



**GROUNDWATER CHARGE PUBLIC HEARING/BOARD OF DIRECTORS**

**MEETING AGENDA - REVISED**

**Wednesday, April 26, 2017 – 1:30 p.m.**

**Location--1630 West Redlands Boulevard, Suite A, Redlands, California**

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District office and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District office and in the Agenda Package on the Districts website. It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Athena Monge at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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**1. PUBLIC PARTICIPATION**

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.*

**2. ADDITIONS/DELETIONS TO AGENDA**

*Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.*

**3. PUBLIC HEARING RELATED TO ADOPTION OF GROUNDWATER CHARGE  
- 10 minutes**

*Article 1, Section 75560 of the California Water Code requires that a Water Conservation District that proposes to levy a groundwater charge "...shall annually cause to be made an engineering investigation and report upon groundwater conditions of the District." District staff will present the annual Bunker Hill Engineering Investigation Report and review the Groundwater Replenishment Program annual budget*

and groundwater charge. District staff is recommending the groundwater charge be increased by 4% to \$3.36 per acre-foot for groundwater production for agricultural production use and the non-agricultural production use to \$12.08, for Fiscal Year July 1, 2017 to June 30, 2018. The purpose of the groundwater charge is to fund the District's continuing groundwater replenishment efforts. District staff will present any written comments received and the board will hear oral comments. (M#1490) .....4

- Open Public Hearing
- Receive Public Comments or Testimony
- Continue Public Hearing to May 31, 2017
- Provide any comments on Resolution No. 553 .....13

- 4. **CONSENT CALENDAR**
  - A. Approval of Board Minutes, April 12, 2017 ..... 19

5. **COMMITTEE REPORTS /ACTION ITEMS**

**Finance & Administration Committee Reports**

- A. THIRD QUARTER FINANCIALS FOR 2016-2017– 5 minutes (M#1491) ..... 27  
*Presenter: Melody McDonald, Chair of Finance & Administration Committee*  
*Recommendation:* The Finance & Administration Committee (Committee) recommend the Board review the Quarterly Financial Reports and receive and file the reports as presented at the April 21<sup>st</sup> Committee meeting.
- B. PUBLIC RECORDS REQUEST CONSIDERATIONS AND DRAFT POLICY– 5 minutes (M#1492)..... 32  
*Presenter: Melody McDonald, Chair of Finance & Administration Committee*  
*Recommendation:* The Finance & Administration Committee (Committee) recommends the Board review and consider approval of the proposed changes to the Board Policy Manual related to recent case law and approve the proposed policies.

**Other Board Actions**

- C. ANNUAL DISCLOSURE OF BOARD MEMBER AND STAFF REIMBURSEMENTS FOR 2015-2016 - 5 minutes (M#1493)..... 41  
*Presenter: Daniel Cozad*  
*Recommendation:* Receive and file the annual disclosure of Board Member and Staff reimbursements report as required by statute for fiscal year 2015-2016.
- D. BOARD MEETING CALENDAR REVISIONS - 5 minutes (M#1494) ..... 44  
*Presenter: Daniel Cozad*  
*Recommendation:* Discuss May meetings and confirm or cancel the May 24<sup>th</sup> meeting.

- 6. **INFORMATION ITEMS:**
  - A. Strategic Planning Workshop Ranking Review
  - B. Future Agenda Items & Staff Tasks

7. **MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS**

8. **UPCOMING MEETINGS:**

- A. May 3, 2017 Strategic Planning Workshop, 1:30 p.m. at Conservation District
- B. May 5, 2017 Tour of Valley Municipal Facilities, 8:00 a.m.-12:00 p.m. at Valley Municipal
- C. May 9-12, 2017 ACWA Spring Conference in Monterey  
**(Board Approval Required)**
- D. May 22, 2017 Association of San Bernardino County Special Districts' Dinner, 6:30 p.m. hosted by Hi-Desert Water District, Location: The Roost Sports Café & Bar (Yucca Valley) Topic: *Challenge Tomorrow*/Speaker: James Melton (Carollo)
- E. May 29, 2017 Office Closed in Observance of Memorial Day
- F. May 31, 2017 Board Meeting adoption of the GW charge
- G. June 8, 2017 Advisory Commission on Water Policy, 6:30 p.m. at Valley Municipal

9. **ADJOURN MEETING.** The Strategic Planning Workshop will be on May 3, 2017 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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Memorandum No. 1490

**To: Board of Directors**

**From: General Manager, Daniel Cozad**

**Date: April 26, 2017**

**Subject: Groundwater Charge for FY 2017-2018**

## **RECOMMENDATION**

Conduct a public hearing re the proposed 2017-2018 Groundwater Charge, and then continue the matter to May 31, 2017 for final action and adoption of a resolution approving an adjustment of the groundwater charge in the amount of \$3.36 per acre-foot for agricultural water and in the amount of \$12.08 per acre-foot for non-agricultural water. This change represents a four (4%) percent increase from the rates in effect for the prior year.

## **BACKGROUND**

The District reviewed and approved its annual Engineering Investigation for the 2016-2017 water year ("EI") on March 15, 2017. Prior to that, on February 8, 2017, the District reviewed its Preliminary Groundwater Enterprise Budget for the upcoming year, and the Board gave staff direction on the advertised proposed groundwater charge rate to include in public notices. That advertised rate was \$3.36 per acre-foot for agricultural water and in the amount of \$12.08 per acre-foot for non-agricultural water, a four (4%) percent increase from the rates in effect for the prior year.

For the prior three years, the District has not increased rates. In 2016 staff proposed no increase in rate, and in doing so recommended the Board approve the use of the Rate Stabilization Reserve to offset additional costs. The Board agreed, citing the revenue impacts and other difficulties that mandatory conservation measures had caused several agencies who were reviewing rates at that time. Both staff and the Board emphasized that the use of Rate Stabilization Reserve funds was a temporary measure, and noted a potential rate increase need loomed for the following year. That year is now upon us.

The District held a public meeting to review the Groundwater Enterprise Budget, the EI, and the proposed groundwater charge rate for FY 2017-2018 on April 12, 2017. No objections were received, either in writing or verbally at the public meeting.

Today is the time set for a public hearing on the proposed adjustment to the District's rate for the groundwater charge. Notice of today's public hearing was published on the District's website, and in the San Bernardino County Sun and the Highland Community News March 3rd, 10th and 17<sup>th</sup>. Mailed notice was also provided to all reporting groundwater producers, on April 10, 2017. In order to provide forty five (45)

BOARD  
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Division 1:  
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Division 5:  
Melody McDonald

GENERAL  
MANAGER

Daniel B. Cozad

days between the date of that mailed notice and any actual imposition of the groundwater charge, staff recommends the public hearing be opened, and then continued to May 31, 2017, for final action on a resolution enacting the groundwater charge rate for FY 2017-2018.

As it has in the past, the decision to fix the groundwater charge rate comes with a series of findings regarding agricultural and non-agricultural groundwater production, annual and cumulative change in storage, and overall basin conditions. These findings are based upon the Engineering Investigation, and required by statute. The findings, and the support for them, are set out in detail in the “Resolution Of The Board Of Directors Of The San Bernardino Valley Water Conservation District Establishing A Groundwater Charge On the Production Of Groundwater Within District Boundaries, And Making Certain Findings Relative Thereto” (“Resolution”), which is attached hereto, and submitted for the Board and public review.

In addition, the status of groundwater charges under Article XIII D of the California constitution, and other constitutional and statutory provisions governing assessments, “property related charges” and user fees, remains uncertain. Many of these issues are under review in the case of *City of San Buenaventura v. United Water Conservasion District*, presently briefed and awaiting hearing before the California Supreme Court in Case No. S226036 (review granted of Second Appellate District, Division Six, Case No. B251810). The District has taken the position it does not believe its groundwater charge is a “property related charge,” and the Resolution contains a series of findings explaining the basis for this determination. Acknowledging the unsettled nature of the question, however, District staff has endeavored to comply with all procedural requirements applicable in the event the California Supreme Court decides otherwise, including allowing forty five (45) days from the date of mailed notice to protest the charge, as called for under California Constitution Article XIII D, Sec. 6(a)(2). For this reason, staff is recommending that the public hearing be opened today, and then continued until May 31, 2017, for final action, and possible adoption of the Resolution.

### **DISCUSSION--BUDGETING**

The recommendation from staff to adjust the groundwater charge rate is a function of the Groundwater Enterprise Budget, and anticipated expenditures for the upcoming year. These topics were reviewed in detail on February 8, 2017, and are recapped here.

In the budget last year the Board requested the full cost of capital improvements, repairs and equipment be included in the budget. Some of the CIP items in the budget include the following:

- Mill Creek Diversion improvements, engineering and permitting
- Mill Creek coverage in River HCP permitting and California Department of Fish and Wildlife permit, monitoring and documentation
- Ongoing Security repairs – fencing, gates boulders and barriers etc.
- Mentone Shop restroom facilities – not completed in 2016
- Continued invasive plant removal and monitoring
- Projects in cooperation with EBX-2 and Enhanced Recharge Project

The budget prepared by staff includes the following efforts and activities:

- Develop and review draft budget with groundwater partners
- Vet the draft budget with the Groundwater Sustainability Council’s potential members

- Review the budget with the Finance & Administration Committee or in a Board Workshop before submitting to the Board for approval
- Utilize the Groundwater Enterprise Budget to develop the proposed groundwater charge
- Review other budgets with appropriate partners and stakeholders
- Utilize feedback from all of the above in the development of the budget proposal to the Board

The budget uses the following assumptions:

Revenue:

- Groundwater revenue based on actual charges paid in prior year with review from the agencies including \$35,000 from Rate Stabilization Reserve that currently holds \$107,000
- Mining revenue will be estimated based on lease guaranteed annual minimum

Expenses:

- Expenses are estimated on the zero basis or actual costs/estimates modified based on specific needs and actual 2016/2017 costs.
- COLA increases based on Bureau of Labor Statistics CPI-U All West at 2.5%
- Salary forecast includes raise pool at 5% of total salaries
- Utilities, increase at approximately 4-10% based on sector CPI or rate changes
- Miscellaneous expenses are generally increased where no other basis is available at 3%

Staff’s analysis indicates a 4% increase in the groundwater charge will be needed for 2017-2018 plus continued use of the Rate Stabilization Reserve for about \$35,000 of enterprise costs. The Rate Stabilization Reserve that currently has a balance of \$107,000. Staff expects that if costs and production remain similar to last year a 4% increase will be required in 2018-2019 to properly fund capital projects.

**POLICY CONSIDERATIONS**

Staff has previously provided a projection of groundwater production and revenue generated by the existing rate and several potential rate options for the FY 2017-2018 year. The Finance and Administration Committee concurred in staff’s assessment that a four percent increase was warranted, both to address ongoing expenditures and capital project needs, and to stem the use of the Rate Stabilization Funds.

An important part of the decision on the appropriate groundwater charge rate is the use of Rate Stabilization Funds. While these funds were developed to ease rate transitions, the Board could more eschew their use this year, and increase rates accordingly, or include a component to make contributions to the Rate Stabilization Fund. The Board could also reduce or eliminate the increase in the groundwater charge by utilizing the entire rate stabilization fund this year. Other methods to reducing the charge could be eliminating the contribution to capital projects and increasing to full reliance on the established reserves. Staff is not recommending these alternatives because of their impact on financial stability and destabilization of rates that would need to be made up in the future.

**FISCAL IMPACT**

The development and coordination of the groundwater charge is supported by the Groundwater Recharge Enterprise. The impact to reserves without an increase is approximately \$135,000.

**GROUNDWATER COUNCIL**

The Board is aware that since 2014, the District and SBVMWD, East Valley Water District, and others have been working on a Groundwater Council (GC) to provide an alternative financing method for the cost of Conservation District spreading. Staff has worked diligently with these partners to develop the framework and equitable allocation of costs for the GC, and the District Counsel has taken a lead role in drafting a proposed agreement to make this regional cooperative initiative a reality. One potential result of this initiative is the replacement of the District’s groundwater charge with a more regionally based, shared financing mechanism. The scope and complexity of the GC effort has caused predictable delays, however, as the various participating parties assess their own costs and benefits of yielding individual autonomy to a collective basin management system. The Board resolution allows for the GC payment as alternative to the rate, if and when developed, and as may be adopted by the Board.

