



San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

BOARD OF DIRECTORS MEETING AGENDA

Wednesday, August 11, 2021 – 1:30 p.m.

Location--1630 West Redlands Boulevard, Suite A, Redlands, California and via Zoom

This meeting is a hybrid meeting, being conducted via teleconference/Zoom and in person at the District Office. Those attending in person are requested to wear face coverings. Anyone wishing to join the meeting via Zoom: **Call in (669) 900-6833, Meeting ID: 923 4838 9922**

To join the Zoom Meeting online: <https://zoom.us/j/92348389922>

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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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. GUEST RECOGNITION/SELF INTRODUCTIONS

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Redlands, CA 92373
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BOARD OF DIRECTORS

Division 1:
Richard Corneille

Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL MANAGER

Daniel B. Cozad

4. **CONSENT CALENDAR**

A. Approval of Board Minutes, July 14, 2021	5
B. Approval of Expenditure Report, July 2021	11
C. Approval of In-House Legal Counsel Agreement.....	20
D. Groundwater Assessment Report, 01/01/2021-06/30/2021.....	25

5. **COMMITTEE REPORTS /ACTION ITEMS**

Committee Reports

A. FINANCE & ADMINISTRATION COMMITTEE VERBAL REPORT – 5 minutes

Presenter: David E. Raley, Chair of Finance & Administration Committee

Recommendation: The Finance & Administration Committee will provide a verbal update of July 28 meeting.

B. 4th QUARTER UNAUDITED FINANCIAL REPORTS FOR FY 2020-2021

- 5 minutes (M#1794)34

Presenter: David E. Raley, Chair of Finance & Administration Committee

Recommendation: The Finance & Administration Committee recommend approval of the fourth quarter unaudited financials for FY 2020-2021 as presented.

Action Items

C. UNAUDITED FINANCIAL REPORTS, July 2021 - 5 minutes (M#1795)40

Presenter: Daniel Cozad

Recommendation: Review and approve the unaudited financials for July 2021.

D. CSDA 2022 COMMITTEE AND EXPERT FEEDBACK TEAM APPOINTMENTS - 5 minutes

(M#1796)46

Presenter: Daniel Cozad

Recommendation: Review and consider appointing directors to committees at their request for 2022. The term of office is one year, January 1, 2022 to December 31, 2022.

E. ACWA COMMITTEE APPOINTMENT NOMINATION 2022-2023 - 5 minutes (M#1797)54

Presenter: Daniel Cozad

Recommendation: Consider appointing directors to serve on ACWA Committees in accordance with ACWA's request for committee nominations to serve on Standing/Limited/Unlimited committees with a term of 2 years.

F. AGREEMENT FOR APPRAISAL SERVICES WITH RESOURCE TECHNOLOGIES

CORPORATION FOR LAND EXCHANGE APPRAISAL SERVICES - 5 minutes (M#1798).....60

Presenter: Daniel Cozad

Recommendation: Approve and authorize the Board President to execute the "Appraisal/Valuation Agreement" with Resource Technologies Corporation, the low bidder on the proposal for such services, to perform the appraisals of the Federal and Non-Federal lands proposed to be exchanged under the Wash Plan, and Public Law 116-9, ("the Dingell Act"), in substantially the form attached hereto, subject to minor modifications as may be approved by the General Manager and General Counsel.

6. **INFORMATION ITEMS:**

- A. Wash Plan Implementation Update – 5 Minutes
- B. Wash Plan Trails Status Report.....113
- C. Mentone Shop Improvements Status Report.....114
- D. Active Recharge Transfer Projects Status Report No. 7115
- E. General Manager’s Report and Monthly Recharge Report – 5 Minutes142
- F. Future Agenda Items & Staff Tasks

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

- A. Board Member Meeting Reports – 15 minutes

8. **UPCOMING MEETINGS:**

***Please note: All future District meetings may be held remotely via zoom. See Agendas for detailed information.**

- | | |
|----------------------|--|
| A. August 12, 2021 | San Bernardino Valley Municipal Water District Policy Committee Workshop, 2:00 p.m. at Valley Municipal |
| B. August 13, 2021 | SBC Water Conference, 9:00 a.m.-1:00 p.m. at DoubleTree Hotel, Ontario |
| C. August 17, 2021 | San Bernardino Valley Municipal Water District Board Meeting, 2:00 p.m. at Valley Municipal |
| D. September 1, 2021 | San Bernardino Valley Municipal Water District Board Meeting, 2:00 p.m. at Valley Municipal |
| E. September 2, 2021 | San Bernardino Valley Municipal Water District Resources Committee Workshop, 2:00 p.m. at Valley Municipal |
| F. September 6, 2021 | Office Closed in Observance of Labor Day |
| G. September 8, 2021 | Board of Directors Meeting, 1:30 p.m. at Conservation District |

9. **CLOSED SESSION**

1. The Board will meet in Closed Session under authority of Government Code §54956.9 (a), in order to discuss existing litigation, Endangered Habitats League et al. vs. U.S. Army Corps of Engineers, Central District Court Case no. Case No.: 2:16-cv-09178-MWF-E.
2. The Board will meet in closed session under authority of Government Code §54956.9 (a), and (d) (4) regarding anticipated litigation. Pursuant to Government Code §54956.9(2), the facts and circumstances

concern a potential trespass onto District property in connection with the Dr. Horton and Slater Construction.

10. **ADJOURN MEETING.** The next regularly scheduled Board of Directors Meeting will be on September 8, 2021 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF JULY 14, 2021
1:30 pm

President McDonald called the Board of Directors' meeting to order at 1:32 pm by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by Director Longville.

ROLL CALL:

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

Daniel Cozad, General Manager
Betsy Miller, Land Resources Manager/Assistant General Manager
Erwin Fogerson, Senior Engineer/Project Manager
Katelyn Scholte, Assistant Engineer
Athena Lokelani, Administrative Specialist

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
June Hayes, San Bernardino Valley Municipal Water District
Adekunle Ojo, San Bernardino Valley Municipal Water District
Heather Dyer, San Bernardino Valley Municipal Water District
David E. Smith, East Valley Water District
Ron Coats, East Valley Water District

1. PUBLIC PARTICIPATION

President McDonald announced that any persons present, who so desired, may make an oral presentation to the Board of Directors. There being none, the meeting continued with the posted agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

There were none discussed.

3. GUEST RECOGNITIONS/SELF INTRODUCTIONS

The members of the public made self-introductions.

4. CONSENT CALENDAR

It was moved by Director Longville and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, June 9, 2021; Item B: Expenditure Report, June 2021; and Item C: Board Policy Manual Revisions Resolution No. 589. The motion carried 5-0, with all Board members present voting in the affirmative.

President McDonald: Yes

Vice President Corneille: Yes

Director Longville: Yes

Director Raley: Yes

Director Stewart: Yes

5. COMMITTEE REPORTS/ACTION ITEMS

A. AD HOC TRAILS COMMITTEE VERBAL REPORT

Mr. Cozad provided a verbal update of the Ad Hoc Trails Committee (Committee) meeting held on June 23. He reviewed the draft Memorandum of Understanding (MOU) points with the Committee. Staff met with the City of Redlands (Redlands) staff to discuss the MOU process and received feedback. The City Council for Redlands will likely agendaize this item in the fall of this year. District Counsel will develop an MOU once all comments are received. Both the City of Redlands and the City of Highland indicated that grant funding may be available for trails. Redlands noted that there are existing parks that they may be able to utilize for parking. Staff will be meeting with the City of Highland again soon. Mr. Fogerson prepared a draft schedule for trail completion, and the Committee approved that schedule. Vice President Corneille asked when the Board can expect the MOU to go to our Board for approval and if San Bernardino County was involved because of the Santa Ana River Trail. Mr. Cozad said that staff hopes to have this item on our Board in September, and noted that staff has not engaged the County for an MOU.

