

**SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

**SPECIAL BOARD OF DIRECTORS MEETING AGENDA**

**April 29, 2013 – 1:30 p.m.**

**Location--1630 West Redlands Boulevard, Suite A, Redlands, California**

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District office and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District office and in the Agenda Package on the Districts website.

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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**1. PUBLIC PARTICIPATION**

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.*

**2. ADDITIONS/DELETIONS TO AGENDA**

*Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.*

**3. CONSENT CALENDAR**

1. Approval of Board Minutes, April 24, 2013 (**Page 3**)

**4. ACTION ITEMS**

**A. CONSIDER ADOPTION OF RESOLUTION NO. 492 (Page 8)**

**Recommendation:** Staffs recommends the Board review and consider approval of Resolution No. 492, establishing the groundwater rate for Fiscal Year 2013-2014.

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It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Athena Medina at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

**B. GENERAL MANAGER ANNUAL PERFORMANCE REVIEW AND EMPLOYMENT AGREEMENT (Page 12)**

**Recommendation:** The Ad Hoc Committee for General Managers Evaluation recommends the Board approve the Employment Agreement prepared by General Counsel. The agreement revises and extends the General Manager's contract through June 30, 2014 at an annual salary of \$179,503. The Ad Hoc committee also recommends the approval of Resolution No. 493, revising the responsibilities and authority of the General Manager.

**5. INFORMATION ITEMS:**

A. Future Agenda Items & Staff Task requests from Directors

**6. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND/OR COMMENTS BY BOARD MEMBERS**

**7. UPCOMING MEETINGS:**

1. May 6, 2013 Basin Technical Advisory Committee, 1:30 p.m. at SBVMWD District Office
2. May 7-10, 2013 ACWA 2013 Spring Conference, Sacramento at the Sacramento Convention Center
3. May 9, 2013 Upper Santa Ana Water Resources Association, 2:30 p.m. at the District Office
4. May 15, 2013 Board of Directors Meeting, 1:30 p.m. at the District Office
5. May 20, 2013 Association of San Bernardino County Special District's Dinner, 6:00 p.m. (location to be determined)
6. May 21, 2013 SBVMWD Board of Directors Meeting, 2:30 p.m. at the SBVMWD District Office
7. July 11, 2013 Advisory Commission on Water, 7:00 p.m. at SBVMWD District Office

**8. ADJOURN MEETING.** The next regular Board meeting will be on May 15, 2013 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF April 24, 2013  
1:30 P.M.

Vice President 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 Vice President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, Vice President  
Bob Glaubig, Director  
David E. Raley, Director  
Manuel Aranda, Director  
Clare Henry Day, Director  
John Longville, Director (1:33 p.m. arrival)

BOARD MEMBERS ABSENT:

Richard Corneille, President, excused travel out of state

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager  
Athena Medina, Administrative Services Specialist

GUESTS PRESENT:

Charles Roberts, Highland Community News  
Kip Sturgeon, East Valley Water District  
Steve Johnson, Southern California Edison

## 1. PUBLIC PARTICIPATION

Vice 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 continued with published agenda items.

## 2. ADDITIONS/DELETIONS TO AGENDA

There were no additions/deletions to the agenda.

## 3. PUBLIC HEARING RELATED TO ADOPTION OF THE GROUNDWATER CHARGE

Vice President McDonald opened the Public Hearing related to the adoption of the groundwater charge. General Manager, Daniel Cozad presented a Power Point on the Engineering Investigation Report (EI) required for the District to implement the groundwater charge. Mr. Cozad also presented and reviewed the Draft Groundwater Enterprise Budget for FY 2013-2014. Vice President McDonald noted that the Draft Resolution is included in the Board package for review. Vice President McDonald announced this as the time for any persons present, who so desire, to make a comment pertaining to the groundwater charge to the Board of Directors. Steve Johnson of Southern California Edison requested the Power Point presentation be forwarded to him. By acclamation, this item was tabled until action could be taken at the April 29<sup>th</sup> Special Board Meeting.

## 4. CONSENT CALENDAR

1. Approval of the Board Minutes from April 10, 2013

**It was moved by Director Longville and seconded by Director Aranda to approve Board Minutes with revisions. The motion carried 6-0 with President Corneille noted absent from vote.**

## 5. ACTION ITEMS

### A. QUARTERLY FINANCIAL REPORT

Daniel Cozad, General Manager introduced this item for discussion. He noted the information is included in packet on pages 15-18 for review. This item was reviewed at the Administrative Committee meeting on April 15<sup>th</sup> with no changes recommended. Mr. Cozad indicated that the East Branch Extension revenue is now anticipated for June 2013. He also stated that including the East Branch Extension one time revenue the estimated reserve contributions would be approximately \$785,000 for this fiscal year. The item was received and filed.

### B. PRELIMINARY DISTRICT AND ENTERPRISE BUDGET FOR 2013-2014

Mr. Cozad introduced this item for discussion stating that the budget approach for this year is the similar to Fiscal Year 2012-2013. This is the Board's first review of the budget and Staff is seeking feedback. He noted reduced costs in legal fees, mobile phones, as well as other areas. Mr. Cozad indicated revisions were made to the Wash Plan revenues in the proposed budget. There were adjustments made to the Land Resources Enterprise to account for Plunge Creek income and expenses. A new GL was added to include inter district costs and cooperative agreements including IERCD and EVWD. Based on the Community Strategic Plan Mr. Cozad added a new position in the budget and added expenses for a potential Land Resources Manager. Brief discussion ensued. There were no revisions recommended by the Board. However, this item will be brought back at the May 15<sup>th</sup> Board Meeting for approval.

### C. STAFFING LAND RESOURCES MANAGER

Mr. Cozad discussed the Community Strategic Plan referring to various land resource activities that the Board would like implemented as well as the need for an onsite Project Manager for the Wash Plan and dedicated Staff member to manager land resource tasks. He recommended adding the position and hiring of a Land Resources Manager which would be a full time position. Mr. Cozad stated the job description is on package page 33 with the salary range found on package page 41. He indicated that current land resource tasks are being handled by himself as well as partially by an independent consultant and in previous years Staff levels were higher to handle these tasks in house. Vice President McDonald and Directors Longville and Aranda spoke in support of the potential position stating that the General Manager's tasks have been increased since being hired and this position would be beneficial and is needed. Discussion ensued. Director Raley asked how the position would be funded. Mr. Cozad stated that the position would be primarily funded by the

Land Resources Enterprise with some contribution from the Groundwater Enterprise. Director Glaubig asked Staff to provide a quick estimate of what the budget may look like without the projects. Daniel indicated he would provide this analysis with the final budget. Director Raley is in support of the position with a slight modification clarifying the positions supervisory role to cover specific tasks and not general Staff supervision. General Counsel provided recommended revisions incorporated into the Position description.