**ATTACHMENTS OR MATERIALS**

- Draft Groundwater Budget
- Groundwater Charge Analysis and options
- Resolution No. 553 Groundwater Charge 2017-2018

**APPROVALS**

- Recommended by the Finance & Administration Committee
- Reviewed by District Counsel

GL ACCT:                      GL DESCRIPTION:		Projected Annual Costs (7/1/16- 6/30/17)	Increase/ Decrease	Draft 2017- 2018 Budget	GROUNDWATER RECHARGE ENTERPRISE		
<b>Proposed 2017-2018 Budget</b>					2016 BUDGET:	% BUDGET	BASIS:
<b>INCOME:</b>							
4012	INTEREST INCOME-LAIF	2,000.00	500.00	1,800.00	0.00		
4013	INTEREST INCOME-CALTRUST	14,677.45	-40,000.00	20,000.00	0.00		
4014	INTEREST INCOME-CA CREDIT UNION	26,131.90	25,000.00	25,000.00			
4015	INTEREST INCOME-UBS	18,434.59	17,500.00	17,500.00			
4021	GROUNDWATER CHARGE-AG	34,000.00	-8,236.76	38,921.24	38,921.24	100.00%	4% rate increase
4023	GROUNDWATER CHARGE-NON AG	690,000.00	-5,539.20	713,700.40	713,700.40	100.00%	Board Dir. use prior yr prod.
4031	PLANT SITE CEMEX	48,000.00		48,000.00	0.00		\$ 752,622
4032	CEMEX - ROYALTY/LEASE	586,000.00		586,000.00	0.00		
4036	AGGREGATE MAINTENANCE	55,000.00		55,000.00	0.00		
4040	MISCELLANEOUS INCOME	5,000.00	0.00	10,000.00	0.00		
4050	PROPERTY TAX	81,000.00	2,000.00	81,800.00	0.00		
4055	SBVMWD LEASE AGREEMENT	370,010.78	5,180.15	376,066.70	188,033.35	50.00%	0.6% EST. CPI-U CUURA421S/
4062	MENTONE PROPERTY INCOME	21,305.00		21,600.00	0.00		
4065	REDLANDS PLAZA	170,905.56	-5,082.91	165,822.65	0.00		
4066	REDLANDS PLAZA CAM	35,000.00	-3,000.00	32,000.00	0.00		
4080	EXCHANGE PLAN	30,000.00		30,000.00	30,000.00	100.00%	HISTORIC
4025	WASH PLAN REVENUE *Reserve CIP #5	430,000.00	-360,000.00	70,000.00	0.00		
4086	PLUNGE CREEK IRWMP	94,321.86		150,000.00	0.00		
4998	RATE STABILIZATION *From Reserves	24,857.00		35,000.00	35,000.00	100%	
<b>TOTAL INCOME:</b>		<b>2,736,644.14</b>	<b>-371,678.72</b>	<b>2,478,210.99</b>	<b>1,005,654.99</b>		
<b>EXPENSES:</b>							
5080	LAFCO CONTRIBUTION/FEES	400.00	0.00	400.00	0.00		
5120	MISC. PROFESSIONAL SERVICES	100,000.00	-25,000.00	125,000.00	31,250.00	25.00%	GSC and Bio Support
5122	WASH PLAN PROFESSIONAL SERVICES	70,000.00	-20,000.00	50,000.00	0.00		
5124	PLUNGE CREEK PROFESSIONAL SERVICES	50,000.00	100,000.00	150,000.00	0.00	0.00%	
5125	ENGINEERING SERVICES	16,000.00	2,000.00	18,000.00	18,000.00	100.00%	GENERAL ENG./GIS
5130	AERIAL PHOTO/SURVEYING/MARKET	1,000.00		1,000.00	0.00		
5133	Regional River HCP Contribution CIP #7	30,000.00	10,000.00	40,000.00	30,000.00	75.00%	
5143	SBVCT District Contribution	50,000.00	-45,958.00	4,042.00	0.00		
5145	ENVIRONMENTAL SERVICES (WASH PLAN)	162,841.49	-160,000.00	0.00	0.00		
5160	IT SUPPORT	6,000.00	1,000.00	7,000.00	3,500.00	50.00%	Share by need
5170	AUDIT	23,134.00	5,135.00	27,135.00	12,482.10	46.00%	Share based on Revenue
5175	LEGAL-WASH PLAN	25,000.00	-15,000.00	10,000.00	0.00		
5180	LEGAL	100,000.00	60,000.00	150,000.00	30,000.00	20.00%	Sustainability Counsel etc.,
<b>FIELD OPERATIONS:</b>							
5123	TEMP FIELD LABOR	10,000.00	1,000.00	11,000.00	11,000.00	100.00%	Invasive and canal cleaning
5210	EQUIPMENT MAINTENANCE	6,000.00	0.00	6,000.00	6,000.00	100.00%	based on average actual
5215	PROPERTY MAINTENANCE	32,500.00	0.00	32,500.00	24,375.00	75.00%	Invasive removal basins
5225	FIELD CLEAN UP-ILLEGAL DUMPING	6,000.00	0.00	6,000.00	3,000.00	50.00%	
<b>VEHICLE OPERATIONS:</b>							
5310	VEHICLE MAINTENANCE	10,000.00	0.00	10,000.00	10,000.00	100.00%	reduced from 2013-14 base
5320	FUEL	10,000.00	-750.00	12,250.00	12,250.00	100.00%	EST. LOWER FUEL COST
<b>UTILITIES:</b>							
5410	ALARM SERVICE	1,500.00	-1,000.00	1,500.00	750.00	50.00%	FACILITIES SHARE
5420	ELECTRICITY	9,500.00	0.00	9,500.00	1,900.00	20.00%	FACILITIES SHARE
5430	MOBILE PHONES	3,510.00	50.00	3,550.00	2,662.50	75.00%	FACILITIES SHARE
5440	TELEPHONE	6,500.00	-700.00	8,000.00	2,400.00	30.00%	FACILITIES SHARE
5450	NATURAL GAS	900.00	0.00	900.00	360.00	40.00%	FACILITIES SHARE
5460	WATER / TRASH / SEWER	2,160.00	0.00	2,160.00	864.00	40.00%	FACILITIES SHARE
5470	INTERNET SERVICES	2,500.00	0.00	2,500.00	750.00	30.00%	FACILITIES SHARE
<b>GENERAL ADMINISTRATION:</b>			0.00				

GL ACCT:                      GL DESCRIPTION:		Projected Annual Costs (7/1/16- 6/30/17)	Increase/ Decrease	Draft 2017- 2018 Budget	GROUNDWATER RECHARGE ENTERPRISE		
<b>Proposed 2017-2018 Budget</b>					2016 BUDGET:	% BUDGET	BASIS:
6001	GENERAL ADMIN-OTHER	2,500.00	-1,500.00	5,500.00	2,750.00	50.00%	ESTIMATE BY USE
6002	WEBSITE ADMINISTRATION	3,100.00	0.00	3,100.00	0.00		
6003	PROPERTY TAX	235.10	0.00	235.10	0.00		
6004	MEETING EXPENSES	2,200.00	-200.00	2,000.00	0.00		
6006	PERMITS	10,000.00	0.00	10,000.00	5,000.00	50.00%	Fish and Wildlife
6007	INTER DISTRICT COSTS	5,000.00	-2,500.00	10,000.00	5,000.00	50.00%	
6009	LICENSES	1,639.00	0.00	1,639.00	1,311.20	80.00%	2013-14 ACTUAL
6010	SURETY BOND	1,900.00	0.00	1,900.00	0.00		
6012	OFFICE MAINTENANCE	3,180.00	0.00	3,180.00	0.00		
6013	OFFICE LEASE PAYMENT	60,000.00	0.00	60,000.00	18,000.00	30.00%	Share by allocation
6015	MENTONE HOUSE MAINTENANCE	5,000.00	-1,500.00	5,000.00	0.00		
6016	REDLANDS PLAZA MAINTENANCE	15,000.00	0.00	15,000.00	0.00		
6026	REDLANDS PLAZA CAM EXPENSES	25,000.00	3,500.00	28,500.00	0.00		
6018	JANITORIAL SERVICES	9,108.89	0.00	9,108.89	0.00		
6019	JANITORIAL SUPPLIES	500.00	0.00	500.00	200.00	40.00%	FACILITIES SHARE
6020	VACANCY MARKETING-REDLANDS PLAZA	5,050.00	0.00	5,050.00	0.00		
6024	COMPUTER EQUIPMENT MAINTENANCE	200.00	-200.00	0.00	0.00	62.50%	FACILITIES SHARE
6027	COMPUTER SUPPLIES	689.00	0.00	689.00	34.45	5.00%	FACILITIES SHARE
6030	OFFICE SUPPLIES	4,250.67	0.00	4,250.67	212.53	5.00%	FACILITIES SHARE
6033	OFFICE EQUIPMENT RENTAL	8,734.40	165.60	8,900.00	445.00	5.00%	FACILITIES SHARE
6036	PRINTING	980.00	0.00	980.00	392.00	40.00%	GW Charge
6039	POSTAGE AND OVERNIGHT DELIVERY	1,000.00	-600.00	1,200.00	300.00	25.00%	GW Charge
6042	PAYROLL PROCESSING FEES	2,347.54	102.46	2,450.00	0.00		
6045	BANK INVESTMENT SERVICE CHARGES	2,500.00	-650.00	2,500.00	0.00		
6051	UNIFORMS	2,000.00	0.00	2,000.00	1,400.00	70.00%	Field Uniforms
6060	OUTREACH	15,000.00	0.00	20,000.00	4,000.00	20.00%	share by mission
6087	EDUCATIONAL REIMBURSEMENT	2,500.00	0.00	2,500.00	0.00		
6090	SUBSCRIPTIONS/PUBLICATIONS	1,200.00	250.00	1,000.00	0.00		
6091	PUBLIC NOTICES	2,940.00	60.00	3,000.00	2,400.00	80.00%	% OF 2010
6093	MEMBERSHIPS	17,500.00	1,000.00	18,500.00	0.00		
<b>BENEFITS:</b>							
6110	VISION INSURANCE	2,017.25	0.00	2,017.25	1,231.41	50.87%	Based on percent of hours
6120	WORKER'S COMP INSURANCE	12,279.60	-921.10	11,358.50	6,933.68	50.87%	Based on percent of hours
6130	DENTAL INSURANCE	9,047.79	0.00	9,047.79	5,523.13	50.87%	Based on percent of hours
6150	MEDICAL INSURANCE	134,794.64	8,337.90	143,132.54	87,373.83	50.87%	Based on percent of hours
6160	PAYROLL TAXES - EMPLOYER	51,702.47	3,299.71	55,002.19	33,575.53	50.87%	Based on percent of hours
6170	PERS RETIREMENT	110,279.99	16,999.46	127,279.45	77,696.47	50.87%	Based on percent of hours
<b>SALARIES:</b>							
6210	OVERTIME				0.00		
6230	REGULAR SALARIES	707,052.81	45,659.46	752,712.27			
Sub	Field Staff Part Time	10,005.95	0.00	10,005.95	12,007.14	100.00%	Salary+overhead 20% % time
Sub	Field Supervisor	75,640.03	4,721.81	80,361.84	96,434.21	100.00%	Salary+overhead 20% % time
Sub	Field Operations Spec I	40,096.99	2,811.85	42,908.84	51,490.61	100.00%	Salary+overhead 20% % time
Sub	Lands Resources Mgr.	156,878.09	10,195.83	167,073.92	80,195.48	40.00%	Salary overhead 20% % time
Sub	Admin Services Spec.	71,819.16	4,674.40	76,493.56	41,306.52	45.00%	Salary+overhead 20% % time
Sub	Admin Services Spec.	65,710.20	5,595.84	71,306.04	25,670.17	30.00%	Salary+overhead 20% % time
Sub	Assistant Engineer PT	39,985.92	1,939.08	41,925.00	30,186.00	60.00%	Salary+overhead 20% % time
Sub	GIS Intern/contract	12,303.36	-951.36	11,352.00	6,811.20	50.00%	Salary+overhead 20% % time
Sub	General Manager	212,569.59	15,949.61	228,519.20	90,493.60	33.00%	Salary overhead 20% % time
Sub	Doc Imaging Intern	9,740.16	1,673.76	11,413.92	5,478.68	40.00%	Salary overhead 20% % time
sub	Engineering Intern PT	12,303.36	-951.36	11,352.00	5,448.96	40.00%	
<b>INSURANCE:</b>							