B. AD HOC AUDIT COMMITTEE VERBAL REPORT

President McDonald provided a brief verbal update on the Ad Hoc Audit Committee (Committee) held on July 7. Mr. Cozad said that it was a standard introduction audit meeting. There are several disclosures that the auditor makes to the Board; the auditor will also be reaching out to Board members to provide feedback on specific issues via a form. The in-office audit work will be done the last week in July. President McDonald asked if the Board feedback forms will be emailed. Staff believes that they will be emailed.

C. UNAUDITED FINANCIAL REPORTS, JUNE 2021

Mr. Cozad introduced this item for discussion, noting its inclusion on package page 19. These are the final cash basis financials the Board will receive for FY 2020-2021. The District received higher revenues for both groundwater and mining. The year will end with more revenue than expenses, and the retained earnings will be moved to the reserve line shown near the bottom of the spreadsheet. Staff will present reserve status once the audit has been completed.

It was moved by Director Longville and Director Stewart to approve the Unaudited Financial Reports from June 2021. The motion carried 4-0, with all Board members present voting in the affirmative, with Director Raley noted absent from the vote.

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

D. REGIONAL PLANNING EFFORTS AND UPDATES

Mr. Cozad noted this item's inclusion on package page 26. He began review of this item via PowerPoint shown on package pages 49 to 70. He reviewed the Salt & Nutrient Management Plan in detail. He indicated that the purpose of the study overall is to give agencies more regulatory flexibility. Mr. Cozad reviewed the Upper Santa Ana River Habitat Conservation Plan. Valley Municipal is working on the response to comments with plans to release a final version in October. He reviewed the Seven Oaks Dam High Flow Study, including the 30% draft construction drawings shown on package page 62. The Exchange Plan agreement is being updated; the updated facilities map is shown on package page 63. Mr. Cosgrove indicated that the new Exchange Plan contract would supersede the original one.

Mr. Cozad provided background on the Water Infrastructure Finance and Innovation Act (WIFIA) funding program as shown on package pages 64 to 70. WIFIA funding is a federal loan process rather than a grant or bond program. Letters of interest for WIFIA funding are due by July 23. Staff reviewed the potential benefits to regional water reliability project on package page 65 and recommended the District join the Upper Santa Ana River Watershed Infrastructure Financing Authority, a Joint Powers Authority (JPA) to support partnerships for cost-effective WIFIA-funded projects. For example, this funding could help finance the Active Recharge Transfer Projects (ARTP) as shown on the map on package page 66 to 67. The JPA agreement is included on package pages 31 to 48.

Vice President Corneille stated that one of his observations was that the City of Redlands was not on the list. Ms. Dyer, General Manager/CEO of Valley Municipal, said that the WIFIA program is built in phases; due to time constraints, this item had to be moved forward rather quickly. She indicated that if the JPA successfully creates this program with the U.S. EPA, we will reach out to all the other partners in the watershed. The framework has now been created, and there will likely be another letter of interest opportunity for those not included in this letter of interest. Ms. Dyer said they are filing an invitation to apply for the JPA, and if they are successful, she envisions it to be a long-lasting program. She indicated that the JPA agreement is barebones and will rely heavily on individual project agreements between the JPA and independent owner/operator of a facility. The JPA is a financing mechanism with no obligation to build the projects included in the letter of interest. President McDonald spoke in support of the WIFIA program. She thanked Valley Municipal for their leadership on this and Conservation District staff for their efforts. Vice President Corneille asked what percentage of funding could be expected from the WIFIA program and asked if an agency can obtain state and federal funding for their projects as well.

Ms. Dyer indicated that the EPA offers 49% funding through the WIFIA program via 1%-2% interest loans and that agencies are allowed to seek and obtain state and federal funding in conjunction with a WIFIA award. Director Longville provided feedback on JPA's and spoke in support of this process. Director Harrison, Valley Municipal, expressed his appreciation for the collaboration and cooperation among our two agencies and said that this is a critical relationship and partnership. After the vote was taken, President McDonald appointed Mr. Cozad as primary representative and Ms. Miller as the alternate for the JPA.

It was moved by Director Raley and seconded by Director Longville to approve Resolution No. 590 supporting the JPA Agreement and joining the Upper Santa Ana River Watershed Infrastructure Financing Authority, including non-substantive changes to finalize the agreement and authorizing the President to complete all paperwork needed to facilitate the action, direct staff to continue supporting the effort and appoint Daniel Cozad as its representative. The motion carried 5-0, with all Board members present voting in the affirmative.

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

6. INFORMATION ITEMS

A. WASH PLAN VERBAL UPDATE

Ms. Miller provided a verbal update. She said that there was a field tour with staff from AECOM, SBVWCD, Regional Quality Control Board, California Department of Fish & Wildlife, and U.S. Army Corps of Engineers to view critical areas in the Wash covered by our permit applications and to discuss the associated jurisdictional delineation. We also held a second field tour with the USGS team working on San Bernardino kangaroo rat (SBKR) monitoring protocols required for Wash Plan implementation. The wildlife agency partners, a Valley Municipal environmental intern, and Bureau of Land Management staff were also in attendance. Mr. Cosgrove provided an update on the land exchange. He indicated that the statement of work for the appraisal was received. The document was sent out on June 23 to five preapproved appraisers. That process closes in approximately a week. This item was received and filed.

B. MENTONE SHOP IMPROVEMENTS STATUS REPORT

This item is included on package page 71. Mr. Fogerson provided a brief update on the Mentone Shop improvements. He said that the staff looked at options for the hoist and will continue the development of the RFP. 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 was included in the Board package on pages 72 through 75. He said that it is dry throughout the watershed, so staff is using this opportunity to perform maintenance. The CalPERS UAL has been paid for FY 2021-2022. There was a field tour with Senator Feinstein's staff and Valley Municipal. The Monthly Recharge Report was included on package page 76. This item was received and filed.

D. FUTURE AGENDA ITEMS AND STAFF TASKS

President McDonald reminded the Board that the ACWA Committee interest forms are due to the Conservation District before the August 11 Board meeting for submission to ACWA by September 30. President McDonald expressed interest in remaining on the Federal Affairs Committee and obtaining a seat on the State Legislative Committee. Vice President Corneille would like to stay on the Groundwater Committee. This will be on the Board agenda for approval at the August 11 meeting.

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

President McDonald appointed Director Stewart and Director Longville to an Ad Hoc Succession and Transition Planning Committee.

Vice President Corneille provided an update on the Valley Municipal Advisory Commission. He indicated that the Advisory Commission was discussed at the Valley Municipal Policy Workshop. He read the function of the Commission from Ordinance No. 77. Vice President Corneille said that the purpose of the Commission, developed in 1987, was to educate and provide outreach to elected officials. He noted that the benefits of the Commission include: 1) Education of elected officials about local, regional and statewide issues and facilities, 2) Input from elected officials of agencies directly affected by and paying for Valley Municipal programs and facilities, 3) Provides maximum consultations with elected officials enhancing transparency, 4) Elected officials provide formal support of Valley Municipal programs. Vice President Corneille spoke in opposition to abolishing the Commission, indicating that it provides value. He asked for Board feedback and stated that there is room for improvement. President McDonald agreed that there had been a lot of projects that the Commission has supported. Director Longville concurs with Vice President Corneille. Director Stewart said that he attends on behalf of Bear Valley Mutual and noted that it provides a high level of transparency. He said that attendance has gone up with the use of Zoom. Director Raley noted that it is a valuable tool and expands constituents' relationships with the cities and other water entities. He indicated there is an opportunity to perform more outreach to increase involvement. President McDonald suggested that the Commission is another level of transparency that helps projects move forward more efficiently. She provided a brief history on the Commission and concurred with the feedback previously received from the Board. She suggested rotation of the chair and changing the time of the meeting. President McDonald expressed her appreciation for Vice President Corneille's leadership on the Commission. Staff was asked to submit the comments above to Valley Municipal. Director Hayes, Valley Municipal, indicated she was concerned that commission member agency staff did not bring information back to Commission members. Director Harrison said that he appreciates Vice President Corneille's report on the meeting. He indicated that he spoke with some of the representatives, and many concurred with changing the time and potentially offering it as a luncheon. He thanked the Board for their comments. Mr. Coats spoke against abolishing the Commission and to the importance of it.