**It was moved by Director Longville and seconded by Director Aranda to approve the recommended Land Resources Manager Position with revisions provided by General Counsel and with the Salary Range of M9 and Direct Staff to post the position. The motion carried 6-0 with President Corneille noted absent from the vote.**

#### D. RESERVE POLICY CHANGES FOR 2013-14

Mr. Cozad provided an overview of the proposed revisions made to the Reserve Policy. He indicated that the Groundwater Recharge Enterprise Reserve has been increased to \$200,000; which is 25% of the total budget. There is a new reserve for costs associated with the Wash Plan project. Also, there is an addition of the Habitat Management Reserve/Trust for Mitigation/Management funding reserve. Included in the revised policy is a modification to the Capital Improvement Reserve to now include Major Equipment. . Discussion ensued related to reserve accumulation and use. Vice President McDonald stated in previous year mining revenue was used to subsidize the costs of groundwater functions. Discussion ensued pertaining to the history of the subsidizing of the Groundwater enterprise using mining income. Director Raley believes the District needs to have operating capital as well as reserves. Director Aranda would like reserves specified for specific purposes or projects. Director Glaubig asked if there should be a specific reserve trigger for use. Mr. Cosgrove indicated the Board has the discretion but retaining flexibility is often more beneficial.

**It was moved by Director Day and seconded by Director Aranda to approve the revisions to the Reserve Policy. The motion carried 6-0 with President Corneille noted absent from the vote.**

#### E. STATEMENT OF INVESTMENT POLICY REVIEW

Staff indicated there were no changes from the previous policy but there is a requirement to review and update the policy. There was no discussion on the item.

**It was moved by Director Longville and seconded by Director Aranda to approve the updated Statement of Investment Policy. The motion carried 6-0 with President Corneille noted absent.**

6. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND /OR COMMENTS BY BOARD MEMBERS

There was no discussion. Previously reported at April 10<sup>th</sup> meeting.

7. UPCOMING MEETINGS

Vice President McDonald advised the Board of the next Special Board meeting to be held April 29<sup>th</sup> as well as the May 15<sup>th</sup> meeting.

8. ADJOURN MEETING

**It was moved by Director Day and seconded by Director Longville to adjourn to the next scheduled meeting. The motion carried 6-0.**

At 3:16 p.m. the meeting adjourned to the Special Board Meeting scheduled for April 29, 2013 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

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Daniel B. Cozad  
General Manager

**RESOLUTION NO. 492**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN BERNARDINO VALLEY WATER CONSERVATION  
DISTRICT ESTABLISHING A GROUNDWATER CHARGE ON THE PRODUCTION OF  
GROUNDWATER WITHIN DISTRICT BOUNDARIES, AND MAKING CERTAIN  
FINDINGS RELATIVE THERETO**

**WHEREAS**, California Water Code, Division 21, Part 9 provides authority for the San Bernardino Valley Water Conservation District to consider and impose a groundwater charge on groundwater production within the District; and

**WHEREAS**, the California Legislature has found, in Water Code Section 75521, that such groundwater charges are in furtherance of District activities in the protection and augmentation of water supplies for users, which are necessary for the public health, welfare and safety; and

**WHEREAS**, Water Code Section 75523 allows for the use of proceeds from a groundwater charge for any District purposes, which may be authorized by law; and

**WHEREAS**, The District has presented a budget showing the needs and uses of the Groundwater Charge for 2013-2014 water year; and

**WHEREAS**, at the regular meeting of the Board of Directors on March 13, 2013, the District accepted an engineering investigation report, prepared by district Staff with the assistance of the agencies in the basin under the direction of Daniel Cozad, General Manager relating to groundwater conditions in the Bunker Hill Basin underlying the District boundaries; and

**WHEREAS**, the Engineering Investigation and preliminary Groundwater Enterprise Budget and rate options was presented to the Upper Santa Ana Water Resources Association on March 14, 2013; and

**WHEREAS**, the District provided mailed notice to all groundwater producers within its District boundaries of a public meeting held on April 10, 2013, and a public hearing held on April 24, 2013, inviting all groundwater producers and all persons interested in the condition of groundwater or surface water supplies of the District to appear and submit evidence, and inviting all water producers to examine the engineering investigation report; and

**WHEREAS**, the Board of Directors has conducted a public meeting on April 10, 2013, and a public hearing on April 24, 2013, and has received comment and evidence submitted by the public at such hearing; and

**WHEREAS**, the Board has considered the engineering investigation report, and considered all comments and evidence presented to it at the public meetings and hearing; and

**WHEREAS**, the District has made available by wide distribution a Groundwater Enterprise Budget identifying the estimated use of the Groundwater Charge proceeds which will be subsequently incorporated in the District budget; and

**WHEREAS**, the District's ad valorem tax revenues are limited and the District has experienced a decrease in revenues from interest on reserves, which is expected to continue; and

**WHEREAS**, on the basis of all evidence presented, including the engineering investigation and report and such public comment, the Board has determined that it is appropriate and in the best interests of the District and all those water users who rely, directly or indirectly, on the District's services, to levy a groundwater charge as further provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:**

Section 1. As required by Water Code Section 75574, the Board hereby makes the following findings:

- A. Annual Change in Storage in those portions of the Bunker Hill Basin lying within the District's boundaries ("Bunker Hill Basin" herein), Fall 2011 to Fall 2012, is an decrease of -89,775 acre-feet.
- B. Accumulated Change in Storage in the Bunker Hill Basin as of the Last Day of the Preceding Water Year (using 1993 as base year) is -314,377 acre-feet.
- C. Total Groundwater Production from the Bunker Hill Basin from the Preceding Water Year July 1, 2011 to June 30, 2012 is 164,981 acre-feet.

