

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF JANUARY 12, 2022
1:30 p.m.

President McDonald called the Board of Directors meeting to order at 1:31 pm. by in-person, 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
David E. Raley, Director
Robert Stewart, Director
Richard Corneille, Vice President
John Longville, Director (Arrival 1:50 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

Dave Cosgrove, District Counsel

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
Angie Quiroga, Administrative Analyst
Anna Frey, Intern

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
Willow Green, Tetra Tech
Paul Kielhold, San Bernardino Valley Municipal Water District
June Hayes, San Bernardino Valley Municipal Water District
David E. Smith, East Valley Water District

1. PUBLIC PARTICIPATION

President McDonald announced that any persons 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.

President McDonald congratulated staff on the District's receipt of the ACWA/JPIA President's Special Recognition Awards for all insurance areas of coverage.

2. ADDITIONS/DELETIONS TO AGENDA

There were none.

3. GUEST RECOGNITIONS/SELF INTRODUCTIONS

The guests listed above introduced themselves.

4. DISTRICT STANDING COMMITTEE APPOINTMENTS

President McDonald introduced this item for discussion. She noted that she had been appointed by ACWA to their State Legislative Committee. She reviewed the standing committees on package page 9, noting that these will remain the same. There were several changes noted to Appendix C: Roster of Organizations and Committees with Assigned Representatives:

- #7 Basin Technical Advisory Committee: Director Stewart was appointed as primary and President McDonald as the alternate
- #8, previously the SBVMWD Advisory Commission on Water Policy, has been disbanded; this committee has been replaced by the Upper SAR Water Forum: Vice President Corneille will remain the primary and Director Raley will remain the alternate
- #9B SBVMWD Policy Workshop: Director Longville was appointed as primary and Director Stewart was appointed as alternate
- #9C SBVMWD Resources Workshop, Director Raley is appointed as primary and President McDonald as the alternate
- #13, previously the Partnership Agreement Policy Committee, has been renamed the ARTP Policy Committee: no changes were made to the primary or alternate

It was moved by Director Stewart and seconded by Vice President Corneille to approve Appendix C of the Board Policy Manual with revisions to be incorporated as noted by the Board of Directors. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was absent from the vote.

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

Mr. Cozad noted that a resolution will be brought forward to the next regularly scheduled Board meeting that incorporates these changes.

5. CONSENT CALENDAR

President McDonald introduced this item for discussion.

It was moved by Vice President Corneille and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, December 8, 2021; and Item B: Expenditure Report, December 2021. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was absent from the vote.

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

6. COMMITTEE REPORTS/ACTION ITEMS

A. 1ST QUARTER UNAUDITED FINANCIALS REVIEW 2021-2022

Mr. Cozad introduced this item for discussion, noting its inclusion beginning package page 30. The financials are in line with what was expected for this time of year. Interest income continues to be low, and staff is working with PFM to evaluate options for increased yields.

It was moved by Director Raley and seconded by Director Stewart to approve the 1st Quarter Unaudited Financial Reports for 2021-2022. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was noted absent from the vote.

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

B. UNAUDITED FINANCIAL REPORT, DECEMBER 2021

Mr. Cozad introduced this item for discussion, noting its inclusion on package page 34. He said that Robertson's Ready Mix delivered a check to pay their outstanding state and waters permitting costs. He said that mining royalty payments continue to be higher than anticipated. Vice President Corneille inquired about ARTP Professional Services Charges and the GL to which they are charged. Mr. Cozad indicated that they will be charged to capital costs under GL 7126-ARTP Engr/Prof Services. Vice President Corneille suggested ARTP professional services be broken out separately. Mr. Cozad indicated that staff can present the ARTP budget separately, which is accounted for as its own enterprise within QuickBooks. He said that the Profit & Loss statement must stay the same.