Director Stewart attended the Big Bear Watermaster Committee (BBWM) on July 13 and Sterling Natural Resource Center tour on July 14.

Director Longville made no report.

Vice President Corneille attended the Valley Municipal Policy Workshop on July 8, Redlands Rise N Shine on July 9, and ARTP Policy Committee on July 12. He participated at the Valley Municipal Engineering Committee on July 13.

Director Raley attended Valley Municipal Resources Workshop on June 3, the Valley Municipal Board meeting on July 6, and Ad Hoc Audit Committee on July 7. He attended the Valley Municipal Policy

Workshop on July 8, Valley Municipal Engineering Committee on July 13, and BBWM on July 13. He attended the Ad Hoc Trails Committee meeting on June 23.

President McDonald attended the Valley Municipal Engineering Committee on July 13, the Association of San Bernardino County Special Districts Board meeting on July 12, ACWA State Legislative Committee meeting on July 9, and Valley Municipal Policy Workshop on July 8. She attended the Ad Hoc Audit Committee on July 7, the Valley Municipal Board meeting on July 6, and Valley Municipal Resources Workshop on July 1. She attended the Highland Area Chamber of Commerce breakfast on June 26, Valley Municipal Resources Workshop on June 18, Meeting with General Manager on June 17, and Valley Municipal Policy Workshop on June 10.

8. UPCOMING MEETINGS

There were none discussed.

9. CLOSED SESSION

It was moved by Director Longville and seconded by President Corneille 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 Stewart: Yes**

General Counsel announced that the meeting would adjourn to a closed session under posted agenda items 9-2.

At 3:51 pm, the meeting reconvened into Open Session. Mr. Cosgrove noted that there was no reportable action.

10. ADJOURN MEETING

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

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

At 3:52 pm, the meeting adjourned to the Board meeting scheduled for 1:30 pm on August 11, 2021, location to be determined.

Daniel B. Cozad
General Manager

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
PC 07.14.21	07/14/2021	Paychex	1012 · Citizens Busine...		-131.28
			6042 · Payroll Processing	4-General Fund Ent.	131.28
TOTAL					131.28
22956	07/07/2021	AAA Alarm Systems, Inc.	1012 · Citizens Busine...		-129.00
	07/01/2021		5410 · Alarm Service	4-General Fund Ent.	64.50
			5410 · Alarm Service	1-Groundwater Ent.	64.50
TOTAL					129.00
22957	07/07/2021	ACWA JPIA - Workers ...	1012 · Citizens Busine...		-3,549.79
	06/30/2021		6120 · Workers' Comp. ...	4-General Fund Ent.	461.47
			6120 · Workers' Comp. ...	1-Groundwater Ent.	1,597.40
			6120 · Workers' Comp. ...	2-Redlands Plaza/...	141.99
			6120 · Workers' Comp. ...	3-Land Resources	354.98
			6120 · Workers' Comp. ...	5-Wash Plan	248.49
			6120 · Workers' Comp. ...	6-Active Recharge ...	745.46
TOTAL					3,549.79
22958	07/07/2021	ACWA/JPIA	1012 · Citizens Busine...		-4,828.74
	07/01/2021		6310 · Property/ Auto In...	4-General Fund Ent.	241.44
			6310 · Property/ Auto In...	1-Groundwater Ent.	3,621.55
			6310 · Property/ Auto In...	2-Redlands Plaza/...	724.31
			6310 · Property/ Auto In...	3-Land Resources	241.44
TOTAL					4,828.74
22959	07/07/2021	ACWA/JPIA-Health	1012 · Citizens Busine...		-18,561.06
	07/02/2021		6110 · Vision Insurance	4-General Fund Ent.	27.68
			6110 · Vision Insurance	1-Groundwater Ent.	95.82
			6110 · Vision Insurance	2-Redlands Plaza/...	8.52
			6110 · Vision Insurance	3-Land Resources	21.29
			6110 · Vision Insurance	5-Wash Plan	44.72
			6110 · Vision Insurance	6-Active Recharge ...	14.91
			6130 · Dental Insurance	4-General Fund Ent.	107.27
			6130 · Dental Insurance	1-Groundwater Ent.	371.30
			6130 · Dental Insurance	2-Redlands Plaza/...	33.00
			6130 · Dental Insurance	3-Land Resources	82.51
			6130 · Dental Insurance	5-Wash Plan	57.76
			6130 · Dental Insurance	6-Active Recharge ...	173.28
			6150 · Medical Insurance	4-General Fund Ent.	2,277.99
			6150 · Medical Insurance	1-Groundwater Ent.	7,885.35
			6150 · Medical Insurance	2-Redlands Plaza/...	700.92
			6150 · Medical Insurance	3-Land Resources	1,752.30
			6150 · Medical Insurance	5-Wash Plan	1,226.61
			6150 · Medical Insurance	6-Active Recharge ...	3,679.83
TOTAL					18,561.06
22960	07/07/2021	American Power Security	1012 · Citizens Busine...		-820.00
	06/30/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	820.00
TOTAL					820.00

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
22961	07/07/2021	County Treasurer	1012 · Citizens Busine...		-2,418.94
	07/01/2021		5080 · LAFCO Contribu...	4-General Fund Ent.	2,418.94
TOTAL					2,418.94
22962	07/07/2021	Cozad, Daniel B	1012 · Citizens Busine...		-222.72
	06/24/2021		6510 · Mileage	4-General Fund Ent.	89.09
			6510 · Mileage	1-Groundwater Ent.	89.09
			6510 · Mileage	3-Land Resources	22.27
			6510 · Mileage	6-Active Recharge ...	22.27
TOTAL					222.72
22963	07/07/2021	Day Lite Maintenance, I...	1012 · Citizens Busine...		-156.00
	07/01/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	156.00
TOTAL					156.00
22964	07/07/2021	Diamond Environmenta...	1012 · Citizens Busine...		-88.78
	06/21/2021		5460 · Water / Trash / S...	4-General Fund Ent.	44.39
			5460 · Water / Trash / S...	1-Groundwater Ent.	35.51
			5460 · Water / Trash / S...	3-Land Resources	8.88
TOTAL					88.78
22965	07/07/2021	Edison - 6256 (Redland...	1012 · Citizens Busine...		-208.78
	06/30/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	208.78
TOTAL					208.78
22966	07/07/2021	Edison - 9779	1012 · Citizens Busine...		-378.85
	06/30/2021		5420 · Electricity	4-General Fund Ent.	106.08
			5420 · Electricity	1-Groundwater Ent.	75.77
			5420 · Electricity	2-Redlands Plaza/...	197.00
TOTAL					378.85
22967	07/07/2021	Empire Disposal	1012 · Citizens Busine...		-171.67
	06/30/2021		5460 · Water / Trash / S...	4-General Fund Ent.	85.83
			5460 · Water / Trash / S...	1-Groundwater Ent.	68.67
			5460 · Water / Trash / S...	3-Land Resources	17.17
TOTAL					171.67
22968	07/07/2021	Frontier-4860	1012 · Citizens Busine...		-398.54
	07/01/2021		5440 · Telephone	4-General Fund Ent.	212.49
			5440 · Telephone	1-Groundwater Ent.	91.07
			5470 · Internet Services	4-General Fund Ent.	47.49
			5470 · Internet Services	1-Groundwater Ent.	28.49
			5470 · Internet Services	2-Redlands Plaza/...	4.75
			5470 · Internet Services	3-Land Resources	14.25
TOTAL					398.54

