

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF
January 9, 2002

The Regular Meeting of the Board of Directors was called to order at 1:30 p.m. by Vice President Cheryl Tubbs. All present stood for the pledge of allegiance.

ROLL CALL:

BOARD MEMBERS PRESENT:

Sterling Woodbury, President (arriving at 1:55 p.m.)
Cheryl A. Tubbs, Vice President
Clare Henry Day, Director
Manuel Aranda, Jr., Director
Melody Henriques, Director
Arnold L. Wright, Director
Bert Marcum Jr., Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David B. Cosgrove, Esquire

STAFF PRESENT:

D. Burnell Cavender, General Manager/Board Secretary
Chris Bahnsen, Deputy Manager for Land Resources
Tom Crowley, Deputy Manager for Water Resources/Info. Systems
Colleen Theuer, Administrative Services Manager/Recording Secretary

CONSULTANTS PRESENT:

Susan Patane, SLP Communications

1. PUBLIC PARTICIPATION

Vice President Tubbs announced this as the time for any persons present, who so desire, to make an oral petition to the Board of Directors. Hearing none, the meeting proceeded with the published agenda items.

2. CONSENT CALENDAR

It was moved by Director Wright and seconded by Vice President Tubbs to approve the Consent Calendar, consisting of the minutes of the Special Board Workshop of November 14, 2001; the minutes of the Regular Meeting of December 7, 2001; the Expenditures for the month of December 2001; and the un-audited Financial Reports for December 2001. The motion carried unanimously.

3. PUBLIC AWARENESS/VISIBILITY PROGRAM

Mr. Cavender updated the Board on the public awareness activities. He said he attended the "Happy Hour" breakfast of the City of Redlands Chamber of Commerce on December 14, where he was able to provide Chamber members with a description of Special Districts and their purpose. He suggested that Board members also make other Chambers' members aware of Special Districts when the opportunity arises.

Mr. Cavender discussed the upcoming Quarterly Breakfast to be held on January 18. He said the four candidates for the Candidate Forum have confirmed their attendance. Following the forum, cake and champagne would be served celebrating the District's 70th anniversary.

Regarding the special recognitions to take place during the Quarterly Breakfast, Mr. Cavender said the Public Affairs Committee recommends that a resolution be presented to the California State University, San Bernardino Water Resources Institute, and also to its Director, Mr. Jeff Davis, in recognition of the Institute and Mr. Davis' services and accomplishments to the people of Southern California.

It was moved by Director Aranda and seconded by Director Henriques to approve Resolution No. 376, in appreciation for the services provided by the California State University, San Bernardino, Water Resources Institute, and its director, Jeffrey W. Davis. The motion carried unanimously.

Mr. Cavender said the 70th anniversary two-year calendar would soon be completed, with 100 calendars guaranteed to be available for presentation to guests at the Quarterly Breakfast on January 18.

Ms. Patane arrived at 1:50 p.m., and gave a report on current and upcoming activities. Regarding the EXPO to be held in April, Ms. Patane reiterated contributing \$5,000 this year as opposed to the \$15,000 contributed last year. She said she is working with Darleen Stoner at Cal-State regarding the EXPO, and has expressed to her the disappointment at the lack of benefits received for the \$15,000 paid last year. Mr. Cavender said that Ms. Stoner is contacting him regarding the EXPO, and said he wants the contact person to be Sue Patane.

4. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Cavender updated the board on the status of the Wash Plan. He said on December 11, staff and Director Henriques attended the City of Highland City Council meeting, at which time the city again tabled the request to approve the Task Force Agreement. The city explained that they did not think it was in their best interest, at this time, to sign the Task Force Agreement due to litigation by the mining companies against the city over the city's extraction tax. Mr. Cavender said staff had also been advised from the Department of Water Resources (DWR) that they will perform their own environmental and alternative analyses for the East Branch Extension pipeline, and would therefore not participate financially in the Wash Plan. Correspondence has been received from Orange County indicating they will not participate financially. He said the consultant for the project has been contacted and asked for a price change considering these events, but no reply has been received at this time. He said the cost of the project will still be shared, but the remaining agencies will have to adjust their share. Discussion continued. Director Day asked about the consequences if the City of Highland did not participate. Mr. Cavender said he would be discussing that scenario with the miners at a meeting January 18.

