

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
PUBLIC MEETING ON GROUNDWATER and BOARD OF DIRECTORS MEETING

MINUTES OF April 13, 2016
1:30 P.M.

President Corneille 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 Corneille.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President
Melody McDonald, Vice President
David E. Raley, Director
Manuel Aranda, Director
John Longville, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

Jeremy Jungreis, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Athena Monge, Administrative Services Specialist
Jeff Beehler, Land Resource Manager

GUESTS PRESENT:

Charles Roberts, Highland Community News
Michelle Diamond, Tetra Tech
Nanette Shelton, East Valley Water District
Ken Munoz, MCC Construction
Jesse Munoz, MCC Construction
Socorro Pantaleon, Representative of Marc Steinorth

1. PUBLIC PARTICIPATION

President Corneille 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 or deletions.

3. PUBLIC MEETING RELATED TO ADOPTION OF GROUNDWATER CHARGE

President Corneille opened the Public Meeting on the Groundwater Charge for comment. He indicated that staff had proposed no rate increase to the groundwater charge for fiscal year 2016-2017. The groundwater resolution will be brought to the April 27th Public Hearing on the Groundwater Charge for review and consideration of adoption. Mr. Cozad stated that no written comments were received. President Corneille asked if any public present would like to comment, there being no public comment he closed the Public Hearing with no action taken.

4. PRESENTATION

Mr. Beehler introduced Daniel McCarthy, the Cultural Resources Director with the San Manuel Band of Mission Indians (San Manuel). Mr. McCarthy gave an oral presentation on the Native Plants gathered by the San Manuel on District lands. He stated that there are limited areas for Native Americans to gather plants for food and medicine. Mr. McCarthy thanked the District for allowing the organization to gather on their lands. He indicated that the primary need to gather is for food and that they will be primarily gathering Yucca at this time next year. The District authorized a Memorandum of Agreement in July 2015 which provides a list of plants the tribe collects.

5. CONSENT CALENDAR

It was moved by Director Aranda and seconded by Vice President McDonald to approve Consent Calendar Items A-Board Minutes, March 9, 2016 and Item B-Expenditure Report, March 2016. The motion carried 5-0 with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

6. COMMITTEE REPORTS/ACTION ITEMS

President Corneille reported that the Operations Committee (Committee) met on April 1st where they had a report from the Field Supervisor, Manuel Colunga on field operations. The Committee discussed the Plunge Creek Project which is currently at 35% design completion and Mill Creek Diversion Redesign which is at 65% design completion. The Trails Plan was discussed briefly and it will be underway shortly. The Capital Projects list was reviewed and approved. Capital project costs will be included in the Draft Budget to be presented and discussed at the Budget Workshop on April 27th. The District Access Permit Policy and Mentone Area Community Garden Conceptual Plan on the agenda were recommended by Committee for Board action. Director Aranda thanked the field personnel for their efforts out in the field and spoke briefly on all the activities underway.

A. DISTRICT ACCESS PERMIT POLICY

Mr. Cozad introduced this item for discussion. He stated that the District Access Permit Policy (Policy) included on page 21. The Policy was updated in 2010 by legal counsel and staff. In 2013 it was revised delegating authority to the General Manager to be able to issue Access Permits and Material Processing Licenses on behalf of the District with a term not to exceed 12 months. This allowed the District to properly allow reuse of sands and aggregate materials in excess of its needs. Staff has written the delegated and implemented policy into District policy format for approval. The Access Permit fee is set annually and for 2016 is \$750; this allows the District to recover some of the cost of issuing the permit and managing it. President Corneille stated that the Operations Committee reviewed the Policy and feels that it is appropriate and is recommending it for Board approval.

It was moved by Director Longville and seconded by Director Aranda to approve the District Access Permit Policy. The motion carried 5-0 with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

Mr. Cozad stated that MCC Construction has had an Access Permit several times with the District in the past for operations off of Highway 38; originally working under a construction contract for the City of Redlands (City). The District provided land for them to utilize for the work being performed on City pipeline projects which lasted about three years and expired at the end of 2015. MCC Construction has materials that were screened but remain on District land. Staff issued the permit they requested for a term of March through May 2016. However, Ken Munoz of MCC Construction requested an extension of one year or for a fee waiver neither of which is included within delegation of policy. Therefore Mr. Munoz requested to speak to the Board. Mr. Munoz stated that since he has already processed the sand he feels like he is paying for something he has already purchased. He requested that the Access Permit be extended an additional 12 months although it has already been beyond the 60 days. Mr. Cozad said that a number of community complaints regarding truck traffic and stockpile of materials have been received and the public has asked to be heard before the District issues a long term Access Permit. Discussion ensued regarding community complaints. Mr. Cozad stated that the cost to oversee the process exceeds the benefit to the District. Mr. Munoz amended his request stating that he needs the permit for at least 6 months in order to have enough time to remove the material. He said that he will not be processing only removing materials periodically as projects come up. Discussion ensued. President Corneille said that the District is unable to extend the Access Permit due to community complaints received and lack of benefit to the District. Since Mr. Munoz has material he has already processed on District property, President Corneille suggested the District waive the Access Permit fee and extend permit until the end of this fiscal year. This would require the District to refund Mr. Munoz the \$750 already paid.