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
22969	07/07/2021	Frontier-7275	1012 · Citizens Busine...		-118.38
	06/19/2021		5440 · Telephone	4-General Fund Ent.	30.37
			5440 · Telephone	1-Groundwater Ent.	13.02
			5470 · Internet Services	4-General Fund Ent.	37.50
			5470 · Internet Services	1-Groundwater Ent.	22.50
			5470 · Internet Services	2-Redlands Plaza/...	3.75
			5470 · Internet Services	3-Land Resources	11.24
TOTAL					118.38
22970	07/07/2021	Highland Community N...	1012 · Citizens Busine...		-29.95
	08/01/2021		6090 · Subscriptions/Pu...	4-General Fund Ent.	29.95
TOTAL					29.95
22971	07/07/2021	Home Depot Credit Ser...	1012 · Citizens Busine...		-412.39
	06/28/2021		5210 · Equipment Maint...	1-Groundwater Ent.	299.58
			5215 · Property Mainten...	1-Groundwater Ent.	55.55
			5215 · Property Mainten...	3-Land Resources	13.89
			6012 · Office Maintenanc...	2-Redlands Plaza/...	26.02
			6012 · Office Maintenanc...	4-General Fund Ent.	17.35
TOTAL					412.39
22972	07/07/2021	Industrial Fire Protection	1012 · Citizens Busine...		-317.20
	07/01/2021		5210 · Equipment Maint...	1-Groundwater Ent.	232.61
			6012 · Office Maintenanc...	4-General Fund Ent.	33.84
			6012 · Office Maintenanc...	2-Redlands Plaza/...	50.75
TOTAL					317.20
22973	07/07/2021	JAN-PRO Cleaning Sys...	1012 · Citizens Busine...		-700.00
	07/01/2021		6018 · Janitorial Services	4-General Fund Ent.	700.00
TOTAL					700.00
22974	07/07/2021	Lowe's Companies, Inc.	1012 · Citizens Busine...		-318.57
	06/25/2021		5210 · Equipment Maint...	1-Groundwater Ent.	237.35
			5215 · Property Mainten...	1-Groundwater Ent.	64.98
			5215 · Property Mainten...	3-Land Resources	16.24
TOTAL					318.57
22975	07/07/2021	Netsteller	1012 · Citizens Busine...		-450.00
	06/30/2021		5160 · IT Support	4-General Fund Ent.	180.00
			5160 · IT Support	1-Groundwater Ent.	225.00
			5160 · IT Support	3-Land Resources	45.00
TOTAL					450.00
22976	07/07/2021	O'Reilly	1012 · Citizens Busine...		-167.91
	06/28/2021		5210 · Equipment Maint...	1-Groundwater Ent.	167.91
TOTAL					167.91

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
22977	07/07/2021	Patton Sales Corp	1012 · Citizens Busine...		-68.21
	06/23/2021		5215 · Property Mainten...	1-Groundwater Ent.	54.57
			5215 · Property Mainten...	3-Land Resources	13.64
TOTAL					68.21
22978	07/07/2021	Quill Corporation	1012 · Citizens Busine...		-76.11
	06/17/2021		6030 · Office Supplies	4-General Fund Ent.	60.88
			6030 · Office Supplies	1-Groundwater Ent.	3.81
			6030 · Office Supplies	2-Redlands Plaza/...	7.61
			6030 · Office Supplies	3-Land Resources	3.81
TOTAL					76.11
22979	07/07/2021	ReadyRefresh by Nestle	1012 · Citizens Busine...		-38.69
	06/24/2021		5460 · Water / Trash / S...	4-General Fund Ent.	19.34
			5460 · Water / Trash / S...	1-Groundwater Ent.	15.48
			5460 · Water / Trash / S...	3-Land Resources	3.87
TOTAL					38.69
22980	07/07/2021	Redlands Ford-Ken Gr...	1012 · Citizens Busine...		-69.44
	06/28/2021		5310 · Vehicle Mainten...	1-Groundwater Ent.	69.44
TOTAL					69.44
22981	07/07/2021	Rutan & Tucker	1012 · Citizens Busine...		-6,125.00
	06/10/2021		5180 · Legal	4-General Fund Ent.	1,158.75
			5180 · Legal	1-Groundwater Ent.	1,158.75
			5180 · Legal	2-Redlands Plaza/...	270.38
			5180 · Legal	3-Land Resources	1,274.62
			5175 · Legal - Wash Plan	5-Wash Plan	1,012.50
			5120 · Misc. Profession...	3-Land Resources	1,250.00
TOTAL					6,125.00
22982	07/07/2021	Terminix	1012 · Citizens Busine...		-86.00
	06/15/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	86.00
TOTAL					86.00
22983	07/07/2021	ThunderWheel Commu...	1012 · Citizens Busine...		-27,526.25
	06/27/2021		6060 · Outreach	4-General Fund Ent.	7,306.69
			6060 · Outreach	1-Groundwater Ent.	5,219.06
			6060 · Outreach	3-Land Resources	6,941.35
			6060 · Outreach	5-Wash Plan	1,409.15
	06/30/2021		6060 · Outreach	4-General Fund Ent.	2,327.50
			6060 · Outreach	1-Groundwater Ent.	1,662.50
			6060 · Outreach	3-Land Resources	2,211.12
			6060 · Outreach	5-Wash Plan	448.88
TOTAL					27,526.25

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
22984	07/07/2021	Water Systems Consult...	1012 · Citizens Busine...		-1,925.00
	06/21/2021		5120 · Misc. Profession...	1-Groundwater Ent.	1,925.00
TOTAL					1,925.00
22985	07/07/2021	WEX Bank-Valero	1012 · Citizens Busine...		-833.33
	06/23/2021		5320 · Fuel	1-Groundwater Ent.	833.33
TOTAL					833.33
22986	07/20/2021	CEMEX Materials LLC-C	1012 · Citizens Busine...		-2,059.38
190	07/19/2021		4023 · Assessments - N...	1-Groundwater Ent.	1,896.18
			4023 · Assessments - N...	1-Groundwater Ent.	163.20
TOTAL					2,059.38
22987	07/20/2021	Tennessee Mutual Well...	1012 · Citizens Busine...		-149.48
182	07/20/2021		4021 · Assessments - Ag	1-Groundwater Ent.	149.48
TOTAL					149.48
22988	07/20/2021	Mt. View Mortuary & Ce...	1012 · Citizens Busine...		-688.50
183	07/20/2021		4023 · Assessments - N...	1-Groundwater Ent.	408.00
			4023 · Assessments - N...	1-Groundwater Ent.	280.50
TOTAL					688.50
22989	07/20/2021	Gage Canal Company	1012 · Citizens Busine...		-2,710.32
184	07/20/2021		4022 · Groundwater Ch...	1-Groundwater Ent.	2,710.32
TOTAL					2,710.32
22990	07/20/2021	Mentone Citrus Growers	1012 · Citizens Busine...		-1,683.00
185	07/20/2021		4021 · Assessments - Ag	1-Groundwater Ent.	1,523.88
			4021 · Assessments - Ag	1-Groundwater Ent.	159.12
TOTAL					1,683.00
22991	07/20/2021	AAA Alarm Systems, Inc.	1012 · Citizens Busine...		-258.00
	08/01/2021		5410 · Alarm Service	4-General Fund Ent.	129.00
			5410 · Alarm Service	1-Groundwater Ent.	129.00
TOTAL					258.00
22992	07/20/2021	Aguilar Consulting Inc.	1012 · Citizens Busine...		-19,915.50
	07/09/2021		5120 · Misc. Profession...	6-Active Recharge ...	19,915.50
TOTAL					19,915.50

