



# San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

## **BOARD OF DIRECTORS MEETING AGENDA**

**Wednesday, March 9, 2022 – 1:30 p.m.**

In accordance with Government Code 54953 (as amended by A.B. 361 signed September 16, 2021 and effective February 9, 2022 via Governor Newsome’s Executive Order N-15-21), and Resolution No. 596 adopted by the Board on February 9, 2022, this meeting is being conducted in a hybrid fashion, via Zoom, or with an option to attend in person, subject to heightened COVID-19 safety protocols.

Anyone wishing to listen to or participate in the meeting can join via Zoom:

**Call in (669) 900-6833, Meeting ID: 828 2351 1711**

To join the Zoom Meeting on <https://us02web.zoom.us/j/82823511711>

Members of the public participating via remote teleconferencing will have the opportunity to comment on any item within the jurisdiction of the District during the public comment period on the agenda, and to address the Board on individual agenda items as they are called and considered. Public comments submitted in advance are encouraged, but not required. Remote participants will be asked to identify themselves and on which item they wish to address the Board, and will be instructed at the outset of the meeting how to make their wish to address the Board known during the meeting.

Members of the Board, staff, or members of the public who may wish to attend in person will be required to self-certify their vaccinated status, or that they have received a COVID-19 negative test which remains valid as of the meeting date. All in-person attendees shall be required to wear masks covering both their nose and mouths at all times within the meeting room, at all times that social distance spacing requirements cannot be met. Masks will be made available for in-person attendees who do not have them. The District’s meeting facilities have limited space, and in-person attendees may be requested to leave the room, or participate via internet or telephone, until the number of any unmasked attendees at the District’s facility can be accommodated consistent with social distancing guidelines.

While the District makes every attempt to follow all guidance re COVID-19 safety protocols, the District cannot assure in-person attendees that they will not be exposed to COVID-19 or persons who have been so exposed, and attendees are advised to exercise caution in limiting their own incidences of exposure, particularly those who may be in groups at higher risk of infection, or serious symptoms of COVID-19 if infected.

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District office and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District office and in the Agenda Package on the District’s website. It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as a participant at this meeting you will need special assistance, the District will attempt to accommodate you

1630 W. Redlands Blvd, Suite A  
Redlands, CA 92373  
Phone: 909.793.2503  
Fax: 909.793.0188  
[www.sbvwd.org](http://www.sbvwd.org) Email: [info@sbvwd.org](mailto:info@sbvwd.org)

### **BOARD OF DIRECTORS**

Division 1:  
Richard Corneille

Division 2:  
David E. Raley

Division 3:  
Robert Stewart

Division 4:  
John Longville

Division 5:  
Melody McDonald

### **GENERAL MANAGER**

Daniel B. Cozad

in every reasonable manner. Please contact Athena Lokelani at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

---

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

---

**1. PUBLIC PARTICIPATION**

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.*

**2. ADDITIONS/DELETIONS TO AGENDA**

*Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.*

**3. AD HOC COMMITTEE APPOINTMENTS**

**A. AUDIT COMMITTEE**

**4. GUEST RECOGNITION/SELF INTRODUCTIONS**

**5. PUBLIC HEARING RELATED TO REDISTRICTING**

The District is required under Elections Code section 22000 to review division boundaries after the decennial US Census. Elections Code section 22001 requires two (2) public hearings in connection with any adjustment to the District’s division boundaries, as a result of the census. The goal of division boundary review is to ensure each Division of District is fairly distributed as to population, and otherwise compliant with the Federal and California Voting Rights Acts. In adjusting the boundaries of the district, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the district. A public hearing will be held to take public comment, and to discuss, review and after both hearings, approve the potential redrawing of the District’s five (5) divisions.

- *Open Public Hearing*
- *Realignment of Component District Division (M#1843) ..... 7*
- *Resolution No. 597 ..... 21*
- *Receive Public Comments or Testimony*
- *Close Public Hearing*

**6. CONSENT CALENDAR**

- A. Approval of Special Board Minutes, February 2, 2022 ..... 22
- B. Approval of Board Minutes, February 9, 2022 ..... 24
- C. Approval of Expenditure Report, February 2022 ..... 36
- D. Resolution No. 598 Remote Meetings per AB 361 ..... 45

7. COMMITTEE REPORTS /ACTION ITEMS

Action Items

A. UNAUDITED FINANCIAL REPORTS, February 2022 - 5 minutes (M#1844).....47

*Presenter: Betsy Miller*

*Recommendation:* Review and approve the unaudited financials for February 2022.

B. GROUNDWATER LATE PAYER, NON-RESPONDENTS AND INVESTIGATION LIST FOR GWA #57 – 5 minutes (M#1845).....53

*Presenter: Daniel Cozad*

*Recommendation:* Review, discuss and direct staff to investigate late payers and non-respondents for the period of July 1, 2021-December 31, 2021.

C. FINAL 2022 ENGINEERING INVESTIGATION REPORT– 10 Minutes (M#1846) .....55

*Presenter: Katelyn Scholte*

*Recommendation:* Provide comments or changes to the Engineering Investigation (EI Report); receive and file staff’s presentation.

