

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF NOVEMBER 9, 2022
1:30 p.m.

President McDonald called the Board of Directors meeting to order at 1:30 p.m. 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
Richard Corneille, Vice President
David E. Raley, Director
Robert Stewart, Director
John Longville, Director (Arrival 1:44 p.m.)

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

Betsy Miller, General Manager
Milan Mitrovich, Land Resources Manager
Katelyn Scholte, Principal Engineer
Laura Torres, Assistant Engineer
Athena Laroche, Administrative Specialist
Angie Quiroga, Senior Administrative Analyst
Erwin Fogerson, ARTP Engineer
David Cosgrove, District Counsel

GUESTS PRESENT:

Paul Kielhold, San Bernardino Valley Municipal Water District
June Hayes, San Bernardino Valley Municipal Water District
Willow Green, Tetra Tech

1. PUBLIC PARTICIPATION

President McDonald announced that any person 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.

2. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the posted agenda.

3. GUEST RECOGNITION/SELF INTRODUCTION

All those present in person and via Zoom made self-introductions.

4. CONSENT CALENDAR

It was moved by Vice President Corneille and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, October 12, 2022; and Item B: Expenditure Report, October 2022. 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**

5. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORT, OCTOBER 2022

Ms. Quiroga introduced this item for discussion, beginning on package page 24, and noted that payment for the Enhanced Recharge Lease Agreement was received from San Bernardino Valley Municipal Water District (Valley Municipal) on November 4. In addition, \$6,100 was received for GL 4022-Groundwater Charge and \$1,840 was received for GL 4026-Groundwater Sustainability. She noted that GL 6300-Insurance will decrease \$10,550 due to prepayment for next fiscal year. The total overall costs for insurance increased by \$9,000 due to increased payroll, an increased rate modifier factor, and a decrease in Rate Stabilization Funds received for this year. Ms. Quiroga noted that GL 7126-ARTP Engineering and Professional Services were included in fixed assets which does not allow for them to be shown in detail. She indicated that these expenses will be revised to clearly show details in the monthly unaudited financials and will be moved back to fixed assets for auditing purposes. The amount expended for October for GL 7126 was \$341,098. Vice President Corneille asked why GL 4015-UBS Interest Income is negative. Ms. Quiroga noted that this is an unrealized loss on CD's. She noted that interest rates are increasing and that the District has received some interest income. The Board thanked Ms. Quiroga for her detailed report.

It was moved by Director Stewart and seconded by Vice President Corneille to approve the Unaudited Financial Reports for October 2022. 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**

B. ENGINEERING INVESTIGATION PLAN FOR 2023

Ms. Scholte reviewed this item beginning on package page 30. She indicated that the report will be completed by Ms. Torres with support from Anna Frey, Assistant Biologist. She noted that the District has followed the approach to preparing the Engineering Investigation developed in 2012 for several years and proposes to do so again for the upcoming report. Staff requested feedback from the Board on the presented plan. There were no suggested revisions to the Engineering Investigation Plan.

It was moved by Vice President Corneille and seconded by Director Stewart to approve the Engineering Investigation Plan 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**

C. 2ND AMENDMENT TO CONTRACT SERVICES AGREEMENT FOR EXPERT TECHNICAL CONSULTANT SERVICES TO PURSUE AND OBTAIN STATE AND SELECTED FEDERAL PERMITS FOR THE UPPER SANTA ANA RIVER WASH HABITAT CONSERVATION PLAN COVERED ACTIVITIES

Mr. Mitrovich reviewed this item, noting its inclusion on package page 37. He indicated that this amendment is necessary for the District to complete remaining programmatic permits required for the Covered Activities included within the Upper Santa Ana River Wash Habitat Conservation Plan (HCP). The second Amendment to contract services with AECOM is for an amount not to exceed \$36,091. Staff provided a handout on the status of the programmatic permits and reviewed the estimated project costs on package page 43. Ms. Miller said that the 404 permit may require additional time and costs to prepare a new cultural resource report because the version that was prepared for the HCP is not acceptable to the U.S. Army Corps of Engineers. The 2081 permit is pending California Department Fish & Wildlife (CDFW) approval. Vice President Corneille asked if the permits are delaying any projects. Ms. Miller indicated that additional mining has been delayed until permits are issued. Vice President Corneille requested an amendment with the full cost of the project included. Staff confirmed they will adopt this administrative practice moving forward. Director Raley requested the minutes of the last Wash Plan Task Force meeting. Director Stewart asked if AECOM or other consultants will be necessary to comply with requirements of issued permits. Ms. Miller indicated that the majority of this work will be completed by District staff. Director Raley asked if the District should consider hiring its own employee rather than outsourcing to AECOM. Ms. Miller stated that this option was evaluated for both permit issuance and permit compliance; the new Assistant Biologist role approved by the Board for this fiscal year will allow the District to complete the majority of permit compliance actions in-house.

