

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

MINUTES OF APRIL 14, 2021  
1:30 pm.

President McDonald called the meeting of the Board of Directors to order at 1:33 pm by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President  
Richard Corneille, Vice President  
David E. Raley, Director  
Robert Stewart, Director  
John Longville, Director (Arrival 1:47 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

Daniel Cozad, General Manager  
Betsy Miller, Land Resources Manager/Assistant General Manager  
Erwin Fogerson, Senior Engineer/Project Manager  
Katelyn Scholte, Assistant Engineer  
Athena Lokelani, Administrative Specialist

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District  
June Hayes, San Bernardino Valley Municipal Water District  
Susan Longville, San Bernardino Valley Municipal Water District  
David E. Smith, East Valley Water District  
Willow Green, Tetra Tech  
Jesus Gastelum, Elsinore Valley Municipal Water District  
Kimberli Munkres, Thunderwheel Communications

1. PUBLIC PARTICIPATION

President McDonald announced that any person present, who so desired, may make an oral presentation to the Board of Directors. There being none, the meeting continued with the posted agenda items.

## 2. ADDITIONS/DELETIONS TO AGENDA

There were none.

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

President McDonald opened the Groundwater Public Meeting. The recommended increase for the groundwater charge is to \$14.54 per acre foot for all groundwater production with the recommended sustainability component of \$22.04 per acre foot to be phased in over time, ranging from \$2.50-\$20 per acre foot. Mr. Cozad presented a PowerPoint presentation shown beginning on package page 5. This information was also presented at the Groundwater Producers public meeting held on March 24. The Equitable Cost-Sharing Method for Sustainability was reviewed in detail. Vice President Corneille asked about the party gap. Mr. Cozad said that the production during and prior to adjudication were compared and if you are producing more than you were during the adjudication period there was a gap. The gap would need filled before the sustainability step. The sustainability portion is what it takes to get to reliability for the 2040 projection. Director Raley asked how the District's water rights factor into the rate. Mr. Cozad said that the Groundwater Council and groundwater charge payees are paying for the operations and maintenance costs of the system rather than providing the District a credit for the water it recharges. Mr. Cosgrove said that the basin recharge performed by the Conservation District is an existing ambient baseline for the basin; instead of taking a per acre foot credit, the decision was made that the groundwater producers would support an ambient baseline by supporting our facilities and maintenance. Director Raley expressed concern that the producers outside of the basin may not be paying the groundwater charge. Mr. Cozad said that there are a small number of producers that are not in the District boundary and would not be GC members in San Bernardino County. The GC is working to create an equitable situation for all and will provide recommendations in the near future.

Review of presentation continued. Mr. Cozad noted that a Groundwater Producers meeting was held to discuss the groundwater charge and sustainability component; attendees included Conservation District staff, Elsinore Valley Municipal Water District and the City of Riverside. The minutes from this meeting were included on package page 27. President McDonald thanked Ms. Scholte for her great work on the equitable allocation model (EAM). The draft Groundwater Resolution No. 584 is included on package page 21. Mr. Cosgrove said that most of the revisions are shown on package page 22, which discuss the Groundwater Council and EAM calculations, including the estimated phase-in of the sustainability component. However, the groundwater charge and sustainability component will be calculated and approved each year per statute. Mr. Cosgrove noted that the amounts collected for sustainability will be kept separate from the regular groundwater charge as noted in Section 7 of the draft Groundwater Resolution. Vice President Corneille suggested revising the verbiage in Section 6 (F) to reflect that the groundwater charge and groundwater council assessment revenues are separate funds which pay the charge. He asked why reference to the agricultural and non-agricultural groundwater production is still noted within resolution. Mr. Cosgrove indicated that it is still required under statute. Director Longville spoke in support of Vice President Corneille's suggestions. Mr. Cozad said that no written or verbal comments have been received by staff. President McDonald closed the groundwater public meeting. She noted that the hearing will be held April 28.