- D. Estimate of the Annual Change in Storage for the Current Water Year (July 1, 2012 to June 30, 2013) in the Bunker Hill Basin is -79,944 acre-feet.
- E. Estimate of the Annual Change in Storage for the Ensuing Water Year (July 1, 2013 to June 30, 2014) in the Bunker Hill Basin is 6,047 acre-feet.
- F. Average Annual Change in Storage for the Immediate Past Ten Water Years in the Bunker Hill Basin is -646 acre-feet.
- G. Estimated Amount of Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2013 to June 30, 2014) is 7,406 acre-feet.
- H. Estimated Amount of Other-than-Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2013 to June 30, 2014) is 58,807 acre-feet.
- I. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2013 - June 30, 2014) within the Bunker Hill Basin is 74,870 acre-feet.
- J. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2013 - June 30, 2014) for the District is 66,214 acre-feet.
- K. The Amount of Water which is Necessary for the Replenishment of the Groundwater Supplies of the Bunker Hill Basin to maintain constant groundwater supplies for the Ensuing Water Year (July 1, 2013 to June 30, 2014) is 136,515 acre-feet.
- L. The Amount of Water which is Necessary from all sources, including natural recharge to bring the basin back to its "full" condition of 1993 is 314,377 acre-feet.

Section 2. The Board of Directors hereby finds that the entire District constitutes a single zone of benefit for the imposition of this charge. The basis for this finding is that the entire portion of the basin underlying the District boundary is fed by the same naturally occurring surface flows. Although the basin may be divided into various subparts, because of hydrogeologic conditions these areas are interconnected, and water recharged by the District from its existing recharge facilities contributes to underground "flows" which eventually reach other subparts of the basin. Thus, the District's recharge inures to the benefit of users in other areas by enhancing the availability of water supplies throughout the basin. In addition, the District maintains both the availability of surface water flows for groundwater recharge, and the facilities for accommodating the recharge, whether by the District or by other parties pursuant to collaborative regional groundwater management efforts. Agricultural production represents 18.5% of the District total production and non-agricultural production 81.5% for Calendar Year 2012.

Section 3. The Board finds that there is no past accumulation of the amount of water necessary to be replaced in the intake areas of the groundwater basins within the District to prevent the landward movement of salt water into the fresh groundwater body, or to prevent subsidence of the land within the District, either in the past water year or the preceding 10 years, nor is there likely to be any amount of water necessary for these purposes in the ensuing water year. The Board further finds that the District is not obligated by contract to purchase any water. The Board also finds that further recharge of the basin is required based upon the findings related to change in storage stated in Section 1 above, to prevent depletion or degradation to the basin's groundwater supplies, to enhance both the availability and accessibility of such supplies, and to replenish, augment, and protect such supplies, and that the proceeds of the groundwater charge established hereon shall be used for such purposes.

Section 4. The Board of Directors hereby levies, assesses and affixes a groundwater charge in the amount of \$3.14 per acre-foot for agricultural water (§75508), and in the amount of \$11.28 per acre-foot for non-agricultural water the latter being 3.59 times the agricultural rate. Late charges on delinquent accounts will be 1% interest per month in accordance with Water Code §75615 et set. and any additional actual costs to collect delinquent amounts not paid by February 1, 2014 and August 1, 2014. Deposit or prepayment of production costs may be made by written agreement with the District. Direct production of water for agricultural use on Golf Courses by the owners of the course will be set at a rate equal to the Agricultural rate, in accordance with California Water Code §75592 and § 75594. Exemptions: Notwithstanding the foregoing, for producers who can demonstrate either (1) that their production for the water year is restricted to basic, personal residential use limited to the property on which the applicable groundwater production facility is based; or (2) that their production for the water year is restricted to agricultural use limited to the property on which the applicable groundwater production facility is based, and total cumulative production for the applicable producer within the District is not in excess of two (2) acre feet over the course of the water year; such production shall be exempted from the groundwater charge provided the producer documents its exemption prior to bi-annual collection of the groundwater charge. In establishing this exemption, the Board finds that the likely revenues to be derived from the groundwater production subject to the exemption is outweighed by the administrative burdens in

administering and collecting the charge. The District General manager is authorized to waive late fees with explanation and request from payees or if the cost of recovery outweighs the fee to be collected.

Section 5. In connection with fixing the groundwater charge as set forth in Section 4 above, the Board of Directors makes the following findings:

- A. The groundwater charge is imposed upon the action of extraction of groundwater from the basin underlying the District's boundaries, and not on property or groundwater extraction facilities as such. The groundwater charge will be incurred by groundwater producers through their voluntary action of groundwater production. The groundwater charge is not one for water delivery by the District to groundwater extractors, but rather relates to the District's service of maintaining groundwater supplies, recharge facilities, and management of both for groundwater extractors within the District. The District maintains no pipes, canals or other facilities directly connecting District facilities to the groundwater extractors' property or pumping facilities. In addition, parties subject to the groundwater charge are not property owners, per se, but predominantly either public or private entities involved in the business of providing water, or persons or entities involved in irrigation, for agricultural-related activities, and for uses of water exceeding what would be required for basic residential use of the property.
- B. The District has provided notice of the proposal for imposition of the groundwater charge through a number of different avenues. Mailed notice was provided to all operators reflected on the District's records as containing active groundwater production facilities within the District. In addition, published notice was provided in the San Bernardino Sun on March 8, March 16, and March 23, 2013 and in the Highland Community News on March 15 and March 22, 2013. All such notices identified the prior and proposed existing rate for agricultural and non-agricultural water, the estimated total revenue to be collected from the charge, and the time and place for public hearing at a public meeting at which parties objecting to the charge could appear and be heard.
- C. The proposed groundwater charges, and engineering investigation prepared by the District, were reviewed at a public meeting held April 10, 2013, and a public hearing held April 24, 2013 and a special meeting on April 29, 2013. In addition, the engineering investigation prepared by the District was presented to and reviewed with the Board of Directors at a public meeting on March 13, 2013, and was presented to the Upper Santa Ana Water Resources Association on March 14, 2013.
- D. The groundwater charge is being levied to assist in offsetting the costs of the District's Groundwater Enterprise in providing groundwater supplies, groundwater recharge facilities, and recharge management and administration for the benefit of groundwater producers within the District. The Groundwater Enterprise Budget includes, but are not limited to, the following:
  1. Making available the District's Santa Ana River water rights, in an amount no less than 10,400 acres per feet per year, for recharge into the Bunker Hill Basin;
  2. Conducting groundwater recharge activities by diverting both Santa Ana River and Mill Creek water supplies into District's recharge facilities;
  3. Applying the District's experience and expertise in directing groundwater recharge effectively and efficiently, administering the physical recharge of groundwater both directly for the District and its water supplies, and recharging on behalf of other entities, including exchanges under the Santa Ana River/Mill Creek Cooperative Water Project Agreement;
  4. Maintaining and operating the District's diversion works, recharge basins and canals to insure the availability of sufficient infrastructure to accommodate needed groundwater recharge; and defense and protection of the District's water rights and manner of operations;
  5. Investigation and implementation of improvements to groundwater recharge infrastructure;
  6. Reporting to groundwater producers and other interested parties of groundwater recharge activities and conditions, including but not limited to the daily flow report;
  7. Conducting engineering analyses, such as the District's annual engineering investigation, designed to provide information regarding the District's groundwater basin and groundwater recharge facilities; and
  9. Administrative support, training and overhead for all the above-listed activities.
- E. The total amount of estimated revenues from the groundwater charge is estimated at approximately \$754,745 based on production reported for the 2011-2012 water year. These revenues fully recover

expected cost and will not exceed the costs of providing the services as detailed above, in that the District's Groundwater Enterprise Budget for fiscal year 2013-2014 proposes \$900,245.