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
22993	07/20/2021	Assoc. San Bernardino...	1012 · Citizens Busine...		-35.00
	07/12/2021		6425 · Meals	4-General Fund Ent.	35.00
TOTAL					35.00
22994	07/20/2021	Castro Landscaping Se...	1012 · Citizens Busine...		-250.00
	06/30/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	250.00
TOTAL					250.00
22995	07/20/2021	Day Lite Maintenance, I...	1012 · Citizens Busine...		-1,485.66
	07/16/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	1,485.66
TOTAL					1,485.66
22996	07/20/2021	ECORP Consulting, Inc	1012 · Citizens Busine...		-2,500.00
	07/20/2021		5120 · Misc. Profession...	1-Groundwater Ent.	2,500.00
TOTAL					2,500.00
22997	07/20/2021	Edison - 6493	1012 · Citizens Busine...		-61.66
	07/12/2021		5420 · Electricity	4-General Fund Ent.	17.26
			5420 · Electricity	1-Groundwater Ent.	12.34
			5420 · Electricity	2-Redlands Plaza/...	32.06
TOTAL					61.66
22998	07/20/2021	Edison - 8958	1012 · Citizens Busine...		-552.76
	07/08/2021		5420 · Electricity	4-General Fund Ent.	154.77
			5420 · Electricity	1-Groundwater Ent.	110.55
			5420 · Electricity	2-Redlands Plaza/...	287.44
TOTAL					552.76
22999	07/20/2021	Image Source	1012 · Citizens Busine...		-150.19
	07/13/2021		6033 · Office Equipmen...	4-General Fund Ent.	112.64
			6033 · Office Equipmen...	1-Groundwater Ent.	7.51
			6033 · Office Equipmen...	2-Redlands Plaza/...	22.53
			6033 · Office Equipmen...	3-Land Resources	7.51
TOTAL					150.19
23000	07/20/2021	Mikael Romich	1012 · Citizens Busine...		-2,442.00
	07/09/2021		5122 · Wash Plan Profe...	5-Wash Plan	400.00
			5122 · Wash Plan Profe...	5-Wash Plan	1,633.60
			5120 · Misc. Profession...	3-Land Resources	168.40
			5122 · Wash Plan Profe...	5-Wash Plan	240.00
TOTAL					2,442.00

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
23001	07/20/2021	Netsteller	1012 · Citizens Busine...		-148.50
	07/01/2021		6027 · Computer Softw...	4-General Fund Ent.	111.37
			6027 · Computer Softw...	1-Groundwater Ent.	7.43
			6027 · Computer Softw...	2-Redlands Plaza/...	14.85
			6027 · Computer Softw...	3-Land Resources	14.85
TOTAL					148.50
23002	07/20/2021	O'Reilly	1012 · Citizens Busine...		-26.07
	07/08/2021		5310 · Vehicle Mainten...	1-Groundwater Ent.	26.07
TOTAL					26.07
23003	07/20/2021	Smart & Final	1012 · Citizens Busine...		-173.06
	07/13/2021		6019 · Janitorial Supplies	4-General Fund Ent.	28.68
			6019 · Janitorial Supplies	1-Groundwater Ent.	19.13
			6030 · Office Supplies	4-General Fund Ent.	7.38
			6030 · Office Supplies	1-Groundwater Ent.	0.46
			6030 · Office Supplies	2-Redlands Plaza/...	0.92
			6030 · Office Supplies	3-Land Resources	0.46
			6004 · Meeting Expenses	4-General Fund Ent.	58.02
			6004 · Meeting Expenses	3-Land Resources	58.01
TOTAL					173.06
23004	07/20/2021	Stanley Convergent Se...	1012 · Citizens Busine...		-401.22
	07/06/2021		6026 · Redlands Plaza ...	2-Redlands Plaza/...	401.22
TOTAL					401.22
23005	07/20/2021	The Gas Company	1012 · Citizens Busine...		-2.99
	07/13/2021		5450 · Natural Gas	4-General Fund Ent.	1.79
			5450 · Natural Gas	1-Groundwater Ent.	1.20
TOTAL					2.99
23006	07/20/2021	U.S. Bank Equipment F...	1012 · Citizens Busine...		-339.30
	07/09/2021		6033 · Office Equipmen...	4-General Fund Ent.	254.46
			6033 · Office Equipmen...	1-Groundwater Ent.	16.97
			6033 · Office Equipmen...	2-Redlands Plaza/...	50.90
			6033 · Office Equipmen...	3-Land Resources	16.97
TOTAL					339.30
23007	07/20/2021	Water Systems Consult...	1012 · Citizens Busine...		-1,026.25
	06/30/2021		5120 · Misc. Profession...	1-Groundwater Ent.	1,026.25
TOTAL					1,026.25
23008	07/20/2021	WEX Bank-Shell	1012 · Citizens Busine...		-593.00
	07/06/2021		5320 · Fuel	1-Groundwater Ent.	593.00
TOTAL					593.00

San Bernardino Valley Water Conservation District

Expenditure Report

July 2021

Num	Date	Name	Account	Class	Original Amount
23009	07/20/2021	Wilbur's	1012 · Citizens Busine...		-244.54
	06/30/2021		5210 · Equipment Maint...	1-Groundwater Ent.	244.54
TOTAL					244.54
23010	07/21/2021	State Water Resources ...	1012 · Citizens Busine...		-2,066.00
			6006 · Permits	5-Wash Plan	2,066.00
TOTAL					2,066.00
23011	07/28/2021	Paychex	1012 · Citizens Busine...		-112.49
			6042 · Payroll Processing	4-General Fund Ent.	112.49
TOTAL					112.49
23012	07/29/2021	California Dept of Fish ...	1012 · Citizens Busine...		-3,778.25
	07/29/2021		5123 · Habitat Manage...	5-Wash Plan	3,778.25
TOTAL					3,778.25
100281N	07/01/2021	PERS	1012 · Citizens Busine...		-12,414.00
			6170 · PERS Retirement	4-General Fund Ent.	1,613.82
			6170 · PERS Retirement	1-Groundwater Ent.	5,586.30
			6170 · PERS Retirement	2-Redlands Plaza/...	496.56
			6170 · PERS Retirement	3-Land Resources	1,241.40
			6170 · PERS Retirement	5-Wash Plan	868.98
			6170 · PERS Retirement	6-Active Recharge ...	2,606.94
TOTAL					12,414.00
100282N	07/13/2021	PERS	1012 · Citizens Busine...		-9,793.06
			6170 · PERS Retirement	4-General Fund Ent.	1,273.10
			6170 · PERS Retirement	1-Groundwater Ent.	4,406.88
			6170 · PERS Retirement	2-Redlands Plaza/...	391.72
			6170 · PERS Retirement	3-Land Resources	979.31
			6170 · PERS Retirement	5-Wash Plan	2,056.54
			6170 · PERS Retirement	6-Active Recharge ...	685.51
TOTAL					9,793.06

San Bernardino Valley Water Conservation District
Director Fees Expenditure Payroll Report
July 2021

Pay Date	Name	For Period	Director Fees	Taxes Withheld	Check Amt
7/14/2021	Corneille, R	Jun-21	\$ 705.00	\$ 62.39	\$ 642.61
7/14/2021	McDonald, M	Jul-21	\$ 1,175.00	\$ 103.98	\$ 1,071.02
7/14/2021	Raley, D	Feb-21	\$ 940.00	\$ 143.28	\$ 796.72
7/14/2021	Stewart, B	May-Jun 21	\$ 1,645.00	\$ 273.52	\$ 1,371.48
7/28/2021	Longville, J	Mar-Jun 21	\$ 2,820.00	\$ 1,380.29	\$ 1,439.71

AGREEMENT FOR EMPLOYMENT OF IN-HOUSE COUNSEL

This AGREEMENT FOR EMPLOYMENT OF IN-HOUSE COUNSEL (“Agreement”) is entered into effective on the 13th day of August 2021 (“Effective Date”) by and between the SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT, a public agency and water conservation district duly formed and existing under the Water Conservation Act, California Water Code sections 74000 *et seq.* (“District”) and David Cosgrove (“Employee”) on the terms and conditions stated herein.

1. Duties of Employee

A. District hereby agrees to employ Employee, and Employee hereby accepts employment with District, as District’s In-House Counsel. Employee shall perform such legal services as are customarily provided by special districts’ in-house counsel, and as may be assigned by the Board of Directors. Employee agrees to fulfill and abide by all of the other District’s adopted policies and procedures.