GL ACCT:                      GL DESCRIPTION:		Projected Annual Costs (7/1/16-6/30/17)	Increase/Decrease	Draft 2017-2018 Budget	GROUNDWATER RECHARGE ENTERPRISE		
<b>Proposed 2017-2018 Budget</b>					2016 BUDGET:	% BUDGET	BASIS:
6310	PROPERTY / AUTO INSURANCE	6,924.00	76.00	7,000.00	5,250.00	75.00%	Aproximate from Insurer
6320	GENERAL LIABILITY INSURANCE	32,057.00	290.70	32,500.00	24,375.00	75.00%	Aproximate from Insurer
<b>DIRECTOR'S EXPENSES:</b>							
6401	DIRECTOR'S FEES	70,833.84	0.00	78,718.78	0.00		
6410	MILEAGE	2,800.00	0.00	4,000.00	0.00		
6415	AIR FARE	2,500.00	-500.00	2,500.00	0.00		
6420	OTHER TRAVEL	500.00	0.00	500.00	0.00		
6425	MEALS	2,400.00	-100.00	2,500.00	0.00		
6430	LODGING	2,800.00	-200.00	3,000.00	0.00		
6435	CONF/SEMINAR REGISTRATIONS	5,000.00	-2,000.00	5,000.00	0.00		
6440	ELECTION FEES/REDISTRICTING	0.00	100,000.00	100,000.00	0.00		
<b>ADMINISTRATIVE/STAFF EXPENSES:</b>							
6510	MILEAGE	1,500.00	-200.00	1,800.00	900.00	50.00%	Allocation basis 2011
6515	AIR FARE	2,000.00	0.00	2,000.00	500.00	25.00%	Allocation basis 2011
6520	OTHER TRAVEL	1,400.00	0.00	1,400.00	350.00	25.00%	Allocation basis 2011
6525	MEALS	1,400.00	0.00	1,500.00	525.00	35.00%	Allocation basis 2011
6530	LODGING	2,500.00	-500.00	3,000.00	1,050.00	35.00%	Allocation basis 2011
6535	CONF/SEMINAR REGISTRATIONS	3,500.00	-1,000.00	4,000.00	1,400.00	35.00%	
9999	Contribution toward Capital Maint.	444,690.49	-79,690.49	365,000.00	95,000.00		Reduced Allocation
8010	Capital Reserve GWE/Rate Stabilization	0.00		0.00	0.00	100.00%	Rate Stabilization use
<b>TOTAL EXPENSES:</b>		<b>2,503,653.86</b>	<b>39,354.54</b>	<b>2,583,855.89</b>	<b>1,005,659.53</b>		
Operating Revenue		2,736,644.14	-371,678.72	2,478,210.99	1,005,654.99		
<b>NET OPERATING REVENUE</b>			<b>-411,033.26</b>	<b>-105,644.90</b>	<b>-4.54</b>		
OVERHEAD							
NET GENERAL FUND ANNUAL							
<b>Multiyear Capital projects</b>							
7010	MATERIALS	8,000.00		8,000.00	8,000.00	100.00%	Field Security Changes
7050	BASINS -CAPITAL ANNUAL REPAIRS	20,000.00		20,000.00	20,000.00	100.00%	ANNUAL MAINTENANCE
	3 year Maintenance	20,000.00		40,000.00	40,000.00	100.00%	25% OF \$120K IN 3 YEARS
7053	HCP Endowment Contribution CIP #6	55,000.00		0.00	0.00	75.00%	100% of cost
7055	PLUNGE CREEK PROJECT CIP #2	210,000.00		210,000.00	42,000.00	20.00%	20% recharge
LAND & BUILDINGS							
7110	PROPERTY - CAPITAL REPAIRS	50,000.00		112,000.00	30,000.00		Fencing, Gates and Canyon
7120	PROPERTY - LAND PURCHASE	311,111.50		0.00			
7130	MENTONE PROPERTY (HOUSE) CAPITAL	0.00		0.00	0.00		
7140	MENTONE PROPERTY (SHOP) CAPITAL R	50,000.00		50,000.00	50,000.00	100.00%	CIP #3
7160	MENDOZA PROPERTY CIP #11			30,000.00			
EQUIPMENT & VEHICLES							
7210	COMPUTER HARDWARE CAPITAL REPAIR	5,000.00		5,000.00	1,250.00	25.00%	Allocation basis 2011
7220	COMPUTER SOFTWARE	12,500.00		12,500.00	3,750.00	30.00%	Allocation basis 2011
7230	FIELD EQUIPMENT / VEHICLES	100,000.00		100,000.00	100,000.00	100.00%	CIP #10
7240	OFFICE EQUIPMENT	1,500.00		1,500.00	0.00		
PROFESSIONAL SERVICES:							
7150	MILL CREEK DIVERSION PROJECT CIP #1	600,000.00		600,000.00	600,000.00	100.00%	In WIP Acct until completion
7438	ENGINEERING SERVICES-OTHER	100,000.00		135,000.00	40,500.00	30.00%	Mill Creek O&M Plans
<b>CAPITAL EXPENSE</b>		<b>1,543,111.50</b>	<b>0.00</b>	<b>1,324,000.00</b>	<b>935,500.00</b>		
CAPITAL REVENUE				365,000.00	95,000.00		
CAPITAL SUBTOTAL ANNUAL NET				-929,000.00	-840,500.00		
<b>RESERVE CONTRIBUTION OR (-USE) TOTAL</b>			<b>-2,069,290</b>	<b>-1,034,644.90</b>	<b>-840,504.54</b>		<b>total Multi year Pay Go Capital Project</b>

**Attachment A Preliminary Groundwater Charge Revenue Estimates**

GWA	Date	16.7%			83.3%			Total Prod	Total Rev	AF +/-
		Ag Prod	Ag Rev	Ag Rate	NonAg Prod	NonAg Rev	NonAg Rate			
38	2012	7,016	\$19,203	\$ 2.73	32,963	\$323,389	\$ 9.81	39,979	\$342,592	
39	2012.5	8,185	\$25,409	\$ 3.14	40,397	\$455,698	\$ 11.28	48,582	\$481,107	Rate + 15%
40	2013	7,159	\$22,342	\$ 3.14	36,442	\$410,032	\$ 11.28	43,601	\$432,374	
41	2013.5	8,910	\$27,977	\$ 3.14	35,596	\$401,523	\$ 11.28	44,506	\$429,500	
42	2014	6,632	\$21,560	\$ 3.23	37,116	\$435,598	\$ 11.62	43,748	\$457,158	Rate + 3%
43	2014.5	8,890	\$28,803	\$ 3.23	42,392	\$489,603	\$ 11.62	51,282	\$518,406	-5%
44	2015	7,670	\$24,868	\$ 3.23	31,784	\$369,909	\$ 11.62	39,454	\$394,777	10%
45	2015.5	8,369	\$27,048	\$ 3.23	30,116	\$349,913	\$ 11.62	38,485	\$376,961	2%
46	2016	4,926	\$15,974	\$ 3.23	28,504	\$332,725	\$ 11.62	33,430	\$348,699	-22%
47	2016.5*	6,850	\$22,126	\$ 3.23	31,650	\$367,773	\$ 11.62	38,500	\$389,899	-21%
<b>4 period average</b>		<b>7,464</b>	<b>\$ 24,108</b>		<b>37,125</b>	<b>\$ 431,397</b>		<b>44,589</b>	<b>\$ 455,505</b>	<b>-3%</b>

\$ 75594 Required Ag-Non Ag ratios	3 X	3.60 X	4 X	5 X
		\$10.08	\$ 12.08	\$ 13.44

**No change in rate**

		Board Direction to use last years actual for nonAg						Revenue +/-		
48	2017	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
49	2017.5 *	6,850	\$22,126	\$ 3.23	31,650	\$367,773	\$ 11.62	38,500	\$389,899	
50	2018	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
Fiscal 17-18		<b>\$38,036</b>						<b>\$737,026</b>		<b>\$ (29,372)</b>
Calendar 17		<b>11,776</b>	<b>\$38,036</b>		<b>60,154</b>	<b>\$698,989</b>		<b>71,930</b>	<b>\$ 737,026</b>	<b>\$ (29,372)</b>

**2% Increase in GW Charge**

		2%			2%			Revenue +/-		
48	2017	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
49	2017.5 *	6,850	\$22,263	\$ 3.25	31,650	\$368,406	\$ 11.64	38,500	\$390,669	
50	2018	4,926	\$16,009	\$ 3.25	28,504	\$331,787	\$ 11.64	33,430	\$347,796	
Fiscal 17-18		<b>\$38,272</b>						<b>\$738,464</b>		<b>\$ (27,933)</b>
Calendar 17		<b>11,776</b>	<b>\$38,173</b>		<b>60,154</b>	<b>\$699,622</b>		<b>71,930</b>	<b>\$ 737,796</b>	<b>\$ (28,602)</b>

3% Increase in GW Charge				3%	3%				Revenue +/-	
48	2017	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
49	2017.5 *	6,850	\$22,789	\$ 3.33	31,650	\$378,806	\$ 11.97	38,500	\$401,595	
50	2018	4,926	\$16,388	\$ 3.33	28,504	\$341,153	\$ 11.97	33,430	\$357,541	
Fiscal 17-18		<b>\$39,177</b>						<b>\$759,136</b>		<b>\$ (7,261)</b>
Calendar 17		<b>11,776</b>	<b>\$38,700</b>		<b>60,154</b>	<b>\$710,023</b>		<b>71,930</b>	<b>\$ 748,723</b>	<b>\$ (17,675)</b>

4% Increase in GW Charge				4%	4%				4% 2 years	
48	2017	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
49	2017.5 *	6,850	\$23,011	\$ 3.36	31,650	\$382,484	\$ 12.08	38,500	\$405,494	
50	2018	4,926	\$16,547	\$ 3.36	28,504	\$344,465	\$ 12.08	33,430	\$361,012	
Fiscal 17-18		<b>\$39,558</b>						<b>\$766,507</b>		<b>\$ 109</b>
Calendar 17		<b>11,776</b>	<b>\$38,921</b>		<b>60,154</b>	<b>\$713,700</b>		<b>71,930</b>	<b>\$ 752,622</b>	<b>\$ (13,776)</b>

5% Increase in GW Charge				5.0%	5.0%					
48	2017	4,926	\$15,911	\$ 3.23	28,504	\$331,216	\$ 11.62	33,430	\$347,127	
49	2017.5 *	6,850	\$23,232	\$ 3.39	31,650	\$386,162	\$ 12.20	38,500	\$409,393	
50	2018	4,926	\$16,706	\$ 3.39	28,504	\$347,777	\$ 12.20	33,430	\$364,484	
Fiscal 17-18		<b>\$39,938</b>						<b>\$773,877</b>		<b>\$ 7,479</b>
Calendar 17		<b>11,776</b>	<b>\$39,142</b>		<b>60,154</b>	<b>\$717,378</b>		<b>71,930</b>	<b>\$ 756,521</b>	<b>\$ (9,877)</b>

\* Estimated production from on time filings which are incomplete as of January 31, 2017

**RESOLUTION NO. 553**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN BERNARDINO VALLEY WATER CONSERVATION  
DISTRICT ESTABLISHING A GROUNDWATER CHARGE ON THE PRODUCTION OF  
GROUNDWATER WITHIN DISTRICT BOUNDARIES, AND MAKING CERTAIN  
FINDINGS RELATIVE THERETO**

**WHEREAS**, California Water Code, Division 21, Part 9 provides authority for the San Bernardino Valley Water Conservation District to consider and impose a groundwater charge on groundwater production within the District; and

**WHEREAS**, the California Legislature has found, in Water Code Section 75521, that such groundwater charges are in furtherance of District activities in the protection and augmentation of water supplies for users, which are necessary for the public health, welfare and safety; and

**WHEREAS**, Water Code Section 75523 allows for the use of proceeds from a groundwater charge for any District purposes, which may be authorized by law; and

**WHEREAS**, The District has presented a budget showing the needs and uses of the Groundwater Charge for 2017-2018 water year; and

**WHEREAS**, at the regular meeting of the Board of Directors on March 15, 2017, the District accepted an engineering investigation report, relating to groundwater conditions in the Bunker Hill Basin underlying the District boundaries; and

**WHEREAS**, the Engineering Investigation and preliminary Groundwater Enterprise Budget and rate options were presented to the Basin Technical Advisory Commission on April 3, 2017; and

**WHEREAS**, The BTAC and Basin Producers, as well as the District, have proposed a Groundwater Council, and in connection with that proposal are currently exploring alternative funding sources and approaches to offsetting the costs of the management and replenishment of regional groundwater basin supplies, and allocating such costs to users, but such alternative remains in the discussion stages ; and