- F. The amount of groundwater charge paid by each individual payor will not exceed the benefit of the Conservation District's services to such parties, because the structure of the groundwater charge is such that the amount paid varies in direct proportion to the amount of groundwater supplies extracted, and therefore is proportional to the benefit each individual payor receives from the District's services.
- G. The District's services are immediately available to all parties subject to the charge, because the charge is limited to those extracting groundwater, and therefore able to take advantage of the District's services relative to groundwater recharge activities, facilities, and programs.
- H. The District's services are directed toward groundwater production and extractors, and are not generally available to parties not involved with groundwater extraction, as are other general governmental services such as police, fire, library, or other broad governmental services. The District's service is directed toward, and of benefit to, parties utilizing and extracting groundwater in the District.

Section 6. District staff is directed to prepare a report at the end of the water year for which the charge levied herein is imposed, detailing the revenues collected from the groundwater charge, and describing the purposes and expenses to which such revenues were applied toward the services detailed in Section 5(D) above.

Section 7. The Board of Directors further finds that the groundwater charge adopted herein is statutorily exempt from CEQA under Title 14, California Code of Regulations Sections 15273, 15301, and 15306. The action contemplated herein constitutes a structuring and establishment of a charge which will be used in part for meeting operating expenses and for purchasing or leasing equipment and materials. To the extent the groundwater charge revenues will be applied to groundwater testing, these activities fit within Title 14, California Code of Regulations Section 15306. Such activities involve the occasional taking of groundwater samples by means of temporary equipment, which will not cause any alteration to the land, and consist solely of information gathering. To the extent any portion of the funds is directed to maintenance, operation, or repair of existing facilities, involving no or negligible expansion of existing uses, these activities fit within Title 14, California Code of Regulations Section 15301. To the extent any portion of the funds is directed to construction or establishment of new facilities, environmental review of such facilities will occur at such time those facilities are proposed, and the nature, location, scope, and function of such potential future facilities becomes known. Under each of the above-referenced exemptions, therefore, the Board of Directors finds that the levy and implementation of the groundwater charge is therefore properly exempt from CEQA.

Section 8. The General Manager is hereby authorized and directed to provide notice to operators of the levy of the groundwater charge, as provided for in Water Code Section 75610.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 29th day of April 2013, by the following roll-call vote:

YES:	DIRECTORS:
NO:	DIRECTORS:
ABSTAIN:	DIRECTORS:
ABSENT:	DIRECTORS:

ATTEST:

\_\_\_\_\_  
Richard Corneille, President

\_\_\_\_\_  
Daniel Cozad, Secretary



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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Memorandum No. 1171

**To: Board of Directors**

**From: Ad Hoc Committee on General Manager's Evaluation**

**Date: April 29, 2013**

**Subject: General Manager's Annual Performance Evaluation and Employment Agreement**

## RECOMMENDATION

The Ad Hoc Committee for General Manager's Evaluation recommends the Board approve the Employment Agreement prepared by General Counsel. The agreement revises and extends the General Manager's contract through June 30, 2014 at an annual salary of \$179,503. The Ad Hoc committee also recommends the approval of Resolution No. 493, revising the responsibilities and authority of the General Manager.

## DISCUSSION

The Ad Hoc Committee for General Manager's Evaluation met on April 8, 2013 and April 13, 2013 to review the performance of the General Manager and to determine an appropriate salary for the 2013-2014 fiscal year. The Ad Hoc Committee worked with counsel to revised the contract prepared for consideration in this item.

Additionally, the Ad Hoc Committee reviewed Resolution No. 459 which defines the responsibilities and authority of the General Manager. The Ad Hoc Committee revised portions of the resolution and recommends changes that are encompassed in Resolution No. 493 which would supersede Resolution No. 459. Minutes prepared by the Ad Hoc Committee are attached.

## FISCAL IMPACT

The Agreement provides for salary and benefits within the Draft Fiscal Year 2013-2014 Budget.

BOARD  
OF  
DIRECTORS

Richard W. Corneille  
Clare Henry Day

Bob Glaubig  
John Longville

David E. Raley  
Melody McDonald  
Manuel Aranda, Jr.

GENERAL  
MANAGER

Daniel B. Cozad

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

MINUTES OF THE ADHOC COMMITTEE MEETING

FOR GENERAL MANAGER PERFORMANCE REVIEW

April 8, 2013

8:00 AM

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AD-HOC COMMITTEE MEMBERS PRESENT:

Richard Corneille, Board President and Committee Chairperson

Clare Day, Director

David Raley, Director

STAFF PRESENT:

Chairman Corneille indicated the meeting would focus on the performance evaluation of the General Manager since the effective date of his current employment agreement (2/24/12), and discussions and recommendations for a new employment agreement to be effective July 1, 2013. In addition Resolution 459 defining the responsibilities and authority of the General Manager will be reviewed and revisions prepared. In preparation for the meeting the Committee Members received the following: (1) memo summarizing the February 2012 General Manager performance review meeting, (2) District Major Accomplishment for 2012 and Board Priorities for 2012 and 2013, (3) the current Agreement for Employment of the General Manager, and (4) original and edited version of the Resolution defining the responsibilities and authority of the General Manager.

1. REVIEW OF THE PERFORMANCE OF THE GENERAL MANAGER

Chairperson Corneille indicated that he could not be more happy with the outstanding performance of Mr. Cozad. He said Mr. Cozad demonstrated his budget preparation and management skills with his development of the enterprises, and getting the District's expenses and revenues balanced. He said he greatly appreciated Mr. Cozad's relationships with our water partners and increasing the positive cooperation of the District with our partners, including the approval of several agreements. He said he was impressed with the methodology used by Mr. Cozad and the results in moving the Wash Plan forward, including the positive relationship he has developed with Fish & Wildlife and other resource agencies.