It was moved by Vice President Corneille and seconded by Director Longville to approve the Second Amendment to Contract Services Agreement from AECOM and authorize the General Manager, subject to concurrence by the Wash Plan Task Force, to complete the negotiation of services and fees and

execute a change order agreement in an amount not to exceed \$36,091. The motion carried 5-0, with all Board members present voting in the affirmative.

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

D. EXTENSION OF LEASE AGREEMENT WITH STEPS 4 LIFE


Mr. Cosgrove reviewed this item, included on package page 45. He provided a brief history on the District's strategic partnership with Steps 4 Life Community Services (Steps 4 Life). Since the adoption of this lease agreement in 2018, fifty-three residents have graduated from the program and achieved self-sufficiency. In addition, District staff have received training and assistance in appropriately addressing issues with persons experiencing homelessness. The lease has reached its expiration and an extension has been prepared for Board consideration. President McDonald spoke in support of this item. Director Longville expressed his appreciation for Steps 4 Life and District staff. Mr. Cosgrove noted the District's gratitude to Steps 4 Life and the City of Redlands Homeless Coordinator in support of offering services to persons experiencing homelessness on District property. Director Longville asked if the District has hired any of its residents. Ms. Scholte indicated that Steps 4 Life occupants have provided volunteer support to field staff and Ms. Miller stated that to date the District has hired one resident for a paid internship. Vice President Corneille recommended periodically checking the status of the house. Mr. Cosgrove said that there is a provision in the lease which allows for site inspections.

It was moved by Director Longville and seconded by Director Raley to approve Amendment to Memorandum of Understanding and Lease Agreement for the provision of transitional housing support services, extending its term to November 30, 2024, with three (3) potential additional one-year extensions. The motion carried 5-0, with all Board members present voting in the affirmative.

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

E. AMENDING GENERAL MANAGER CONTRACT AND RESOLUTION TO REMOVE DUTIES AS EXECUTIVE OFFICE/SECRETARY OF THE SAN BERNARDINO VALLEY CONSERVATION TRUST

Mr. Cosgrove reviewed this item, beginning on package page 51, that was initiated in response to an action by the San Bernardino Valley Conservation Trust (Trust) to appoint the Land Resources Manager as the Executive Office/Secretary of the Trust. While these roles were previously held by the District's General Manager, Mr. Cosgrove indicated that this change improves both transparency and fit for this position related to employee duties. The Trust will reimburse the District for time worked by District staff. In order to move forward with this change, Mr. Cosgrove requested approval of Resolution No. 604 to revise the General Manager's employment contract to remove these duties. Vice President Corneille




asked if the resource agencies would prefer the Land Resources Manager as the Executive Officer rather than the General Manager. Ms. Miller indicated that the resource agencies are agreeable to this change with the caveat that they will be providing oversight to the Trust. Director Raley requested that the Finance & Administration Committee review the Tetra Tech and AECOM contracts and any crossover between the two at its next meeting. Vice President Corneille asked if these responsibilities have been added to the Land Resources Managers job description. Staff confirmed that these responsibilities will be added once approved by the Board and Trust.

It was moved by Director Raley and seconded by Director Longville to approve Resolution No. 604, removing therefrom those duties related to serving as the Secretary and Executive Officer of the San Bernardino Valley Conservation Trust and approving a confirming amendment to the General Manager's employment contract. The motion carried 5-0, with all Board members present voting in the affirmative.

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

F. ACWA REGION 9 CALL FOR CANDIDATES



This item is included on package page 58. There were no Board members interested at this time. Therefore, the Board took no action.

