

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF  
July 22, 2009  
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  
Arnold Wright, Director  
Richard Corneille, Director  
John Longville, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP (1:40 p.m.)

STAFF PRESENT:

R. Robert Neufeld, General Manager  
Claud Seal, Assistant General Manager/District Engineer  
Randy Scott, Project Manager Wash Plan (1:45 p.m.)  
Colleen Theuer, Admin. Mgr/Recording Secretary  
Shanae Smith, Executive Assistant

GUESTS PRESENT:

Bruce Cash, USI  
Vince Laster, San Bernardino Resident

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

There were no additions/deletions to the agenda.

3. BOARD DISCUSSION ITEMS

Director Wright reported attending the LAFCO Hearing and the Resources Committee meeting.

Director Corneille reported attending the LAFCO Hearing and the Resources Committee meeting. He attended the San Bernardino Valley Municipal Water District (SBVMWD) Advisory Commission meeting and provided a detailed report summarizing three proposed water projects presented by the City of Riverside, the City of Redlands, and the City of San Bernardino Water Department.

Director Day reported attending the LAFCO Hearing and the Resources Committee meeting.

Director Tubbs reported attending the LAFCO Hearing and the Ad Hoc Committee meeting regarding consolidation.

Director Longville reported attending the LAFCO Hearing and the Ad Hoc Committee meeting regarding consolidation.

Director Aranda reported attending the LAFCO Hearing and reported on his overall activity level representing the District at a variety of functions. He also summarized a recent decision by Governor Schwarzenegger to impose an 8% property tax increase on Special Districts as a result of Prop 1A.

President McDonald reported attending the LAFCO Hearing and the Ad Hoc Committee meeting regarding consolidation.

4. CONSENT CALENDAR

There were no consent calendar items for this meeting.

5. INFORMATION ITEMS

A. Board Committee Reports

Directors Tubbs announced the upcoming San Bernardino Area Chamber of Commerce Governmental Affairs Committee "State of the State" event, located at the National Orange Show on August 7, 2009.

#### B. Wash Plan Update

Randy Scott, the Wash Plan Project Manager, extended congratulations to the members of the Board for their victory at the recent LAFCO Hearing for consolidation.

Mr. Scott reported that the EIS on the land exchange would be released for public review by notice in the Federal Register on Friday, July 24, 2009, filed by the Bureau of Land Management (BLM). The public review period would be ninety days, ending October 22, 2009. He stated that mailing distribution would be on compact disc followed by the notice letter posted on the BLM website.

Mr. Scott reported that a draft biological assessment for the Habitat Conservation Plan would be provided by Jones and Stokes within two weeks. A discussion ensued.

#### C. Operations and Maintenance Report

Claud Seal reported that water spreading has ceased in the Mill Creek spreading basins due to the available minimal flows being taken by upstream users. He stated that the District has received quotes for repairs of the Mill Creek entrance structure which were presented to the Resources Committee.

Mr. Seal reported that Southern California Edison's (SCE) Power Plant #3 (PP#3) inflow continues below 7.5 cfs. The generator plant remains inoperable and will not resume operations until the Fall. He indicated that SCE's water bypasses the generator and dumps into the Afterbay, which is then taken by Bear Valley Mutual Water Company (BVMWC), the City of Redlands (Redlands), and East Valley Water District (EVWD), if water quantities are available.

Mr. Seal said that both he and the General Manager met with Mike Huffstutler and discussed the BVMWC River pickup inlet, the channel to the SCE PP# 3 Afterbay, and the usage and distribution of the water in the Afterbay that could benefit EVWD and Redlands, and produce 1.5 to 2 cfs for spreading by SBVWCD. He reported that Mr. Huffstutler said he would have to talk to the District's attorney and Board members about the facility modifications before making a response.

Mr. Seal reported attending an electrical safety presentation in Rancho Cucamonga with field staff. He said that the meeting focused on the federal government requirement (NFPA 70E-"Standard For Electrical Safety in the Workplace"), the CAL/OSHA requirements for personnel training, documentation, and potential fines by CAL/OSHA,

and the realization of possible accident and injury to all District employees due to electrical shock.

D. Santa Ana River Groundwater Recharge Optimization Study Update

Mr. Seal presented a slide show of the final report submitted by MWH and GEI Consultants.

E. Assistant General Manager's Report

This item was covered in previous reports.-

F. General Manager's Report

Mr. Neufeld extended thanks to the Board of Directors for their efforts during the LAFCO consolidation process.

Mr. Neufeld announced that for Directors from Divisions 2, 4, 5, and 6, the deadline for filing for the upcoming elections was 5:00 pm. on August 7, 2009.

6. ACTION ITEMS, NEW BUSINESS, FYI

A. Authorize Budget Augmentation of Operating and Capital Improvement Budgets in the Amount of \$50,000

Mr. Neufeld discussed the need for repair work to be done on the inlet bottom at the south bank of Mill Creek, due to severe erosion from years of river water wear and rock damage. He requested that \$50,000 be moved from the Capital Improvement budget account # 7020, "Protective Fencing," and added to Operating Budget account # 5240, "Facility Maintenance," to cover this repair work.

**It was moved by Director Corneille and seconded by Director Longville to approve moving \$50,000 from the Capital Improvement budget account # 7020 to the Operating Capital budget account #5240, for the purpose of repair work at the south bank of Mill Creek. The motion carried unanimously.**

B. Award Contract to Larry Jacinto Construction Inc. in the Amount of \$19,920.50

Discussion ensued regarding a contract with Larry Jacinto Construction for repair work at the south bank of Mill Creek. After discussion, the following motion was made:

**It was moved by Director Tubbs and seconded by Director Day to table the Larry Jacinto, Inc. Contract until the next regular Board meeting, on August 12, 2009. The motion carried unanimously.**

7. UPCOMING EVENTS

There was no discussion on this item.

8. CLOSED SESSION

**At 4:15 p.m., it was moved by Director Corneille and seconded by Director Longville to adjourn to 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), renewal of the Temporary Urgency Permit No. 31732, filed with the State Water Resources Control Board; 54956.9(c), consider whether to initiate litigation; and Government Code Section 54956.9(b)(3)(a), Section 54956.9(c), and Section 54956.9(b)(1), confer with legal counsel regarding significant exposure to litigation in one case. The motion carried unanimously.**

At 5:33 p.m., the meeting reconvened into Open Session. Under Government Code Section 54957.1, there was no reportable action taken.

9. ADJOURN MEETING

At 5:33 p.m., the meeting adjourned to the regular Board Meeting scheduled for August 12, 2009, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

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R. Robert Neufeld  
Secretary of the Board