Director Day said he was impressed with the significantly higher level of District operational efficiencies under Mr. Cozad. He said he is totally comfortable with Mr. Cozad's budget management abilities and noted the current financial reporting system is the best system he has seen from any previous General

Manager. He noted the three major responsibilities of GM including maximizing water spreading, approval of the Wash Plan as the highest and best use of the property, and Strategic Plan implementation.

Director Raley said he is very pleased with Daniel's management of the District, particularly the financial aspects and the development of the Wash Plan. He said his recommendation is to clearly define the tangible public benefits of the Wash Plan. He said he expects the General Manager to lead and be a visionary for the District.

In terms of areas for improvement, Chairperson Corneille noted better quality control/quality assurance of all documents, including proof reading and corrections of grammatical and spelling errors. Progress on the updating of the Website was also noted as an important goal where limited progress has been made.

Overall the committee agreed that Mr. Cozad's performance has been outstanding and commendable.

## 2. GENERAL MANAGER'S AGREEMENT

Mr. Cozad was asked if wanted to consider a two year agreement. He said he did not have a preference for a one or two year agreement. It was agreed that the Agreement would be for a year from July 1, 2013 to June 30, 2014.

Under Section 1A, Duties of Employee, Director Day suggested adding a reference in the last sentence to the implementation of the District's Strategic Plan as well as the yearly priorities adopted in the January Board meeting. Chairperson Corneille noted the provisions in item 1B for Mr. Cozad to notify the Board President of any prospective client that he may propose or perform professional consulting work for. Mr. Cozad said that he understands and is in compliance with that agreement provision.

Salary was then discussed. Director Raley said he preferred a bonus to a salary increase to control escalation in salary. Director Day agreed a bonus is a good means of compensation for performance, but suggested a combination of a salary increase and a bonus. Mr. Cozad noted that this year's COLA will be 2% and he has included a 5% raise pool in the 2013/2014 budget. Director Day suggested a 2% COLA and a 3% merit raise, plus a 2-1/2% bonus based on performance. Chairperson Corneille noted that the period between raises in Mr. Cozad's Agreements will be 16 months. Discussion ensued. The Committee agreed that based on Mr. Cozad's current and expected performance that a bonus provision in his 2013/2014 Agreement was appropriate of up to 5% of salary. The performance criteria would be as stated in Section 1 of the Agreement with an emphasis on the implementation of the Wash Plan. In addition to the bonus the Committee agreed to a 2% COLA and a 3 % merit increase in salary effective July 1, 2013.

## 3. RESOLUTION DEFINING GENERAL MANAGER'S RESPONSIBILITIES AND AUTHORITY

A new Resolution No. 495 to replace Resolution 459, Responsibilities and Authority of the General Manager was then discussed. Mr. Cozad and Chairperson Corneille had reviewed the current Resolution and provided suggested edits. Mr. Cozad said one of the main suggested changes was having a

consistent level of discretionary authority for the General Manager of \$25,000 subject to budget limitations and expanded expenditure authority during emergencies. Director Raley noted clarifications to Sections 4 & 5 in Resolution 459. Director Day suggested a change in the second sentence of Section 5 Budget to remove "contain expenditures to the limit of" and replace with "adhere to the expenditure limits in" the budget. Chairperson Corneille suggested removing the last sentence under item 17 District's website regarding reporting Manager's Activities. He also suggested adding to Section F Reimbursement for Expenses a sentence for the approval of the General Manager's monthly reimbursement report by the Board President or Vice President.

4. RECOMMENDATION TO THE BOARD

The Ad-hoc Committee recommends the General Manager be commended for outstanding performance during the review period. They also recommend the Board retain Mr. Cozad as an at-will employee serving at the pleasure of the Board with a one year contract effective July 1, 2013 to June 30, 2014 under the revised terms in his existing agreement noted in item 2 of these minutes. The Committee recommends the President be authorized to enter into an employment contract with the General Manager under the terms noted. The Committee also recommends a new Resolution defining the responsibilities and authority of the General Manager be prepared with changes noted in item 3 of these minutes.

5. ADJOURN

There being no further business the meeting was adjourned at 10:20.

Prepared by:

  
Richard Corneille

Board President and Ad-hoc Committee Chairperson

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

MINUTES OF THE ADHOC COMMITTEE MEETING

FOR GENERAL MANAGER PERFORMANCE REVIEW

April 15, 2013 at 8:00 AM

AD-HOC COMMITTEE MEMBERS PRESENT:

Richard Corneille, Board President and Committee Chairperson

Clare Day, Director

David Raley, Director

STAFF PRESENT:

Daniel Cozad, General Manager

1. DISCUSSION

Chairperson Corneille indicated he called a second meeting of the Ad-Hoc Committee to clarify Mr. Cozad's current yearly salary, and the recommended salary increase made by the Committee at the April 8<sup>th</sup> meeting. He said that the salary in Mr. Cozad's current agreement of \$165,978 (effective February 24, 2012) was adjusted on July 1, 2012 to reflect a 3% COLA included in the budget and given to all employees of the District. Mr. Cozad's current salary is therefore \$170,955. His current employment agreement was not amended to reflect the COLA increase. On April 8<sup>th</sup> the Committee recommended a 5% increase (2% COLA and 3% merit) to his current salary, so Mr. Cozad's yearly salary effective July 1, 2013 until June 30, 2014 would be \$179,503. Discussion ensued.

2. RECOMMENDATION

It was moved by Director Day and Seconded by Director Raley to recommend a yearly salary effective July 1, 2013 through June 30, 2014 of \$179,503. The motion passed unanimously.

3. ADJOURN

There being no further business the meeting was adjourned at 8:35 AM.

Prepared by:



Richard Corneille

Board President and Ad-hoc Committee Chairperson

## **AGREEMENT FOR EMPLOYMENT OF GENERAL MANAGER**

This AGREEMENT FOR EMPLOYMENT OF GENERAL MANAGER (“Agreement”) is entered into effective on the 1<sup>st</sup> day of July, 2013 (“Effective Date”) by and between the SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT, a public agency and water conservation district duly formed and existing under the Water Conservation Act, California Water Code sections 74000 *et seq.* (“District”) and Daniel B. Cozad (“Employee”) on the terms and conditions stated herein.