It was moved by Vice President Tubbs and seconded by Director Marcum to approve the recommendation by staff to receive a report on the Wash Plan Environmental Process. The motion carried unanimously.

5. PROFESSIONAL SERVICES CONTRACT

Regarding the Susan L. Patane Communication (SLP) professional services contract, expiring January 10, Mr. Cavender said that the Public Affairs Committee had met on January 8 and recommended extending the SLP contract for an additional six months (in keeping within the fiscal year), with no contract changes.

It was moved by Director Aranda and seconded by Director Wright to approve the Second Amendment to Contract Services Agreement, extending the contract an additional six months, effective January 10, 2002, for Public Awareness Consulting Services with Susan L. Patane Communication. The motion carried unanimously.

6. COMMITTEE REPORTS

The next Public Affairs committee meeting was scheduled for January 22, at 3:30 p.m.

There were no other committee reports for this meeting.

7. GENERAL MANAGER'S REPORT

Mr. Cavender discussed upcoming committee meeting dates, referring to the Board memo.

Mr. Cavender referred to the financial reports from Redlands Plaza. He noted that the District received the reports in a very timely manner, after he had discussed the matter with the District property manager, Mr. Wes Green. Regarding the money owed the District from the defunct restaurant "Ichibon," Mr. Cavender said that the District is a creditor on their bankruptcy filing.

Mr. Cavender discussed the dates of the upcoming Board meetings for the new year. He said the next Board meeting is scheduled for February 6, at 1:30 p.m., however, the annual Board workshop for reviewing District goals was also scheduled for 8:30 a.m. the same day. After discussion, it was decided that the Board meeting would take place at its regular time on February 6 (1:30 p.m.), and the workshop would be held on February 13 at 1:30 p.m.

Mr. Cavender said the May meeting falls on May 1, but suggested that the meeting be held on April 30, to include the public hearing required for the Groundwater Recharge Program. The Board agreed, and set the meeting to take place on April 30.

8. ATTORNEY'S REPORT

Mr. Cosgrove advised the Board that the District has been named in litigation regarding age discrimination by Cal-PERS. The suit was brought by a number of police and other peace officers, centering on the rule of an employee not being qualified for a disability payment at 50% of their last salary if the employee was hired after age 40, and the hiring was the first entry into public service. He said the suit does not impact the District, but every agency is included so that all agencies would be bound by any judgment. Cal-PERS is going to agree not to enforce the statute. Rutan & Tucker have been named as one of the two counsels to represent the entire PERS class. He said the recommended action is to do nothing; the possibility of liability at this time is remote and limited.

It was moved by Director Marcum and seconded by Director Day to approve staff recommendation to take no action at this time in the litigation on age discrimination involving Cal-PERS and Cal-PERS member agencies. The motion carried unanimously.

9. DIRECTORS' REPORTS

Vice President Tubbs reported that she and President Woodbury went to Ontario, California, on Saturday, January 5, to see and hear President Bush speak.

Director Aranda reported that he and Mr. Crowley will take a group of Loma Linda Chamber members on a tour of the dam area on January 17; he said the Director of Public Health has also asked to take a group of students on a tour.

10. CLOSED SESSION

It was moved by Director Day and seconded by Director Marcum to adjourn to Closed Session at 2:55 p.m., as provided by the authority of Government Code 54956.8, lease and/or Real Property negotiations with Robertson's Ready Mix; and Government Code 54956.8, lease and/or Real Property negotiations with CEMEX, USA. The motion carried unanimously.

Vice President Tubbs was excused from the Closed Session because of a possible conflict of interest.

At 3:25 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

11. NEXT MEETING

The next meeting was scheduled for Wednesday, February 6, 2002, at 1:30 p.m.

12. ADJOURN

There being no further business, the meeting adjourned at 3:25 p.m.

Board Secretary