B. It is expressly understood that Employee shall be required to devote requisite time and effort to the business of the District during the term of this Agreement but may also pursue clients during his tenure as In-House Counsel of District, provided, however, District consents in advance. This Agreement shall not be interpreted to prohibit Employee from making personal investments, conducting private business affairs, or pursuing personal political activities, so long as such activities do not materially interfere with the duties and services Employee is required to perform under this Agreement.

C. It is the duty of the Employee acting as In-House Counsel to serve also as Counsel of the San Bernardino Valley Conservation Trust (“SBVCT”), unless removed or replaced by a majority vote of the Board of Directors of SBVCT. In so doing, Employee shall exercise reasonably prudent business judgment and administrative discretion in the conduct of legal services and a directed by the SBVCT Board of Directors.

2. Term of Agreement and At-Will Status

A. This Agreement shall be Effective as of the Effective Date and shall continue in effect until terminated as permitted hereunder. Employee shall serve at the pleasure of the District’s Board of Directors and is specifically employed on an “at-will” basis. Employee’s employment hereunder may be terminated at any time by a majority vote of the District’s Board of Directors, with or without cause. In the event such termination is without cause, however, Employee shall be entitled to a severance payment in the lesser amount of three (3) months’ salary, at the rate of salary in effect on the effective date of termination. The position is temporary and part time, allowing for not more than 960 hours to be worked in any calendar year. It is understood this is a unique position of in-house counsel and as such constitutes an attorney-client relationship between District and Employee. As such, District has the absolute right to terminate Employee’s services at any time, with or without cause. Employee’s obligations to District are governed by the attorneys’ Rules of Professional Conduct and related laws.

3. Termination

This Agreement may be terminated by District at any time, with or without cause, consistent with Employee's at will status. This Agreement may be terminated by Employee upon no less than 30 days written notice to the President of the Board of Directors of the intent to resign, retire, or otherwise separate from employment with the District. Employee and District may, by mutual agreement, extend Employee's termination date beyond the 30-day notice period.

Upon termination or other separation from employment with the District, Employee shall be paid all accrued salary and benefits. Upon termination or separation, Employee shall turn over to the District all District's property, including, but not limited to, any credit cards, computer hardware or software, and all files, reports, or presentation materials.

4. Disability

In the event Employee becomes permanently disabled or is otherwise unable to perform his duties, as determined by a licensed physician designated by the District's Board of Directors, because of sickness, accident, injury, mental incapacity or other medical condition ("qualifying event") for a period of twelve (12) weeks in any one (1) year period measured from the first date of absence for such reason, this absence shall be defined as "FMLA/CFRA Leave" for a qualifying event. During the Employee's FMLA/CFRA Leave, Employee shall be required to utilize all accrued and unused paid leave concurrently during this time period. Employee, in his capacity as In-House Counsel, is deemed a key employee under the FMLA/CFRA. Employee is therefore not entitled to reinstatement to his former position of In-House Counsel at the expiration of the FMLA/CFRA Leave of twelve (12) weeks in a one (1) year period measured from the first day of Employee's absence for a qualifying event, and such inability to return to work constitutes just cause for Employee's termination. In the event Employee elects voluntarily to retire any time after six consecutive weeks of absence from his duties due to, or as a result of, a "qualifying event," District shall continue to pay the premiums for Employee's group health plans for Employee until Employee becomes eligible for Medicare or pay an equivalent amount to the Employee to be used toward provision of health care.

5. Salary

Employee shall be paid on the same payroll cycle as the District's other employees, as those may be determined by the Board of Directors, in accordance with District's payroll procedures. Employee's salary shall be two hundred and fifty thousand dollars (\$250,000.00) annually, which for purposes of internal financial accounting and allocation purposes, and for purposes of allocating salary over District's payroll periods, reflects an hourly rate of \$260.42 per hour, based on the 960 hour maximum. Employee's performance shall be subject to annual review by the District's Board of Directors, or any committee of the Board to which such responsibility has been delegated. Unless the Board or a delegated committee reviews performance and sets a rate before the anniversary of the Effective Date, the salary rate shall increase by the COLA provided for all employees and approved for the Budget year.

6. Uniqueness of Services

Employee represents and agrees that the services to be performed by this Agreement are special, unique, unusual, extraordinary, and of an intellectual character, that gives him a peculiar value to the District, the loss of which cannot be reasonably or adequately compensated for monetary damages.

7. Vacation

Employee shall accrue vacation at a rate of 1.67 days per month of completed employment as stipulated in the Personnel Manual for all employees.

8. Sick Leave

Sick leave is a protection to Employee granted by District to assist Employee in times or circumstances of illness, incapacity, or physical adversity, and is intended to serve as a protection for Employee's health and welfare; it is not an earned right to time off from work. Employee shall accrue sick leave at a rate of one (1) day per month of completed employment as stipulated in the Personnel Manual for all employees.

9. Mileage Reimbursement

Employee shall be reimbursed for actual mileage travelled in Employee's own automobile, for such meetings and other events as District reasonably requires Employee to attend. Mileage for commuting to and from employee's residence to the District offices shall not be eligible for reimbursement. Reimbursement shall be at the IRS forced mileage rate then effect. Employee shall maintain collision and liability insurance on any automobile Employee uses for any District business, at Employee's own expense, with coverage no less than \$100,000 per occurrence, \$300,000 per incident.

10. Benefits

Employee shall be provided medical, dental, and vision benefits under District's medical and health insurance as though the position were a full time employee under the policies in effect as of the Effective Date, at District's expense, and as such medical and health insurance benefits may change through action of the District's Board of Directors, over the course of Employee's employment. District shall provide Employee with professional errors and omission insurance, provided, such insurance shall cover only Employee's work for the District, and not any other work Employee may perform for other clients. The In-House Counsel position is part time and not permitted to work more than 960 hours. Employee understands and acknowledges that CalPERS retirement is not provided for employees of less than 960 hours per year.

11. Expense Reimbursements

Employee may receive reimbursement for expenses incurred by Employee in the direct prosecution of the District's business, as may be approved by the District's Board of Directors. Such expenses may be reimbursed regularly as they are incurred, and submitted to the Board monthly for ratification, or otherwise processed in compliance with any policies or procedures the

District's Board of Directors has adopted or may adopt, which are applicable to the In-House Counsel. Employee shall provide his own cellular phone and portable computing devices, at Employee's own expense. District will provide, at District's expense, all applicable software and software support, computer legal research service, and scanning or photocopying devices as may be necessary or convenient to Employee's services. In all cases, final approval of all such reimbursable expenses to Employee rests with the District's President or Vice President.

12. Integration

This Agreement contains the entire agreement between the District and Employee, and supersedes any and all prior negotiations, representations, or agreements, oral or written or otherwise. This Agreement may only be modified by an instrument in writing signed by both parties and approved by District's Board of Directors.

13. Waiver

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by any other party shall not be deemed the waiver of that term, covenant, or condition, nor shall waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

14. Governing Law

This Agreement is entered into, and is to be governed by, the laws of the State of California.

