

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE REGULAR BOARD MEETING OF  
November 6, 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, Assistant General Manager  
Walter Christensen, Project Manager  
Steve Luhn, GIS/CAD Analyst  
Colleen Theuer, Administrative Services Manager/Recording Secretary

CONSULTANTS PRESENT:

Susan Patane, SLP Communications  
Hugh Daniels, Eadie & Payne (auditor)

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. ANNUAL AUDIT REPORT

The completed annual audit report was discussed. Mr. Cavender introduced the District's new auditor, Mr. Hugh Daniels from Eadie and Payne, Certified Public Accountants. Mr. Daniels reviewed the audit report with the Board and answered questions. Mr. Cavender commented that the audit was thorough and well done. After discussion, Mr. Daniels left the meeting at 2:05 p.m.

**It was moved by Director Marcum and seconded by Vice President Tubbs to receive and approve the annual audit report for the year ending June 30, 2002. The motion carried unanimously.**

3. CONSENT CALENDAR

There was a brief discussion regarding the minutes of the Regular Meeting of September 4, 2002, and the Regular Meeting of the October 2, 2002.

**It was moved by Vice President Tubbs and seconded by Director Henriques to approve the Consent Calendar, consisting of the minutes of the Regular Meeting of September 4, 2002, as amended; the minutes of the Regular Meeting of October 2, 2002, as amended; the Expenditures for the month of October 2002; and the un-audited Financial Reports for October 2002. The motion carried unanimously.**

4. PUBLIC AWARENESS/VISIBILITY PROGRAM

Sue Patane reported on current public awareness activities for the District, and discussed the outcome of various political races. She said Proposition 50 passed, and suggested the District write a congratulatory note to Senator Mike Machado. Discussion continued. A Public Affairs Committee meeting was scheduled for November 13, 2002, at 12:00 noon. Mr. Fred Hicks, the District's federal lobbyist in Washington D.C., will also be attending the meeting. Lunch will be served at the meeting.

At 2:25 p.m., Colleen Theuer was excused from the meeting. Holly Haberli sat in her place and continued to take minutes.

Mr. Cavender distributed an e-mail from Mr. Hicks, in which he discussed the Federal Senate. Mr. Hicks indicated that only California did not vote Republican and he did not know what impact that may have on California, but that CALFED may be in trouble. He

noted that San Bernardino County voted Republican on all candidates, while the Board of Equalization voted Democratic. Congressman Lewis is very supportive of the District and the District needs to use that, and the fact that the county is supportive of the administration as we continue to deal with federal grants.

5. STATUS OF THE "WASH PLAN" ENVIRONMENTAL PROCESS

Mr. Christensen reported that negotiations were continuing with Robertson's Ready Mix. They are the sole party that has not yet signed the Task Force Agreement. A draft had been submitted to them, details of which would be discussed in Closed Session.

6. DROUGHT MANAGEMENT RECHARGE PROJECT

Mr. Crowley reported on the current status of the Drought Management Recharge Project. He said water recharge has continued at the Santa Ana River and Seven Oaks Dam spreading basins, and will continue through the month of November. A total of 80± cfs is being put in the basin and will continue through the end of November, possibly the first week of December. At the last upper Santa Ana meeting in October, Muni advised that they were planning an outage on the Foothill Pipeline, primarily to replace a valve on the Greenspot Pump Station, which will take about three weeks. They are planning the outage around the delivery of the valve. During the outage they have also scheduled Metropolitan's tie-in of the Foothill Pipeline to their Inland Feeder, and also a cleaning of the SARC line. It will require the shutdown of the Drought Management Recharge Project on the east end of the basin. They expect to have the pipeline back on before the end of the year. At the end of October, we had recharged a total of 15,550 acre feet, and are projecting another 5,700 acre feet by December 6<sup>th</sup>, for a total of about 21,300 acre feet, which is half of what we had planned to recharge. Of the 15,500 acre feet, 13,975 came from Redlands, East Valley and City of San Bernardino. West San Bernardino Valley did not purchase any water. Water not taken will show up as available for next year. Almost \$350,000 we will have contributed through October. Director Day asked about cap of \$400,000. Using visual aids, Mr. Crowley presented some of the results from the recharge in the groundwater levels.

