

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE PUBLIC HEARING/REGULAR BOARD MEETING OF
April 30, 2002

The Public Hearing/Regular Meeting of the Board of Directors was called to order at 1:30 p.m. by Vice President Tubbs. All present stood for the pledge of allegiance.

ROLL CALL:

BOARD MEMBERS PRESENT:

Cheryl A. Tubbs, Vice President
Clare Henry Day, Director
Manuel Aranda, Jr., Director
Melody Henriques, Director
Arnold L. Wright, Director
Bert Marcum Jr., Director (1:50 p.m.)

BOARD MEMBERS ABSENT:

Sterling Woodbury, President (Excused)

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

D. Burnell Cavender, General Manager/Board Secretary
Tom Crowley, Deputy Manager for Water Resources/Info. Systems
Walter Christensen, Project Manager
Steve Luhn, GIS/CAD Analyst
Colleen Theuer, Administrative Services Manager/Recording Secretary

CONSULTANTS PRESENT:

Susan Patane, SLP Communications

GUESTS:

James Carter, M.D.
Kip Sturgeon, East Valley Water District

1. PUBLIC PARTICIPATION

Vice President Tubbs announced this as the time for any persons present, who so desire, to make an oral petition to the Board of Directors. Hearing none, the public hearing/regular meeting proceeded with the published agenda items.

2. PUBLIC HEARING FOR ADOPTION OF GROUNDWATER CHARGE

Vice President Tubbs opened the Public Hearing at 1:33 p.m. Mr. Cosgrove noted for the record that Directors Wright and Marcum would be unable to participate in the Public Hearing due to a conflict of interest. Mr. Cavender offered to present the Annual Engineering Investigation (EI) report and/or the Groundwater Replenishment Program (GRP) to the public or any members of the Board, if desired. The offer was declined. No comments were made during the comment period. Regarding other comments received, Mr. Cavender reported that following the public meeting on April 4, staff made a presentation of the EI and the proposed GRP to the Upper Santa Ana Water Resources Association. A number of questions were raised, the majority relating to the EI. Also, Mr. Crowley gave a full presentation to two board members and the General Manager from East Valley Water District when they recently visited the District. Discussion continued.

It was moved by Director Henriques and seconded by Director Aranda to close the Public Hearing at 1:45 p.m. The motion carried 4-0, with Director Wright abstaining, and President Woodbury and Director Marcum absent.

3. GROUNDWATER REPLENISHMENT PROGRAM

It was moved by Director Henriques and seconded by Director Aranda to adopt Resolution No. 383, increasing the groundwater charge rates from \$1.25 per acre-foot for agricultural purposes and \$4.50 per acre-foot for non-agricultural purposes, to \$1.50 per acre foot for agricultural purposes and \$5.50 per acre-foot for non-agricultural purposes for the ensuing year (July 1, 2002 to June 30, 2003).

Vice President Tubbs recommended that in Section 6 of Resolution No. 383, within the last sentence, "will not result in any significant environmental effects, and the action..." should be omitted. Discussion followed. It was decided that the change would be appropriate. A roll call vote was then taken.

The motion, as amended, carried 4-0, with Director Wright abstaining, and President Woodbury and Director Marcum absent.

4. CONSENT CALENDAR

There was a brief discussion on the financial reports.

It was moved by Director Day and seconded by Director Aranda to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of April 3, 2002; the Expenditures for the month of April 2002; and the un-audited Financial Reports for April 2002. The motion carried 6-0, with President Woodbury absent.

5. REDISTRICTING PROGRAM

Mr. Cavender provided the background on the Redistricting Program. He distributed three proposed scenarios provided by National Demographics Corporation (NDC); scenarios A and B had been previously presented by NDC. Scenario C was a concept suggested by Director Henriques and prepared by NDC, to be considered by the Board as an additional possibility. Discussion continued.

It was moved by Director Marcum and seconded by Director Henriques to direct National Demographics Corporation to further refine Scenarios A, B, and C for consideration by the Board of Directors. The motion carried 6-0, with President Woodbury absent.

6. PUBLIC AWARENESS/VISIBILITY PROGRAM

Mr. Cavender reported on several Public Awareness/Visibility activities. He said the District hosted a successful dinner meeting for the Association of Special Districts of San Bernardino County on April 15, at the Castaway Restaurant. A plaque was presented to the District from Supervisor Hansberger for the District's participation with the Ronald McDonald House, and the District staff participated in the Environmental EXPO on April 27, 2002. Upcoming events included the District/WRI quarterly breakfast to take place on May 1, and Director Aranda and Mr. Crowley were scheduled to make a presentation on May 22 to the Loma Linda Chamber of Commerce. Mr. Cavender advised that Congressman Joe Baca's Water Advisory Committee meeting scheduled for April 24 was cancelled.

Sue Patane reported that she had met with Steve Lambert, the editor of *The Sun* newspaper, regarding news releases for the District. She said he gave her suggestions on how to get District news releases published. Other activities were discussed.

Mr. Cavender briefly discussed ratification of Resolution No. 382, a presentation made to the Association of the San Bernardino County Special Districts, in appreciation for their services. Resolution No. 384 was to be presented at the WRI Quarterly Breakfast, to Gerard J. Thibeault of the California Regional Water Quality Control Board, and needed Board approval.