15. Severance

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, unconstitutional or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

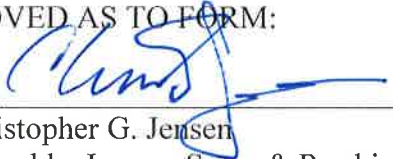
Dated: _____, 2021

SAN BERNARDINO VALLEY WATER
CONSERVATION DISTRICT

By:

Melody McDonald, President
"District"

APPROVED AS TO FORM:

By: 

Christopher G. Jensen
Reynolds, Jensen, Swan & Pershing, LLP
District Special Counsel

EMPLOYEE

Dated: _____, 2021

David B. Cosgrove
Employee

SBVWCD Groundwater Assessment Re

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**

NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
AHD Limited								
	3601632	2S3W05A02S	Clock Canyon/Marcum Well					
Arrowhead Country Club								
	3601925	1N4W23E	1	259.50	\$0.00	0.00	\$3,594.08	
					\$0.00		\$3,594.08	\$3,594.08
Calvary Chapel Packinghouse								
	3600449	01S03W20A	Bell Well	0.00	\$0.00	0.20	\$2.77	
	3603919		Calvary Well	0.00	\$0.00	59.90	\$829.62	
					\$0.00		\$832.39	\$832.39
Cemex USA								
	3603653	1S3W10J2S	Orange Street	0.00	\$0.00	371.80	\$5,149.43	
	3601420	1S3W09E02S	Alabama Street 2	0.00	\$0.00	32.10	\$443.20	
					\$0.00		\$5,592.63	\$5,592.63
Crafton Water Company								
	3600313	1S2W29N1	Nye Well					
	3600272	1S2W29N	Fifth Ave. 1					
	3600530	1S2W30G2	King St #2					
	3602186	1S2W21L02S	Garnet/2 Zanja Well					
Cram Patterson Well Co.								
	3600188	1S2W16C	Cram-Patterson 2					

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
Doug Guyette								
	3600458	1N4W36M01S	PS & B2	0.00	\$0.00	0.00	\$0.00	
	3610007		Well 5	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
DRC Industrial CBC 1, LP (So Cal Real Estate Serv								
	3601352	1S3W19N	Langford	0.00	\$0.00	36.08	\$499.71	
					\$0.00		\$499.71	<u>\$499.71</u>
Gage Canal Company								
	3600787	1S4W23A02S	26-1	0.00	\$0.00	0.00	\$0.00	
	3603728	01S04W23A06S	Gage 98-1	1181.00	\$16,356.85	623.00	\$8,628.55	
	3600798	1S4W23G01S	Cowlane	0.00	\$0.00	0.00	\$0.00	
	3600790	1S4W23K02S	29-1	0.00	\$0.00	0.00	\$0.00	
	3600788	1S4W23H01S	27-1	87.00	\$1,204.95	45.00	\$623.25	
	3600796	1S4W23A05S	51-1	273.00	\$3,781.05	143.00	\$1,980.55	
	3602331	1S4W23G03S	66-1	980.00	\$13,573.00	517.00	\$7,160.45	
	3600789	1S4W23K01S	27-2	52.00	\$720.20	27.00	\$373.95	
					\$35,636.05		\$18,766.75	<u>\$54,402.80</u>
George Everett								
	WP0003068		Everett Well	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
George Meadows								
	WP0002552	E085386	Meadows Well	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
Gladysta Well & Water Company								
	3600182	1S3W20H02S						
Greenspot Mutual Well Company								
	3600266	1S2W16C01S	Greenspot Mutual					
Happe Mutual Well Company								
	3600238	1S2W29M01S	1					
Inland Valley Development Agency								
	0000087	1S4W12C	Local 3	0.00	\$0.00	0.00	\$0.00	
	0000086	1S4W12B	Local 2A	0.00	\$0.00	0.00	\$0.00	
	0000089	1S4W12F	Local 5	0.00	\$0.00	0.00	\$0.00	
	0000091	1S4W12Q	Palm Meadows	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	\$0.00
Jack Dangermond								
	3602188	01S02W29K01	Rancho Ladera Roladera	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	\$0.00
Laranni Gunter Well c/o Canyon Ranch								
	3600160	1S3W32G01S	Gunter	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	\$0.00
Lucky Farms, Inc./Spring Pacific Properties								
	3603554	1S3W19A01S	California St.					

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
Meeks & Daley Water Co.								
	3603905	1S4W14N115S	Raub 8					
	3601238	1S4W23C03S	Raub 4R					
	3602484	1S4W14N09S	Raub 5R					
			Raub 7					
	3601887	1S4W15L03S	Station 59					
	3603215	1S4W15M11S	Station 91					
	3603903	1S4W22H04S	Warren 1					
		01S04W22A01S	Warren 4R					
	3602864	1S4W14N10S	Raub 6					
Mentone Citrus Growers								
	3600139	1S2W18R01S	1 - PRH Ranch	31.20	\$432.12	0.00	\$0.00	
	3602280	1S2W18Q	2	298.80	\$4,138.38	0.00	\$0.00	
					\$4,570.50		\$0.00	\$4,570.50
Monte LLC (Dangermond)								
	3600493	01S03W29K	New Well	15.10	\$209.14	0.00	\$0.00	
					\$209.14		\$0.00	\$209.14
Montecito Memorial Park and Mortuary								
	3600119	1S4W26F01S	1					
	3603949	1S4W26F	2					
Mountain View Mortuary & Cemetery								
	3600743	1N4W26M	1	0.00	\$0.00	80.00	\$1,108.00	

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
	3600742	1N4W26N	2	0.00	\$0.00	55.00	\$761.75	
					\$0.00		\$1,869.75	<u>\$1,869.75</u>
Mountainview Generating Station								
	3603796	01S03W18N01S	Edison Mid Aquifer Well B					
	3601014	1S3W18N03S	SB STPM 66 (DW#2)					
	3601015	1S3W18N02S	SB STMP2 67 (DW#1)					
	3603795	01S03W18N06S	Edison Mid Aquifer Well A					
National Orange Show								
	3601924	1S4W15D		0.00	\$0.00	16.62	\$230.19	
					\$0.00		\$230.19	<u>\$230.19</u>
New England Water Co.								
	3602320	1S3W16L						
Patton State Hospital								
	3600931	1N3W29N01S	Patton 10					
	3600924	1N3W29M01S	2					
	3602381	1N3W29M	14					
Pioneer Mutual Water Company								
	3600642	1S3W14P01S	San Bernardino 1	4.10	\$56.79	0.00	\$0.00	
					\$56.79		\$0.00	<u>\$56.79</u>
Piperhill Redlands LLC								
	3601126	1S2W30H	1					

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
Ramirez, J.J. Citrus Mgmt								
	3601046	1S3W21A	1 Stowe					
	3600484	1S3W16F	Buckeye 2					
	3600527	1S3W16A	Midas					
	3601728	1S3W30K	Frink 1					
Ramirez, Laura								
	3601649	1S3W28M	Hoover					
	3600415	01S03W29J01S	Pharoah Powell					
Raught Mutual Well Company								
	3602193	1S3W14R01S	Raught					
Redland-Branson Development								
	3602917	1S3W33D01S	Stater Well	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
Redlands Unified School District								
	3601641	1S2W30C01S	Opal St.	0.00	\$0.00	44.90	\$622.00	
					\$0.00		\$622.00	<u>\$622.00</u>
Redlands, City of								
	3600748	1S3W24A01S	Mentone Acres #1	54.40	\$753.44	0.00	\$0.00	
					\$753.44		\$0.00	<u>\$753.44</u>
Riverside, City of								