It was moved by Vice President Corneille and seconded by Director Longville to approve the Unaudited Financial Reports from December 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. ACTIVE RECHARGE TRANSFER PROJECTS AWARDS OF CONTRACT
WATERMAN, LYNWOOD BASINS AND TWIN CREEK SPREADING GROUNDS
FEASIBILITY STUDY SUPPORT PROFESSIONAL SERVICES AWARD OF
CONTRACT

Mr. Fogerson introduced this item for discussion. He said this item is the first feasibility stage of the Active Recharge Transfer Projects (ARTP) and will serve as the foundation for obtaining San Bernardino County Flood Control District (FCD) approval for project implementation. The project schedule is expected to be approximately eighteen months, with a detailed project data summary provided as a handout. Director Raley asked how the District selected Tetra Tech to perform this study and which other firms were considered. Mr. Fogerson referred to the Board memo included on package pages 40 to 41. Mr. Cozad stated that the firms considered for this contract were selected based on a previously posted request for qualifications. Tetra Tech has significant experience working with the U.S. Army Corps of Engineers (COE) on permits necessary for this work and also performed the levee certification for the FCD, indicating familiarity with the facilities to be evaluated.

Vice President Corneille asked if the selected firm would be allowed to develop the final design. Mr. Fogerson said that they would be able to prepare a final design because District staff developed the preliminary engineering design; this contract is to analyze the preliminary design prepared by District staff. Once the analysis included in this contract is complete, the District will prepare a final report that will be used to advertise for a contract to complete final design. Tetra Tech will not be prohibited from submitting a bid on this work. Mr. Cosgrove reviewed the contract requirements and FPPC guidelines. He requested a revision to contract section 2.1 to revise the cost stated there to be consistent with the staff report amount of \$1,530,615. Director Stewart requested details on the project budget. He asked about the concept of retrofitting these three flood control basins for groundwater recharge. He said that historically these basins appear to function to slow storm flows and may not be successfully function in additional capacities. Given these potential obstacles to project success, Director Stewart asked about the cost-benefit ratios and ultimate goals for the project. Mr. Cozad said that there is not currently a specific budget for engineering; however, one will be established as the project moves toward final design. He said that the initial conceptual designs were prepared by our partners at SBVMWD, with additional design work complete by District engineering staff: thus, the percentage of the total project cost utilized for engineering has not yet been determined. In terms of the cost-benefit analysis, geotechnical work is planned for the initial phase of the study to ensure that projects or portions of projects that do not yield acceptable cost-to-benefit ratios can be removed from the project list - in favor of more feasible projects – early in the process prior to the expenditure of significant additional funds. Mr. Cozad said that Twin Creek is expected to have good infiltration based on multiple factors, but modeling is required to understand its likely function. He said that Lynwood Basins include factors that could affect feasibility, which will be carefully reviewed to determine the appropriate path forward as part of the contract brought before the Board today. Director Stewart asked when the evaluation will occur. Mr. Fogerson said that geotechnical work will take place as soon as the requisite environmental permits are obtained, which is expected to take four to six months. Hydraulic modeling and field investigations will be conducted concurrent with applications for environmental permits. A brief discussion ensued regarding projects.

It was moved by Vice President Corneille and seconded by Director Longville to accept the proposal of Tetra Tech and authorize the

General Manager and General Counsel to complete the negotiation of services and fees and execute a professional consultant services agreement in an amount not to exceed \$1,530,615. 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. NEPA SERVICES TO SUPPORT BUREAU OF LAND MANAGEMENT RIGHT OF WAY PROFESSIONAL SERVICES CONTRACT AWARD

Ms. Miller introduced this item for discussion, noting its inclusion beginning package page 97. She said that this contract is with Dudek, an environmental firm that will support the District's application for a right of way from the Bureau of Land Management (BLM) to conduct Wash Plan Covered Activities. A detailed description of the work that Dudek will be performing is outlined within the staff report on package pages 97 to 98. In addition to standard tasks, the scope includes an optional task in the amount of \$4,560 which may be necessary to respond to comments from BLM. Mr. Cozad said that this expense is charged to the Land Enterprise. Vice President Corneille asked about the schedule for completion of this work. Ms. Miller said that once the District has a contract in place, we will meet with BLM to determine the project-specific categories that we will be required to analyzed under the NEPA; the project schedule will be based on these project-specific requirements. Dudek indicated that the first draft of the NEPA document may be expected approximately thirty days after the initial meeting with BLM. Staff is sharing relevant documents with Dudek to expedite the process.