G. 2023 DISTRICT BOARD MEETING CALENDAR


Ms. Miller introduced this item for discussion, noting its inclusion on package page 67. She reviewed the draft 2023 Board Calendar and asked for Board feedback. No changes were recommended.

It was moved by Vice President Corneille and seconded by Director Stewart to approve the proposed 2023 District Board Meeting Calendar as presented. The motion carried 5-0, with all Board members present voting in the affirmative.


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

6. INFORMATION ITEMS

A. ENVIRONMENTAL UPDATE



Mr. Mitrovich provided an update on this item, noting its inclusion on package pages 69 to 71. He reviewed the Wash Plan implementation and management activities. Staff and various partner agencies performed a variety of outreach to persons experiencing homelessness on District lands. Mr. Mitrovich said that Michael Guizar, Field Operations Specialist, has been instrumental in offering services and support to these individuals. President McDonald expressed her appreciation for the staff's efforts. Mr.




Mitrovich indicated that field staff is building a gate to limit access for trespass and dumping and assisting BLM where possible. Notice to vacate District lands was provided to all occupants with a November 7 date to vacate. Director Stewart asked if staff keeps track of the environmental impacts that are limited through active stewardship. Ms. Miller and Mr. Mitrovich said that the annual report for the Wash Plan will be catalog efforts and attempt to quantify the benefits received from management actions. Mr. Mitrovich highlighted the work that District staff is performing out in the field, including biological monitoring for engineering and operations projects. Anna Frey, Assistant Biologist, and Chrissy Kent, Biology Intern, have been supporting these tasks primarily. Vice President Corneille inquired about the Preserve Management Committee, asking if those who attended were generally aware of the functions performed by the District. Ms. Miller believes those that participated were approving of the District's efforts. Mr. Mitrovich said this was an excellent opportunity to share information with engaged partners. The next Preserve Management Committee meeting will be in the spring. This item was received and filed.

B. WASH PLAN TRAILS STATUS REPORT


Ms. Miller introduced this item for discussion, noting its inclusion on package page 72. She said that we have reached out to the Cities of Redlands and Highland and are awaiting comments on the five-party agreement. Staff will continue to follow up with our contacts at both cities.

C. ENGINEERING UPDATE




This item is included on package page 73. Mr. Fogerson said that the Mentone Shop drawings are in preparation by the building manufacturer. He said that the gate for Mill Creek Diversion was delivered. The District is currently waiting for the 408 permit to be issued by the U.S. Army Corps of Engineers with project completion planned for spring. Mr. Fogerson reviewed the ARTP projects, noting that geotechnical work is currently being performed and the hydrologic model is expected to be ready for review at the next Operations Committee. Vice President Corneille noted that the preliminary financial report was reviewed by the ARTP Policy Committee and recommended the Board review it as well. Mr. Fogerson reviewed the preliminary financial report in detail. The projects feasible for completion within the next five years will be prioritized. Ms. Scholte reviewed the ARTP Cost Summary for November 2022. Vice President Corneille is supportive of staffs' process and indicated that it is a sound method for determining cost-effectiveness and feasibility of projects. The Board thanked Mr. Fogerson and Ms. Scholte for the detailed report.

D. GROUNDWATER COUNCIL RENEWAL UPDATE




Ms. Miller and Ms. Scholte provided a PowerPoint presentation for this item. Ms. Miller provided a brief update on the history and purpose of the Groundwater Council (GC), notably creating a collaborative partnership to fund purchase of State Project water to augment recharge in support of the safe yield of the basin. The GC actions and successes from 2018-2022 was reviewed in detail. Ms. Scholte provided an overview of the Equitable Allocation Model (EAM) that determines how costs are allocated among GC member agencies. Ms. Scholte reviewed the alternatives and methods reviewed to develop the EAM. She stated that \$696,800 (23% of total costs) was budgeted for FY22 for Operations and Maintenance and \$2,281,396 (77% of total costs) was budgeted for purchase of State Project water. Director Longville commended staff for their efforts in helping develop and implement the EAM. The GC members are meeting to evaluate renewal of the agreement, which expires in 2023, and determine any needed



revisions including removal of the base period production from the "gap" calculation, inclusion of local water recharge, and determining the amount of surface water recharge in active channels. A handout of the approved EAM was provided to the Board for review. Director Stewart asked how the water provided by the Sterling Natural Resources Center (SNRC) is accounted for. Ms. Scholte indicated that the GC envisioned that a GC member could contribute through monetary payments or alternative water source supply; therefore, EVWD could use the water from SNRC as their payment method if it is recharged into the basin. The Board thanked Ms. Scholte for the detailed update.

E. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT



Ms. Miller introduced this item for discussion, noting its inclusion on package page 74. She noted that the audit has been delayed due to staff turnover at Rogers, Anderson, Malody and Scott, and thanked Ms. Quiroga for her hard work in moving the process forward. She indicated that the District will utilize the Board's prior approval for President McDonald's delegation as its voting authority at the ACWA Fall Conference. There were no objections. Ms. Miller noted that Anna Frey began as our new Assistant Biologist on October 24. USGS presented the District's San Bernardino Kangaroo Rat monitoring protocol and Year 1 monitoring results at the National Habitat Conservation Planning Coalition Conference on October 27. Year 2 data collection was completed on October 28. She commended District and partner staff for providing outreach regarding services to those experiencing homelessness on District lands. Ms. Miller recognized Mr. Fogerson for his extensive work in preparing the initial cost estimates for ARTP. She noted that the Redlands Plaza eviction is now complete. The 1600 operations and maintenance permit has been signed and returned to the District. Ms. Miller has coordinated with researchers at the Center for Law Energy and Environment, UC Berkley School of Law, who were recently awarded the Environmental Protection Agency's Science To Achieve Results grant to provide history on the District's recharge efforts to inclusion in the team's research. Ms. Miller noted that the District's annual luncheon will be held on December 14 at 12 p.m. at Romano's Macaroni Grill in Redlands. Vice President Corneille said that he would like staff to review the Enhanced Recharge Project's next phase prior to final approval.


F. FUTURE AGENDA ITEMS & STAFF TASKS

These were included in prior discussions.

7. MONTHLY BOARD MEMBER MEETING REPORTS

Director Stewart attended a meeting with the General Manager and Valley Municipal Policy Workshop on October 13. He attended the Valley Municipal Water Forum on Equity Aspects of Water on October 20, and ARTP Policy Committee on November 8.

Director Longville attended the Valley Municipal Policy Workshop on October 13, Valley Municipal Board Meeting on October 18, and Conservation Trust meeting on October 20. He attended the Grand Opening of Civil Rights Institute of Southern California on October 22, Valley Municipal Board meeting on November 1 and Valley Municipal Resources Workshop on November 3. He attended the Valley Municipal Engineering Workshop on November 8.



Vice President Corneille attended the Valley Municipal Water Forum on Equity Aspects of Water on October 20, Redlands Rise N Shine on November 4. He attended the ARTP Policy Committee on November 8 and noted that he will not be attending the December 14 District Board meeting.

Director Raley made no report.

President McDonald attended the Valley Municipal Engineering Workshop on November 8, Valley Municipal Resources Workshop on November 3 and Valley Municipal Board meeting on November 1. She attended ACWA State Legislative Committee on October 28, Highland Area Chamber of Commerce Luncheon on October 25 and Valley Municipal Board meeting on October 18. She attended the Association of San Bernardino County Special Districts dinner meeting on October 17 and Valley Municipal Policy Workshop on October 13.

8. UPCOMING MEETINGS

No meetings were discussed.

9. CLOSED SESSION

It was moved by Vice President Corneille and seconded by Director Longville to enter into Closed Session. The motion carried 5-0, with all Directors present voting in the affirmative.

President McDonald: Yes

Vice President Corneille: Yes

Director Longville: Yes

Director Raley: Yes

Director Stewart: Yes

Mr. Cosgrove announced that the meeting would adjourn to a closed session to discuss items 1, 2, 4 and 5 on the posted agenda.

At 4:12 p.m. the meeting reconvened into open session. Mr. Cosgrove reported that while in Closed Session, the Board made no reportable action.

10. ADJOURN MEETING

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

President McDonald: Yes

Vice President Corneille: Yes

Director Longville: Yes

Director Raley: Yes

Director Stewart: Yes

At 4:15 p.m., the meeting adjourned to the regular Board meeting scheduled for 9:30 a.m. on December 14, 2022, via Zoom and in-person.


Betsy Miller

General Manager