

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

**MINUTES OF MARCH 10, 2021  
1:30 pm.**

President McDonald called the meeting of the Board of Directors to order at 1:32 pm by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by Director Harrison, San Bernardino Valley Municipal Water District.

**ROLL CALL:**

**BOARD MEMBERS PRESENT:**

Melody McDonald, President  
Richard Corneille, Vice President  
David E. Raley, Director  
Robert Stewart, Director  
John Longville, Director

**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  
Paul Kielhold, San Bernardino Valley Municipal Water District  
David E. Smith, East Valley Water District  
Willow Green  
Jesus Gastelum  
Leonardo Ferrand

**1. PUBLIC PARTICIPATION**

President McDonald announced that any person present, who so desired, may make an oral presentation to the Board of Directors. Director Hayes, San Bernardino Valley Municipal Water District, asked the

Board to review and consider taking a position on the AB-377 Water Quality Bill that SAWPA has expressed concerns with.

2. ADDITIONS/DELETIONS TO AGENDA

There were none.

3. AD HOC COMMITTEE APPOINTMENTS

President McDonald appointed Director Raley and herself to the Ad Hoc Audit Committee and Directors Stewart and Raley to the Ad Hoc General Manager Review Committee.

4. CONSENT CALENDAR

President McDonald introduced this item. She indicated that the item is on the agenda at her request to support Thomas A. Cuquet, South Sutter Water District (Resolution No. 585) and David Drake, Rincon Del Diablo Water District (Resolution No. 586) for ACWA/JPIA Executive Committee. Director Raley asked for additional information to be included in future concurring nominations. In the Expeniture Report President Corneille asked what the expenditure was related to for the Sonoma County Water District. Mr. Cozad indicated that it is related to the Quality Water Efficient Landscaper Program. We contribute each year because they are the administrators of the program.

**It was moved by Vice President Corneille and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, February 10, 2021; Item B: Expenditure Report, February 2021; and Item C: ACWA/JPIA Executive Committee Concurring Nomination Resolutions No. 585 and 586. 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. OUTREACH & COMMUNICATIONS COMMITTEE VERBAL UPDATE

Director Longville provided a verbal update of the Outreach & Communications Committee held on February 19. He indicated that the Committee has not been as active as planned due to the pandemic. Mr. Cozad said that there is a report from the outreach consultants on the activities performed this fiscal year in the package on page 102. Vice President Corneille stated that he and President McDonald presented to the Highland Area Chamber of Commerce recently on the Wash Plan. Director Hayes suggested that the Board consider making a presentation to Rialto. President Harrison, San Bernardino Valley Municipal Water District, commended the District on their outreach efforts, including obtaining the cover of California Special Districts Association magazine. President McDonald thanked them for their feedback and support. This item was received and filed.

**B. UNAUDITED FINANCIAL REPORTS, FEBRUARY 2021**

Mr. Cozad introduced this item for discussion, noting its inclusion beginning on package page 22. He said that the District has not yet received final payment from SAWPA for Plunge Creek construction. Director Raley recommended revising the graph financials to include the General Manager's estimate. Mr. Cozad said that the projections do not change frequently and are shown on the quarterly financials and suggested continuing to do this on a quarterly basis unless the Board needed data more frequently. Vice President Corneille noted that 4016-Interest Income ARTP is significantly behind and asked if the District plans on budgeting less interest for next fiscal year. Mr. Cozad indicated that staff would likely estimate lower returns as interest rates are currently down and will probably be down the next fiscal year.

**It was moved by Vice President Corneille and seconded by Director Longville to approve the Unaudited Financial Reports for February 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. GROUNDWATER LATE PAYER, NON-RESPONDENTS AND INVESTIGATION LIST FOR GWA #55**

Mr. Cozad introduced this item for discussion, noting its inclusion on package page 28. He said that a list of those producers that are past due or need further investigation is included on package page 29. He indicated that payment from Edison Mountainview Generating Station and Patton State Hospital had been received since the package was posted. The staff has been working with the owners of Splash Kingdom, and the District expects to receive their reporting fairly soon. Mr. Cozad said that additional investigation is needed for producer #14, Doug Guyette; no response has been obtained from him to date. There was no action required.