It was moved by President Corneille and seconded by Director Longville to extend the Access Permit with MCC Construction thru June 30, 2016 and waive the Access Permit fee and refund the \$750

previously paid with MCC Construction paying a royalty on any materials removed from District Land. The motion carried 3-2 with President Corneille, Director Aranda and Longville voting in the affirmative and Vice President McDonald and Director Raley voting in opposition of the vote.

President Corneille: Yes
Vice President McDonald: No
Director Longville: Yes
Director Raley: No
Director Aranda: Yes

B. MENTONE AREA COMMUNITY GARDEN CONCEPTUAL PLAN

Mr. Cozad introduced this item for discussion noting its inclusion in the packet on package page 32. The Operations Committee reviewed the Mentone Area Community Garden Conceptual Plan (Community Garden Plan) on April 1st and is recommending it for approval. The District worked with the Mentone Area Community Association (MACA) and comments were received from them which were incorporated by staff. Supervisor Ramos's staff has met with MACA and made funds available for MACA to move forward with the Community Garden Plan. President Corneille said that MACA has not identified a preferred site at this time, and they understand that they need to implement the plan.

It was moved by Director Raley and seconded by Vice President McDonald to approve the Final Mentone Area Community Garden Conceptual Plan with minor revisions to be incorporated. The motion carried with all directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes

C. UNAUDITED FINANCIALS, MARCH 2016

President Corneille asked for clarification on why mining revenues are down. Mr. Cozad stated that CEMEX is two months behind on payments and that the District has not sold as much rock as originally anticipated. Groundwater revenue is below budget due to conservation efforts by its groundwater producers.

It was moved by Vice President McDonald and seconded by Director Aranda to approve the Unaudited Financials for March 2016. The motion carried with all directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes

D. DISTRICT RECORDS DESTRUCTION

It was moved by Director Raley and seconded by Director Aranda to approve Staff's request for the destruction of District records in accordance with existing policy of the documents listed within Destruction Log #0007. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

E. COMPENSATION AGREEMENT WITH THE CITY OF SAN BERNARDINO

Mr. Cozad indicated that there may be more Compensation Agreements that will come through as the redevelopment agencies are dissolved. The Districts share of tax revenue is minimal therefore the fiscal impact is insignificant. Mr. Cosgrove had reviewed agreement prior to inclusion in the package with no issues or changes.

It was moved by Director Raley and seconded by Director Aranda to approve the Compensation Agreement with the City of San Bernardino and authorize the Board President to execute contract on behalf of the District. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

F. SPECIAL DISTRICTS ELECTION FOR REGULAR LOCAL AGENCY FORMATION COMMISSION MEMBER

The Board discussed all candidates with Director Aranda speaking in favor of supporting Gregory Young with West Valley Water District.

It was moved by Director Aranda and seconded by Director Longville to vote for Gregory Young as Regular Local Agency Formation Commission Member. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

G. WAIVER OF BOARD MEMBER MEETING REPORT REQUIREMENT

Vice President McDonald requested that an item be added onto the upcoming Finance & Administration Committee on April 20th to discuss the Board Member Meeting Report requirement. Director Longville gave an oral report on all of the meetings listed on his expense report for July 2014-June 2015 included on package page 76. President Corneille requested that all Board members bring their expense reports up to date and turned in a timely manner.

It was moved by Vice President McDonald and seconded by Director Aranda to approve Staff's request for a waiver of the requirement to complete written reports related to meetings being claimed for the period of July 2014-June 2015 and process expense report for Director Longville and approve for payment. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

H. AD HOC COMMITTEE APPOINTMENTS

President Corneille appointed Vice President McDonald and himself to the Ad Hoc Committee for General Manager's evaluation. He also appointed Director Raley and himself to the Ad Hoc Audit Committee.

7. INFORMATION ITEMS

A. BOARD COMMITTEE REPORTS

These were discussed previously.