7. CONFLICT OF INTEREST CODE UPDATE

**It was moved by Vice President Tubbs and seconded by Director Aranda to approve and adopt Resolution No. 390 updating the District's Conflict of Interest Code. The motion carried unanimously.**

8. CSDA BOARD OF DIRECTORS ELECTION

**It was moved by Director Henriques and seconded by Vice President Tubbs to authorize the Board President to vote and submit a ballot for Dirk Voss for CSDA Region 5 representative. The motion carried unanimously.**

9. PROFESSIONAL SERVICES FOR ENVIRONMENTAL DOCUMENTATION

Mr. Crowley explained that the State Board requires that every party who has an application before the State Board for diverting water from the Santa Ana River conduct an environmental review on their applications. During September and October, staff contacted several firms that were qualified for the work, and after evaluation, a request for proposal was sent to EDAW and Jones & Stokes. They both submitted a proposal and were evaluated by staff. Due to their experience in CEQA and their extensive water rights knowledge, staff recommends EDAW. After discussion, a change in the staff recommendation was suggested by Vice President Tubbs:

**It was moved by Vice President Tubbs and seconded by Director Aranda to authorize the Board President to execute a Consulting Services Contract with EDAW in the amount of \$36,078 for preparation of environmental documentation for the District's water rights application, and an additional task at the direction of the General Manager and General Counsel in processing the water rights application, at a cost not to exceed \$25,000. The motion carried unanimously.**

10. COMMITTEE REPORTS

Mr. Cavender stated the Legislation and Public Affairs committees held meetings during the month of October. Director Aranda discussed the results of AB 1986, which provides PERS retirement benefits to board members. He said Governor Davis vetoed AB 1986 on the basis of the mandatory nature of the bill. The Governor wanted participation by agencies to be voluntary. Director Aranda said the District Legislative Committee directed him to vote for participation only on a voluntary basis at the next ACWA Legislative Committee meeting. He said the coming year's legislation was discussed at the ACWA meeting. ACWA will sponsor a revised AB 1986 to make participation voluntary. He said if the bill passes, a notice to the public must be published and the Board must vote to prepare a resolution for participation.

Director Aranda said that bottled water had been donated to the Loma Linda Chamber of Commerce for their parade, and the San Bernardino Area Chamber of Commerce for a golf tournament. He suggested that a program and booth be put together for next year's Loma Linda parade. He said that recognition for work done was received from the chambers.

Mr. Cavender said that the next Public Affairs Committee meeting would be November 13, 2002 at 10:00 a.m.

11. GENERAL MANAGER'S REPORT

Mr. Cavender reported the next WRI Quarterly Breakfast will be held on December 10, 2002 at the San Bernardino Hilton Hotel, with Col. Richard Thompson as the guest speaker. Mr. Cavender reported WESTCAS has requested members to contribute to the cost of an amicus brief.

**It was moved by Director Marcum and seconded by Director Wright to donate \$500.00 to WESTCAS for the amicus brief. The motion carried unanimously.**

Mr. Cavender reported the Natural Heritage Institute attorney for CalTrout and Audubon Society has filed an expert witness declaration in opposition to Fish and Wildlife Service's statement of "no impact" on Mill Creek 3 Reach.

Director Henriques reviewed the Salt Cedar tree threat to water supply, and requested the issue of the Salt Cedar tree be placed on next month's agenda. At the request of the Desert Water Agency, she suggested that a resolution in support be prepared.

At 3:50 p.m., the meeting broke for a ten-minute recess.

At 4:00 p.m., the meeting reconvened.

12. ATTORNEY'S REPORT

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

13. DIRECTORS' REPORTS

There were no Directors' reports for this meeting.

14. CLOSED SESSION

**It was moved by Director Day and seconded by Director Aranda to adjourn to Closed Session at 3:30 p.m., as provided by the authority of Government Code Section 54956.9a, Applications 31165 and XOO3288 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 54957, consider employment of a public employee; 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. Vice President Tubbs was excused from a portion of the Closed Session.**

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

14. NEXT MEETING

The next regular Board meeting was scheduled for Wednesday, December 13, 2002 at 9:00 a.m.

15. ADJOURN

There being no further business, the meeting adjourned at \_\_\_\_\_ p.m.

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Board Secretary