### **1. Duties of Employee**

A. District hereby agrees to employ Employee, and Employee hereby accepts employment with District, as District’s General Manager. Employee shall perform all of the managerial duties of the District, including, but not limited to, all of those duties set forth in Resolution No. 493, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference, and as may be amended. Employee shall perform such other legally permissible and proper duties as may be necessary or beneficial to manage and conduct the District’s business and operations, as the District’s Board of Directors may assign or require. Employee agrees to fulfill and abide by the terms of Resolution No. 493 and by all of the other District’s adopted policies and procedures. Employee specifically will work to implement the Board of Director’s Strategic Plan, Policy and priorities established each January including any additions or changes to the priorities made by the Board from time to time.

B. It is expressly understood that Employee shall be required to devote requisite to the business of the District during the term of this Agreement, but may also continue to pursue existing and future professional consulting clients during his tenure as General Manager of District, provided, however, District consents in advance to such third party retention or employment. Employee shall not, either as an employee, employer, consultant, agent, principal, planner, stockholder, corporate officer, director, or any other individual or representative capacity, engage or participate in any business that is in competition with, or in conflict in any manner whatsoever with, the business, projects, or official positions of the District. During the effective term of this Agreement, Employee shall provide written notice to the Board President of any prospective client or other business for whom Employee proposes to contract or otherwise perform work, at least five (5) business days prior to accepting such contract or employment. The Board President shall determine, in the exercise of reasonable discretion, whether a conflict of interest exists or is likely to arise from the Employee’s prospective third-party contract or employment and the work that Employee is or may reasonably be expected to provide for the District. In the event the Board President determines no such conflict exists, the General Manager may accept such contract or employment. In the event the Board President determines such a conflict exists, the General Manager shall either decline to accept such contract or employment, or defer such acceptance until the question of the existence of a conflict of interest can be referred to the full Board of Directors for determination. The Board’s determination on this matter shall be final, and binding on both parties. This Agreement shall not be interpreted to prohibit Employee from making personal investments, conducting private business affairs, or pursuing personal political activities, so long as such

activities do not materially interfere with the duties and services Employee is required to perform under this Agreement.

## **2. Term of Agreement and At-Will Status**

A. Employee shall serve at the pleasure of the District's Board of Directors and is specifically employed on an "at-will" basis. Employee's employment hereunder may be terminated at any time by a majority vote of the District's Board of Directors, with or without cause.

B. This Agreement shall commence as of July 1, 2013, and shall remain in effect until June 30, 2014, unless terminated earlier in accordance with the provisions of this Agreement.

## **3. Termination**

This Agreement may be terminated by District at any time, with or without cause, consistent with Employee's at will status. This Agreement may be terminated by Employee upon no less than 30 days written notice to the President of the Board of Directors of the intent to resign, retire, or otherwise separate from employment with the District. In the event of such termination by Employee, Employee's employment shall be terminated at the end of the 30-day period, unless District's Board of Directors determines, in its sole discretion, to designate the operative date of the termination at an earlier date. Employee and District may, by mutual agreement, extend Employee's termination date beyond the 30-day notice period.

Upon termination or other separation from employment with the District, Employee shall be paid all accrued salary and benefits, including a pro rata monthly amount for any partial year, and for all accrued, unused vacation and sick leave. Upon termination or separation, Employee shall turn over to the District all District's property, including, but not limited to, any credit cards, computer hardware or software, and all files, reports, or presentation materials.

## **4. Disability**

In the event Employee becomes permanently disabled or is otherwise unable to perform his duties, as determined by a physician designated by the District's Board of Directors, because of sickness, accident, injury, mental incapacity or health issue for a period of six (6) successive weeks, District shall have the option to terminate this Agreement within the provision and limitations of the Family and Medical Leave Act of 1993 29 U.S.C. 2601 *et seq.* In the event of such termination, Employee shall be compensated for all accrued sick leave, vacation, holidays, and any other accrued benefits on the same basis as any other employee of the District pursuant to the District's Employee Handbook.

## **5. Salary**

Employee shall be paid as determined by the Board of Directors, in accordance with District's standard payroll procedures. Employee's salary shall be increased from the formerly applicable salary rate by 2% for COLA as approved in the annual budget, and by a merit increase of 3%, for a total 5% increase, resulting in a new salary applicable through the term of this

Agreement of One Hundred Seventy Nine Thousand, Five Hundred and Three Dollars (\$179,503) annually, effective from the Effective Date. Employee's performance shall be subject to review by the District's Board of Directors, or any committee of the Board to which such responsibility has been delegated, and shall occur at least once before the first anniversary of the Effective Date, Such review shall serve as the basis for any consideration of extension of this Agreement and any adjustments to Employee's salary or other benefits. Employee's annual performance shall be evaluated before the first anniversary of the Effective Date, and a merit bonus of up to 5% of total salary, in addition to the One Hundred Seventy Nine Thousand, Five Hundred and Three Dollars (\$179,503) annually, may be paid to the Employee based on performance toward the District priorities listed in Section 1. A. above. It shall be the responsibility of Employee to work with the Board President to place Employee's reviews and consideration of salary adjustments on a meeting agenda for consideration by the Board of Directors in a timely fashion.

**6. Uniqueness of Services**

Employee represents and agrees that the services to be performed by this Agreement are special, unique, unusual, extraordinary, and of an intellectual character, that gives him a peculiar value to the District, the loss of which cannot be reasonably or adequately be compensated for in monetary damages.

**7. Vacation**

As of pay period ending April 12, 2013, Employee has accrued approximately 22 days of unused vacation. Employee shall accrue additional vacation at a rate of 1.67 days per month of completed employment as stipulated in the Personnel Manual for all employees except the Manager may accrue vacation without limitation during the term of employment and may at any time elect to cash out some or all of currently accrued vacation.

**8. Sick Leave**

Sick leave is a protection to Employee granted by District to assist Employee in times or circumstances of illness, incapacity, or physical adversity, and is intended to serve as a protection for Employee's health and welfare; it is not an earned right to time off of work. Employee shall accrue sick leave at a rate of one (1) day per month of completed employment as stipulated in the Personnel Manual for all employees except the Manager may accrue sick time without limitation during the term of employment and may at any time elect to cash out for compensation some or all of currently accrued sick time.

Any sick leave which has accrued but is unused and not cashed out by Employee at the time of termination of Employee's employment shall be treated in the same manner as sick leave upon termination for District's employees, as provided for in the District's Employee Handbook in effect at the time of Employee's termination of employment.

