

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
August 14, 2002

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

ROLL CALL:

BOARD MEMBERS PRESENT:

Sterling Woodbury, President  
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  
Tom Crowley, Deputy Manager for Water Resources/Info. Systems  
Walter Christensen, Project Manager  
Steve Luhn, GIS/CADD Analyst  
Colleen Theuer, Administrative Services Manager/Recording Secretary

CONSULTANTS PRESENT:

Susan Patane, SLP Communications

GUESTS:

Mark Bulot, San Bernardino Valley Municipal Water District  
Kip Sturgeon, East Valley Water District

1. PUBLIC PARTICIPATION

President Woodbury 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 regular meeting proceeded with the published agenda items.

2. CONSENT CALENDAR

**It was moved by Vice President Tubbs and seconded by Director Aranda to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of July 3, 2002; the minutes of the Special Meeting of July 11, 2002; the Expenditures for the month of July 2002; and the un-audited Financial Reports for July 2002. The motion carried unanimously.**

3. ACTIONS FROM WORKSHOP ON GROUNDWATER RECHARGE

Vice President Tubbs led a discussion regarding action taken at the Board workshop held at 9:00 a.m. on August 14. Because of low groundwater levels, the San Bernardino Valley Water Conservation District (SBVWCD) was asked by several water supply agencies to participate in raising the groundwater levels by helping to purchase State Water Project water for groundwater recharge. Using visual aids, Mr. Cavender broke down the potential costs. He said the amount of water available for purchase was 40,000 acre-feet, at a cost of approximately \$99/acre-foot, for a total of approximately \$4 million. He said the Upper Santa Ana Water Resources Association proposed that the San Bernardino Valley Municipal Water District (Muni) pay 50%, or \$2 million, with the participating agencies paying the remaining costs. SBVWCD could subsidize one-half of the local agency cost. Discussion continued at length.

**It was moved by Director Marcum and seconded by Vice President Tubbs to direct staff to devise a funding program for matching the cost that the water supply agencies within the District would pay for State Water Project water for the purpose of groundwater recharge within the District boundaries up to a cap of \$400,000. The motion carried unanimously.**

4. PUBLIC AWARENESS/VISIBILITY PROGRAM

Ms. Patane reported on the 70th Anniversary activities. She said that the pit barbecue has been scheduled for October 3, from 5:00 p.m. to 7:00 p.m. Huel Howser is available that evening but his appearance had not yet been confirmed. Congressman Pombo had also been invited. She will advise the Public Affairs Committee upon confirmation of their appearances.

Ms. Patane discussed upcoming meetings with local legislators. Regarding newspaper articles, Ms. Patane suggested staff establish an editorial board comprised of other water conservation districts, invite newspaper reporters to meetings to discuss issues. She said the District could also write an editorial for the Press-Enterprise and Sun

newspapers. Vice President Tubbs suggested an editorial on the Board's decision to purchase State Water Project water. Ms. Patane said she would pursue this idea next week. Discussion continued.

Mr. Cavender discussed the upcoming ACWA Region 9 meeting, scheduled for August 23, chaired by Director Henriques.

5. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Christensen reported that the City of Highland (Highland) signed an agreement with the mining companies, which was needed before they could consider Plan B. Highland advised that Plan B would be an agenda item at their next Board meeting. Mr. Cavender said Plan B would be considered by the County Supervisors at their Board meeting on September 12. The Bureau of Land Management has not yet signed, but there are no known concerns.

6. LAND EASEMENTS AND LEASES

Mr. Christensen discussed renewing the license agreement with Southern California Edison in Mill Creek. The old term was for seven (7) years at a cost of \$400.00, and the new agreement would be for five (5) years, at a cost of \$440.00.

**It was moved by Director Day and seconded by Director Henriques to approve the renewal of a License Agreement with Southern California Edison Company. The motion carried unanimously.**

7. PROFESSIONAL SERVICES AGREEMENT

Mr. Cavender said that at the July Board meeting, the Fifth Amendment to the Professional Services Agreement with California Advocates, Inc., had been approved at the usual rate of \$2,000 per month. However, California Advocates requested an increase of \$250 per month, the first increase in more than five years. A brief discussion followed.

