

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING/PUBLIC MEETING OF
March 25, 2008
1:30 p.m.

President Melody McDonald called the Regular Meeting/Public 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
Clare Henry Day, Director
Arnold Wright, Director
John Longville, Director (2:10 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Marvin Shaw, General Manager
Colleen Theuer, Admin. Services Mgr./Recording Secretary

GUESTS PRESENT:

D. Burnell Cavender, Consultant, Wash Plan
Randy Scott, Consultant, Wash Plan

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.

2. PUBLIC MEETING RELATED TO ADOPTION OF GROUNDWATER CHARGE

President McDonald opened the Public Meeting related to the adoption of the groundwater charge. There was no member of the public present and no written comments had been received.

It was moved by Director Tubbs and seconded by Director Corneille to close the Public Meeting relating to the adoption of the groundwater charge for 2008-2009, in the absence of any member of the public appearing and in the absence of having received any written comments. The motion carried 6-0, with Director Longville noted absent.

3. CONSENT CALENDAR

The minutes from the March 5, 2008 and March 17, 2008 were discussed; corrections were noted.

It was moved by Director Corneille and seconded by Director Day to approve the minutes of March 5, 2008, as amended. The motion carried 6-0, with Director Longville noted absent.

It was moved by Director Corneille and seconded by Director Tubbs to approve the minutes of March 17, 2008, as amended. The motion carried 6-0, with Director Longville noted absent.

The financial reports were briefly discussed. It was noted that they were through March 25, 2008, and that the financials for the complete month of March would be presented at the April 30, 2008 meeting.

It was moved by Director Tubbs and seconded by Director Day to approve the un-audited financial reports for the month of March (through March 25, 2008). The motion carried 6-0, with Director Longville noted absent.

4. INFORMATION ITEMS

A. Presentation of Wash Plan DEIR

Consultant Burnie Cavender presented the *Upper Santa Ana River Wash Land Management and Habitat Conservation Plan* Draft Environmental Impact Report (Wash Plan DEIR) to the Board. He discussed several objectives of the Wash Plan: (1) ensure the continued ability of the District to replenish the Bunker Hill Groundwater Basin with native Santa Ana River (SAR) water, using existing and potential future water recharge facilities; (2) ensure the continued ability of the San Bernardino County Flood Control District to protect land and property by managing the floodwaters of the SAR and its local tributaries; (3) set aside and maintain habitat for sensitive, threatened, or endangered species populations on the project site, and prevent colonization by non-

native plants and animals; (4) accommodate the relocation and expansion of aggregate mining quarries, to help ensure long-term availability of high quality aggregate reserves located with the Planning Area for local and regional use; (5) accommodate arterial roads and highways to provide safe modes of travel; and (6) provide trails for public enjoyment of the existing environment. Using visual aids, Mr. Cavender continued discussing the project in detail, and answered questions from the Board. He concluded his presentation by noting that copies of the Synopsis of the Wash Plan, with an enclosed CD containing the entire DEIR and related appendices, were distributed to 120 recipients. A 60-day review period began on March 25, 2008 and would end on May 23, 2008.

Mr. Longville joined the meeting at 2:10 p.m.

B. Board Committee Reports

There were no Board Committee Reports for this meeting.

C. Operations and Maintenance Report

Mr. Shaw summarized his written report.

5. ACTION ITEMS, NEW BUSINESS, FYI

A. Approve and Authorize Agreement for Project Management and Civil Engineering Services for Optimization Study

Mr. Shaw briefly discussed a proposed agreement with Joseph E. Bonadiman & Associates, to perform project management and engineering services in support of the District's "Evaluation and Conceptual Design to Optimize Santa Ana River Groundwater Recharge Facilities and Operations." The cost for these services would not exceed \$45,000.

It was moved by Director Corneille and seconded Director Day to approve the agreement with Joseph E. Bonadiman & Associates, to perform project management and engineering services, in support of the District's "Evaluation and Conceptual Design to Optimize Santa Ana River Groundwater Recharge Facilities and Operations," not to exceed \$45,000. The motion carried unanimously.