**WHEREAS**, the District provided mailed notice to all groundwater producers within its District boundaries of a public meeting held on April 12, 2017, and a public hearing held on April 26, 2017, inviting all groundwater producers and all persons interested in the condition of groundwater or surface water supplies of the District to appear and submit evidence, and inviting all water producers to examine the engineering investigation report; and

**WHEREAS**, the Board of Directors has conducted a public meeting on April 12, 2017, and a public hearing on April 26, 2017, to receive comment and evidence submitted by the public at such hearing; and

**WHEREAS**, the Board has considered the engineering investigation report, and considered all comments and evidence presented to it at the public meetings and hearing; and

**WHEREAS**, the District has made available by wide distribution a Groundwater Enterprise Budget identifying the proposed use of the estimated Groundwater Charge proceeds, which will be subsequently incorporated in the District budget; and

**WHEREAS**, the District's ad valorem tax revenues are limited and the District has experienced a decrease in revenues from interest on reserves, which is expected to remain at a low rate; and

**WHEREAS**, on the basis of all evidence presented, including the engineering investigation and report and such public comment, the Board has determined that it is appropriate and in the best interests of the District and all those water users who rely, directly or indirectly, on the District's services, to levy a groundwater charge as further provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:**

Section 1. As required by Water Code Section 75574, the Board hereby makes the following findings:

- A. Annual Change in Storage in those portions of the Bunker Hill Basin lying within the District's boundaries ("Bunker Hill Basin" herein), Fall 2015 to Fall 2016, is an increase of 16,820 acre-feet or more.
- B. Accumulated Change in Storage in the Bunker Hill Basin as of the Last Day of the Preceding Water Year (using 1993 as base year) is -566,555 acre-feet or more.
- C. Total Groundwater Production from the Bunker Hill Basin from the Preceding Water Year July 1, 2015 to June 30, 2016 is 158,028 acre-feet.
- D. Estimate of the Annual Change in Storage for the Current Water Year (July 1, 2016 to June 30, 2017) in the Bunker Hill Basin is -32,500 acre-feet or more.
- E. Estimate of the Annual Change in Storage for the Ensuing Water Year (July 1, 2017 to June 30, 2018) in the Bunker Hill Basin is -332 acre-feet.
- F. Average Annual Change in Storage for the Immediate Past Ten Water Years in the Bunker Hill Basin is -28,293 acre-feet or more.
- G. Estimated Amount of Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2017 to June 30, 2018) is 15,988 acre-feet.
- H. Estimated Amount of Other-than-Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2017 to June 30, 2018) is 91,495 acre-feet.
- I. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2017 - June 30, 2018) within the Bunker Hill Basin is 67,613 acre-feet.
- J. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2017 - June 30, 2018) for the District is 52,754 acre-feet.
- K. The Amount of Water which is Necessary for the Replenishment of the Groundwater Supplies of the Bunker Hill Basin to maintain constant groundwater supplies for the Ensuing Water Year (July 1, 2017 to June 30, 2018) is 144,044 acre-feet.
- L. The Amount of Water which is necessary from all sources, including natural recharge to bring the basin back to its "full" condition of 1993 is 743,099 acre-feet.

Section 2. The Board of Directors hereby finds that the entire District constitutes a single zone of benefit for the imposition of this charge. The basis for this finding is that the entire portion of the basin underlying the District boundary is fed by the same naturally occurring surface flows. Although the basin may be divided into various subparts, because of hydrogeologic conditions these areas are interconnected, and water recharged by the District from its existing recharge facilities contributes to underground "flows" which eventually reach other subparts of the basin. Thus, the District's recharge inures to the benefit of users in other areas by enhancing the availability of water supplies throughout the basin. In addition, the District maintains both the availability of surface water flows for groundwater recharge, and the facilities for accommodating the recharge, whether by the District or by other parties pursuant to collaborative regional groundwater management efforts.

Section 3. The Board finds that there is no past accumulation of the amount of water necessary to be replaced in the intake areas of the groundwater basins within the District to prevent the landward movement of salt water into the fresh groundwater body, or to prevent subsidence of the land within the District, either in the past water year or the proceeding 10 years, nor is there likely to be any amount of water necessary for these purposes in the ensuing water year. The Board further finds that the District is not obligated by contract to purchase any water. The Board also finds that further recharge of the basin is required based upon the findings related to change in storage stated in Section 1 above, to prevent depletion or degradation to the basin's groundwater supplies, to enhance both the availability and accessibility of such supplies, and to replenish, augment, and protect such supplies, and that the proceeds of the groundwater charge established hereon shall be used for such purposes.

Section 4. The Board of Directors hereby levies, assesses and affixes a groundwater charge in the amount of \$3.36 per acre-foot for agricultural water (§75508), and in the amount of \$12.08 per acre-foot for non-agricultural water the latter being 3.59 times the agricultural rate. The comparative difference in rates is consistent with Water Code Section 75594 whose constitutionality is currently under review in *City of San Buenaventura v. United Water Conservation District*, presently briefed and awaiting hearing before the California Supreme Court in Case No. S226036 (review granted of Second Appellate District, Division Six, Case No. B251810). Further, the amount of non-agricultural production in the District is approximately five times that of agricultural production, based upon findings Nos. 1(G) and (H) above, which is proportional to the Water Code section 75594 legislated differential in rates based upon the type of use, and is also therefore proportional to the benefit of the District's groundwater recharge activities to the different types of users. Late charges on delinquent accounts will be 1% interest per month in accordance with Water Code §75615 et set. and any additional actual costs to collect delinquent amounts not paid by August 1, 2017 and February 1, 2018. Deposit or prepayment of production costs may be made by written agreement with the District. Direct production of water for agricultural use on Golf Courses by the owners of the course will be set at a rate equal to the Agricultural rate, in accordance with California Water Code §75592 and §75594. Exemptions: Notwithstanding the foregoing, for producers who can demonstrate either (1) that their production for the water year is restricted to basic, personal residential use limited to the property on which the applicable groundwater production facility is based; or (2) that their production for the water year is restricted to agricultural use limited to the property on which the applicable groundwater production facility is based, and in either instance, the total cumulative production for the applicable producer within the District is not in excess of two (2) acre feet over the course of the water year; such production shall be exempted from the groundwater charge provided the producer documents its exemption prior to bi-annual collection of the groundwater charge. In establishing this exemption, the Board finds that the likely revenues to be derived from the groundwater production subject to the exemption is outweighed by the administrative burdens in administering and collecting the charge. The District General Manager is authorized to waive late fees with explanation and request from payees or if the cost of recovery outweighs the fee to be collected.

Additionally, in accordance with the Groundwater Council or similar organizational structure currently under study, participants may agree on a mechanism to provide funding for the procurement of additional import water and support the percolation of water for the groundwater basin. The District is mindful that such process, and the funding mechanisms it may generate, may result in overlap with the District's existing groundwater charge, and

the District has committed that it will work to assure that basin producers do not face duplicative charges. Pending approval and funding of the Groundwater Council, however, and identification of its funding sources, the District's groundwater charge remains necessary to fund the items identified in the District's Groundwater Enterprise Budget.

Section 5. In connection with fixing the groundwater charge as set forth in Section 4 above, the Board of Directors makes the following findings:

- A. There is an evolving issue under the law regarding whether the District's groundwater charge is a "property-related charge" for purposes of determining the applicability of Article XIID of the California Constitution. (See, e.g., *Great Oaks Water Company v. Santa Clara Valley Water District*, South Appellate District, Case No. H035260; *City of San Buenaventura v. United Water Conservation District*, presently pending before the California Supreme Court in Case No. S226036 (review granted of Second Appellate District, Division Six, Case No. B251810) The District believes that its charge likely is not a "property-related charge," based on the findings regarding the charge recited below, but in acknowledging the evolving law on this point, has endeavored to comport with all procedural requirements attendant to a water-related, property-related charge under Article XIID.
- B. The groundwater charge is imposed upon the action of extraction of groundwater from the basin underlying the District's boundaries, and not on property or groundwater extraction facilities as such. The groundwater charge will be incurred by groundwater producers through their voluntary action of groundwater production. The groundwater charge is not one for water delivery by the District to groundwater extractors, but rather relates to the District's service of maintaining groundwater supplies, recharge facilities, and management of both for groundwater extractors within the District. The District maintains no pipes, canals or other facilities directly connecting District facilities to the groundwater extractors' property or pumping facilities. In addition, parties subject to the groundwater charge are predominantly either public or private entities involved in the business of providing water, or persons or entities involved in irrigation, for agricultural-related activities, and for uses of water exceeding what would be required for basic residential use of the property.
- C. The District has provided notice of the proposal for imposition of the groundwater charge through a number of different avenues. Mailed notice was provided to all operators reflected on the District's records as containing active groundwater production facilities within the District. In addition, published notice was provided in the San Bernardino Sun on March 3, March 14, and March 17, 2017 and in the Highland Community News on March 3, March 10, and March 17, 2017. All such notices identified the prior and proposed existing rate for agricultural and non-agricultural water, the estimated total revenue to be collected from the charge, and the time and place for public hearing at a public meeting at which parties objecting to the charge could appear and be heard. That notice also reflected the rate and method of calculation for this consumption-based charge, which provided notice of the basis of the charge.
- D. The proposed groundwater charges, and engineering investigation prepared by the District, were reviewed at a public meeting held April 12, 2017, and a public hearing held April 26, 2017. In addition, the engineering investigation prepared by the District was presented to and reviewed with the Board of Directors at a public meeting on March 15, 2017, and was discussed at the Basin Technical Advisory Commission on April 3, 2017.
- E. The groundwater charge is being levied to assist in offsetting the costs of the District's Groundwater Enterprise in providing groundwater supplies, groundwater recharge facilities, and recharge management and administration for the benefit of groundwater producers within the District. The Groundwater Enterprise Budget includes, but is not limited to, funding the following:

1. Making available the District's Santa Ana River water rights, in an amount no less than 10,400 acres per foot per year, for recharge into the Bunker Hill Basin;
  2. Conducting groundwater recharge activities by diverting both Santa Ana River and Mill Creek water supplies into District's recharge facilities;
  3. Applying the District's experience and expertise in directing groundwater recharge effectively and efficiently, administering the physical recharge of groundwater both directly for the District and its water supplies, and recharging on behalf of other entities, including exchanges under the Santa Ana River/Mill Creek Cooperative Water Project Agreement;
  4. Maintaining and operating the District's diversion works, recharge basins and canals to insure the availability of sufficient infrastructure to accommodate needed groundwater recharge; and defense and protection of the District's water rights and manner of operations;
  5. Pursuing various environmental permits and related permissions to continue the maintenance and operation of the District's Facilities for the future
  6. Investigation and implementation of improvements to groundwater recharge infrastructure;
  7. Reporting to groundwater producers and other interested parties of groundwater recharge activities and conditions, including but not limited to the daily flow report;
  8. Conducting engineering analyses, such as the District's annual engineering investigation, designed to provide information regarding the District's groundwater basin and groundwater recharge facilities; and
  9. Administrative support, training and overhead for all the above-listed activities.
- F. The total amount of estimated revenues from the groundwater charge is estimated at approximately \$737,026 based on production reported for the 2016-2017 water year. These revenues do not fully recover expected cost and will not exceed the costs of providing the services as detailed above, in that the District's Groundwater Enterprise Budget for fiscal year 2017-2018 proposes \$766,507.
- G. The amount of groundwater charge paid by each individual payor will not exceed the benefit of the Conservation District's services to such parties, because the structure of the groundwater charge is such that the amount paid varies in direct proportion to the amount of groundwater supplies extracted, and therefore is proportional to the benefit each individual payor receives from the District's services.
- H. The District's services are immediately available to all parties subject to the charge, because the charge is limited to those extracting groundwater, and therefore able to take advantage of the District's services relative to groundwater recharge activities, facilities, and programs.
- I. The District's services are directed toward groundwater production and extractors, and are not generally available to parties not involved with groundwater extraction, as are other general governmental services such as police, fire, library, or other broad governmental services. The District's service is directed toward, and of benefit to, parties utilizing and extracting groundwater in the District.

Section 6. District staff is directed to prepare a report at the end of the water year for which the charge levied herein is imposed, detailing the revenues collected from the groundwater charge, and describing the purposes and expenses to which such revenues were applied toward the services detailed in Section 5(D) above.

