT TO CONSERVATION SERVICES AGREEMENT WITH INLAND EMPIRE RESOURCE CONSERVATION DISTRICT FOR IMPLEMENTATION OF PERMIT CONDITIONS FOR THE PLUNGE CREEK CONSERVATION PROJECT

Ms. Miller reviewed this item, included on package page 37. This item is related to maintaining compliance with permits for the Plunge Creek Conservation Project, with funds included in the approved budget. She stated that the agreement is not to exceed \$31, 123.31 for this amendment. Mr. Cosgrove noted non-substantive changes requested by Inland Empire Resource Conservation District (IERCD) to Section 12 as indicated in the handout provided to the Board. Director Raley asked what qualifications IERCD has to perform this work. Ms. Miller said that the permits require regulatory agency review of consultant credentials and noted that the agencies have approved IERCD to complete this work. Vice President Corneille asked for the fiscal impact in all future staff reports to indicate which general ledger expenses are being paid from. Mr. Cozad stated that the expenses will be paid from GL 5120-Misc. Professional Services for this item. Vice President Corneille recommended more specificity in budgeting rather than utilizing a larger, "miscellaneous" account for project related expenses. Mr. Cozad noted that the breakout for various expenses and general ledger accounts is shown throughout the budgeting process.

It was moved by Vice President Corneille and seconded by Director Raley to approve the two-year amendment to IERCD in an amount not to exceed \$31,123.31 with suggested revisions. The motion carried 5-0, with all present voting in the affirmative. Director Longville was noted absent from the vote.

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

E. MILL CREEK GROUNDWATER RECHARGE FACILITY OPERATIONS MAINTENANCE PERMITTING PROFESSIONAL SERVICES CONTRACT AWARD

Ms. Miller introduced this item for discussion, noting its inclusion beginning on package page 47. This project is specific to areas that are not included in the Upper Santa Ana River Wash Habitat Conservation Plan (HCP) or other prior permitting efforts and includes evaluation of any permitting needs for these existing facilities. This contract includes expenses for this fiscal year and next fiscal year, for a total expenditure of \$250,186. Director Raley asked if the project is related to improving our existing facilities. Mr. Cozad indicated that it is for operation of existing District facilities. Director Stewart asked if the improvement to existing facilities is being permitted separately. Mr. Cozad said that new construction projects would be permitted separately. Vice President Corneille asked about the risk involved in not permitting facilities or being unable to permit facilities, and whether mitigation may be required. Ms. Miller said that she has been working closely with the engineering staff to minimize proposed impacts and the associated need for mitigation. Permitting discussion ensued. Vice President Corneille asked if the schedule seemed feasible. Mr. Cozad stated that the schedule shown on page 102 was prepared based on consultant feedback, and that the project timeline will be dependent on timely responses from the regulatory agencies.

It was moved by Director Raley and seconded by Director Stewart to accept AECOM's proposal to obtain applicable environmental permits for operations and maintenance of the Mill Creek Groundwater Recharge Facility and authorize the General Manager

and General Counsel to prepare and execute a professional consultant services agreement substantially consistent both with AECOM's proposal and the District's form consultant services contract included in the Request for Proposals. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

President McDonald: Yes
Vice President Corneille: Yes
Director Longville: No
Director Raley: Yes
Director Stewart: Yes

F. PROFESSIONAL SERVICES CONTRACT FOR VEGETATION CLASSIFICATION AND MAPPING

Ms. Miller introduced this item for discussion, noting its inclusion on package page 113. The Wash Plan implementation schedule including all required project components for 2020-2025 was shown via Zoom. This project will fulfill Preserve Objective 10 in Section 5.1.2 of the Wash Plan. Ms. Miller said that all District properties will be mapped using the same baseline protocol which will allow comparison of changes in habitat values over time. The project costs were divided based on the function of each acreage type; for example, mapping of the Wash Plan Preserve lands will be charged to the Wash Plan endowment. The cost of the recommended action is \$118,950. Mr. Cozad noted that this project is estimated to utilize \$72,000 of Wash Plan endowment funds. Director Raley asked if this project will help us identify lands to be used for mitigation. He asked how we will keep track of mitigation. Mr. Cozad said that the District maintains a GIS database of lands designated for mitigation and other purposes.

