

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF
September 3, 2008
1:30 p.m.

President Melody McDonald called the Board 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
Clare Henry Day, Director
Richard Corneille, Director
John Longville, Director
Arnold Wright, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

R. Robert Neufeld, General Manager
Colleen Theuer, Admin. Services Mgr./Recording Secretary
Shanae Smith, Executive Assistant

GUESTS PRESENT:

None

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. BOARD DISCUSSION ITEMS

Director Corneille reported that he attended the Advisory Commission on Water Policy meeting on August 21, 2008. At that meeting there was discussion regarding how the San Bernardino Valley Municipal Water District (SBVMWD) might allocate the rest of the year's allotment of state project water. Out of 15,000 acre-feet expected to be available, it was suggested that 5,000 acre-feet should be held in reserve and the remaining 10,000 acre-feet be recharged.

Director Tubbs reported that she attended the meeting of the Advisory Commission on Water Policy and the San Bernardino County Water Conference.

Director Day reported that he will be out of the country from October 28 to November 15, 2008.

President McDonald reported that she attended various meetings during the month, including the San Bernardino County Water Conference, and the SBVMWD Workshop and Board meeting.

Director Aranda reported that he attended various meetings during the month, including the Advisory Commission on Water Policy.

Director Wright reported attending the San Bernardino County Water Conference.

Director Longville reported that he attended the San Bernardino County Water Conference.

4. CONSENT CALENDAR

The minutes from the August 13, 2008 regular Board meeting was discussed. Minor changes were noted.

It was moved by Director Tubbs and seconded by Director Corneille to approve the minutes from the August 13, 2008 regular Board meeting, as amended. The motion carried unanimously.

The un-audited financial reports for the month of August 2008 were discussed.

It was moved by Director Tubbs and seconded by Director Day to approve the un-audited financial reports for the month ending August 31, 2008. The motion carried unanimously.

4. A. Wash Plan Update

Randy Scott discussed the status of the Wash Plan EIR, noting that preparation of the draft form was 50-60% completed. He said responses to the comments received were being processed. The interview panel was leaning towards URS to complete the EIS.

The Draft EIS was anticipated by the end of December 2008, and the Administrative Draft would be released by mid-March 2009, at which point a 90-day review period would begin. The final could be completed by the fall of 2009. The HCP would be started concurrently; Mr. Scott anticipated that everything would be completed by the end of 2009.

B. Board Committee Reports

There were no committee reports for the month. An Ad Hoc Administrative Committee meeting, consisting of members President McDonald, Director Corneille, and Director Longville (and alternate Clare Day), was scheduled for September 10, 2008 at 3:00 p.m. at the District office, to discuss personnel issues and Dr. Mathis' recommendations.

C. Operations and Maintenance Report

Mr. Neufeld reported that a total of 17,632 acre-feet of water from SAR and 3,610 acre-feet of water from Mill Creek had been spread for the water year. Director Tubbs requested that the daily flow report be modified to indicate the current spreading targets.

D. Optimization Study Update

Mr. Neufeld reported that the conference call scheduled for August 25 was cancelled. The next meeting is scheduled for September 8, at 9:30 a.m., at the SBVMWD office.

E. USACE Lakes & Streams Update

Mr. Scott reported that a conference call took place with several members of the participating members of the study team. To date, the study team is in the process of data collection and defining the study area. Mr. Scott said the District is affiliated with the County of San Bernardino as a "lead local sponsor," but there is vagueness in how the District fits into the scheme of the project. Discussion followed. Mr. Scott said he had just recently become more active in this project and would seek clarification.

F. City of Redlands - Hinckley Discharge to District Pond

Mr. Neufeld said that the City of Redlands has backwash water they would like to spread in the recharge basins behind the Hinckley plant. There are no water quality issues, and the amount recharged would be about 2 acre-feet a day. Mr. Neufeld said he discussed with the city the possibility of a credit towards the groundwater charge for this water. Discussion ensued. He said field personnel would be monitoring this process.

G. General Manager's Report

Mr. Neufeld discussed the possible purchase of a new vehicle for the General Manager. The SUV the District currently owns could still be utilized for tours and events where the need for a large vehicle for several people would be necessary. He indicated he would

be bringing this item to the Ad Hoc Administrative Committee meeting on September 10. Discussion ensued. The possibility of a car allowance was discussed as a modification to the General Manager's contract, rather than the purchase of a new vehicle. Staff was directed to include this item on the agenda for the next Board meeting on September 24, 2008.