It was moved by Director Raley and seconded by Director Longville to accept Dudek's proposal to conduct NEPA services to support the District's Bureau of Land Management Right of Way application, and authorize the General Manager and General Counsel to prepare and execute the professional consultant services agreement not to exceed \$39,670. 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. WILDLAND TRAILS MOU WITH THE CITY OF HIGHLAND AND CITY OF REDLANDS

Mr. Cozad introduced this item for discussion, noting its inclusion beginning on package page 113. A handout of the maps for the MOU was provided. Mr. Cosgrove said that it is a twenty-year agreement and includes a funding split among the City of Redlands, City of Highland, and the District. He reviewed the MOU on package pages 115 to 123. He said that the City of Highland approved the MOU last night at their meeting. Exhibit A Planned Trails and Existing Local Trails and Connections and Exhibit B Planned Wildland Trails were reviewed. Discussion ensued regarding federal and state regulatory requirements. Vice President Corneille said he wanted to have a report on the requirement of CDFW for more mitigation land than allowed for in the Wash Plan for the proposed Highland-Redlands bikeway

interconnection project, which is stalled due to the cost for this additional mitigation land. He said he wanted staff to review how we can help the Cities obtain mitigation lands for this project. Director Raley said he supported the request.

It was moved by Vice President Corneille and second by Director Raley to approve the Trails MOU with attachments A and B, and authorize the Board president to sign it on behalf of the District. 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**

F. DISTRICT BOARD PRIORITIES FOR 2022

The Board Priorities from 2021, included on package page 128, were reviewed. Mr. Cozad discussed each priority and marked off items completed during the previous year. He said that in the five years since the District approved its current Strategic Plan, the District has become more focused on large project with longer timeframes. Mr. Cozad summarized the 2022 goals listed on package page 127. He said that number one, Existing Groundwater Recharge Operations, is a new item. Vice President Corneille said that the Strategic Plan Update should be completed in fiscal year 2022-2023. It was suggested that staff review the dates again on all the priority one items.

It was moved by Director Raley and seconded Vice President Corneille to approve the District Board Priorities for 2022 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**

G. STATEMENT OF INVESTMENT POLICY 2022

This item was included on package page 129 to 138. There were no changes recommended to existing policy.

It was moved by Director Raley and seconded by Director Longville the Statement of Investment Policy as presented for 2022. 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

H. REDISTRICTING UPDATE

This item, on package page 139, was reviewed. Mr. Cosgrove introduced this item for discussion, noting that updated maps have been provided as a handout. The revised maps were also shown via Zoom for public review. Scenario 2: Zip Code Boundary Map included substantial variations in population while Scenario 3: City Boundaries Map had more equal population numbers that are within legal tolerance ranges; thus, the District will focus on Scenario 3 as the basis for any additional scenarios. Mr. Cosgrove reviewed the election code requirements for considering boundary changes. He stated that this is a status update and that there will be a public hearing next month. Discussion ensued regarding boundaries. President McDonald requested that staff reevaluate the scenarios to see if the majority of her boundary can remain in Highland. Staff will revise scenarios and provide them at the February Board meeting. There was no action needed at this time.

7. INFORMATION ITEMS

A. WASH PLAN IMPLEMENTATION

Ms. Miller provided a verbal update. CDFW notified the District on December 28 that they are nearing completion on a second draft of our maintenance SAA that incorporates comments from the District on the initial draft permit provided in November. We are currently awaiting CDFW management review of this second draft. There are no updates on the COE permits. The Regional Water Quality Control Board has not confirmed that our item will be heard at their February meeting, and AECOM is working with them to commit to a hearing date. Ms. Scholte and Ms. Miller have been working closely with AECOM to respond to comments from CDFW on the construction SAA permit. Kick-off meetings were held with AECOM for the Mill Creek Groundwater Recharge Facility Permitting Project and the Vegetation Classification and Mapping Project. Staff submitted version 3.0 of the 2081 permit to CDFW. Staff is reviewing information submitted from Valley Municipal for their certificate of inclusion for the Enhanced Recharge facilities under the Wash Plan. Interviews for the Land Resources Manager position will be held Wednesday and Thursday of next week.

