

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF October 12, 2016
1:30 P.M.

President Corneille called the Board Meeting of the Board of Directors to order at 1:30 p.m. All present stood for the pledge of allegiance, led by President Corneille. President Corneille noted that T. Milford Harrison was not present today due to a preplanned vacation noting that his absence is excused.

ROLL CALL:

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

T. Milford Harrison (Excused Absence)

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

Daniel Cozad, General Manager
Jeff Beehler, Land Resources Manager
Athena Monge, Administrative Services Specialist

GUESTS PRESENT:

Charles Roberts, Highland Community News
Dr. Thea Wang, San Diego Zoo Institute for Conservation Research

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 none.

3. PRESENTATIONS

Dr. Thea Wang with the San Diego Zoo Institute of Conservation Research reported on the research that was performed out in the field. She performed a study on the effects of anthropogenic lighting on San Bernardino Kangaroo Rat (SBKR) related to foraging, behavior, persistence and fitness. Dr. Wang presented a PowerPoint of her research. They set up two sites with solar powered lights in a 7 x 7 grid for three months and trapped once a month for that period. Measurements were taken of SBKR of mass, reproductive status, age, sex and class. Dr. Wang said that the habitat in the turnaround area is good habitat for SBKR. She thanked the District for allowing her team to use the District site for their research. The Board thanked Dr. Wang for her presentation.

4. COMMITTEE APPOINTMENTS

President Corneille made appointments to Standing Committees (Appendix B) as follows: Finance & Administration, Melody McDonald as chair & David E. Raley as member with John Longville as alternate, Operations Committee, Richard Corneille as chair & T. Milford Harrison as member with David E. Raley as alternate and Outreach & Communications Committee, John Longville as chair and T. Milford Harrison as member and Melody McDonald as alternate. This item will be revisited in January 2017 along with Outside Committee Appointments (Appendix C).

5. CONSENT CALENDAR

It was moved by Vice President McDonald and seconded by Director Longville to approve Consent Calendar Item A: Board Minutes, September 14, 2016, Item B: Special Board Minutes, September 27, 2016 and Item C: Expenditure Report, September 2016. The motion carried 4-0 with all Directors present voting in the affirmative and T. Milford Harrison noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent**

6. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORTS, SEPTEMBER 2016

Mr. Cozad introduced this item for discussion stating that the memo on package page 20 notes changes to the September 2016 financials. The first quarter unaudited financials for 2016-2017 will be reviewed at the November 14th Finance & Administration Committee meeting.

It was moved by Director Longville and seconded by Director Raley to approve the Unaudited Financials for September 2016. The motion carried 4-0 with all Directors present voting in the affirmative and Director Harrison noted absent from the vote.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent

B. UPLAND ROCK MATERIAL PROCESSING LICENSE

Mr. Cozad presented this item. In April 2016, the Board reviewed and approved the policy related to aggregate management. Upland Rock is the current aggregate management contractor on District lands; their agreement expires in January 2017. A Request for Proposals (RFP) was sent out in accordance with Board direction with a deadline of September 2016. Only one proposal was received and it was from Upland Rock. Staff is requesting authorization from the Board for the General Manager to negotiate and execute Material Processing License with Upland Rock for three one year terms. The RFP was sent out to those who expressed interest and posted on the District website. Vice President McDonald requested a list of the recipients of the RFP be provided. Staff will provide RFP distribution list in the General Manager's Report for the November Board Meeting. Mr. Cozad indicated that a Notice of Exemption will need to be filed as well and provided handout of said notice to the Board.

It was moved by Director Longville and seconded by Vice President McDonald to authorize the General Manager to execute Material Processing License with Upland Rock for up to three one year terms and file Notice of Exemption. The motion carried 4-0 with all Directors present voting in the affirmative and Director Harrison noted absent from the vote.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent

C. MILL CREEK DIVERSION AND PERMITTING ASSISTANCE TASK ORDER

Mr. Cozad said that the design for Mill Creek is complete enough that the District can begin the permitting process. A staff report is included on package page 46 with background on the project. Mr. Cozad said that staff would like to utilize ICF Jones & Stokes (ICF) to handle the permitting process since they are permitting the Plunge Creek project and have staff familiar with the USCOE permitting process. ICF would identify the constraints and a suggested permitting strategy for the Board to consider from among the options on package page 49. Mr. Cozad said that the permitting options are: 1) Permit through Santa Ana River HCP, 2) Prepare our own HCP and Habitat Bank with Operations and Maintenance coverage or 3) Prepare documentation for a separate Section 7 Consultation to support the habitat loss if there is any and obtain Permits 408, 401, 404 and 1600. The longest permitting time is for the Permit 408 which is a levee modification permit that can take a year or more. The agreement would be not exceed \$35,000 rather than the \$20,000 that is in the memo. ICF would meet with the US Army Corp of Engineers (COE) and San Bernardino County Flood Control to identify what exactly they would require from the District to permit this project. ICF would likely present their analysis in January 2017. President Corneille requested an updated construction cost from California

Watershed Engineers (CWE). Staff discussed the agencies involved in the various permitting options. President Corneille indicated that the permitting strategy should be brought back to the Operations Committee for review once ICF completes it before it is presented to the Board. Brief discussion ensued. Director Longville stated that he appreciates the General Manager's ability to differentiate between tasks that can be accomplished with staff and interns and those that require outsource help. He appreciates the efficiency and professionalism in which Mr. Cozad manages the District's operations. Director Longville spoke highly of staff and District Counsel's efforts as well.