Section 7. The Board of Directors further finds that the groundwater charge adopted herein is statutorily exempt from CEQA under Title 14, California Code of Regulations Sections 15273, 15301, and 15306. The action contemplated herein constitutes a structuring and establishment of a charge which will be used in part for meeting operating expenses and for purchasing or leasing equipment and materials. To the extent the groundwater charge revenues will be applied to groundwater testing, these activities fit within Title 14, California Code of Regulations Section 15306. Such activities involve the occasional taking of groundwater samples by means of temporary equipment, which will not cause any alteration to the land, and consist solely of information gathering. To the extent any portion of the funds is directed to maintenance, operation, or repair of existing facilities, involving no or negligible expansion of existing uses, these activities fit within Title 14, California Code of Regulations Section 15301. To the extent any portion of the funds is directed to construction or establishment of new facilities, environmental review of such facilities will occur at such time those facilities are proposed, and the nature, location, scope, and function of such potential future facilities becomes known. Under each of the above-referenced exemptions, therefore, the Board of Directors finds that the levy and implementation of the groundwater charge is therefore properly exempt from CEQA.

Section 8. The General Manager is hereby authorized and directed to provide notice to operators of the levy of the groundwater charge, as provided for in Water Code Section 75610.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 31<sup>st</sup> day of May 2017, by the following roll-call vote:

YES:	DIRECTORS:
NO:	DIRECTORS:
ABSTAIN:	DIRECTORS:
ABSENT:	DIRECTORS

ATTEST:

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Richard Corneille, President

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Daniel Cozad, Secretary

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS MEETING

MINUTES OF April 12, 2017  
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.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President  
Melody McDonald, Vice President  
David E. Raley, Director  
T. Milford Harrison, Director  
John Longville, Director (Arrival 1:33 a.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

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

GUESTS PRESENT:

Chris Palmer, California Special Districts Association  
Charles Roberts, Highland Community News  
Michelle Diamond, Tetra Tech  
Chet F. Anderson, Citizen of Redlands  
David E. Smith, East Valley Water District  
Socorro Pantaleon, Representative of Assemblyman Steinorth  
Shane Massoud, Representative of Senator Morrell

1. PUBLIC PARTICIPATION

President Corneille announced this as the time for any persons present, who so desired, 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. PUBLIC MEETING RELATED TO ADOPTION OF GROUNDWATER CHARGE AND CONSIDER ADOPT OF EI REPORT

President Corneille opened the Groundwater Public Meeting. He asked if any public present would like a PowerPoint presentation of the Engineering Investigation Report (EI Report); there being no public requesting the presentation the Board waived the presentation of the report. President Corneille noted that presentation of EI Report was made on February 8<sup>th</sup>, March 15<sup>th</sup> and at BTAC on April 3<sup>rd</sup>. He asked if any public present would like to speak on the groundwater charge. There being none President Corneille closed the Groundwater Public Meeting.

**It was moved by Director Longville and seconded by Vice President McDonald to adopt the Engineering Investigation Report for 2017. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

Mr. Cosgrove noted that a Groundwater Public Hearing is scheduled for April 26<sup>th</sup> and consideration of action will be held on the groundwater charge until the second public hearing on May 31<sup>st</sup> at 1:30 p.m.

## 4. PRESENTATIONS

President Corneille introduced Chris Palmer from California Special Districts Association. Mr. Palmer presented the Transparency District Certificate of Excellence to the District. Mr. Palmer also presented the District with the Districts of Distinction Reaccreditation. In order to be awarded with this accreditation the District had to have clear financial audits for past three years, proof that the District has essential policies and procedures in place, and Board and Staff have completed comprehensive training.

Shane Massoud with Senator Morrell's office presented the District with a Certificate of Recognition from the California State Senate for its dedication and hard work in obtaining its Transparency District Certificate of Excellence as well as its Districts of Distinction.

Socorro Pantaleon with Assemblyman Steinorth's office presented the District with a Certificate from the California State Assembly for achieving the Transparency District Certificate of Excellence as well as its Districts of Distinction.

5. CONSENT CALENDAR

**It was moved by Director Harrison and seconded by Vice President McDonald to approve Consent Calendar Item A: Board Minutes, March 15, 2017, Item B: Strategic Planning Workshop Minutes, March 23, 2017 and Item C: Expenditure Report, March 2017. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

6. COMMITTEE REPORTS/ACTION ITEMS

A. VERBAL REPORT ON OPERATIONS COMMITTEE FIELD TOUR

President Corneille introduced this item for discussion. The Operations Committee met on April 4<sup>th</sup> and provided feedback on items presented at the March 13<sup>th</sup> Operations Committee meeting and went out into the field to view both the Mill Creek and Santa Ana spreading facilities, and the newly acquired Mendoza property. President Corneille indicated that it was exciting to see all the water flowing out into the spreading basins. Prior to the field tour the Operations Committee took action on several items including approving the Mill Creek and Plunge Creek permitting approaches. It also approved the Preliminary Mendoza Property Plan and discussed options for usage of property. Director Harrison noted that while on field tour the Operations Committee met a resident near the Mendoza Property and she spoke highly of the fact that the property was purchased by the District and will not be developed. The Operations Committee provided feedback to staff on the draft Capital Improvement Plan Budget (CIP) and it will come back to the Board after the Finance & Administration Committee review. President Corneille noted that the Committee discussed SB-88 and the requirement to have flow metering that has to be accurate within 10% on both the main Santa Ana and Mill Creek channels. The Operations Committee thanked staff for the extensive information provided and the field tour. This item was received and filed.

B. UNAUDITED FINANCIAL REPORTS, MARCH 2017

**It was moved by Vice President McDonald and seconded by Director Harrison to approve the March 2017 Unaudited Financial Reports. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

#### C. WASH PLAN LAND EXCHANGE ACT RESOLUTIONS OF SUPPORT

Mr. Cozad presented this for discussion. Bills are in both the House and Senate. Congressman Aguilar and Cook are co-authors of H.R. 497 and there was a hearing last week attended by Mr. Cozad and the Bill has moved on to full Natural Resources Committee. Senator Feinstein introduced S.B. 357 which is a companion bill to H.R. 497. S.B. 357 will likely be heard in its committee this summer. President Corneille noted that this is part of the Wash Plan and the exchange of land between the District and BLM requires congressional approval to be able to fully implement the Wash Plan. Resolution No. 550 and 551 are required to show the full support of the Board for the land exchange.

**It was moved by Director Raley and seconded by Director Longville to adopt Resolution No. 550 in support of H.R. 497. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

**It was moved by Director Raley and seconded by Director Harrison to adopt Resolution No. 551 in support of S.B. 357. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

#### D. DESTRUCTION OF OBSOLETE RECORDS

Director Harrison recommended that Destruction of Obsolete Records be added to consent calendar in the future. Mr. Cosgrove indicated that would be permissible.

**It was moved by Vice President McDonald and seconded by Director Longville to approve items listed in Destruction Logs #00013, 00015-00019 for destruction. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

#### E. RESOLUTION NO. 552 ENDORSING ACWA FLOW STANDARDS POLICY

President Corneille noted that the ACWA Fact Sheet was provided as a handout. Mr. Cozad said that the State Water Resources Control Board developed a Plan on how to regulate state

rivers using a base flow on percentage of unimpaired flow. ACWA is proposing a more collaborative approach where each river is analyzed independently. Resolution No. 552 supports ACWA's Policy Statement on the Bay-Delta flow requirements. There will be two additional hearings on this item. President Corneille is in support of ACWA's Policy Statement. Director Harrison provided mark-ups to staff with non-substantial revisions to the resolution.

**It was moved by Director Raley and seconded by Director Harrison that Resolution No. 552 in support of ACWA's Policy Statement on Bay-Delta flow requirements be adopted with non-substantial revisions. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

#### F. OCTOBER BOARD MEETING DATE RESCHEDULING

President Corneille will not be available on October 11<sup>th</sup> and requested the date be changed. He proposed October 18<sup>th</sup> as the new date. Mr. Cosgrove is unable to attend the 18<sup>th</sup>, but will send someone from his office.

**It was moved by Director Harrison and seconded by President Corneille to move the regularly scheduled Board meeting of October 11<sup>th</sup> to October 18<sup>th</sup>. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

Mr. Cozad said that the Board moved the May meeting to May 24<sup>th</sup> due to the conflict with the ACWA Spring Conference, and as noted under Agenda item 3 the Board will have a special meeting on May 31<sup>st</sup> to adopt the Groundwater Charge; he asked if the two meetings could be combined to May 31<sup>st</sup>. President Corneille is unable to attend the May 24<sup>th</sup> meeting. Vice President McDonald is unable to attend the May 31<sup>st</sup> meeting and would rather not miss a regular Board meeting. This item will be discussed further at the April 26<sup>th</sup> Board meeting.

#### 7. INFORMATION ITEMS

##### A. BOARD COMMITTEE REPORTS WITHOUT ACTION

This item was previously discussed.

## B. WASH PLAN REPORT

Mr. Beehler introduced this item for discussion and indicated his written report is included on package page 66. The HCP is complete and ready for publication in the Federal Register. The Implementing Agreement is back from Federal Solicitor. Mr. Beehler said that FWS asked the District to adopt an additional alternative in the EIR/EIS. FWS will adopt the EIS under NEPA and the District will adopt the EIR under CEQA. The Wash Plan Task Force will meet April 18<sup>th</sup> to discuss the current status of Wash Plan and how to prepare the Certificates of Inclusion (COI) with partner agencies. There are three projects that are likely to move forward in the next fiscal year 1) Conservation District's Plunge Creek Restoration Project, 2) Valley Municipal's Well Project and 3) City of Highland's Bicycle Trail Project. Director Raley asked when the HCP will be published in the Federal Register. Mr. Beehler indicated that it depends on when FWS is complete with their review. There are two senior staff within the Department of the Interior that have to agree; one of those representatives has not been appointed yet, but staff is hopeful that it will be in the federal register in June. Mr. Cozad noted that the issues with primary contractor on Wash Plan have been resolved. This item was received and filed.

## C. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad indicated that the written General Manager's Report is included in the Board Package on pages 69-72. He provided a handout from the CSDA magazine on recreational trail liability. Santa Ana Recharge is at 22,023 AF and Mill Creek is at 5,630 AF; 21,500 AF is native water and the rest is State Water Project water as of today's date. Mr. Cozad provided a summary on the Strategic Planning issues to be ranked by priority by the Board and returned to staff. The Board will review ranking of issues at the April 26<sup>th</sup> meeting and hold Strategic Planning Workshop on May 3<sup>rd</sup> at 1:30 p.m. This item was received and filed.

## D. FUTURE AGENDA ITEMS & STAFF TASKS

President Corneille appointed Ad Hoc Committee for GM Evaluation; Vice President McDonald and Director Raley. The Ad Hoc Committee will need to meet in May. Director Raley asked when the Ad Hoc Trails Committee will meet. Mr. Cozad indicated that the meeting with the City of Highland had just occurred and staff will schedule one soon.

### 8. MONTHLY BOARD MEMBER COMMITTEE ACTIVITY REPORTS, AND/OR COMMENTS BY BOARD MEMBERS

Director Harrison attended the ASBCSD Dinner Meeting on March 20<sup>th</sup>, Valley Municipal Board Meeting on March 21<sup>st</sup>, LAFCO Training on March 22<sup>nd</sup> and the Operations Committee meeting on April 4. He also attended the Loma Linda Chamber of Commerce on April 5<sup>th</sup> and Redlands Rise N Shine on April 7<sup>th</sup>.

Director Raley attended the Valley Municipal Board Workshop on April 11<sup>th</sup>, East Valley Water District's Board Meeting on March 22<sup>nd</sup>, and Redlands Rise N Shine on April 7<sup>th</sup>.

President Corneille attended the ASBCSD Dinner Meeting on March 20<sup>th</sup>, Strategic Planning Workshop on March 23<sup>rd</sup>, Operations Committee meeting on April 4, and BTAC Meeting on April 3<sup>rd</sup>.

Vice President McDonald attended the Valley Municipal Board Workshop on April 11<sup>th</sup>, Valley Municipal Board Meeting on April 4<sup>th</sup>, and BTAC Meeting on April 3<sup>rd</sup>. She also attended the JPIA Liability Program Meeting where she was appointed Vice Chair on April 4<sup>th</sup>. Vice President McDonald attended the March 28<sup>th</sup> Highland Area Community Luncheon, Strategic Planning Workshop on March 23<sup>rd</sup>, San Bernardino Area Chamber Meeting on March 22<sup>nd</sup> and Valley Municipal Board Meeting on March 21<sup>st</sup>.

Director Longville attended the Strategic Planning Workshop on March 23<sup>rd</sup> and George Brown Foundation presentation on April 2<sup>nd</sup>.

#### 9. UPCOMING MEETINGS

President Corneille noted that Valley Municipal will hold field tour on May 5<sup>th</sup>.