Mr. Cosgrove said that he is providing support to the appraisers on the BLM land exchange and they have obtained comparable information on nearby properties. He said that the appraisers are working with EnviroMine to additional relevant data. He hopes that the appraisal will be complete by the next Board meeting. The appraisal will need to be reviewed by BLM's appraisal directorate and the original appraiser. Director Stewart asked if any of the spineflower are subject to Plunge Creek inundation. Ms. Miller said that the focus of that project was the woolly star, so they are not being incorporated into the restoration program, but staff will identify if there are opportunities to incorporate them. This item was received and filed.

B. MENTONE SHOP IMPROVEMENT STATUS REPORT

Mr. Fogerson provided a verbal update on this item. He said that a 106-page bid package has been sent out for bid as of last week and posted on the District website. The Operations Committee will be able to review any bids received at their next committee meeting on February 4. Staff anticipates the contract will be available for Board consideration at its next Board meeting. 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 was included in the Board package on pages 144 through 148. Mr. Cozad provided a handout of the 2020 Annual Basin Groundwater Report from the San Bernardino Basin Groundwater Council. He thanked Valley Municipal staff for their efforts. The Monthly Recharge Report was included on package page 149. This item was received and filed.

D. FUTURE AGENDA ITEMS AND STAFF TASKS

Vice President Corneille suggested that staff add the Operations Committee quarterly meeting to the Board calendar once they have been set. An ARTP tour was requested by the Policy Committee. Mr. Cozad indicated that if a quorum of the Board wishes to attend, it will have to be noticed as a special meeting. He said that this is a technical tour and requested that any Board member that desires to attend let him know in advance. Director Stewart asked how data on the Plunge Creek Conservation Project operations are being tracked. Ms. Miller indicated that our team collects spatial data on wetted areas after every storm event. Prepare an Agenda item to review the mitigation requirements by CDFW for the Highland-Redland bikeway and how we can help the Cities obtain mitigation lands requested (see item E in minutes)

8. MONTHLY BOARD MEMBER MEETING REPORTS AND/OR BOARD MEMBER COMMENTS

Director Stewart said that he attended the ARTP Policy Committee on January 10, the Conservation Trust on January 5, and Ad Hoc Succession and Transition Committee on December 21.

Director Raley attended the Valley Municipal Board meeting on December 8, Valley Municipal Policy Workshop on December 9, and Valley Municipal Resources Workshop on December 16. He attended the Valley Municipal Board meeting on January 4, Valley Municipal Engineering Workshop on January 11, and Valley Municipal Resources Workshop on January 6. He attended the Conservation Trust meeting on January 5.

Vice President Corneille attended the Valley Municipal Engineering Workshop on December 14 and ARTP Policy Committee on January 10.

Director Longville attended the Ad Hoc Succession and Transition Committee on December 21, Conservation Trust on January 5, and Conservation District Board meeting on December 8.

President McDonald Valley Municipal Engineering Workshop on January 11, ACWA State Legislative Committee on January 7, Valley Municipal Resources Workshop on January 6, and WIFIA/ACWA Board meetings on January 5. She attended the Valley Municipal Board meeting on January 4, Valley Municipal Policy Workshop on December 29, and ASBCSD Special Districts Board meeting on January 13. She attended the Valley Municipal Engineering Workshop on December 14 and Valley Municipal Policy Workshop on December 9.

9. UPCOMING MEETINGS

There were none discussed.

10. CLOSED SESSION

It was moved by Director Longville and seconded by President McDonald to adjourn to Closed Session. 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

General Counsel announced that the meeting would adjourn to a closed session under posted agenda items.

At 5:01 pm. the meeting reconvened into open session. Mr. Cosgrove noted that there was no reportable action.

11. ADJOURN MEETING

It was moved by Vice President Corneille and seconded by Director Stewart 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 5:02 pm. the meeting adjourned to the Board meeting scheduled for 1:30 p.m. on February 9, 2022, in-person, teleconference, and Zoom meeting.



Daniel B. Cozad
General Manager