**It was moved by Vice President Tubbs and seconded by Director Henriques to approve the revised Fifth Amendment to the Professional Services Agreement for Legislative Advocacy Services with California Advocates, Inc. The motion carried unanimously.**

8. MILL CREEK SPREADING GROUNDS

The District has been working with Bear Valley Mutual Water Company (BVMWC) to channel water into the westerly basins in the Mill Creek Spreading Grounds; however, the channel must cross the Redlands Aqueduct. Consequently, a crossing structure will need to be provided. Using visual aids, Mr. Crowley explained that the crossing structure is needed to complete the Mill Creek spreading grounds because water

presently cannot reach these westerly basins. BVMWC is receptive to the crossing structure, but while the Redlands Aqueduct is open and not available for use while the crossing structure is provided, BVMWC has requested the District provide in the crossing structure a means to accept Mill Creek water into the Redlands Aqueduct, or turnout Santa Ana River water to the westerly basins. The crossing structure design will accommodate all three functions. Mr. Crowley said a Principles of Agreement had been developed with BVMWC, which would be reflected in a more formal agreement. Mr. Cosgrove recommended the Board make a finding for a categorical exclusion, under CEQA, under regulation 15303. This regulation relates to minor expansion of the District facilities. Director Aranda asked if the project could be postponed. Mr. Crowley replied that the crossing structure is needed now as part of the Drought Management Recharge program.

**It was moved by Vice President Tubbs and seconded by Director Henriques to approve the Principles of Agreement with Bear Valley Mutual Water Company, under CEQA 15303, to channel water across the Redlands Aqueduct. The motion carried 5-0, with Directors Marcum and Wright abstaining due to a potential conflict of interest.**

9. EQUIPMENT ACQUISITION

**It was moved by Vice President Tubbs and seconded by Director Marcum to approve the purchase of the Mita-3530 copier from FKM Copier Products for the price of \$7,755. The motion carried unanimously.**

10. PROPOSITION 50

A request had been sent to the District to support Proposition 50, "Clean Water and Coastal Protection Bond of 2002." Director Henriques explained some of the details of the Proposition, and indicated the District would be eligible to receive money from some of the programs. However, several agencies were against the Bond. For example, The Valley Center Municipal Water District opposes the Bond, and specifically said that it "...does not adequately serve the water supply needs of California, is largely a gross misuse of most of the \$3.44 billion in public funds..." Discussion continued.

**It was moved by Director Henriques and seconded by Director Aranda to formally support Proposition 50. The motion carried 4-3, with Directors Day, Wright, Henriques and Aranda voting yes, and President Woodbury, Vice President Tubbs, and Director Marcum voting no.**

Discussion continued.

**It was moved by Director Day and seconded by Vice President Tubbs to reconsider the vote to formally support Proposition 50.**

Director Aranda suggested that since there was such a large split in the vote, the Board might want to consider not supporting the proposition. Vice President Tubbs said that it would appear that 60%-70% of the groups entitled to the money are environmental groups, many of which are not really environmental. She suggested writing another initiative that would present items the District could support. Discussion continued.

**It was moved by Vice President Tubbs and seconded by Director Marcum to take no position on Proposition 50. The motion carried 6-1.**

11. COMMITTEE REPORTS

Director Aranda reported on the legislative meeting held on August 8. He updated the Board on AB 1986, regarding Directors joining PERS. Mr. Cavender said that since the meeting, he has received more information on the Bill. While there are still items that need clarification, it is known that if the contracting agency agrees to include Directors, individual Directors may elect or not elect to join, which is contrary to the policy regarding employees (they must join - mandatory). The issues related to retroactivity are still not clear. Director Aranda will keep the Board updated on the progress of the Bill.

12. GENERAL MANAGER'S REPORT

Regarding Santa Ana River Spreading, Mr. Cavender said a letter from the District was given to Gerard Thibeault, Executive Officer of the California Regional Water Quality Control Board, requesting that the Regional Board assign the new assimilative capacity for TDS and Nitrogen in the Bunker Hill-B Groundwater Basin to the Conservation District. He said the District is the agency responsible for creating the new assimilative capacity (due to the marked improvement in water quality from the District recharge operations). Discussion continued.

13. ATTORNEY'S REPORT

There was not an attorney's report for this meeting.

14. DIRECTORS' REPORT

There were no Directors' reports for this meeting.

At 4:20 p.m., the meeting broke for a ten-minute recess.

At 4:30 p.m., the meeting reconvened.

15. CLOSED SESSION

**It was moved by Director Day and seconded by Director Aranda to adjourn to Closed Session at 4:30 p.m., as provided by the authority of Government Code Section 54956.9a, application before the State Water Resources**

**Control Board to appropriate waters of the Santa Ana River; Government Code Section 54956.9a, applications by Southern California Edison to re-license hydroelectric plants; Government Code Section 54956.9(b)(3)(a) and Government Code Section 54956.9(c), confer with legal counsel regarding significant exposure to litigation in one case; Government Code Section 54956.8, lease and/or real property negotiations with Robertson's Ready Mix; Government Code Section 54956.8, lease and/or real property negotiations with CEMEX, USA. The motion carried unanimously.**

At 5:10 p.m., the Board reconvened in Open Session. In accordance with Government Code Section 54957.1, there was no reportable action taken.

16. NEXT MEETING

The next Board meeting was scheduled for Wednesday, September 4, 2002 at 1:30 p.m.

17. ADJOURN

There being no further business, the meeting adjourned at 5:10 p.m.

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Board Secretary