It was moved by Vice President McDonald and seconded by Director Longville to authorize the General Manager to execute a change order to ICF Jones & Stokes not to exceed \$35,000 for permitting strategy assistance for Mill Creek Diversion Project. The motion carried 4-0 with all Directors present voting in the affirmative with Director Harrison noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent**

D. RESTORATION OF DISTRICT LANDS IMPACTED BY EBXII CONSTRUCTION

Mr. Beehler presented this item. He indicated that on Board package page 53 there is a map that shows District owned properties and within the red boundary line there is the East Branch Extension II (EBXII) project area. It consists of approximately 50 linear acres of project area. There is a five year agreement with Department of Water Resources (DWR) to restore the habitat after pipeline was put in and that no restoration has been performed yet. Mr. Beehler said that staff is asking for permission to negotiate with DWR to take over the responsibility of performing the restoration work. This is a reimbursable cost and target habitat values are listed within the packet. The District has partnered with Inland Empire Resource Conservation District (IERCD) on similar projects so it is likely that the District can reach and exceed the habitat related targets. San Bernardino Valley Municipal Water District (SBVMWD) would pay the District and is supportive of the contract. District staff and IERCD would both perform work and the District would manage the effort.

It was moved by Director Longville and seconded by Vice President McDonald to authorize staff to negotiate taking over the restoration of project lands impacted by East Branch Extension II. The motion carried 4-0 with all Directors present voting in the affirmative with Director Harrison noted absent from the vote.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent**

E. STAFF PARTICIPATION IN SAWPA OWOW PLAN UPDATE

The District received a request from the General Manager at Santa Ana Watershed Project Authority (SAWPA) that Mr. Beehler be the pillar chair of the One Water One Watershed (OWOW). He would be the Natural Resource Stewardship pillar. The position would begin in the Spring of 2018 and consist of approximately 120 hours of staff time. Vice President McDonald and Director Longville support staffs recommendation. President Corneille said that it would be a good partnership opportunity but wants to be sure that District projects are not affected. Mr. Beehler said that this particular pillar does not require as much staff time as others, so he does not anticipate a significant impact to his regular functions. He indicated it is a beneficial opportunity to work with other habitat managers throughout the watershed.

It was moved by Vice President McDonald and seconded by Director Longville to authorize the Land Resources Manager to participate as the Natural Resources Stewardship Pillar Leader for the update of the SAWPA Integrated Regional Water Management Plan. The motion carried 4-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent**

7. INFORMATION ITEMS

A. WASH PLAN REPORT AND PRESENTATION

Mr. Beehler presented his written report which is included on Board package page 56. The project schedule has been updated in the written report based on input and expected performance schedule of the regulatory agencies and consultants. Staff has responded to questions from FWS and consultants related to the Habitat Conservation Plan (HCP) on the tables. The consultants are currently engaged in completing the final copy of the HCP for the Federal Register. Most of the HCP has been written except for the species impacts; the final copy will be ready for review late October 2016. The EIR/EIS has been completed except for the tables. San Bernardino County Flood Control District (FCD) is reviewing a MOU through their counsel involving the transfer of land between them that is dedicated to Woolly Star Prevention Area (WSPA). The District will get credit for the management of the land because it will perform treatment to manage invasive grass. Staff is working on an MOU with the Bureau of Land Management (BLM) as well and will meet with the new director October 27th. There will be an Environmental Workshop likely held on October 27th here at the District. President Corneille directed staff to schedule a Task Force meeting to bring them up to date on the current status of the project. Mr. Beehler said that at a staff level they have met with the partners individually within the past six weeks. Staff will set up a Task Force meeting for next month. This item was received and filed.

B. TRAILS PLAN

Mr. Beehler made a presentation on the Draft Phase II Trails Plan (Trails Plan). President Corneille said that the Operations Committee will meet to discuss this at their October 21st meeting and provide comments. Mr. Beehler indicated that the Phase 1 Preliminary Trails Plan was approved by the Board in August 2015. Trails are provisionally covered in the HCP and are being permitted through the Wash Plan. CDM Smith developed the current Trails Plan based on the Phase I Preliminary Trails Plan developed by interns last year. Mr. Beehler reviewed the benefits of the trails along with proposed and existing trails. The wash consists of 4,892 acres. Some of the items included in the design are: benches, trail heads, fountains, bike racks, pet waste bag dispenser, boulder barriers, signs and gates. The rough estimate of preserve management costs for activities such as pedestrian, dog walking, equestrian, and biking are estimated to be \$217,420; this includes start up and annual costs. Mr. Beehler said that there will have to be some sort of mechanism to manage these uses such as having rangers on the trails with the ability to cite violators. Possible governance approaches are: District implementation, District Facilities Use Agreement, JPA with Redlands and Highland, MOU with Redlands and Highland, use an existing or create a new 501 (c) 3 or for profit organization. The Draft Trails Plan has been circulated among the City of Redlands and Highland staff for comment. Mr. Beehler indicated that governance and funding will be the most important parts of implementing Trails Plan. Vice President McDonald asked when the Trails Plan implementation will be completed. Mr. Beehler indicated that when there is a Wash Plan HCP approved, along with decisions on funding, and governance structure implementation can begin. This item was received and filed.

C. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad stated that his report is included on Board package page 59. He presented a PowerPoint of current field activity photos. The District has been recharging SWP water for EVWD. Mr. Cozad said that ponds 10, 15, 13, 17 are percolating. He showed a picture of the Cactus Wren nest indicating that field staff has been marking those so they can be entered in database. The Clampers held their event in the Borrow Pit over the weekend and built a monument for the Greenspot Market. Staff and BLM will perform the final walk thru tomorrow. The District has recharged 3,750 AF thru September 30th. Mr. Cozad provided a handout of average annual precipitation from nineteen active gauging stations. This past year we received 11 inches of rain. The Big Bear Lake is 16.5 feet below full. President Corneille asked the status of Item 18 Audit Report. Mr. Cozad said that a draft report is expected Thursday and staff was waiting on the GASB 68 report. All field work has been completed and an Ad Hoc Audit Committee will be set up once we receive draft. This item was received and filed.

D. GROUNDWATER SUSTAINABILITY COUNCIL UPDATE

Mr. Cozad introduced this item for discussion. The written report is included on package page 63. He stated that Mr. Cosgrove has completed a draft of the Framework Agreement that was sent out for review to the GSC on the 5th of this month. The next meeting will be held on

November 14th. An equitable allocation model was developed by Katelyn Scholte, Assistant Engineer. Ms. Scholte is the staff person on the BTAC Subcommittee that is working with Bob Tinchler, SBVMWD to develop this model and manage data. This item was received and filed.

E. FUTURE AGENDA ITEMS & STAFF TASKS

Vice President McDonald said that she is up for reelection on the ACWA JPIA Executive Committee next year when considering appointments for Appendix C she would like the Board to keep that in mind. President Corneille said that the Transition, Staffing and Succession Plan needs to be brought to the Finance & Administration Committee for review and then to the November Board meeting.

8. MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS

Director Longville attended the September 19th Association of San Bernardino County Special Districts (ASBCSD) Dinner at Castaways.

Vice President McDonald attended the September 19th ASBCSD Dinner at Castaways, September 20th San Bernardino Valley Municipal Water District (SBVMWD) Board Meeting, September 21st SBVMWD Board Workshop, September 27th SBVWCD Special Board Meeting, October 3rd Basin Technical Advisory Committee Meeting and October 4th SBVMWD Board Meeting.

Director Raley attended the September 14th SBVWCD Board Meeting, September 27th SBVWCD Special Board Meeting, and September 19th ASBCSD Dinner. He attended Redlands Rise N Shine on October 7th, October 11th Big Bear Water Master Committee Meeting, and September 14th and 28th EVWD Board Meeting.

President Corneille attended the September 19th ASBCSD Dinner. He chaired the September 22nd Advisory Commission on Water Policy. President Corneille attended the September 21st SBVMWD Board Workshop and completed Sexual Harassment Prevention Training on October 10th online.

President Corneille noted a travel request from Director Harrison to attend ACWA Fall Conference included on package page 65.

It was moved by President Corneille and seconded by Director Longville to approve Director Harrison's travel request in the amount of \$1,648.56 to attend the ACWA Fall Conference. The motion carried 4-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent**

9. UPCOMING MEETINGS

There were none discussed.

10. CLOSED SESSION

It was moved by Director Longville and seconded by President Corneille to go into Closed Session under the items listed on the published agenda specifically Government Code 54956.8 related to Property APN No. 0302-131-14. The motion carried 4-0 with all Directors present voting in the affirmative.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent

General Counsel announced that the meeting will adjourn to closed session under all items posted on the published agenda.

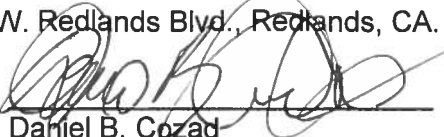
At 4:11 p.m., the meeting reconvened into Open Session. Mr. Cosgrove noted while in Closed Session under Government Code section 54957.1 that there was no reportable action taken.

11. ADJOURN MEETING

It was moved by President Corneille and seconded by Vice President McDonald to adjourn. The motion carried 4-0 with all Directors present voting in the affirmative and Director Harrison noted absent from the vote.

President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Harrison: Absent

At 4:12 p.m. the meeting adjourned to Special Board Meeting scheduled for November 16, 2016 at 1:30 p.m. at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.


Daniel B. Cozad
General Manager