D. AMENDMENT 2 TO THE MILL CREEK GROUNDWATER RECHARGE FACILITY OPERATIONS & MAINTENANCE PERMITTING PROFESSIONAL SERVICES CONTRACT AWARD – 5 Minutes (M#1847)..... 70

*Presenter: Betsy Miller*

*Recommendation:* Staff recommends that the Board amend the Mill Creek Groundwater Recharge Facility Operations and Maintenance Permitting Professional Services Contract with AECOM to authorize 1) Optional Task 1c, San Bernardino Kangaroo Rat Survey, 2) Optional Task 1d, Least Bell’s Vireo Survey, and 3) New Task 11, Permitting Support for the Mill Creek Flow Meter Installation Project, for a total cost of \$63,282.50.

E. MILL, BLEDSOE AND COOK CREEK PRELIMINARY ENGINEERING AND FEASIBILITY STUDY SUPPORT PROFESSIONAL SERVICES AWARD OF CONTRACT - 10 Minutes (M#1848)..... 75

*Presenter: Erwin Fogerson/Katelyn Scholte*

*Recommendation:* 1) Find the contract to be categorically exempt from CEQA under Title 14, California Code of Regulations Sections 15306 and statutorily exempt under Section 15262 and 2) Accept the proposal from Q3 Consulting and authorize the General Manager to complete the negotiation of services and fees and execute a professional consultant services agreement not to exceed \$2,190,644.

F. FOGERSON RETIRED ANNUITANT POSITION – 5 Minutes (M#1849)..... 111

*Presenter: David Cosgrove*

*Recommendation:* Approve Resolution No. 599, and the Agreement For Employment Of Active Recharge Transfer Project (ARTP) Engineer As Retired Annuitant attached thereto.

G. ANNUAL REPORT ON THE STATUS OF THE SAN BERNARDINO VALLEY CONSERVATION TRUST – 5 minutes (M#1850)..... 118

*Presenter: Daniel Cozad*

*Recommendation:* Receive and file the report on the State of the San Bernardino Valley Conservation Trust.



- H. March 21, 2022 Association of the San Bernardino County Special Districts, 6:00 p.m. at Centro Basco Restaurant, Chino
- I. March 22, 2022 Big Bear Watermaster Committee, 10:00 a.m.  
(Zoom Meeting ID: 870 0089 4033)
- J. March 23, 2022 USAR WIFA Technical Advisory Committee, 8:30 a.m.  
(teleconference only)
- K. April 4, 2022 Operations Committee, 9:00 a.m.  
(Zoom Meeting ID: 810 0638 7743)
- L. April 4, 2022 Basin Technical Advisory Committee, 1:30 p.m. at Valley Municipal
- M. April 5, 2022 San Bernardino Valley Municipal Water District Board Meeting, 2:00 p.m. at Valley Municipal
- N. April 13, 2022 Board of Directors Meeting/Groundwater Public Meeting, 1:30 p.m. at District  
(Zoom Meeting ID: 828 2351 1711)
- O. April 25, 2022 ARTP Policy Committee, 9:00 a.m.  
(Zoom Meeting ID: 889 5274 0760)
- P. April 27, 2022 Board of Directors Meeting/Groundwater Public Hearing, 1:30 p.m.  
(Zoom Meeting ID: 825 8484 4364)
- Q. April 27, 2022 Budget Workshop, 3:00 p.m. (or immediately following Board meeting)  
(Zoom Meeting ID: 825 8484 4364)
- R. May 3-May 6, 2022 ACWA Spring Conference, Sacramento  
**(Board Approval Required)**

## 11. CLOSED SESSION

1. The Board will meet in Closed Session under authority of Government Code §54956.9 (a), in order to discuss existing litigation, Endangered Habitats League et al. vs. U.S. Army Corps of Engineers, Central District Court Case no. Case No.: 2:16-cv-09178-MWF-E.
2. The Board will meet in Closed Session under authority of Government Code §54956.9 (a), in order to discuss existing litigation, San Bernardino Valley Water Conservation District v. Mark J. Bacher dba Red Dragonfly Spa, SBCSC Case No. LLTVA 2103055.
3. The Board may convene in Closed Session for Conference to discuss Real Property Negotiations pursuant to Government Code §54956.8; Owner: Southern California Edison East End Hydroelectric Generation Plant property located on various parcels and easements in Mill Creek and Santa Ana River Canyons, Negotiator: Daniel Cozad and David Cosgrove Owner: Southern California Edison Negotiators Allison, Bahen, Property Manager and Steven Powell, Vice President.
4. The Board may convene in Closed Session for Conference to discuss Real Property Negotiations pursuant to Government Code §54956.8; Owner: First American Title, relating to property generally described as Cook Creek Highland Hills property located at parcels 119934118, 119934119, 119934120, 119934125, 028815108 Negotiators: Daniel Cozad, David Cosgrove, and Heather Dyer

5. The Board may convene in closed Session under authority of Government Code section 54957 (b) to consider the performance evaluation of the General Manager.
  
12. **ADJOURN MEETING.** The next regularly scheduled Board of Directors Meeting will be on April 13, 2022 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA and via Zoom/teleconference.