

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
December 15, 2006  
10:00 A.M.

President Cheryl Tubbs called the Regular Meeting of the Board of Directors to order at 10:00 a.m. All present stood for the pledge of allegiance, led by President Tubbs.

ROLL CALL:

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esq.

STAFF PRESENT:

Lawrence M. Libeu, General Manager/Board Secretary  
Colleen Theuer, Assistant to the General Manager/Recording Secretary

GUESTS PRESENT:

Jess Senecal, Attorney at Law, Lagerlof, Senecal, Bradley, Gosney et al  
Jim Ciampa, Attorney at Law, Lagerlof, Senecal, Bradley, Gosney et al  
Ralph Simoni, California Advocates, Inc.  
Chris Bahnsen, Land Resources Consultant

1. PUBLIC PARTICIPATION

President Tubbs 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.

2. BOARD DISCUSSION ITEMS

Director Douglas reported attending several events during the month, including the Special Districts meeting; the Highland Chamber luncheon; the Muni Advisory Committee meeting; and the ACWA Fall Conference in the first days of December.

Director Wright reported attending the Administrative and Resources Committees meetings.

Vice-President Aranda reported attending several events during the month, including the Administrative and Resources Committees meetings; and in the first part of December, the ACWA Fall Conference and the Colorado River Water Users Association Conference. He also noted that the District participated as a co-sponsor to the Loma Linda Lopers by donating water for their annual marathon.

President Tubbs reported attending the Administrative Committee meeting; the Special Districts meeting; and the Highland Chamber luncheon meeting.

Director Day reported attending the Administrative and Resources Committees meetings.

Director McDonald reported on the ACWA/JPIA meetings she attended as part of the ACWA Fall Conference in December.

Director Corneille reported that he attended the Administrative Committee meeting and chaired the Muni Advisory Committee meeting.

3. APPROVAL OF THE MINUTES

**It was moved by Director Day and seconded by Vice President Aranda to approve the minutes of the regular meeting of November 8, 2006, and the minutes of the Special Meeting of November 17, 2006. The motion carried unanimously.**

4. BOARD COMMITTEE REPORTS

Mr. Libeu reported on the Administrative Committee and the Resources Committee meetings held during the month. He said the Administrative Committee's meeting focused on the current openings for the Assistant General Manager and Director of Land and Water Resources. The Resources Committee meeting was called because of

the field tractor needing repairs, at a cost above the General Manager's approval limit. However, the Committee considered the repair an emergency, for which the General Manager has approval authority.

5. GENERAL MANAGER'S REPORT

Mr. Libeu summarized his written General Manager's report, and answered questions from the Board.

6. OPERATIONS AND MAINTENANCE REPORT

Mr. Libeu reported that due to the tractor needing repairs, limited maintenance work was done in the field during the month, and spreading from both Santa Ana River and Mill Creek had commenced. He discussed and distributed the flow report. He noted that he attended a meeting at the City of Highland regarding the Greenspot Road Realignment and new bridge construction; he further indicated that this was a separate project from the Wash Plan.

7. WASH PLAN UPDATE

Mr. Cosgrove reported that Wash Plan members had been extremely active during the month, and discussed several items: a meeting had been held on November 28 with the HCP Working Group, and mentioned that the Fish & Wildlife Service had adopted a technique utilizing satellite imagery to create mapping for the various areas of the critical habitat. He also met with the traffic group, as the City of Highland had raised an issue regarding the mining activity contemplated by the Wash Plan and the possible traffic impact of this activity. Cal-Trans provided some comments regarding this issue and advised that a study would have to be done on "weaving and cross-traffic"; LSA has already been commissioned to do this study. Mr. Cosgrove said that the administrative draft of the EIR could now be completed. The trails component of the Wash Plan has been revised; the last draft of the trails plan is being prepared by the City of Highland, the City of Redlands, and the County of San Bernardino. Mr. Cosgrove concluded his update and said they hope to have a screen check by the end of January.