## 4. CONSENT CALENDAR

**It was moved by Vice President Corneille and seconded by Director Longville to approve the Consent Calendar: Item A: Board Minutes, March 10, 2021 and Item B: Expenditure Report, March 2021. The motion carried 5-0, with all Board members present voting in the affirmative.**

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

5. COMMITTEE REPORTS/ACTION ITEMS

A. FINANCE & ADMINISTRATION COMMITTEE VERBAL UPDATE

Director Raley provided a verbal update of the Finance & Administration Committee held on March 24. He indicated that the Committee met and discussed the 3<sup>rd</sup> Quarter Unaudited Financials for 2020-2021 as found later on this agenda and endorsed the groundwater charge as previously discussed. This item was received and filed.

B. 3<sup>RD</sup> QUARTER UNAUDITED FINANCIALS FOR 2020-2021

This item is included on package page 46. Mr. Cozad reviewed this item in brief. The Quarterly Investment Report is included on package pages 50 and 51.

**It was moved by Director Raley and seconded by Director Longville to approve the 3<sup>rd</sup> Quarter Unaudited Financial Reports for 2020-2021. The motion carried 5-0, with all Board members present voting in the affirmative.**

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

C. UNAUDITED FINANCIAL REPORTS, FEBRUARY 2021

Mr. Cozad introduced this item for discussion, noting its inclusion beginning on package page 52. The District has received reimbursement from the Conservation Trust for staff cost related to SBCTA.

**It was moved by Director Longville and seconded by Director Stewart to approve the Unaudited Financial Reports for March 2021. The motion carried 5-0, with all Board members present voting in the affirmative.**

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

D. TECHNICAL ASSISTANCE AGREEMENT WITH U.S. GEOLOGICAL SURVEY, WESTERN ECOLOGICAL RESEARCH CENTER, FOR DEVELOPMENT OF A SAN BERNARDINO KANGAROO RAT MONITORING PROTOCOL

Ms. Miller introduced this item for discussion, noting its inclusion on package page 58. The new draft agreement was emailed to the Board for review. She indicated that the agreement with U.S. Geological

Survey (USGS) is to develop a monitoring protocol for the San Bernardino Area Kangaroo Rat (SBKR) as required by the Wash Plan and Plunge Creek Conservation Project. The agreement is not-to-exceed \$54,438.44. The monitoring protocol development is a one time cost; however, monitoring will be done annually. After the District collects three to five years of data, it is recommended that we review the monitoring protocol to evaluate its efficiency and effectiveness. Director Raley asked why it is not a Conservation Trust expense. Ms. Miller indicated that a significant portion is covered by the Wash Plan monitoring. This is coming to the Board separately due to time constraints. Mr. Cozad said that it primarily supports the Wash Plan implementation and is paid by the endowment. Director Stewart said that he is pleased that someone is stepping up to perform this activity. He expressed a desire to keep a close eye on the District's efforts toward this process, including the effects of droughts on the SBKR population. Ms. Miller said that the statistical approach selected by the District is already in use by Western Riverside and the Woolly-star Preserve Area and is being considered by Valley Municipal for the River HCP Preserve.

**It was moved by Vice President Corneille and seconded by Director Stewart to approve the agreement with U.S. Geological Survey in an amount not-to-exceed, \$54,438.44. The motion carried 5-0, with all Board members present voting in the affirmative.**

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

## **6. INFORMATION ITEMS**

### **A. WASH PLAN IMPLEMENTATION AND STATE PERMITTING UPDATE**

Ms. Miller provided a verbal update. The Wash Plan was selected for a regional award. Staff and District Counsel continues to work on the Bureau of Land Management (BLM) Land Exchange. Mr. Cosgrove said that BLM is evaluating the District's historic rights on their property. They are working on title report issues, regulatory and appraisal items. Mr. Cozad said that the Department of Justice reviews the title. Vice President Corneille asked what Brownstein Hyatt Farber Screck are assisting with. Mr. Cozad indicated that they are assisting with the appraisal and keeping the process moving forward. They will likely be retained through at least through the completion of the appraisal process. Director Raley asked if the District has performed an appraisal before. Mr. Cosgrove said that one appraisal was completed before the Wash Plan was reconfigured and that the appraisal has to be completed within six months of the Land Exchange. Brief discussion ensued regarding Land Exchange. Ms. Miller said that the Wash Plan implementation is underway. The spineflower restoration has begun by IERCD and surveys for cactus wren and California gnatcatcher have begun this week. She said that with the approval that occurred today, that the SBKR protocols should be done by August. This item was received and filed.

