

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF DECEMBER 11, 2013  
10:00 A.M.

President Corneille called the Board Meeting of the Board of Directors to order at 10:03 a.m. All present stood for the pledge of allegiance, led by President Corneille.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President  
Melody McDonald, Vice President  
David E. Raley, Director  
Manuel Aranda, Director  
John Longville, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager  
Athena Medina, Administrative Services Specialist  
Jeff Beehler, Land Resource Manager  
Manuel Colunga, Field Operations Supervisor

GUESTS PRESENT:

Charles Roberts, Highland Community News  
Michelle Diamond, Tetra Tech

1. PUBLIC PARTICIPATION

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

## 2. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions.

## 3. OATH OF OFFICE

Daniel Cozad administered the Oath of Office to the newly appointed officials: Vice President McDonald, Director Raley and Director Longville.

## 4. ELECTIONS OF OFFICERS

President Corneille opened nominations for President for a two year term through December 2015.

**Director Raley moved and Director Longville seconded to nominate President Corneille for President. There being no other nominations the President closed the nominations and called for voting on the office of President. The vote was recorded 4-0 in favor, with President Corneille abstaining from the vote.**

President Corneille opened nominations for Vice President for a two year term through December 2015.

**President Corneille moved and Director Aranda seconded to nominate Director McDonald for the position of Vice President. There being no other nominations the President closed the nominations and called for voting on the office of Vice President. The vote was recorded 4-0 in favor, with Director McDonald abstaining from the vote.**

## 5. CONSENT CALENDAR

- A. Approval of the Board Minutes from November 13, 2013
- B. Approval of Check Register, November 2013
- C. Ratification of Proclamation for George "Skip" Wilson of EVWD

President Corneille requested ratification of the proclamation that he and Staff developed and presented to retiring director George "Skip" Wilson of EVWD on December 6th. He noted that he and Vice President McDonald attended the retirement gathering in honor of Mr. Wilson.

**It was moved by Vice President McDonald and seconded by Director Aranda to approve Consent Calendar. The motion carried unanimously.**

## 6. ACTION ITEMS

### A. APPROVAL OF DISTRICT MEETING DATES

Mr. Cozad noted that this item was reviewed by the Board at the November 13<sup>th</sup> meeting. He also indicated that if an Administrative Committee meeting needs to be modified the Committee can do so at its discretion.

**It was moved by Vice President McDonald and seconded by Director Aranda to approve the District Meeting Dates for 2014. The motion carried unanimously.**

**B. RESOLUTION SETTING COMPENSATION AND ORDINANCE UPDATE**

Vice President McDonald noted minor edits that needed to be made to Resolution No. 505. Mr. Cozad gave a brief staff report noting that Vice President McDonald brought to Staff's attention the change in law prohibiting automatic increases in Director's per diem compensation. He stated that the Resolution is to set the per diem rate for next year leaving it at \$197, if approved today. Also, discussed is the need to update Ordinance 2010-01 which sets the foundation of Resolution No. 505. Vice President McDonald requested more information pertaining to the change to reduce the number of meetings that the Board limited itself to attend. She stated that she would like to revisit the number of meetings Directors may attend.

Vice President McDonald thanked Staff for the information and requested that Staff bring this item back annually at the same time as the budget review. Discussion ensued. Director Aranda requested additional information pertaining to the new legislation requiring various public entities to remove automatic increases from their policies. Mr. Cosgrove reviewed in detail the change to legislation and advised the Board that the direct statute pertaining to compensation, Water Code §20202, has not been amended. However, he indicated that since legislation surrounding the issue of compensation in regards to automatic increases has been changed that it would be prudent to discontinue the automatic increase. Director Longville stated that despite the lack of a legislative change to the water code the District should still abide by the intent of State law requiring the termination of the automatic increase. Director Aranda believes the Board should receive a modest increase in compensation in the near future since they have not received an increase since approximately 2010.

Vice President McDonald is in support of foregoing the increase for 2014 but she would like this item revisited during the next budget for fiscal year 2014-2015. President Corneille clarified that the approval of the resolution brought before the Board today will keep the per diem at the current rate of \$197 and discontinues any automatic increase. Discussion ensued. President Corneille suggested that the Board approve the resolution and forego the increase for 2014 and that staff perform a survey to compare the Board's current per diem to other Boards within the local water districts. Discussion ensued. Staff indicated the Ordinance will be brought to the Administrative Committee meeting scheduled for January 15<sup>th</sup> along with the policy resolution pertaining to the number of meetings the Board may attend.

