

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF
December 12, 2008
10:00 A.M.

President Melody McDonald called the Board Meeting of the Board of Directors to order at 10:00 a.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
Arnold Wright, Director
Richard Corneille, Director
John Longville, Director (In at 11:00 A.M.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker
Jess Senecal, Lagerlof, Senecal, Bradley, et al
Jim Ciampa, Lagerlof, Senecal, Bradley, et al

STAFF PRESENT:

R. Robert Neufeld, General Manager
Claud Seal, Assistant General Manager/District Engineer
Colleen Theuer, Admin. Mgr/Recording Secretary

GUESTS PRESENT:

Greg Gage, San Bernardino Valley Municipal Water District
Eric Robbins, Sierra Water Group
Richard Miller, Citizen

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. ADDITIONS/DELETIONS TO AGENDA

Director Aranda inquired as to the new addition on the agenda of "Additions/Deletions to Agenda." Mr. Cosgrove explained that this addition does not change the way in which an item is added to the agenda after the agenda has been posted; but is just additional information.

3. BOARD DISCUSSION ITEMS

Director Aranda reported that he attended the ACWA Conference in Long Beach, and the court hearing in Ventura regarding the appeal on the LAFCO /consolidation issue.

Director Day reported that he attended the ACWA Conference, the Loma Linda State of the City Luncheon; and the court hearing in Ventura.

Director Corneille reported attending the ACWA Conference, where he participated in the Groundwater Committee meeting. He noted that this committee was establishing a Groundwater Management Policy Statement (Statement), in an attempt to prevent the State from becoming too involved in groundwater regulations. The basic principle of the Statement is in establishing that groundwater resources are local jurisdictions. Another meeting was scheduled in January in Sacramento. Director Corneille also noted that he attended the Water Management meeting at the Conference.

President McDonald reported attending the ACWA Conference; the Upper Santa Ana Resources Association meeting; and a meeting at the San Bernardino Valley Municipal Water District, where they are considering raising their rates, as they are facing a loss of revenue. President McDonald also reported attending the Highland Chamber of Commerce Christmas Luncheon.

4. CONSENT CALENDAR

It was moved by Director Tubbs and seconded by Director Corneille to approve the minutes of November 12, 2008. The motion carried 5-2, with Directors Day and McDonald abstaining due to their absences from the meeting.

It was moved by Director Tubbs and seconded by Director Aranda to approve the minutes of November 24, 2008. The motion carried 6-1, with Director Corneille abstaining due to his absence from the meeting.

There was a brief discussion on the financial reports for the month of November.

It was moved by Director Corneille and seconded by Director Tubbs to approve the un-audited Financial Reports for the month of November, 2008. The motion carried unanimously.

5. INFORMATION ITEMS

A. Board Committee Reports

There were no Board Committee reports for this meeting.

B. Wash Plan Update

Mr. Cosgrove briefed the Board on the Wash Plan. The expiration of the Statute of Limitations on the Notice of Determination for the Wash Plan EIR is Monday, December 15, 2008. He said diligent work is being done on the EIS by URS, Inc., and he discussed further the land exchange. Discussion continued, and Mr. Cosgrove answered questions from the Board.

C. Operations and Maintenance Report

Mr. Neufeld introduced Claud Seal, the new Assistant General Manager/District Engineer. Mr. Seal provided the Operations and Maintenance Report. He noted that all the basin gates within both spreading grounds were being repaired or serviced.

D. Optimization Study Update

Mr. Neufeld updated the Board on the status of the Optimization Study, noting that Mr. Seal would become involved in the study. He said based on preliminary information, it may be necessary to revise the scope of the work in the study. The revised scope would exclude any further study in the Borrow Pit and would instead concentrate on expanding the District's spreading basins. The next meeting is scheduled for December 16, 2008 at 9:30 a.m., at the San Bernardino Valley Municipal Water District.

E. Assistant General Manager's Report

Mr. Seal discussed the possibility of rejoining the Association of Groundwater Agencies. He said that he and Mr. Neufeld would be developing some long-term operations plans and maintenance schedules on all of the sedimentation basins. Director Corneille said he wanted to see the District involved in more capital improvements.

F. General Manager's Report

Mr. Neufeld reported on the ACWA Conference that he attended with Board members. He also discussed the LAFCO meeting he attended, and noted that a Board Budget Workshop would be held in January.

6. ACTION ITEMS, NEW BUSINESS, FYI

A. Election of Officers

The Board Policy Manual states that Officers of the Board of Directors would be appointed by vote in the regular meeting in December of a District election year (in the District's case, 2009). As there was a change in Board officers mid-year in June 2007, an election was not held in December 2007. The next formal election of officers would be December 2009. Mr. Neufeld discussed whether to conduct elections for Board officers in December 2008, since an election was missed in 2007. Discussion ensued. After discussion, the following motion was made:

It was moved by Director Aranda and seconded by Director Day to continue the current slate of officers until December 2009. The motion carried unanimously.

B. Consideration of District Position Regarding LAFCO Special District Representative

Mr. Neufeld led a discussion on the Special Districts' seat on the LAFCO Board that had become available, due to a vacancy left by Mr. Bob Colvin. He asked that the Board consider supporting a candidate for that position. Several candidates were discussed.

It was moved by Director Corneille and seconded by Director Wright to recommend James V. Curatalo for the Special Districts Representative on the LAFCO Board. The motion carried unanimously.

C. Consider Support Letter to CalPERS for Proposed GASB Rule Change

There was a brief discussion on CalPERS request for support for a GASB 45 rule change that would relax constraints placed on small employers.

It was moved by Director Tubbs and seconded by Director Aranda to approve a support letter to CalPERS for a proposed GASB 45 rule change, for relaxing constraints placed on small employers. The motion carried unanimously.

D. Board Meeting Calendar

There was a discussion on the Board meeting calendar for the year 2009. Several changes were proposed. Three meetings were cancelled: February 25, March 11, and December 23, 2009. November 25 was changed to November 18, 2009. The December meeting would begin at 9:00 a.m. The Board Budget Workshop was scheduled for January 22, 2009, at 8:30 a.m.

It was moved by Director Day and seconded by Director Aranda to approve the 2009 Board Meeting Calendar, as amended. The motion carried unanimously.

7. UPCOMING EVENTS

There was no discussion on this item.

8. CLOSED SESSION

At 11:25 a.m., the meeting adjourned into Closed Session, under Government Code Section 54956.8, consider Real Property negotiations with the City of Redlands regarding potential well sites along Orange Avenue; Government Code Section 54956.9(a), confer with legal counsel regarding the renewal of the temporary urgency permit No. 21212, filed with the State Water Resources Control Board; Government Code Section 54956.9(c), consider whether to initiate litigation; and 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. The motion carried unanimously.

Director Wright was excused from Government Code Section 54956.9(a), renewal of the temporary urgency permit No. 21212, due to a possible conflict of interest.

At 12:30 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, there was no reportable action taken.

9. ADJOURN MEETING

At 12:31 p.m., the meeting adjourned to the Board meeting scheduled for January 14, 2009, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

R. Robert Neufeld
Secretary of the Board