It was moved by Director Henriques and seconded by Director Aranda to ratify Resolution No. 382 and approve Resolution No. 384. The motion carried 6-0, with President Woodbury absent.

7. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Cavender reported on the current status of the Wash Plan environmental process. He said Robertson's Ready Mix had indicated they were waiting for completion of the necessary paperwork for an agreement between the mining companies and the City of Highland, and estimated the final agreement would be ready in approximately two weeks.

8. INDEPENDENT SPECIAL DISTRICTS FUNDING OF LAFCO BUDGET

Mr. Cavender distributed a copy of the official letter and ballot received from the Local Agency Formation Commission (LAFCO), regarding the alternative methods to fund the special districts' share of the annual LAFCO budget. Alternatives A, B, and C were presented to the Board for consideration. Discussion followed.

It was moved by Director Marcum and seconded by Director Aranda to vote for Alternative C to fund the Special Districts' share of the annual LAFCO budget. The motion carried 6-0, with President Woodbury absent.

9. PERSONNEL PAY RANGES

The personnel pay ranges for fiscal year 2002-2003 were briefly discussed.

It was moved by Director Henriques and seconded by Director Aranda to approve the pay ranges for fiscal year 2002-2003. The motion carried 6-0, with President Woodbury absent.

At 2:45 p.m., the meeting broke for a ten-minute recess.

At 2:55 p.m., the meeting reconvened.

10. FY 2002-2003 DISTRICT OPERATING BUDGET

Mr. Cavender said that the Finance Committee had met and recommended that the Board of Directors approve the proposed budget for FY 2002-2003. However, as an addition to the proposed budget, Mr. Cavender said that he had received a proposal for federal legislative services from Dr. Fred Hicks, of Hicks-Richardson Associates, in Springfield, Virginia. He suggested the Board consider hiring Dr. Hicks at a cost of \$2,500/month for the first six months, beginning May 1 through October 2002, with a cap of 5% on expenses. Dr. Hicks would be able to help the District obtain federal money for construction of the spreading facilities to pre-dam conditions associated with the Seven Oaks Dam. Vice President Tubbs said she spoke with Dr. Hicks during her recent trip to Washington D.C., and discussed some of the issues concerning the District. He is also a consultant for East Valley Water District. Mr. Sturgeon said East Valley was very satisfied with Dr. Hicks' services. Discussion Continued.

Mr. Cavender then discussed the proposed budget, by line item, with the Board.

It was moved by Director Wright and seconded by Director Henriques to approve the proposed budget for fiscal year 2002-2003. The motion carried 6-0, with President Woodbury absent.

Mr. Cosgrove said it would be appropriate to approve an addition to the agenda to consider a contract with Dr. Hicks because his proposal was received after the Board package was sent.

It was moved by Director Day and seconded by Director Aranda to add to the agenda the proposal from Dr. Fred Hicks for legislative services. The motion carried 6-0, with President Woodbury absent.

Mr. Cavender recommended that the Board approve the proposal from Dr. Fred Hicks of Hicks-Richardson Associates, Springfield, Virginia for legislative services at a retainer of \$2,500/month for six months, beginning May 1, 2002.

It was moved by Director Henriques and seconded by Director Wright to approve the proposal for legislative services from Dr. Fred Hicks, of Hicks-Richardson Associates, for \$2,500 a month, beginning May 1, 2002. The motion carried 6-0, with President Woodbury absent.

11. COMMITTEE REPORTS

A meeting or conference call with the Finance Committee and Dr. Fred Hicks was suggested to discuss spreading grounds issues and funds needed. Mr. Cavender advised he would meet with Dr. Hicks during the ACWA meeting. It was decided that Directors Henriques and Aranda would also meet with Dr. Hicks.

12. GENERAL MANAGER'S REPORT

Regarding the Temperature Probe Study, Mr. Cavender asked for clarification on the intent of the Board for terminating work with GSi/water. Discussion followed. It was determined that the intent of the Board was for the staff to look at other options for the work, and in the interim terminate work with GSi/water.

13. DIRECTORS' REPORTS

Director Aranda reported that Assembly Bill 1986, allowing Board of Director members to become members of PERS and receive credit for prior service, was still in process. He said he would continue to advise the Board of the progress.

14. ATTORNEY'S REPORT

There was not an attorney's report for this meeting.

15. CLOSED SESSION

It was moved by Director Marcum and seconded by Director Henriques to adjourn to Closed Session at 3:55 p.m., as provided by the authority of Government Section 54956.9a, application before the State Water Resources Control Board to appropriate waters of the Santa Ana River; Government Code Section 54956.9a, applications by Southern California Edison to re-license hydroelectric plants; Government Code Section 54956.9(b)(3)(a) and Government Code Section 54956.9(c), confer with legal counsel regarding significant exposure to litigation in one case; Government Code Section 54956.8, lease and/or real property negotiations with Robertson's Ready Mix; Government Code Section 54956.8, lease and/or real property negotiations with CEMEX, USA. The motion carried 6-0, with President Woodbury absent. Vice President Tubbs excused herself from a portion of the Closed Session due to a conflict of interest.

At 4:20 p.m. the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

19. ADJOURN

There being no further business, the meeting adjourned at 4:20 p.m.

Board Secretary