It was moved by Director Raley and seconded by Director Stewart to accept AECOM's proposal to prepare a vegetation classification and associated map for the Upper Santa Ana River Wash and authorize the General Manager and General Counsel to prepare and execute a professional consultant services agreement substantially consistent both with AECOM's proposal and the District's form consultant services contract included in the Request for Proposals. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

President McDonald: Yes
Vice President Corneille: Yes
Director Longville: No
Director Raley: Yes
Director Stewart: Yes

G. WASH PLAN SLENDER-HORNED SPINEFLOWER RESTORATION PROGRAM PROFESSIONAL SERVICES CONTRACT AWARD

Ms. Miller introduced this item for discussion, noting its inclusion on package page 151. She reviewed Wash Plan section 5.1.2 in brief which includes requirements for development of a slender-horned spineflower restoration program. The recommended consultant demonstrated extensive experience with similar species such as the San Fernando spineflower. This project is anticipated to cost \$291,574.65, charged to the Wash Plan endowment, including approximately \$90,000 from FY21. President McDonald spoke in support of the project. Director Raley asked if additional staff is needed. Mr. Cozad said that

staffing will be brought back to the Board as additional needs are identified. Director Raley spoke in support of hiring more staff to support these projects as the need arises to ensure projects continue to move forward. President McDonald concurred with his recommendation. Director Stewart asked how we would measure the best location for the spineflower and whether a covered activity could be located within potential habitat. Ms. Miller said that the consultant will be gathering environmental data in order to identify the best habitat. Mr. Cozad said that there are limited data on spineflower, but covered activities were sited in a manner to avoid known habitat with the exception of minimal take for mining operations. Director Stewart asked if weather cycles will be part of the study. Mr. Cozad provided background information on spineflower. Ms. Miller stated that micro habitat tracking will be conducted as part of the contract, including installation of environmental data loggers that will be placed in the field. Vice President Corneille asked for confirmation that the project will be funded through the Wash Plan endowment, which was confirmed by Ms. Miller.

It was moved by Vice President Corneille and seconded by Director Raley to accept Dudek's proposal to prepare the Slender-horned Spineflower Restoration Program and authorize the General Manager and General Counsel to prepare and execute a professional consultant services agreement substantially consistent both with Dudek's proposal and the District's form consultant service contract included in the Request for Proposals. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: No
Director Raley: Yes
Director Stewart: Yes**

H. 2022 BOARD MEETING CALENDAR REVIEW

This item was reviewed on package page 218. There was an error noted in September and December; the Board meeting needs to be move down to the following Wednesday. Director Stewart asked for Operations Committee meetings to be planned quarterly.

It was moved by Director Stewart and seconded by Director Raley to approve the 2022 Board Meeting Calendar with revisions. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: No
Director Raley: Yes
Director Stewart: Yes**



6. INFORMATION ITEMS

A. WASH PLAN IMPLEMENTATION UPDATE

Ms. Miller provided a verbal update. The SBKR monitoring began in October, they have surveyed 38 sites to date. SBKR occupancy was recorded at 21 of the surveyed sites. She indicated that the District has received a draft Streambed Alteration Agreement from CDFW for maintenance projects covered under the Wash Plan, which the District and our consultant have reviewed and are providing comments on. Mr. Cosgrove said that he has talked to the appraisal directorate in regard to the land appraisal, and has developed a chart to assist them with the appraisal. Staff will be working to schedule the appraiser's inspection of the property this month. Vice President Corneille asked if Brownstein Hyatt Farber Schreck services are still needed. Mr. Cosgrove said that their services will be needed until the appraisal is completed. This item was received and filed.

B. WASH PLAN TRAIL STATUS REPORT

The Wash Plan Trails Status Report is included on package page 219. Ms. Miller said that staff met with the City of Highland Community Director and staff yesterday. Highland staff are preparing a draft summary of their comments to share with the District. The Trails Master Plan schedule was included on package page 220. Staff will meet with City of Redlands as well. This item was received and filed.