#### 10. CLOSED SESSION

**It was moved by Vice President McDonald and seconded by Director Longville to adjourn to Closed Session. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

General Counsel announced that the meeting will adjourn to closed session to discuss filed litigation under 549546.9 (a) related to Case #216-CV-09178-MWF-E.

At 3:37 p.m., the meeting reconvened into Open Session. Under 54957.1 (a) there was no reportable action.

#### 11. ADJOURN MEETING

**It was moved by Vice President McDonald and seconded by Director Longville to adjourn. The motion carried 5-0 with all Directors present voting in the affirmative.**

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

At 3:38 p.m. the meeting adjourned to the next regular Board Meeting and Groundwater Public Hearing scheduled for April 26, 2017 at 1:30 p.m. at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

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Daniel B. Cozad  
General Manager



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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Memorandum No. 1491

**To: Board of Directors**

**From: Finance & Administration Committee/General Manager, Daniel Cozad**

**Date: April 26, 2017**

**Subject: Third Quarter Financials for 2016-2017**

## **RECOMMENDATION**

The Finance & Administration Committee (Committee) recommend the Board review the Quarterly Financial Reports and receive and file the reports as presented at the April 21st Committee meeting.

## **BACKGROUND**

Each quarter the Finance & Administration Committee are presented with a quarterly financial report as well as a quarterly investment report. The current reports are through third quarter ending March 31, 2017.

## **DISCUSSION**

Groundwater income is slightly below budget due to a wetter year. Any unearned income for GL 4086 Plunge Creek IRWMP will be earned in the next fiscal year. All costs remain below budget and as expected. Total investments have increased .45% and cash has increased 8%.

## **FISCAL IMPACT**

There is no fiscal impact from reporting the financial status of the District.

## **POTENTIAL MOTIONS**

1. Move approval of the Third Quarter Financials as presented.
2. Move to request this item be table and referred back to Finance & Administration Committee for reconsideration of specific issues discussed.

## **ATTACHMENTS OR MATERIALS**

Third Quarter Budget Worksheet  
Quarterly Investment Report

BOARD  
OF  
DIRECTORS

Division 1:  
Richard Corneille  
Division 2: David E.  
Raley

Division 3:  
T. Milford Harrison  
Division 4:  
John Longville

Division 5:  
Melody McDonald

GENERAL  
MANAGER

Daniel B. Cozad

3RD QUARTER GL ACCT: GL DESCRIPTION:		2016-2017 Budget	Expended/ Received to Date as of 3/31/17	Actual Over/Under Budget	Projected Annual Costs (7/1/16- 6/30/17)	Notes	GENERAL FUND			GROUNDWATER RECHARGE ENTERPRISE		REDLANDS PLAZA & LEASED PROPERTY- MENTONE HOUSE		LAND RESOURCE		WASH PLAN		BASIS:
2016-2017 Budget							2016 BUDGET:	% BUDGET	BASIS:	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	
<b>INCOME:</b>																		
4012-15	INTEREST INCOME	61,300.00	43,674.30	-17,625.70	65,138.28		61,300.00			0.00		0.00		0.00				
4021-23	GROUNDWATER	766,397.60	742,259.47	-24,138.13	742,308.51	Lower Actual in GWA	0.00			766,397.60		0.00		0.00				
4021	GROUNDWATER CHARGE-AG	47,158.00	35,950.96	-11,207.04	36,000.00	Lower, wet winter	0.00			47,158.00	100.00%	0.00		0.00				
4023	GROUNDWATER CHARGE-NON AG	719,239.60	706,308.51	-12,931.09	706,308.51	Lower, wet winter	0.00	Board Direction prior yr production		719,239.60	100.00%	0.00		0.00				
4031-34	MINING	634,000.00	429,666.64	-204,333.36	634,000.00		0.00			0.00		0.00		634,000.00				
4032	CEMEX - ROYALTY/LEASE	586,000.00	393,666.64	-192,333.36	586,000.00	payments catching up	0.00			0.00		0.00		586,000.00	100.00%			
4036,40,81	MISCELLANEOUS	90,000.00	38,970.17	-51,029.83	75,000.00		7,500.00			30,000.00		0.00		52,500.00				
4036	AGGREGATE MAINTENANCE	50,000.00	36,227.17	-13,772.83	40,000.00		0.00			0.00		0.00		50,000.00	100.00%			
4050	PROPERTY TAX	79,800.00	45,743.54	-34,056.46	79,800.00		79,800.00	100.00% +5%		0.00		0.00		0.00				
4055	SBVMWD LEASE AGREEMENT	370,886.55	370,010.78	-875.77	370,010.78	Paid	185,443.28	50.00% +1.4% CPI		185,443.28	50.00%	0.00		0.00	0.00%			
4062-66	RENTALS	227,505.56	173,219.81	-54,285.75	228,589.40		0.00			0.00		227,505.56		0.00				
4080	EXCHANGE PLAN	30,000.00	0.00	-30,000.00	30,000.00		0.00			30,000.00	100.00%	0.00		0.00				
4025	WASH PLAN REVENUE *Reserve CIP #5	430,000.00	438,191.63	8,191.63	430,000.00	Payment by SBCFCD	0.00			0.00		0.00		0.00		430,000.00	100.00%	\$430k Loan from Reserves
4086	PLUNGE CREEK IRWMP	150,000.00	71,768.72	-78,231.28	94,321.86	Estimated	0.00	0.00% Per Plunge Creek Budget/schedule		0.00		0.00		150,000.00	100.00%			
<b>TOTAL INCOME:</b>		<b>2,834,746.71</b>	<b>2,353,505.06</b>	<b>-456,384.65</b>	<b>2,744,025.83</b>		<b>334,043.28</b>			<b>1,006,697.88</b>		<b>227,505.56</b>		<b>836,500.00</b>		<b>430,000.00</b>		
<b>EXPENSES:</b>																		
5000	MISCELLANEOUS	400.00	0.00	-400.00	400.00		400.00	100.00%		0.00		0.00		0.00				
5100	PROFESSIONAL SERVICES	600,000.00	351,519.27	-248,480.73	500,000.00	Projected Lower	71,300.00			108,620.00		12,300.00		222,780.00		185,000.00		
5120	MISC. PROFESSIONAL SERVICES	150,000.00	28,022.42	-121,977.58	75,000.00	Projected Lower	37,500.00	25.00% Includes GSC Support		30,000.00	20.00%	0.00	0.00%	82,500.00	55.00%	0.00		
5122	WASH PLAN PROFESSIONAL SERVICES	70,000.00	62,769.49	-7,230.51	70,000.00		0.00	Per Wash Plan Budget		0.00		0.00		0.00		70,000.00	100.00%	Per Wash Plan Budget
52-53	FIELD OPERATIONS	77,500.00	19,948.08	-57,551.92	57,000.00	Major maintenance	0.00			71,000.00	100.00%	0.00		0.00		0.00		
5400	UTILITIES	29,760.00	16,229.70	-13,530.30	26,560.00		13,570.00			10,359.00		5,065.00		766.00		0.00		
6000	GENERAL ADMINSTRATION	230,754.60	128,028.41	-102,726.19	218,351.58	running below budget	91,382.41			43,663.90		61,462.13		34,246.15		0.00		
6100	BENEFITS:	276,450.83	200,378.58	-76,072.25	267,461.35		44,398.00			173,199.72		17,364.23		57,540.31		37,690.60		
6160	PAYROLL TAXES - EMPLOYER	51,702.47	35,482.04	-16,220.43	51,702.47		8,303.42	16.06% Consolidated costs 2014		31,561.26	50.87%	3,164.19	5.10%	10,485.26	16.90%	6,868.16	11.07%	
6170	PERS RETIREMENT	110,279.99	97,578.63	-12,701.36	110,279.99		17,710.97	16.06% Noticed Increase		67,319.32	50.87%	6,749.14	5.10%	22,364.78	16.90%	14,649.59	11.07%	
6170.01	PERS EMPLOYEE CONTRIBUTION	-22,897.66	-29,383.60	-6,485.94	-30,899.40		-3,677.36	16.06%		-11,648.04	50.87%	-1,167.78	5.10%	-3,869.70	16.90%	-2,534.77	11.07%	
SALARIES:																		
6200	SALARIES	707,052.81	502,448.30	-204,604.51	690,523.00		111,504.40	Overhead Offset 20%		409,964.77	50.87%	37,360.79	5.10%	129,948.09	16.90%	137,384.44	11.07%	
6300	INSURANCE	39,133.30	36,275.99	-2,857.31	36,275.99	Actual	1,956.67	5.00%		29,349.98	75.00%	5,870.00	15.00%	1,956.67	5.00%	0.00		
6400	DIRECTOR'S EXPENSES	99,018.78	60,798.24	-38,220.54	90,864.48		99,018.78	100.00% 5% increase option included		0.00		0.00		0.00		0.00		
6500	ADMINISTRATIVE/STAFF EXPENSES	15,400.00	5,525.07	-9,874.93	15,400.00		6,830.00	40.00%		5,350.00	50.00%	0.00		3,220.00	10.00%	0.00		
9999	Contribution toward Capital Maint.	444,690.49	0.00	-444,690.49	400,000.00	Major maintenance	7,500.00	See Below in 7000 series		155,190.49		0.00		289,500.00		0.00		
8010	Capital Reserve GWE/Rate Stabilization	0.00	0.00	0.00	0.00		0.00	0.00%		0.00	100.00%	0.00		0.00		0.00		
<b>TOTAL EXPENSES:</b>		<b>2,590,160.81</b>	<b>1,383,921.13</b>	<b>-1,206,239.68</b>	<b>2,418,675.45</b>		<b>447,860.26</b>			<b>1,006,697.86</b>		<b>139,422.15</b>		<b>746,457.21</b>		<b>430,075.05</b>		
Operating Revenue		2,834,746.71	2,353,505.06	-456,384.65	2,744,025.83		334,043.28			1,006,697.88		227,505.56		836,500.00		430,000.00		
<b>NET OPERATING REVENUE</b>		<b>244,585.90</b>		<b>749,855.03</b>			<b>-113,816.98</b>			<b>0.01</b>		<b>88,083.41</b>		<b>90,042.79</b>		<b>-75.05</b>		Significant Carryover From Prior year
OVERHEAD							172,851.72											
NET GENERAL FUND ANNUAL							59,034.74											
<b>Multiyear Capital projects</b>																		
7010	MATERIALS	8,000.00	0.00	-8,000.00	8,000.00	Cost-To-Date	0.00			8,000.00	100.00%	0.00		0.00		0.00		
7050	BASINS -CAPITAL ANNUAL REPAIRS	20,000.00	0.00	-20,000.00	20,000.00		0.00			20,000.00	100.00%	0.00		0.00		0.00		

3RD QUARTER GL ACCT: GL DESCRIPTION:		2016-2017 Budget	Expended/ Received to Date as of 3/31/17	Actual Over/Under Budget	Projected Annual Costs (7/1/16- 6/30/17)	Notes	GENERAL FUND			GROUNDWATER RECHARGE ENTERPRISE		REDLANDS PLAZA & LEASED PROPERTY- MENTONE HOUSE		LAND RESOURCE		WASH PLAN		BASIS:
2016-2017 Budget							2016 BUDGET:	% BUDGET	BASIS:	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	2016 BUDGET:	% BUDGET	
	3 year Maintenance	40,000.00	0.00	-40,000.00	20,000.00	Projected Lower	0.00			40,000.00	100.00%	0.00		0.00		0.00		
7053	HCP Endowment Contribution CIP #6	55,000.00	0.00	-55,000.00	55,000.00	0.00	0.00		New	41,250.00	75.00%	0.00		13,750.00	25.00%	0.00		
7055	PLUNGE CREEK PROJECT CIP #2	210,000.00	0.00	-210,000.00	210,000.00	0.00	0.00		Net of Grant Funds \$710 K Total	52,500.00	25.00%	0.00		157,500.00	75.00%	0.00		
	LAND & BUILDINGS																	
7100	CAPITAL REPAIRS	100,000.00	318,697.50	218,697.50	411,111.50	Includes Land Purchas	0.00			80,000.00	60.00%	0.00	0.00%	20,000.00	40.00%	0.00		
7120	PROPERTY - LAND PURCHASE	0.00	311,111.50	311,111.50	311,111.50													
7200	EQUIPMENT & VEHICLES	119,000.00	29,936.22	-89,063.78	119,000.00		8,500.00	90.00%		104,250.00	10.00%	0.00		3,750.00		2,500.00		
7150	MILL CREEK DIVERSION PROJECT CIP #1	600,000.00	0.00	-600,000.00	600,000.00	172,997.75	0.00		MultiYear Total comitment \$750K	600,000.00	100.00%	0.00		0.00	0.00%	0.00		
7438	ENGINEERING SERVICES-OTHER	135,000.00	0.00	-135,000.00	100,000.00	Projected Lower	0.00		CIP #4 and #7 Partial	40,500.00	30.00%	0.00		94,500.00	70.00%	0.00		
	<b>CAPITAL EXPENSE</b>	<b>1,287,000.00</b>	<b>348,633.72</b>	<b>-938,366.28</b>	<b>1,543,111.50</b>		<b>8,500.00</b>			<b>986,500.00</b>		<b>0.00</b>		<b>289,500.00</b>		<b>2,500.00</b>		
	CAPTIAL REVENUE	444,690.49					7,500.00			155,190.49		0.00		289,500.00		0.00		
	CAPITAL SUBTOTAL ANNUAL NET	-834,809.51					-1,000.00			-831,309.51		0.00		0.00		-2,500.00		
	<b>RESERVE CONTRIBUTION OR (-USE)</b>	<b>-590,223.61</b>		<b>-597,724</b>	<b>TOTAL</b>		<b>58,034.74</b>			<b>-831,309.50 o Capital Pr</b>		<b>88,083.41</b>		<b>90,042.79</b>		<b>-2,575.05</b>		