**D. FINAL ENGINEERING INVESTIGATION REPORT FOR 2021**

Ms. Scholte presented on this item, noting that no new data has been received and asked if the Board would like another review of the Final Engineering Investigation Report (EI). There was no request to review the EI presentation, which is included on package pages 32 to 57. Vice President Corneille asked if there is a method to make the Change in Storage Prediction, shown on package page 49, more accurate. Mr. Cozad indicated that the chart demonstrates for the administrative record why the District does not utilize this prediction method for budgeting purposes. He noted that staff estimates use from the actual production from the prior year and asks the Groundwater Council (GC) if they expect the production to be the same. The Draft Groundwater Resolution was included for review on package page 58. Mr. Cosgrove provided background on the resolution and discussed potential changes to the resolution in brief. Director Raley expressed his concern regarding the replenishment/sustainability component. He asked if the public has been notified of the potential change. Mr. Cozad indicated that a Groundwater Producers Meeting to discuss this component is scheduled for March 24 at 10:30 AM, and notification of the meeting has been sent out to all groundwater producers. Additionally, a public meeting will be held on April 14, 2021, to address any public comments or questions.

Vice President Corneille requested an itemized list of those GL's that have increased within the Groundwater Enterprise before the District adopts any potential increase. Staff is working on materials

for the Finance & Administration Committee on March 24 and will forward these to the Board at its next regular Board meeting for review. Mr. Cozad indicated that the District holds an annual Budget Workshop at its second meeting in April to review the proposed budget in depth. This year's Budget Workshop will be held on April 28 immediately following the adjournment of the Groundwater Public Hearing/Board of Directors meeting.

**It was moved by Director Stewart and seconded by Director Longville to approve the Final Engineering Investigation Report for 2021 as presented. 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**

#### **E. PLUNGE CREEK FINANCIAL AND PROJECT PERFORMANCE REPORT**

Mr. Cozad provided a PowerPoint presentation, included on package pages 66 to 97. He reviewed the purposes of the project, construction map, and IRWMP grant. He reviewed the permitting and design studies, permit requirements, pre-construction trapping/relocation of SBKR, and construction. Staff reviewed the results of the completed projects, including before and after photos. The District was awarded the first-ever permitting Safe Harbor Agreement in Southern California through this process. Mr. Fogerson and Ms. Scholte were out in the field during the project to provide construction management; no injuries occurred during construction. The District used a local construction company from Mentone for the actual construction of the project. Mr. Cozad reviewed the post-construction photos taken following rainfall events within the presentation, including early results of habitat restoration. There is new Santa Ana River woolly star growth that was shown in photos on package page 87. Mr. Cozad reviewed the grant match results on package page 89. The summary cost comparison to the budget was reviewed on package page 90. Vice President Corneille asked why the endowment for the Wash Plan cannot take over these costs now. Mr. Cozad indicated that it was not budgeted that way and that the Wash Plan Endowment has a specific set of tasks to do and reviewed how the endowment is used. The project's value was discussed/reviewed on page 92, and actual costs and return on investments on page 93. Discussion on the project ensued. President McDonald spoke on the project and complimented staff, including Ms. Miller and former staff Jeff Beehler, as well as all staff that participated in the project. Vice President Corneille said that this a great project and thanked staff for the detailed update on the project.