C. MENTONE SHOP IMPROVEMENT STATUS REPORT




Mr. Fogerson reviewed this item, included on package page 221. The soils report was completed yesterday. This item was received and filed.

D. OVERVIEW AND UPDATE REPORT FOR THE ACTIVE RECHARGE PARTNERSHIP AGREEMENT FOR THE UPPER SANTA ANA RIVER HABITAT CONSERVATION PLAN

Mr. Cozad reviewed this item, noting its inclusion on package page 222. He said that in the agreement with Valley Municipal, the District provides up to 295 acres of conservation easements to the River HCP in exchange for the fair market value of the easements (\$36,000,000). The District has invested these funds, and staff are utilizing this account to perform conceptual design and engineering on the ARTP projects, with consultants preparing preliminary designs for projects to be constructed over time. The agreement was reviewed on package pages 224 to 248. This item was received and filed.

E. 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 249 through 252. He discussed and reviewed via PowerPoint the Opal Fire that occurred on November 1. The Monthly Recharge Report was included on package page 253. Mr. Cozad reviewed the illegal dumping on District property shown on package page 249. The District received the Water Supply Protection and Enhancement Project of the Year Award from the American Public Works Association. Vice President Corneille asked when the historical video that the Board participated in will be released. Ms. Miller indicated that it will be ready for the 90th anniversary celebration. The Board asked to review the final video before it is released to the public. The Outreach Committee will review prior to release. This item was received and filed.

F. FUTURE AGENDA ITEMS AND STAFF TASKS

Director Raley recommended that the Committee agendas be sent out to the full Board.

7. MONTHLY BOARD MEMBER MEETING REPORTS AND/OR BOARD MEMBER COMMENTS

Director Stewart attended the Operations Committee on November 4, the Special Board meeting on November 3 and Bear Valley Mutual Water Company meetings on October 26 and November 9.

Director Raley attended the October 13 Board meeting, Valley Municipal Board Meeting on October 19 and November 2, and Ethics Training on October 15. He attended the Valley Municipal Policy Workshop on October 14, Special Board meeting on November 3 and Valley Municipal Resources Workshop on November 4. He attended the Facilities tour on November 5 and Valley Municipal Engineering Workshop on November 9.

Vice President Corneille attended the Redlands Legislative Forum on October 15, video interview on October 20 and Special Board meeting on November 3. He attended the Operations Committee on November 4.

President McDonald attended the Valley Municipal Engineering Workshop on November 9, Field tour with Valley Municipal on November 8 and Valley Municipal Board Meeting on November 2 and October 19. She attended the Association of San Bernardino County Special Districts Association dinner meeting on October 18.

8. UPCOMING MEETINGS

The annual luncheon will be held December 8 at 12 pm, at Greensleeves in Redlands.

9. CLOSED SESSION

It was moved by Director Stewart and seconded by Director Raley to adjourn to Closed Session. The motion carried 4-0, with all Directors present voting in the affirmative. Director Longville was noted absent from the vote.

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

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

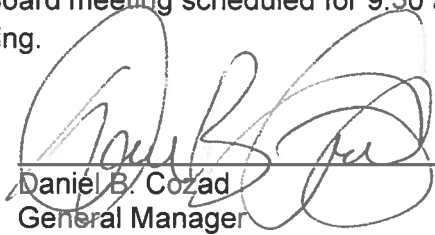
At 5:04 pm, the meeting reconvened into Open Session. Mr. Cosgrove noted that there was no reportable action.

10. ADJOURN MEETING

It was moved by Director Raley and seconded by Director Stewart to adjourn. The motion carried 4-0, with all Directors present voting in the affirmative. Director Longville was noted absent from the vote.

President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Absent
Director Raley: Yes
Director Stewart: Yes

At 5:05 pm, the meeting adjourned to the Board meeting scheduled for 9:30 am on December 10, 2021, in-person, teleconference, and Zoom meeting.



Daniel B. Cozad
General Manager