B. WASH PLAN REPORT

Mr. Beehler introduced this item for discussion. The written Wash Plan Report is included in the Board package on page 77. Staff met with the San Bernardino County Flood Control District (FCD) to discuss the Wash Plan Memorandum of Understanding (MOU) and Implementation Agreement (IA). FCD stated that they want to participate in the Wash Plan but are unable to endow lands and participate in the group permit process. They said both of those have to be done through a Request for Proposal (RFP) process. Also, FCD cannot participate in the Certificate of Inclusion (COI) process because they have to utilize their own permit. However, despite these issues they still want to participate in the Wash Plan, if approved by the Wash Plan Task Force (Task Force). FCD will be implementing their part of the Habitat Conservation Plan (HCP) separately and will have their own IA with US Fish & Wildlife Service (FWS). The benefit of keeping FCD in the Wash Plan HCP is that both FCD and the Task Force will get the benefit of the consolidated efforts and more favorable mitigation ratio. Staff along with FWS documented a process with complete severability between functions; there is nothing in the HCP and all the COI participants that are contingent on FCD completing their portion. Both portions of the HCP can be done on a parallel track without one affecting the other because

there are separate permits and agreements. Mr. Beehler said that staff will be requesting the Task Force restart the countdown clock for the Wash Plan HCP and that the number of days has yet to be determined. FCD will cover the cost of any additional work. This item was received and filed.

C. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad indicated that the written General Manager's Report is included in the Board package on page 79. The District is taking 6 CFS in Santa Ana and 9 CFS in Mill Creek related to rain fall. There has been 251 AF recharge for March. Mr. Cozad said that the District is at 65% of precipitation that it would expect for a dry year. The US Corp of Engineers will be releasing beginning about April 15th from behind the Seven Oaks Dam; flow is estimated to be 100 CFS. Mr. Cozad provided handouts on the upcoming Inland Empire Resources Conservation District school training and the other which is a joint project with San Bernardino Valley Municipal Water District (SBVMWD) for a clean-up day. Mr. Cozad provided a copy of the funding document prepared by California Habitat Planning Committee which had a meeting yesterday where he presented the Wash Plan HCP. He noted that the first group of Quality Water Efficient Landscapers has been graduated at an 80% pass rate. Vice President McDonald asked when the Groundwater Sustainability Council (GSC) will be meeting and if there was opposition on AB-938. The meeting has not occurred yet but is scheduled for May 9th and AB-938 has received minor opposition, but it will likely be delayed. GSC formation will move forward; any groundwater charge will have to be voluntary. There will be a meeting with the facilitator on April 22nd to plan the first meeting. President Corneille said that there will be additional State Water Project water available and asked if the GSC will consider purchasing. A GSC framework meeting was held and it was discussed in brief; it will be discussed in more detail at the May 9th meeting. The Draft Budget for FY 2016-2017 will be discussed at a Budget Workshop to be held April 27th following the Groundwater Public Hearing/Board of Directors meeting. The Finance & Administration Committee will review on April 20th. These items were received and filed.

D. FUTURE AGENDA ITEMS & STAFF TASKS

Director Raley requested a more detail briefing on the Plunge Creek project. Mr. Beehler said that staff provided comments and consultant should have another draft document ready for review by the May 11th Board meeting.

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

Vice President McDonald attended the ACWA/JPIA meetings. She attended the SBVMWD Board meeting on March 15th and on April 5th. Vice President McDonald attended the Basin Technical Advisory Committee (BTAC) on April 4th where Mr. Cozad presented the 2016 Engineering Investigation Report. Additional written reports for meetings she attended are in Board package on pages 89-91.

Director Longville attended the February 17th Annual Inland Empire Economic Partnership meeting. He met with the Mayor of Rialto on March 5th to discuss career opportunities for women in water. Director Longville had a radio interview on KCAA on March 6th on water

conservation issues. He attended the San Manuel Community Breakfast on March 22nd and the State of the County on April 6th.

Director Raley attended the Redlands Rise N Shine meeting on April 1st and the State of the County on April 6th.

Director Aranda attended the State of the County on April 6th which he confirmed is a District Requested event. Additional reports are included in the Board package on pages 84-88.

President Corneille attended the Advisory Commission on Water Policy on March 16th where Mr. Cozad made a presentation regarding the GSC. He attended the MACA meeting on April 12th where he made a presentation on the Community Garden Plan.

President Corneille submitted a travel request for the 2016 ACWA Spring Conference included on package page 92 in the amount of \$2,210.40.

It was moved by Director Longville and seconded by Director Aranda to approve President Corneille's travel request in the amount of \$2,210.40 for his attendance at the upcoming ACWA Spring Conference. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

9. UPCOMING MEETINGS

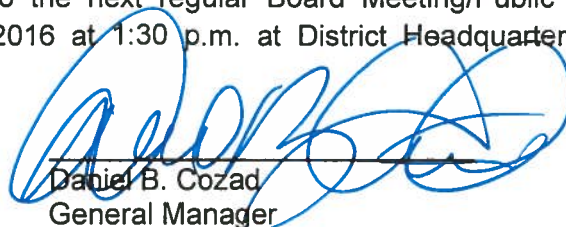
There were none discussed.

10. ADJOURN MEETING

It was moved by Director Longville and seconded by Director Aranda to adjourn. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

At 4:01 p.m. the meeting adjourned to the next regular Board Meeting/Public Hearing on Groundwater scheduled for April 27, 2016 at 1:30 p.m. at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.


Daniel B. Cozad
General Manager