**It was moved by Director Longville and seconded by Vice President Corneille to receive and file the Plunge Creek Financial and Project Performance Report as presented. 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. She indicated that contracts are in place for California gnatcatcher surveys and spineflower habitat enhancements. The gnatcatcher surveys will occur in April, May, and June, and spineflower habitat enhancements will begin tomorrow. Ms. Miller said that she received a draft agreement from the Bureau of Land Management (BLM) to perform surveys and work on their lands as required by the Wash Plan. She is working on the monitoring protocols for the San Bernardino kangaroo rat with USGS. She discussed, in brief, the recording of the Conservation Easements. Mr. Cosgrove gave an update on the title matter and upcoming appraisal. BLM is still determining the path forward to District activities on BLM lands. Ms. Miller said that the District received comments back on Thursday on the 2081 permit and will be meeting with CDFW to discuss. There will be a Wash Plan Task Force meeting in March to discuss programmatic permits. AECOM is ready to begin permitting applications. Staff will go out next week to obtain GPS information for the boundaries in the areas where water has spread in Plunge Creek and include that information in the jurisdictional delineation for the programmatic permits. 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 98 through 101. The City of Redlands has been approved to join the Groundwater Council. He noted that the outreach consultant report is included on package pages 102 to 128. President McDonald thanked staff for including the outreach presentation and their outreach efforts. The Monthly Recharge Report was included on package page 129. This item was received and filed.

### C. MILL CREEK STATUS UPDATE

Mr. Fogerson provided a status update on Mill Creek, noting its inclusion on package pages 130 to 132. He said that there is a PO pending with Hydrogate to design the gates required for the project. He discussed the 404 and 408 requirements and indicated that these requirements pushed the project back a year. The District has received the 401 and 1602 permits. The plans are expected to be resubmitted next month. The cost estimate for the hydrogates has been received. He reviewed the project schedule on package page 132. Vice President Corneille asked for the cost estimate and project charter to be updated. He asked for this item to be discussed in further detail at the next Operations Committee meeting.

### D. FUTURE AGENDA ITEMS AND STAFF TASKS

Director Longville asked for staff to review the fees charged to the District by governmental permitting entities to see whether there might be some way of reducing the amount of fees involved. The Board will have an Outreach Workshop immediately following the April 14 Board Meeting/Groundwater Public Meeting. There will also be a Budget Workshop to be held directly following the Board Meeting/Groundwater Public Hearing on April 28. Director Raley asked for a discussion to be held at a future meeting to discuss the District's involvement in the Water Education Foundation.

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

Vice President Corneille attended the ACWA Groundwater Committee on March 4 and Redland Rise N Shine on March 5.

Director Raley attended the Valley Municipal Board meeting on March 2, Valley Municipal Engineering Workshop on March 9, and Valley Municipal Resources Workshop on March 4.

Director Stewart made no report other than his attendance at the regularly scheduled District Board meeting.

Director Longville met with Assembly Member Jose Medina and other elected officials on March 8, attended the Valley Municipal Board meeting on March 2, and West Valley Water Districts State of the Water District on February 26. He attended the Outreach & Communications Committee on February 19 and Valley Municipal Board meeting on February 16.

President McDonald attended the Highland Area Chamber of Commerce (HACC) breakfast meeting and Yorba Linda Water Districts Board meeting on March 9, Valley Municipal Board meeting on March 2, and HACC Luncheon on February 23. She attended the Valley Municipal Resources Workshop on March 4 and the ACWA State Legislative Committee meeting on February 19. She attended the Valley Municipal Policy Workshop on February 11, ACWA Federal Affairs Committee, and Valley Municipal Board meeting on February 16.

8. UPCOMING MEETINGS

Valley Municipal Board meetings will be held at 2 pm on March 16. The Finance & Administration Committee will be on March 24 at 1:30 pm. The Groundwater Producers Meeting will be held at 10:30 am on March 24.

9. CLOSED SESSION

**It was moved by Vice President Corneille and seconded by Director Longville to adjourn to Closed Session. The motion carried with all directors present voting in the affirmative.**

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

General Counsel announced that the meeting would adjourn to Closed Session under both items listed on the published agenda under Closed Session.

At 4:18 pm, the meeting reconvened into Open Session. Mr. Cosgrove noted while in Closed Session under Government Code section 54954.8 that there was no reportable action.

10. ADJOURN MEETING

It was moved by Director Raley and seconded by Director Longville 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 4:19 pm, the meeting adjourned to the Board/Groundwater Public meeting scheduled for 1:30 pm on April 14, 2021, via Zoom.



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Daniel B. Cozad  
General Manager