Mr. Neufeld discussed an item on the SBVMWD's agenda regarding the Wash Plan, whereas their agency proposed to pass a resolution reaffirming that they would complete the Wash Plan in the event the District were to be consolidated with them. He also discussed the creation of the San Bernardino Basin Producers Group, a new water producers group within the San Bernardino area, consisting of San Bernardino, East Valley Water District, Riverside, Colton, and the West Valley Water District. This group was formed to advocate on behalf of the producers in the San Bernardino Basin. Mr. Neufeld met with Stacy Alstadt, General Manager of the San Bernardino Municipal Water Department, and Bob Martin, General Manager of East Valley Water District, and they indicated that this group was agreeable to the San Bernardino Municipal Water Department's reconsideration of their support of the consolidation. Mr. Neufeld said he had been invited to appear before the San Bernardino Municipal Water Department's meeting on September 16 and will be prepared to answer questions from them regarding some of the issues they had when they supported the consolidation.

Mr. Neufeld noted that he and President McDonald met with Supervisor Paul Biane, also a member of the LAFCO Board, regarding consolidation issues, and that he hoped to set up meetings with the other LAFCO Board members.

Mr. Neufeld also briefly discussed reports he received from Mr. Simoni and Mr. Hicks regarding legislative activities; his meeting with the Editorial Board from the Sun Newspaper; and the upcoming ACWA Conference.

5. ACTION ITEMS, NEW BUSINESS, FYI

A. Discussion Regarding East Branch Extension - Phase II

Mr. Cosgrove reported that the Draft EIR for the East Branch Extension Phase II had been received from the Department of Water Resources. The public comment period would be closing on September 15, 2008. Using visual aids, Mr. Cosgrove spoke in detail about the project. He discussed the purpose of the project and how it would impact the District and the Wash Plan. The DEIR provided four alternative pipeline alignments, which were discussed in length. Staff was directed to comment to the DEIR and indicate that Alternative 1 is superior to Alternative 2, while alignments 3 and 4 definitely impact the District's spreading grounds disproportionately.

B. Approve Change in Appendix B of the Board Policy Manual

Changes in Appendix B of the Board Policy Manual were discussed. Other minor changes were noted.

It was moved by Director Tubbs and seconded by Director Day to approve the revised Appendix B of the Board Policy Manual, as amended. The motion carried unanimously.

C. Change Board Meeting Dates and Frequency of Meetings

It was moved by Director Day and seconded by Director Tubbs to approve Resolution No. 440, adopting a change in the frequency in the number of regular Board meetings from one meeting per month to two meetings per month, and a change in the meeting dates from the first Wednesday of the month to the 2nd and 4th Wednesdays of the month, per Water Code Sections 74223 and 74224. The motion carried unanimously.

D. FYI & Discussion - Todd Engineers Contract

This item was continued from the August 17, 2008 Board meeting. Mr. Neufeld advised the Board of additional information requested previously. After discussion, staff was directed to bring a contract proposal to the Board meeting on September 24 for professional services for assistance with the Annual Engineering Report.

It was moved by Director Tubbs and seconded by Director Corneille to continue this item to the Board meeting of September 24, 2008. The motion carried unanimously.

E. FYI & Discussion - Change in PERS Contract

Mr. Neufeld requested that this item be referred to the Ad Hoc Administrative Committee.

It was moved by Director Corneille and seconded by Director Day to move the item of "Change in PERS Contract" to the Ad Hoc Administrative Committee. The motion carried unanimously.

6. UPCOMING MEETINGS

Upcoming meetings were briefly discussed.

7. CLOSED SESSION

Mr. Neufeld advised that the real property item concerning the City of Redlands listed for Closed Session would not be discussed at the meeting at this time.

It was moved by Director Aranda and seconded by Director Day to adjourn to Closed Session, under Government Code Section 54956.8, consider lease and/or Real Property negotiations with CEMEX, USA; Government Code Section 54956.8, consider Real Property negotiations regarding borrow pit property APN 297-071-13; Government Code Section

54956.9(a), confer with legal counsel regarding the applications pending before the State Water Resources Control Board regarding the Santa Ana River, including Nos. 31169, 31170, and 31371; Government Code Section 54956.9(c), consider whether to initiate litigation; Government Code Section 54956.9(c), confer with legal counsel regarding potential litigation; Government Code Section 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.

At 5:30 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, there was no reportable action taken.

8. ADJOURN MEETING

At 5:30 p.m., the meeting adjourned to the Board meeting scheduled for September 24, 2008, at 1:30 p.m., at District headquarters, 1630 W Redlands Blvd., Ste. A, Redlands, CA.

R. Robert Neufeld
Secretary of the Board