**It was moved by Vice President McDonald and seconded by Director Longville to adopt Resolution No. 505 which foregoes the 5% increase for the upcoming calendar year setting the rate to \$197. The motion carried 4-1 with Director Aranda in opposition.**

C. UNAUDITED FINANCIALS, NOVEMBER 2013

Mr. Cozad introduced this item for discussion noting the revised handout of the memo and graph at each director's desk. General Leger (GL) 4025 shows up in the financials as an accrual of billed costs not as actual receipts. He continued to identify the difference between the various reports given to the Board.

**It was moved by Director Aranda and seconded by Vice President McDonald to approve the revised Unaudited Financials for November 2013. The motion carried unanimously.**

D. ACWA STATEWIDE WATER ACTION PLAN

President Corneille noted that this item was brought to the Board first at the November meeting. He stated that a comparison of the ACWA and the Governor's Plans has been presented in the package. President Corneille noted that this item will be discussed at the SBVMWD Advisory Commission on Thursday. President Corneille suggested that the District support the ACWA plan by adopting Resolution No. 504 because he believes it is a balanced action oriented plan. Mr. Cozad indicated that both programs have inclusion for items that the District would receive funding from, but the ACWA plan is more project oriented where the Governor's plan is more policy oriented.

**It was moved by Vice President McDonald and seconded by Director Aranda to approve Resolution No. 504 in support of ACWA's Statewide Water Action Plan. The motion carried unanimously.**

E. UPDATE ON DIKE D SPILL AND AUTHORIZE CONTRACT AMENDMENT FOR CLEANUP

Mr. Cozad presented this item for discussion. He stated that the District has been working closely with Spiniello Construction's insurer, Travelers Insurance and a release has been provided and returned to the insurance company upon review, changes, and acceptance of changes from District Counsel. The District received proposals for clean-up and is recommending the Board approve the contract amendment with Jacinto Construction (Jacinto) in the amount not to exceed \$101,000 for the clean-up in Dike D. Staff received three proposals to do the cleanup which were very close in cost; however the Jacinto proposal has the shortest hauling time. Jacinto proposed to clean up in 3-4 days rather than 8-10 days; this is why Travelers selected this cost for payment. President Corneille stated that the District has used Jacinto in the past and that they are a trusted vendor. Director Aranda asked if the clean-up is fully compensated. Mr. Cozad stated that besides staff and General Counsel hours to get the claim submitted and approved all costs are paid. Brief discussion ensued. Director Aranda commended staff and counsel on their efforts.

**It was moved by Vice President McDonald and seconded by Director Aranda to authorize the amendment and extension to the existing contract for Jacinto Construction not to exceed \$101,000 for cleanup of Dike D. The motion carried unanimously.**

## F. ENGINEERING INVESTIGATION PLAN FOR 2014

Mr. Cozad presented this item for discussion. The Engineering Investigation Plan (Plan) is the same as in prior years with the addition of the QA/QC section that Director Glaubig recommended last year. Director Raley asked how the Plan will account for decreasing water levels of the basin. Mr. Cozad stated that it will document the change in storage. Discussion ensued regarding storage in the basin. President Corneille stated that the QA/QC aspect of the Plan is crucial to show that it includes both internal and independent Quality Assurance. Mr. Cozad stated that multiple people enter the data, another checks the compilation and that data is verified with submitting agencies. On page 8, the footnote on the schedule which states 2012-2013 needs to be updated. Mr. Cozad stated that the report is based on the prior year data. He stated when estimating the next year Staff uses an assumption of average precipitation. President Corneille is in support of obtaining assistance from the previous intern Ryan Hejka, if necessary.

**It was moved by Vice President McDonald and seconded by Director Aranda to approve the Engineering Investigation Plan for 2014. The motion carried unanimously.**

## G. TRACTOR LOADER REPLACEMENT PROCUREMENT

President Corneille asked Field Supervisor, Manuel Colunga to speak on this item. He asked if he preferred the enclosed cab or the open cab and he recommended the enclosed cab. Mr. Colunga said that there is very fine soil material from the site that is used on the roads which is excellent for inhibiting weed growth. He said that the material creates fine dust when maintenance is done on the roads. Mr. Cozad reviewed the three proposals in the package. He stated that the new tractor loaders presented have better suspension and the enclosed cab is an added safety feature to prevent injuries that were recently experienced. Vice President McDonald is in support of the enclosed cab and is in support of additional funds if a higher value product would be purchased. Director Raley asked for the cost difference between enclosed and open cab. Mr. Cozad estimated about \$10,000 higher for enclosed cab. Mr. Colunga stated that the Case tractor that the District used was purchased over 16 years ago.