### **B. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT**

Mr. Cozad indicated that the written General Manager's Report was included in the Board package on pages 71 through 74. He said that this has been a dry year, but that there is flow in the main canal and noted that SOD testing will take place April 15. Staff put out Request for Proposal for architecture services for the Mentone Shop. The Conservation Trust meeting was cancelled because it was scheduled for the same time as the BTAC and the only item on the agenda were financials. Mr. Cozad

noted the Redlands Plaza COVID-19 rent deferrals in the amount of \$46,432.39; we intend to review this item with tenants near July for repayment. The District is reviewing and providing input on the Integrated Regional Water Management Plan; this item will come to the Board agenda in June. Vice President Corneille asked when the District will go back to in person meetings. Mr. Cozad indicated that the District is following the directives of the county. The Monthly Recharge Report was included on package page 75. This item was received and filed.

#### C. CONSTRUCTION PROJECTS/ARTP VERBAL UPDATE

Mr. Fogerson stated that an Active Recharge Transfer Project (ARTP) Policy Committee was held yesterday. Staff had a kickoff meeting with San Bernardino County Flood Control District (Flood Control) and are working on feasibility study. He is working on an RFP to assist with project analysis. The District received two responses to Mentone Shop RFP. Mr. Fogerson said that staff resubmitted the environmental documents to Flood Control for the Mill Creek project; the engineering resubmittal is still underway. Director Stewart asked how long it will take to get Mill Creek plan check completed. Mr. Fogerson indicated that it is unlikely the District will received permits until the end of the year. Vice President Corneille requested the ARTP status report be included in the next Board meeting packet.

#### D. FUTURE AGENDA ITEMS AND STAFF TASKS

Director Raley requested a plan and budget review for the completion of the Wash Plan; including the land exchange. Vice President Corneille asked for the Capital Improvement Plan budget be sent to the Operations Committee members for review.

#### 7. MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS

Vice President Corneille attended the Wash Plan Task Force meeting on March 24, Redlands Rise N Shine on April 2 and the ARTP Policy Committee on April 13. He attended the Valley Municipal Engineering Workshop on April 13 and chaired the Advisory Commission on Water Policy (Advisory Commission) on April 8.

Director Raley attended the Valley Municipal Policy Workshop on March 11 and April 8, Big Bear Watermaster Committee (BBWM) on March 23 and Basin Technical Advisory Committee (BTAC) on April 5. He attended the Valley Municipal Engineering Workshop on April 13 and reviewed Conservation Trust documents on April 12. He attended the Finance & Administration Committee on March 24.

Director Stewart attended the BBWM on March 23, Advisory Commission on April 8 and Finance & Administration Committee on March 24.

Director Longville attended the Valley Municipal Board meeting on March 16 and April 6. He attended the Finance & Administration Committee on March 24.

President McDonald attended the Valley Municipal Engineering Workshop on April 13, Association of Special Districts of San Bernardino (ASBCSD) on April 12 and ACWA State Legislative meeting on April 9. She attended the Valley Municipal Policy Workshop on April 8 and March 11, Valley Municipal Board meeting on March 16 and April 6. She attended the BTAC meeting on April 5, Valley Municipal Resources Workshop on April 1 and Federal Affairs Committee meeting, Highland Area Chamber of Commerce on March 25 and ASBCSD on March 15. She attended the ACWA State Legislative meeting on March 13.

8. UPCOMING MEETINGS

There were none discussed.

9. CLOSED SESSION

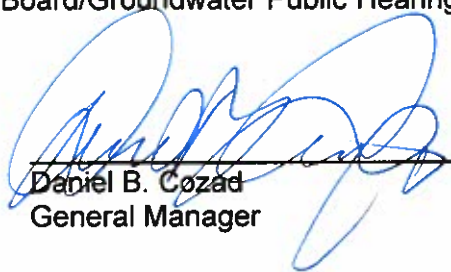
There was none held.

10. ADJOURN MEETING

**It was moved by Director Stewart and seconded by Director Raley to adjourn. The motion carried 5-0, with all Directors present voting in the affirmative.**

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

At 3:38 pm, the meeting adjourned to the Board/Groundwater Public Hearing scheduled for 1:30 pm on April 28, 2021, via Zoom.



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Daniel B. Cozad  
General Manager