8. CONSENT CALENDAR

The financial statements were briefly discussed.

**It was moved by Director Wright and seconded by Vice-President Aranda to approve the Consent Calendar, consisting of the un-audited financial reports for November 2006. The motion carried unanimously.**

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

A. Approve Amendment to Contract with EDAW, Inc., in the Amount of \$10,000

Mr. Cosgrove explained that EDAW, Inc. would be preparing the final Draft EIR (DEIR) as part of the District's Santa Ana Water Rights Application. He updated the Board on the current status of the Water Rights Application, indicating that the State Board was preparing to hold hearings on all the permit applications. EDAW estimates that the costs for the preparation of the DEIR would be \$19,000. As there was still \$13,000 left on the original contract with EDAW, staff was requesting approval for an amendment to the contract in the amount of \$10,000, which would also allow for contingencies, should they occur. Discussion ensued, and Mr. Cosgrove answered questions from the Board.

**It was moved by Director Corneille and seconded by Director Day to approve Amendment No. 3 to the Contract with EDAW, Inc., in the amount of \$10,000, to finalize the Environmental Impact Report for the District's Santa Ana Water Rights Permit Application. The motion carried unanimously.**

B. Award Contract to Larry Jacinto Construction, Inc. in the Amount of \$13,1268

Mr. Libeu explained that Spreading Basin #17 needed major maintenance work, and staff sought proposals to perform the work. Larry Jacinto Construction has performed excellent work for the District in the past, and they provided the lowest bid for Basin #17, at \$13,168.00. Staff would need to file a categorical exemption under CEQA if the contract were awarded.

**It was moved by Director McDonald and seconded by Director Douglas to award a contract to Larry Jacinto Construction, Inc. for basin maintenance work in spreading basin #17, in the amount of \$13,168.00, and to authorize staff to file a categorical exemption under CEQA. The motion carried unanimously.**

C. Receive and File FY 2005-2006 Audit Report

Mr. Libeu said that the Audit Report had been discussed at length at the Administrative Committee meeting, with Deborah Crowley of Eadie & Payne present to answer questions. As there was nothing new to report, staff felt it was unnecessary for a further presentation. Mr. Libeu asked for the Board to receive and file the report.

**It was moved by Director Corneille and seconded by Director McDonald to receive and file the FY 2005-2006 audit report. The motion carried unanimously.**

D. Approve Schedule of Board Meetings for 2007

Mr. Libeu briefly discussed the proposed schedule of Board meetings for the year 2007.

**It was moved by Director Day and seconded by Vice President Aranda to approve the Schedule of Board Meetings for the year 2007. The motion carried unanimously.**

10. SPECIAL PRESENTATION

Mr. Ralph Simoni, from California Advocates, Inc., presented his Annual State Legislative Report for the year 2006. He discussed several items, including water issues; the sunset clause in the legislation regarding consolidations of special districts; and the state budget and the probability that it would be late in completion. After his presentation, Mr. Simoni answered questions from the Board.

At 11:00 a.m., a brief break was taken. The meeting reconvened at 11:10 a.m.

11. CLOSED SESSION

**At 11:10 a.m., the meeting adjourned to Closed Session, as provided by the authority of Government Code Section 54956.8, to consider Real Property negotiations re: easement agreement; and 54956.9(c), to determine whether to initiate litigation. The motion carried unanimously.**

Mr. Cosgrove excused himself due to a possible conflict of interest.

At 12:00 p.m., the meeting reconvened into Open Session. During Closed Session, the Board gave direction to engage litigation; once it was formally commenced, it would be in accordance with Government Code Section 54957.1(a)(2); the District will disclose who the litigation is filed against upon inquiry.

12. ADJOURN MEETING

At 12:03 p.m., the meeting adjourned to the Hilton Hotel for the annual Christmas luncheon. The next Board meeting is scheduled for **Wednesday, January 10, 2007** at District Headquarters, 1630 W Redlands Blvd., Suite A, Redlands, CA at 1:30 p.m.