**It was moved by Director Longville and seconded by Vice President McDonald to purchase a tractor loader in an amount not to exceed \$75,000. The motion carried unanimously.**

## 7. INFORMATION ITEMS

### A. GENERAL MANAGER'S REPORT

Mr. Cozad reviewed the General Manager's report. He noted that the District's HVAC system was vandalized leaving the District without heating and air conditioning as well as Discover Cruises. Staff has contacted JPIA advising them of the issue as well as filed a police report with

Redlands Police Department. Mr. Cozad stated that he appreciates Staffs efforts to resolve this issue.

#### B. MONTHLY RECHARGE REPORT

Mr. Cozad stated that this year continues to be a dry year. The District is putting as much water as available into the ground.

#### C. WASH PLAN REPORT

Mr. Beehler stated that Staff is working to align the covered activities with the conservation strategies. An initial version has been done. The mitigation measures are roughly tied to the individual projects. The alternatives analysis which includes the history of Plan A continues to be worked on. President Corneille asked if the Federal Agencies were still engaged in the project and Mr. Beeler said they were. Vice President McDonald spoke on the value of the Wash Plan. She also stated that having SBVMWD involved in the Wash Plan is a positive aspect. President Corneille said he spoke with the chair of the Outreach Committee, Director Aranda on the potential of press releases or outreach activities to make the public aware of the project's progress and purpose. President Corneille asked for a boiler plate presentation on the Wash Plan, so that directors can present it as needed. Mr. Cozad stated that Staff does have a presentation that can be used but it needs minor updates to it. Mr. Cosgrove suggested that Staff discuss with the miners as to any potential savings to construction projects on the availability of local aggregate and concrete.

#### D. FUTURE AGENDA ITEMS & STAFF TASK REQUEST FROM DIRECTORS

President Corneille noted the accomplishments handout pertaining to District accomplishments of 2013. Director Aranda stated that he support Mr. Cozad 100 percent and that he has shown he could lead us out of a dismal financial situation. President Corneille concurred with Director Aranda. Mr. Cozad thanked both Board and Staff for their support.

#### 8. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND/OR COMMENTS BY BOARD MEMBERS A. Board Member Meeting Reports

Vice President McDonald attended the Water Management Committee meeting, ACWA Fall Conference, JPIA meeting and Special Districts Dinner.

Director Raley attended the Watermaster, Redlands Rise N Shine, and BTAC meeting.

Director Aranda attended the JPIA meeting and ACWA Fall Conference.

President Corneille attended the ACWA Fall Conference, Water Management and Groundwater Committee meetings, HACC Installation Dinner and Breakfast, BTAC and EVWD meeting. Tomorrow night will be Advisory Commission meeting.

Director Longville made no report.

9. UPCOMING MEETINGS

It was noted that there will be Governance Training for the full Board, Executive Staff and the Board Secretary on December 17<sup>th</sup>.

10. CLOSED SESSION

Under Government Code Section 54956.8 the Board will be entering into Closed Session to discuss negotiations with CEMEX as listed in the Agenda.

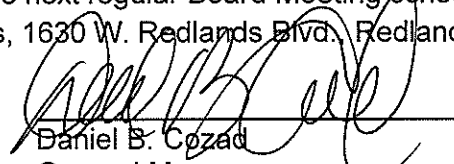
**It was moved by Vice President McDonald and seconded by Director Aranda to enter into Closed Session. The motion carried unanimously.**

11. ADJOURN MEETING

There was no reportable action taken in Closed Session.

**It was moved by Vice President McDonald and seconded by Director Longville to adjourn. The motion carried unanimously.**

At 11:57 a.m. the meeting adjourned to the next regular Board Meeting scheduled for January 8, 2013 at 1:30 p.m. at District Headquarters, 1630 W. Redlands Blvd. Redlands, CA.

  
Daniel B. Cozad  
General Manager