**9. Mileage Reimbursement**

Employee shall reimbursed for actual mileage travelled in Employee's own automobile, for such meetings and other events as District reasonably requires Employee to attend. Mileage

for commuting to and from employee's residence to the District offices shall not be eligible for reimbursement. Reimbursement shall be at the IRS forced mileage rate then in effect. Employee shall maintain collision and liability insurance on any automobile Employee uses for any District business, at Employee's own expense, with coverage no less than \$100,000 per occurrence, \$300,000 per incident. Employee shall be responsible for any income tax or other taxes resulting from any personal use of the District's technology.

**10. Retirement and Other Benefits**

Employee shall be provided medical, dental, and vision benefits under District's medical and health insurance policies in effect as of the Effective Date, at District's expense, and as such medical and health insurance benefits may change through action of the District's Board of Directors, over the course of Employee's employment. In addition, Employee shall be provided with retirement benefit contributions covering both the employer and percentage of the employee cost in accordance with District Policy applicable to District's employees, at District's expense under District's PERS retirement plan participation, at the 2.5% at 55 rate in effect on the Effective Date, and as may be thereafter be amended or further defined by District's Board of Directors.

**11. Expense Reimbursements**

Employee may receive reimbursement for expenses incurred by Employee in the direct prosecution of the District's business, as may be approved by the District's Board of Directors. Such expenses may be reimbursed regularly as they are incurred, and submitted to the Board monthly for ratification, or otherwise processed in compliance with any policies or procedures the District's Board of Directors has adopted or may adopt, which are applicable to the General Manager. Employee shall be provided with cellular phone reimbursement allowance in accordance with District Policy applicable to District's employees. In all cases, final approval of all such expenses rests with the District's Board of Directors, in its sole and absolute discretion.

**12. Integration**

This Agreement contains the entire agreement between the District and Employee, and supersedes any and all prior negotiations, representations, or agreements, oral or written or otherwise. This Agreement may only be modified by an instrument in writing signed by both parties, and approved by District's Board of Directors.

**13. Waiver**

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by any other party shall not be deemed the waiver of that term, covenant, or condition, nor shall waiver or relinquishment of any right or power at any one time or times be deemed to waiver or relinquishment of that right or power for all or any other times.

**14. Governing Law**

This Agreement is entered into, and is to be governed by, the laws of the State of California.

**15. Severance**

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, unconstitutional or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

Dated: \_\_\_\_\_, 2013

SAN BERNARDINO VALLEY WATER  
CONSERVATION DISTRICT

By: \_\_\_\_\_  
Richard Corneille, President  
"District"

Dated: \_\_\_\_\_, 2013

\_\_\_\_\_  
Daniel B. Cozad  
"Manager"

ATTACHMENT

Exhibit A Resolution 493

## RESOLUTION NO. 493

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT SUPERSEDING RESOLUTIONS NO 347, 441 AND 459, AND DEFINING THE RESPONSIBILITIES AND AUTHORITY OF THE GENERAL MANAGER

**WHEREAS**, the General Manager (Manager) of the San Bernardino Valley Water Conservation District (“District”) is employed by the Board to serve as the Chief Executive of the District and is responsible for: implementing the decisions of the Board; determining and executing administrative policies through subordinate Managers; supervising the operations and staffing of the District as prescribed by the Board; managing all engineering, planning, design and inspection for construction activities; and supervising and controlling the administrative, operational and financial affairs of the District, including all administrative, executive and ministerial powers not specifically reserved by law for the Board of Directors, General Counsel or District Auditor.

**NOW THEREFORE, BE IT RESOLVED** that the responsibilities and authority of the Manager shall be as follows:

A. Director-Manager Relations. The Board of Directors will deal with the administrative services of the District only through the Manager. Neither the Board of Directors nor any Director will give orders or direct subordinates of the Manager. The Manager shall take his or her orders and instructions from the Board of Directors, and only in a duly held meeting of the Board of Directors, and no individual Director will give any orders or instructions to the Manager, except the officers of the District acting within the scope of their respective offices, or as otherwise permitted under provisions of the Board’s Policy Manual.

B. Authority Over Employees. The Manager will have the authority to control and give directions to all employees and to consultants. The Manager will also hire, remove, promote, and demote any and all employees of the District, consistent with the District’s Personnel Manual. The Manager will coordinate with District’s General Counsel, but General Counsel will be hired, supervised, or removed only by the Board of Directors.

C. Manager’s Power and Duties. The Manager is the administrative head of the San Bernardino Valley Water Conservation District, under policy direction and control of the Board of Directors. He or she is responsible for the administration of all the affairs of the District under his or her control. In addition to general administrative powers, the Manager’s powers and duties shall include, but not be limited to the following:

1. Employee Positions and Job Classifications. It shall be the duty of the Manager to propose District employee positions and job classifications, subject to approval or amendment by the Board of Directors.

2. Attendance at Board Meetings. It is the duty of the Manager to attend all regular and special meetings of the Board of Directors, unless excused. The Manager is expected to be available to respond to emergency situations outside of normal business hours, and it shall be understood that no overtime or compensatory time will be allowed for such service.

3. Financial Reports. It is the duty of the Manager to keep the Board of Directors fully advised as to the financial condition and needs of the District. The Manager shall be responsible for maintaining the District’s books of accounts, and will arrange to have said books audited at the end of each fiscal period by an independent auditor. It is the duty of the Manager to prepare the monthly accounting reports of the District’s revenues, expenditures, and comparisons of both to yearly budgets, for presentation to the Board in connection with the Board’s regular meetings.

4. Budget. It is the duty of the Manager to prepare the annual budget and submit it to the Board of Directors no later than the Board’s regular meeting in May of the fiscal year preceding the year for which the budget is prepared. The Manager shall contain

expenditures to the limit of the budget unless otherwise directed by the Board, and shall establish a system of accounting for expenditures. The Manager shall regularly review the status of the budget with the Board, and propose appropriate corrective action if revenues or expenditures vary materially from the approved budget.

5. Purchasing. It is the duty of the Manager to be responsible for the purchase of all supplies and equipment for the District. The General Manager's discretionary expenditure authority, without the requirement of prior Board of Directors' approval, is Twenty Five Thousand Dollars (\$25,000.00): for capital assets, professional services, maintenance, equipment vehicles and supplies subject to budget limitations. In cases of emergency, the General Manager may contract for construction work, services, or the purchase of materials without competitive bidding or prior Board approval. If possible, the General Manager will attempt to seek the concurrence of the Board President or Vice President prior to awarding any emergency contract. If the Board President and Vice-President are unavailable, the General Manager will attempt to seek the concurrence of another member of the Board of Directors. For purposes of this paragraph, "emergency" is defined as those circumstances requiring immediate work, services, equipment, materials, supplies, or construction to prevent the immediate interruption or cessation of necessary District services or to safeguard life, property or the public health and welfare. The General Manager must report on the award of any such contract for emergency work, services, or materials at the next meeting of the Board of Directors.

i) any expenditures in excess of Twenty Five Thousand Dollars (\$25,000.00) , shall be submitted to the Board of Directors for approval.