District Cost Budget	2,590,160.81
Capital Contribution	444,690.49
Wash Plan	255,000.00
Plunge Creek	50,000.00
Net of Capital and Projects	1,840,470.32

# San Bernardino Valley Water Conservation District

## Quarterly Investment Report

Investment Instruments	Beginning Balance as of July 1, 2016	3rd Quarter Balance ending Mar 31, 2017	Rate Effective Yield to Date	Cumulative Unrealized Gain (Loss)
<b>Pooled Money Investment Accounts</b>				
LAIF	\$ 447,930.82	\$ 449,986.93	0.46%	\$ -
CalTRUST Short-Term Fund	\$ 2,980,263.74	\$ 2,995,899.71	0.52%	\$ 1,245.18
<b>Investment Accounts</b>				
UBS Financial Services				
CDs	\$ 1,871,300.49	\$ 1,867,759.83	see back	\$ -
Cash Dep Acct	\$ -	\$ 1,910.52		
California Credit Union				
Money Market	\$ 3,000,385.54	\$ 3,017,320.40	0.75%	\$ -
24 Mo. CD	\$ 250,000.00	\$ 252,537.78	1.34%	
<b>OPEB-Other Postemployment Benefits</b>				
CERBT-CA Employers' Retiree Benefit Trust	\$ 44,488.59	\$ 47,672.58	6.68%	\$ -
<b>TOTAL</b>	<b>\$ 8,594,369.18</b>	<b>\$ 8,633,087.75</b>		<b>\$ 1,245.18</b>

**Net Change**

**\$ 38,718.57**  
**0.45%**

Banking Institutions	Beginning Balance as of July 1, 2016	3rd Quarter Balance ending Mar 31, 2017
Citizen's Business Bank	\$ 616,344.18	\$ 671,029.08
<b>Cash and Cash Equivalents</b>	<b>\$ 616,344.18</b>	<b>\$ 671,029.08</b>
Change in Value		\$ 54,684.90

Description	NAV	Annual Yield	Average Maturity	Shares
LAIF	\$0.999	0.66%	.49 years (178.85 days)	
CalTrust Short-Term Fund	\$10.02	0.83%	1 year	298,991.987
CERBT	\$14.26			3,342.047
Cal Credit Union-Money Market UBS-CD's see below	\$1.00	0.75%		

### UBS Investments

Certificates of Deposit (CDs)	Price	Annual Yield	Maturity	Shares	Purchase Price	Market Value as of 3/31/17	CD Length
1. Ally Bank UT US RT fixed rate CD (ZBCBO)	\$0.995	1.15%	12/10/2018	245,000	\$244,855.45	\$243,647.60	2.5 yr
2. JPMorgan Chase Bank OH US RT fixed rate CD (ZBCFK)	\$0.991	1.35%	6/17/2019	245,000	\$244,767.25	\$242,777.85	3 yr
3. Wells Fargo Bank SD US RT fixed rate CD (ZBCCA)	\$0.998	1.20%	6/18/2018	245,000	\$244,872.60	\$244,407.10	2 yr
4. Bank of Holland MI US RT fixed rate CD (Cusip: 062649YF9)	\$1.033	1.00%	11/14/2017 callable 8/14/16 then quarterly	200,000	\$200,175.34	\$200,066.00	1.5 yr
5. Comenity Bank DE US RT fixed rate jumbo CD (ZBABI)	\$1.061	1.20%	6/22/2018	200,000	\$200,000.00	\$200,122.00	2 yr
6. BankUnited FSB FL US RT fixed rate CD (ZBCYN)	\$0.9998	0.85%	12/26/2017	245,000	\$244,985.30	\$244,941.20	1.5 yr
7. Berkshire BK MA US RT fixed rate CD (ZBDKQ)	\$1.000	0.80%	6/30/2017	245,000	\$244,982.85	\$245,004.90	1 yr
8. Comenity Cap Bk Salt Lake City RT	\$0.993	1.10%	2/28/2019	245,000	\$245,014.26	\$243,233.55	2.5 yr
						\$3,559.63	accrued interest
			<b>Total Cash Withdrawals</b>	<b>\$10,276.67</b>			
				<b>TOTAL</b>	<b>\$1,869,653.05</b>	<b>\$1,867,759.83</b>	

### California Credit Union

Money Market account	Price	Annual Yield				
	\$1.00	0.75%			\$ 3,000,000.00	\$ 3,017,320.40

  

Certificate of Deposit (CD)	Price	Annual Yield	Maturity	Shares	Market Value	CD Length
CCU Share Certificate	\$1.00	1.34%	7/1/2018	250,000	\$250,000.00	\$ 252,537.78 2 yr



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

Email: [info@sbvwcd.org](mailto:info@sbvwcd.org)  
[www.sbvwd.org](http://www.sbvwd.org)

Memorandum No. 1492

**To: Board of Directors**

**From: General Manager, Daniel Cozad**

**Date: April 26, 2017**

**Subject: Public Records Request Policy Considerations and Draft Policy**

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## **RECOMMENDATION**

The Finance & Administration Committee (Committee) recommends the Board review and consider approval of the proposed changes to the Board Policy Manual related to recent case law and approve the proposed policies.

## **BACKGROUND**

The Board referred this item to the Finance & Administration meeting after initial discussions at the March 15<sup>th</sup> Board meeting. The Public Records Request Act (Act) governed by Government Code §6250-6276.48 requires that the District make certain documents available to the public if requested by a member of the public. The District in relation to this Act established a Public Records Request Policy (PRR) in February 2014. At the April 21<sup>st</sup> Finance & Administration Committee; the Committee, Staff and District Counsel reviewed the Public Records Request Act Policy and those related within Board Policy Manual and proposed changes to insure compliance.

As previously discussed, the driving factor behind whether or not a writing is considered to be subject to CPRA is not so much what device it is sent from but whether or not the content of such writings are related to the conduct of public business. Any writings communicated between majorities of the Board or between the full Board on an agenda item automatically make that communication subject to CPRA. In order to conduct a proper search for records, Staff and Board Members should participate in training to be able to identify what constitutes a public record and review retention term for those records. Training courses have not been set up yet, but are in the works. Each individual party will be responsible for conducting a self-search of their records. District Counsel has created a CPRA affidavit for Board Members to sign if a request should arise.

Each Board Member has been given a District email to utilize for District business and it is recommended that they refrain from using other personal accounts for conducting business of the District. Upon obtaining a District email, Board Members are urged to adhere to *Section XV. Use of Computer, Internet and Email* of District's Personnel Manual and Record Retention Policy on how long to keep those communications.

## **FISCAL IMPACT**

The fiscal impact has not been identified.

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BOARD  
OF  
DIRECTORS

Division 1:  
Richard Corneille  
Division 2: David E.  
Raley

Division 3:  
T. Milford Harrison  
Division 4:  
John Longville

Division 5:  
Melody McDonald

GENERAL  
MANAGER

Daniel B. Cozad

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# San Bernardino Valley Water Conservation District

## BOARD POLICY MANUAL

**POLICY TITLE:** Code of Ethics

**POLICY NUMBER:** 4010

**4010.1** The Board of Directors of the San Bernardino Valley Water Conservation District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including Assembly Bill 1234 approved in 2005.

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed.

**4010.1.1** The dignity, style, values and opinions of each Director shall be respected.

**4010.1.2** Responsiveness and attentive listening in communication is expected.

**4010.1.3** The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to offer advice whether one exists or not.

**4010.1.4** The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

**4010.1.5** Directors should commit themselves to focusing on the business of the District, emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of communication and interaction.

**4010.1.6** Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

**4010.1.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, all Directors commit to support said action and not to create barriers to the implementation of said action.

**4010.1.8** Directors should practice the following procedures:

**4010.1.8.1** In seeking clarification on informational items, Directors may directly approach the General Manager or professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

**4010.1.8.2** In handling complaints from residents and property owners of the District, said complaints should be immediately referred directly to the General Manager.

**4010.1.8.3** In handling items related to safety, concerns for safety or hazards should be reported to the General Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance and reporting to the General Manager.

**4010.1.8.4** In presenting items for discussion at Board meetings, see Policy #5020.

**4010.1.8.5** In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and District Counsel.

**4010.1.8.6** Requests for Assistance. Directors shall direct all requests for work, studies, information, or any task which is to be performed by District Staff to the General Manager. If the General Manager determines that an individual Director's request for Staff services shall result in a substantial expenditure of time or District resources, the General Manager may refer the request to the Board for its approval. In no event shall any Director make any request of Staff for information or services not related to District business. This policy shall in no way limit the authority of individual Directors to contact the General Manager and District Counsel for the purpose of inquiring about potential conflicts of interest regarding a Director's own economic interest.

**4010.1.9** If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

**4010.2** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

**4010.2.1** When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

**4010.2.2** Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

**4010.2.3** Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

**4010.2.4** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

**4010.3** The Board of Directors is committed to enhance the transparency of the conduct of the District's business, to minimize the potential inefficiencies and inconveniences that might arise from having electronic, written communications pertaining to District business on multiple locations (including personal digital devices of Directors), and to facilitating the identification and availability of public records to assure responsiveness to Public Records Act requests. In furtherance of these goals, the Board

adopts the following policies relating to e-mails, text messages, instant messaging communications, and social media platforms for digital communications:

4010.3.1. The District has established, and will made available to all Directors, a District-based e-mail account, with each Director having a separate individual e-mail address that is hosted on the District's e-mail server. Directors ~~shall make every effort in the use of electronic written communications (including use of emails)~~ to restrict all of their electronic written communications such ~~communications~~ regarding District-related business to the District's dedicated email accounts. All Directors shall sync their personal electronic data devices, including cell phones, tablets, laptop or portable computers, or any other such devices, in such a manner as to be able to send and receive email communications through the District-dedicated email accounts given to each Director. Directors shall not utilize instant messaging, text messaging, or social media messaging services in the conduct of District-related business, unless such accounts are synced to the District's email server in such a way that such messages are simultaneously stored on the District's server, or in a digital or electronic storage medium immediately accessible to the District. Any Director requiring assistance in configuring his or her electronic written communication devices to comport with the requirements of this section shall coordinate with District staff, who shall provide all necessary service to accomplish the configuration, whether in-house or through the retention of consultant services, at no cost to the Director. -

4010.3.24 Directors shall make every effort not to use ~~not use~~ dedicated District email or other written electronic communication accounts for personal or non-District related business, and so far as reasonably possible, shall keep personal email, instant messaging, text messaging, and other accounts separate and distinct from District accounts. The purpose of this policy is both to assure the ready access of the District to all District-related ~~such~~ communications, and to protect the privacy of Directors in their non-District related communications by separating them from communications that might otherwise be public records. In the event emergency situations, service outages, or other legitimately exigent circumstances make the use of District email or other written electronic communication unavailable, Directors shall retain copies of all District-related communications from personal communications accounts or services, and shall forward or otherwise transfer copies of all such communications to the District as soon as practicable.

4010.3.2 The District recognizes there may not always be bright-line certainty on what communications relate to District business, and what relate to other professional or personal interests of the Director. Each Director shall make a good faith effort with respect to his or her own communications to determine whether they are District-related. In connection with making such determination, the Director shall consider the following:

- (a) The content of the communication;
- (b) The context within which, or purposes for which, the communication is made;
- (c) The recipient or audience to whom the communication is directed; and
- (d) Whether the communication occurs within the scope of the Director's District-related activities or duties.