Director Corneille requested that a monthly written report be provided by Joseph E. Bonadiman & Associates.

B. Approve and Authorize Interim Agreement with MWH Americas, Inc.

Mr. Shaw reported that the Board of Directors of the San Bernardino Valley Municipal Water District (SBVMWD) met regarding the joint effort of the "Evaluation and Conceptual Design to Optimize Santa Ana River Groundwater Recharge Facilities and

Operations” (Optimization Study). They directed their staff to schedule a workshop for March 31, 2008 to discuss the project in greater detail. Mr. Shaw recommended executing an interim agreement with MWH Americas, Inc., for \$20,000, in the interest of keeping the study moving forward with the first portion of the study while SBVMWD completes their evaluation of the project.

It was moved by Director Longville and seconded by Director Tubbs to approve and authorize an interim agreement with MWH Americas, Inc., in the amount of \$20,000, for the purpose of moving forward with the first portion of the “Evaluation and Conceptual Design to Optimize Santa Ana River Groundwater Recharge Facilities and Operations.” The motion carried unanimously.

C. Approve Additional Costs for Stonefield Josephson CEMEX Audit

Mr. Shaw discussed the additional costs associated with the audit currently being performed by Stonefield Josephson Inc. on the CEMEX records. The original amount authorized for the audit was for \$17,200; however, more time has been required in performing the audit than was originally foreseen. The cost incurred to date is \$21,000, (which includes an initial \$5,000 for a pilot study previously approved), with an additional \$12,000 projected to complete the audit. Discussion continued. After discussion, the following motion was made:

It was moved by Director Corneille and seconded by Director Wright to approve additional funding in the amount of \$12,000 to Stonefield Josephson Inc. to complete the audit on the CEMEX records. The motion carried unanimously.

6. UPCOMING MEETINGS

Upcoming meetings listed on the agenda were briefly discussed.

7. BOARD DISCUSSION ITEMS

Director Corneille reported that he would be out of the state the first week of April, and also would be unable to attend the April 30, 2008 Board meeting as he would be in Washington DC to accept an award. He noted that an Advisory Commission on Water Policy meeting would be held on March 27, 2008. He said that he attended a Public Service Ethics Education meeting on March 6, located at Yucaipa Valley Water District.

Director Tubbs reported that she attended the Special Districts meeting.

Director Day reported that he would be out of the country April 16 through April 30, and therefore would be unable to attend the Board meeting on April 30, 2008.

Director Aranda reported that he attended the Public Service Ethics Education meeting on March 6 at Yucaipa Valley Water District. He also made a presentation to the Loma

Linda Chamber, and suggested that District staff take several photographs of the Wash for use in future presentations.

President McDonald reported that she attended a luncheon meeting with two Board members each from Western Municipal Water District and SBVMWD.

8. CLOSED SESSION

It was moved by Director Longville and seconded by Director Day to adjourn to Closed Session at 3:30 p.m., under Government Code Section 54956.9(a), consider the Application No. 31693 before the State Water Resources Control Board to temporarily appropriate waters of the Santa Ana River; Government Code Section 54956.9(b)(3)(a), Section 54956.9(c), and Section 54956.9(b)(1), to confer with legal counsel regarding significant exposure to litigation in one case; Government Code Section 54956.9(c) to consider whether to initiate litigation; and 54956.9(a), confer with legal counsel regarding Case No. SCVSS 147526 San Bernardino Valley Water Conservation District vs. San Bernardino County Local Agency Formation Commission; and Government Code Section 54957, consider appointment of public employee. The motion carried unanimously.

At 3:50 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1(a)(5), the Board in Closed Session accepted the resignation of the General Manager, effective April 30, 2008.

9. ADJOURN MEETING

At 3:35 p.m., the meeting adjourned to a Special Board meeting scheduled for April 7, 2008 at 3:30 p.m., at District Headquarters, 1630 W Redlands Blvd., Suite A, Redlands, CA.

Secretary of the Board