Except as may relate to emergency expenditures under subparagraph (ii) above, no such expenditures shall be made by the Manager unless consistent with the budget adopted for the fiscal year in which the expenditures are made. The Manager shall report to the Board of Directors an itemized listing of all expenditures, made pursuant to any of the authorizations stated above, in the monthly check register at each regular meeting of Board, specifying the amount, the payee, and the budget category of expenditure.

6. Public Complaints. It is the duty of the Manager to investigate all complaints concerning the administration and operations of the District and report his findings to the Board of Directors. In the event the complaint concerns the Manager, the manager shall immediately refer the complaint to the Board President and General Counsel.

7. Public Property. It is the duty of the Manager to exercise general supervision over all property belonging to the San Bernardino Valley Water Conservation District, including administrative offices, field offices, storage facilities, spreading grounds, and all other properties and facilities. the Manager shall regularly review the status, condition, capacity, and efficiency of the District's property, and shall report to the Board any recommendations for new facilities, maintenance or repair of existing facilities, upgrades or modifications, to same, and all other matter s pertaining to District property. It is the duty of the Manager to accept, on behalf of the District, easements, and other real property rights and interests required for performance of the District's legitimate functions. By way of this resolution, the manager is delegated the authority to execute the form of District's formal acceptances of all instruments, deeds, easements, conveyances, etc. whose transfer is otherwise approved by the Board.

8. Hours of Employment. It shall be the duty of the Manager to devote his or her, full time efforts to the duties of the office. Any outside employment shall be set out in the terms of the Employment Contract of the General Manager and approved by the Board of Directors. The Manager shall see that the office is open to the public regularly in accordance with the posted hours or as needed.

9. Payment of Bills. Salaries of employees of the District will be paid when due, and may be paid without Board approval. All other bills will be paid with the approval of the Board of Directors.

10. Preparations for Board Meetings. It is the duty of the Manager to see that notice of all meetings, agendas, and staff reports or other agenda-related materials are timely delivered to the individual members of the Board, to the District's General Counsel, and to all persons who have requested such notice in writing. The Manager will be responsible for

providing the services of a recording secretary at all Board Meetings and he or she will supervise the preparation of the agenda, minutes and resolutions of all regular and special meetings.

11. Correspondence. It is the duty of the Manager to reply to all correspondence to the District, except letters addressed to the Board of Directors requiring a Board President or Vice-President's signature, unless such authority is delegated to the Manager. The Manager will keep the members of the Board of Directors informed by furnishing copies or memoranda of appropriate replies or notices.

12. Reports to the Board.

i) It is the duty of the Manager to prepare an annual report reviewing the District's overall status including all financial, personnel and general policy subjects. Such report will review District activities on a fiscal year basis.

ii) It is the duty of the Manager to provide a monthly report of District activities at the regular Board Meetings.

iii) It is the duty of the Manager to prepare such reports or information as is required by approved agreements or plans, to which the District is a party, as to water conservation and water spreading operations of the District, including daily flow reports, , water rights license filings, and similar information.

iv) It is the duty of the Manager to oversee the planning, data collection compilation calculations for the District's Annual Engineering Investigation, Report prepared in connection with the District's annual Groundwater Charge, and to provide revenue and expense reports as well as a proposed budget and backup for a full accounting of the charge collection, application, and justification of any rate adjustment activities in connection with the Groundwater Charge.

13. Filing. It is the duty of the Manager to see that the District's files are kept up to date.

14. Committee Meetings. It is the duty of the Manager to attend all Board of Directors' committee meetings, unless otherwise instructed.

15. Urgent Issues. It is the duty of the Manager to call to the attention of the President urgent problems or situations not under the authority of the Manager, which must be resolved prior to the next regular Board meeting.

16. News Media. It is the duty of the Manager to prepare and dispense such press releases as depict the activities of the District.

17. District's Website. It is the duty of the Manager to ensure that the District's website contains current and relevant information about District activities consistent with the District's Communications Plan and legal posting requirements.

18. Manager's Activities. It is the duty of the Manager to report his or her activities at the regular Board meetings.

19. Comments on Pending Legislation or Policy Matters. The General Manager may, from time to time, comment upon proposed statutes, regulations, or other legislative or quasi-legislative acts, or other items of policy facing or affecting the District or its operations, when such acts directly impact the District and its functions. Comments shall conform to the District Strategic Plan and Annual Goals. If there is any question about the position of the District and to the extent the need for comment on such acts rises without sufficient time for the General Manager to consult the Board President or Vice-President, or Board of Directors, the General Manager may comment upon such acts to the legislative or quasi-legislative body considering them, or the persons, institutions, corporations, or agency or agencies implicated in the policy matter, on District letterhead, consistent with what the General Manager perceives to be in the District's best interest. No such comment shall reflect that the General Manager's position as stated in the comment is the position of the Board of Directors, unless the Board of Directors has so authorized the General Manager. In the event the General Manager undertakes to comment on such acts in the manner provided herein, a copy of any and

all communications so made shall be provided to the Board of Directors at its next regularly scheduled meeting for ratification.

20. Additional Duties. It is the duty of the Manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by resolution or other action of the Board of Directors.

D. Removal of Manager. The removal of the Manager shall be only upon a vote by a majority of the then-sitting members of the Board, taken at a meeting held in compliance with Government Code Sections 54950 et seq.

E. Title of General Manager. The Manager is authorized to use the title “General Manager and Board Secretary” of the San Bernardino Valley Water Conservation District.

F. Reimbursement for Expenses. The Manager will be reimbursed for all reasonable sums incurred by him or her in the performance of his or her duties, in a manner consistent with, and following the same procedures specified for, reimbursement of Directors in the Board Policy Manual. Reimbursement will be made when an itemized expense voucher setting forth the sums expended has been presented to the Board of Directors for approval. The District will reimburse the Manager for the use of his or her personal automobile at the established rate per mile while on District business.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the San Bernardino Valley Water Conservation District this 29<sup>th</sup> day of April, 2013, by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

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Richard Corneille, President

ATTEST:

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Daniel B. Cozad,  
General Manager/Board Secretary