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# San Bernardino Valley Water Conservation District

## BOARD POLICY MANUAL

**POLICY TITLE:** Public Records Request Policy

**POLICY NUMBER:** 1050

The Public Records Request Act (Act) declares that access to information concerning the conduct of the public's business is a fundamental and necessary right. The Act requires the District to make "public records," as that term is defined in California Government Code sections 6250 et seq., available for inspection to the public and to provide copies upon written request. Requests for Public records of the District may be made at any time during regular office hours, Monday-Thursday 8 am-5 pm at the District's headquarters located at 1630 W. Redlands Blvd., Suite A, Redlands, CA 92373.

**1050.1** Any Individuals requesting copies of a specific public document must submit a written request identifying the public records (s) to be inspected to the attention of the General Manager. The District has prepared a form for this purpose, which it encourages all Public Records Act requestors to use, to help expedite the District's compliance with the Public Records Act request. Members of the public may make written requests in person, by mail or via email.

**1050.2** Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at the meeting to which the material pertains at no charge.

**1050.3** Any individual may review a copy of any identifiable public record or copy thereof. If the request is readily discernible and requests a public record which is immediately available, the record shall be made available for inspection or copying. ~~Public records requested which are kept in the form of computer data shall be made available in the form determined by SBVWCD.~~ For all other requests, the District shall determine within 10 calendar days after receipt of such request whether it has Public Records in its possession or control that it determines are responsive to the request~~-,~~ and within that time period shall notify the person making the request of such determination. Except with respect to public records exempt by express provision of law from disclosure, the District, upon any request for a copy of record which reasonably describes an identifiable record, or information produced therefrom, shall make the record available, or may, at the District's option, arrange to make copies upon prior payment of applicable fees. In the event the request presents unusual circumstances, including but not limited to the scope or breadth of the request, the age of the records requested, the location of storage of records likely to be responsive to the request, the availability and amount of staff time to devote to the request at the time it is made, the need to consult with other agencies or persons regarding the request who may have access to requested records, or other such circumstance, the District may extend the date for the time to respond to the request by up to an additional fourteen (14) days.

**1050.4** The District may attempt to obtain additional information or clarification from the requesting party on any Public Records Act request where the District is uncertain regarding the meaning of the terms used in the request, the applicable date ranges of the records requested, the content of the documents requested, or in those instances when dialogue with the requesting party regarding the information technology, location of the

storage of the records, formatting, or manner in which the records are kept by the District in the normal course of business will facilitate the identification of the specific records being requested, the manner in which the records might most feasibly be made available, or the appropriate persons on District staff to assist the requesting party secure the records sought.

**1050.5** The District may determine that it is appropriate to withhold and requested record by demonstrating that the record in question is exempt from public records disclosure under state law, or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record

**1050.6** Any notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial.

**1050.7** Staff will provide and post annually the current rate for copying public documents on the District website at [www.sbvxcd.org](http://www.sbvxcd.org). The copying fees are as follows:

- (a) For copies made by District staff: \$0.20 cents per page, including administrative staff time billed at \$60 per hour for all time involved in copying in excess of 20 minutes; unless the General Manager determines the fees are not effective to collect.
- (b) For copies made by copying service: the actual costs billed by copying service
- (c) Copies of tape records, computer records, mylars, sepia prints, maps, photographs and blueprints shall be made by a copying service, the fee for which shall be the actual costs of reproduction.

**1050.8** Members of the public may not remove District records from SBVWCD's offices nor may they use SBVWCD's copying equipment. However, members of the public may examine written documents or listen to tape records of public meetings without charge under all of the following conditions:

- (a) A mutually-convenient time is arranged between the requesting party and staff;
- (b) The examination occurs in District office;
- (c) A member of staff is present at all times during such examination and, in the case of a tape recording, operating the playback machine.

**1050.9** Although numerous types of records that are exempt from disclosure to the public, including those listed in Government Code section 6254, as may be amended, the following is a brief list of commonly-requested records which are not normally disclosed to members of the public:

- (a) Preliminary drafts, notes or memoranda which are not retained by the District in the ordinary course of its business;
- (b) Records pertaining to pending Government Tort Claims and litigation;
- (c) Personnel files, disclosure of which would result in an unwarranted invasion of privacy;
- (d) Certain data obtained by the District in confidence from third parties;
- (e) Real estate appraisals, engineering or feasibility estimates and evaluations used in connection with the acquisition of property;
- (f) Computer software;
- (g) Privileged Communications with legal counsel.
- (h) Trade Secrets.

**1050.10** In the event a Public Records Act requests public records that do not exist on the District's email

or other written electronic communication servers or services, and the District's General Manager or District Counsel determines such records may exist on personal electronic communications devices of one or more individual Directors, the District shall use the following procedure as a guide to assuring prompt, complete Public Records Act responses:

1050.10.1 The District General Manager or District Counsel will forward the Public Records Act request, or such portion as may be relevant to records not otherwise available to the District, to the Director, asking the Director to review his or her personal electronic written communication servers or services to determine if he/she has written records responsive to the request. Because Public Records Act ~~time~~ requests are subject to strict statutory time periods for response, any Director receiving such a request shall confirm his or her receipt of same within forty-eight (48) hours, and shall provide an estimate to the General Manager or District Counsel of the time the Director requires to review his or her personal electronic written communication media to determine the existence and location of any such requested records.

1050.10.2 In the event the Director identifies responsive records on his or her personal electronic written communication media, the Director shall promptly notify the District's General Manager or District Counsel, who shall make arrangements for the electronic transfer of such records to District electronic written communication servers or storage, for review on whether the identified record(s) fits within the request, are public records, and are not otherwise subject to exemptions under the Public Records Act. The Director shall execute an affidavit in a form approved by District Counsel indicating all District-related electronic written communications in the possession of the Director responsive to the request have been forwarded.

1050.10.3 In the event the Director, after a reasonably diligent and good faith search, determines he or she has no responsive records, the Director shall promptly notify the General Manager or District Counsel of that fact, and shall execute an affidavit in a form approved by District Counsel indicating that the search was made, and no responsive records were found.

**PUBLIC RECORDS REQUEST FORM**

TO: Office of the General Manager  
San Bernardino Valley Water Conservation District  
1630 W. Redlands Blvd., Suite A  
Redlands, CA 92373-8032

FROM: Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_

DATE REQUEST RECEIVED BY SBVWCD: \_\_\_\_\_

Pursuant to State law and the policy of the San Bernardino Valley Water Conservation District (SBVWCD) as described in the attached policy, please provide me with a copy of the following public records:

Description of Documents Requested:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Attach a second sheet if necessary.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

SBVWCD DIRECTOR AFFIDAVIT-PRA REQUEST SEARCH

No Public Records Contained in Personal Accounts or on Personal Devices

I, \_\_\_\_\_, certify that I have reviewed the California Public Records Act (“PRA”) request:

Submitted on:

By:

I certify and warrant that I have reviewed all of my personal electronic accounts and devices in connection with the above-referenced Public Records Act request. After a diligent search, I have determined I do not have any public records I believe are responsive to the above PRA request in any of my personal accounts and/or devices.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

Email: [info@sbvwcd.org](mailto:info@sbvwcd.org)  
[www.sbvwcd.org](http://www.sbvwcd.org)

Memorandum No. 1493

**To: Board of Directors**

**From: General Manager, Daniel Cozad**

**Date: April 26, 2017**

**Subject: Annual Disclosure of Reimbursements for 2015-2016**

## **RECOMMENDATION**

Receive and file the annual disclosure of reimbursements report as required by statute for fiscal year 2015-2016.

## **BACKGROUND**

This disclosure is a yearly requirement by Government Code Section 53065.5, shown below:

*Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.*

## **DISCUSSION**

In accordance with the District's commitment to transparency, District staff has prepared the annual disclosure report for fiscal year 2015-2016 including all Board Members and Staff.

## **FISCAL IMPACT**

Staff time to track and prepare the report is included in the annual budget.

## **POTENTIAL MOTIONS**

1. Move approval of the Annual Disclosure of Reimbursements as presented.
2. Move to request this item be tabled and referred to Finance & Administration Committee for reconsideration of specific issues discussed.

BOARD  
OF  
DIRECTORS

Division 1:  
Richard Corneille  
Division 2: David E.  
Raley

Division 3:  
T. Milford Harrison  
Division 4:  
John Longville

Division 5:  
Melody McDonald

GENERAL  
MANAGER

Daniel B. Cozad

**ATTACHMENTS OR MATERIALS**

FY 2015/2016 Reimbursements >\$100 report

# FY 2015/2016 Reimbursements >\$100

## Directors

### Manuel Aranda

09/21-9/24/15 Roundtrip travel costs from Redlands,CA to CSDA Annual Conference in Monterey, CA (mileage: 764\*.575) \$439.30

### Richard Corneille

12/02/15 Lodging at Marriott Vacation Club in Palm Desert, CA for ACWA Fall Conference, \$126.44

5/02-5/05/16 Roundtrip travel costs from Redlands, CA to Indian Wells, CA for ACWA Fall Conference (mileage: 760\*.54) \$410.40

### Melody McDonald

07/07/15 Airfare from Ontario, CA to ACWA State Legislative Committee meeting in Sacramento, CA, \$476.40

08/28/15 Airfare from Ontario, CA to ACWA State Legislative Committee meeting in Sacramento, CA, \$462.00

09/30/15 Airfare from Ontario, CA to ACWA State Legislative Committee meeting in Sacramento, CA, \$459.50

10/23/15 Airfare from Ontario, CA to ACWA State Legislative Committee meeting in Sacramento, CA, \$459.50

### John Longville, David Raley

None

## Staff

### Manuel Colunga

11/24/15 Uniform reimbursement: jeans \$172.76

04/16/16 Uniform reimbursement: work boots, \$211.08

### Daniel Cozad

12/03/15 Lodging at Mira Monte Resort & Spa in Indian Wells, CA for ACWA Fall Conference, \$199.00

### Thomas Purvis

04/21/16 Uniform reimbursement: work boots, \$174.29

### Jeff Beehler, Bill Boggan, Athena Monge, Angie Quiroga

None



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
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Fax: (909) 793-0188

Email: [info@sbvwcd.org](mailto:info@sbvwcd.org)  
[www.sbvwcd.org](http://www.sbvwcd.org)

Memorandum No. 1494

**To: Board of Directors**

**From: General Manager, Daniel Cozad**

**Date: April 26, 2017**

**Subject: Board Meeting Calendar Revisions**

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## **RECOMMENDATION**

Discuss May meetings and confirm or cancel the May 24<sup>th</sup> meeting.

## **FISCAL IMPACT**

There is no fiscal impact.

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BOARD  
OF  
DIRECTORS

Division 1:  
Richard Corneille  
Division 2: David E.  
Raley

Division 3:  
T. Milford Harrison  
Division 4:  
John Longville

Division 5:  
Melody McDonald

GENERAL  
MANAGER

Daniel B. Cozad



# 2017 Board Calendar - San Bernardino Valley Water Conservation District

JANUARY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Jan. 11 Board Meeting  
 Jan. 25 2<sup>nd</sup> Qtr. Finance & Admin Mtg.

JULY						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Jul. 12 Board Meeting  
 Jul. 19 4<sup>th</sup> Qtr. Finance & Admin Mtg.

FEBRUARY						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Feb. 08 Board Meeting

AUGUST						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Aug. 09 Board Meeting

MARCH						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Mar. 1 Special Board Meeting (@ 1:00 p.m.)  
 Mar. 15 Board Meeting (@ 9:00 a.m.)  
*Engineering Investigation Report Presentation*  
 Mar. 23 Strategic Planning Workshop

SEPTEMBER						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Sept. 13 Board Meeting

APRIL						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Apr. 12 Board Meeting  
*Public Meeting/Groundwater Charge*  
 Apr. 21st 3<sup>rd</sup> Qtr. Finance & Admin Mtg.  
 Apr. 26 Board Meeting  
*Public Hearing/Groundwater Charge*

OCTOBER						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Oct. 18 Board Meeting

MAY						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

May 3 Strategic Planning Workshop  
 May 24 Board Meeting  
 May 31 Board Meeting  
*Public Hearing/Groundwater Charge*

NOVEMBER						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Nov. 08 Board Meeting  
 Nov. 15 1<sup>st</sup> Qtr. Admin Mtg.

JUNE						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Jun. 14 Board Meeting

DECEMBER						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Dec. 13 Board Meeting (@ 9:30 a.m.)  
*Holiday Luncheon*