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
	3603555	1S4W14N10S	Raub 8	0.00	\$0.00	0.00	\$0.00	
	3601465	1S4W02Q03S	Garner 2	0.00	\$0.00	0.00	\$0.00	
	3603981	1N04W23	Raub 5R	0.00	\$0.00	0.00	\$0.00	
	3310031	01S04W11D0	Cooley J	0.00	\$0.00	1637.77	\$22,683.11	
	3603975	01N04W23	Raub 4R	0.00	\$0.00	699.48	\$9,687.80	
		01S04W22A01S	Warren 4R	0.00	\$0.00	0.00	\$0.00	
	3601431	1S4W27H01S	Stewart 20	0.00	\$0.00	0.00	\$0.00	
	3601228	1S4W11D02S	Cooley H	0.00	\$0.00	0.00	\$0.00	
	3302794	1S4W02Q11S	Garner 7	0.00	\$0.00	848.79	\$11,755.74	
	3601489	1S4W02L01S	Scheuer	0.00	\$0.00	521.71	\$7,225.68	
	3601467	1S4W02Q06S	Garner 4	0.00	\$0.00	0.00	\$0.00	
	3601464	1S4W02P06S	Garner 1	0.00	\$0.00	0.00	\$0.00	
	3601468	1S4W02P01S	Garner 5	0.00	\$0.00	1149.67	\$15,922.93	
	3602771	1S4W27A11S	Hunt 6	0.00	\$0.00	0.00	\$0.00	
	3602772	1S4W27A09S	Hunt 10	0.00	\$0.00	18.96	\$262.60	
	3602773	1S4W27A10S	Hunt 11	0.00	\$0.00	0.00	\$0.00	
	3601470	1S4W22B07S	Thorn 12	0.00	\$0.00	934.52	\$12,943.10	
	3603254	1S4W02P09S	Garner 6	0.00	\$0.00	447.12	\$6,192.61	
	3601463	1S4W02A03S	Stiles	0.00	\$0.00	149.11	\$2,065.17	
	3601229	1S4W11D03S	Cooley I	0.00	\$0.00	594.65	\$8,235.90	
	3602778	1S4W14N10S	Raub 6	0.00	\$0.00	0.00	\$0.00	
	3601227	1S4W02N02S	Cooley G	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$96,974.64	<u>\$96,974.64</u>

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
San Bernardino County								
	3603900	1S2W8A2	Seven Oaks Dam Domestic	0.00	\$0.00	0.00	\$0.00	
			Lovell Fire Suppression Wel	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
San Bernardino, County of								
	3601171	1S3W20F03S	Crim 1	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
Solono Well Company								
	3602003	1S2W16C	Solano 3					
Tennessee Mutual Well Company								
	3601161	1S3W16L	Pioneer 1	29.31	\$405.94	0.00	\$0.00	
					\$405.94		\$0.00	<u>\$405.94</u>
Tennessee Water Company								
	3600474	1S3W16L	1	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
TIAA-CREF Financial Services								
	3600757	1S3W19L	Mission Marigold/Well 2	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
Trojan Groves								
	3600451	1S3W15M						
University of California, Riverside								
	3601222	1S4W27A11S	Hunt 6	0.00	\$0.00	0.00	\$0.00	

GWA Number **56**

Period January 1, 2021 to June 30, 2021

AgRate **\$13.85**NonAgRate **\$13.85**

Owner	RecordationNumber	StateWellNumber	LocalName	Ag Production	Ag Pymt	Non-Ag Production	Non-Ag Pymt	Amount Paid
	3601245	1S4W27A10S	Hunt 11	0.00	\$0.00	0.00	\$0.00	
	3601244	1S4W27A09S	Hunt 10	0.00	\$0.00	0.00	\$0.00	
					\$0.00		\$0.00	<u>\$0.00</u>
Williams Well Corporation								
	3600828	1S3W16J	-					
Total Ag Payment:		\$41,631.86	Total Non-Ag Payment:		\$128,982.14	Total Ag + Non-Ag Pay		<u>\$170,614.00</u>



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

Memorandum No. 1794

To: Board of Directors

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

Date: August 11, 2021

Subject: 4th Quarter Unaudited Financial Reports for FY 2020-2021

RECOMMENDATION

The Finance & Administration Committee recommends approval of the fourth quarter unaudited financials for FY 2020-2021 as presented.

BACKGROUND AND COMMITTEE DISCUSSION

The Finance and Administration Committee met on July 28, 2021, to review the Fourth Quarter Unaudited Financials and did not recommend any changes.

The report in the package indicates that revenue for the year was higher than budgeted due to increased mining, property tax, and Wash Plan revenue in the form of both loans and repayment received from participants for State permitting fees. The Wash Plan is a separate fiduciary account. The District will be fully reimbursed as Wash Plan participants pay the issuance costs for their Certificate of Inclusion to complete projects covered under the Wash Plan HCP as requested by the District.

Operating expenses were lower than anticipated. Significant savings were achieved in professional services, with staff completing some tasks in-house. Savings in general administration and Director's expenditures were due to COVID and other reduced costs. The notes column was with annotations for items that are a significant departure from the expected costs. Most capital projects are multi-year budgets, so they would not be fully expended in any one fiscal year.

FISCAL IMPACT

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

POTENTIAL MOTIONS

1. Move approval of the Fourth Quarter Unaudited Financials for FY 2020-2021 as Committee recommended.

**BOARD OF
DIRECTORS**

Division 1:
Richard Corneille

Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

**GENERAL
MANAGER**

Daniel B. Cozad

2. Move to request this item be tabled and referred to the Finance & Administration Committee to reconsider specific issues discussed.

ATTACHMENTS OR MATERIALS

20120-2021 4th Quarter Rolled Up Budget Worksheet

SBVWCD Quarterly Investment Report

4TH QUARTER		2020-2021 Budget	Expended/ Received to Date as of 06/30/21	Actual Over/Under Budget	Projected Annual Costs (7/1/20- 6/30/21)	Notes	GENERAL FUND			GROUNDWATER RECHARGE ENTERPRISE		REDLANDS PLAZA & LEASED PROPERTY- MENTONE HOUSE		LAND RESOURCE		ACTIVE RECHARGE TRANSFER PROJECTS		WASH PLAN	
GL ACCT:	GL DESCRIPTION:						2020 BUDGET:	% BUDGET	BASIS:	2020 BUDGET:	% BUDGET	2020 BUDGET:	% BUDGET	2020 BUDGET:	% BUDGET	2020 BUDGET	% BUDGET	2020 BUDGET:	% BUDGET
2020-2021 Budget																			
INCOME:																			
4012-15	INTEREST INCOME	581,614.43	42,407.32	-539,207.11	42,407.32		122,614.43			0.00		0.00		0.00		344,250.00		0.00	
4021-23	GROUNDWATER	1,129,721.79	1,238,312.89	108,591.10	1,238,312.89		0.00			459,721.79		0.00		0.00		0.00		0.00	
4021	GROUNDWATER CHARGE-AG	128,045.00	121,142.47	-6,902.53	121,142.47		0.00			128,045.00	100.00%	0.00		0.00		0.00		0.00	
4023	GROUNDWATER CHARGE-NON AG	331,676.79	447,170.42	115,493.63	447,170.42		0.00		Adjusted Ag Non-Ag per schedule	331,676.79	100.00%	0.00		0.00		0.00		0.00	
4024	GROUNDWATER COUNCIL REVENUE	670,000.00	670,000.00	0.00	670,000.00		0.00			670,000.00	100.00%	0.00		0.00		0.00		0.00	
4031-34	MINING	634,000.00	818,333.76	184,333.76	967,092.42		0.00			0.00		0.00		634,000.00		0.00		0.00	
4032	CEMEX - ROYALTY/LEASE	586,000.00	774,333.76	188,333.76	919,092.42	Cemex Mining above Min	0.00			0.00		0.00		586,000.00	100.00%	0.00		0.00	
4036,40,80	MISCELLANEOUS	100,000.00	85,359.18	-14,640.82	119,859.18		7,500.00			30,000.00		0.00		62,500.00		0.00		0.00	
4036	AGGREGATE MAINTENANCE	60,000.00	79,202.43	19,202.43	83,702.43	Upland above Budget	0.00			0.00		0.00		60,000.00	100.00%	0.00		0.00	
4050	PROPERTY TAX	124,588.24	169,760.32	45,172.08	169,760.32		124,588.24	100.00%	+5%	0.00		0.00		0.00		0.00		0.00	
4055	SBVMWD LEASE AGREEMENT	423,344.11	415,202.87	-8,141.24	415,202.87		190,504.85	45.00%	+1.4% CPI	232,839.26	55.00%	0.00		0.00	0.00%	0.00		0.00	
4062-66	RENTALS	234,263.92	234,987.65	723.73	234,987.65	Adjusted for Covid	0.00			0.00		234,263.92		0.00		0.00		0.00	
4080	EXCHANGE PLAN	30,000.00	0.00	-30,000.00	30,000.00	Will be paid in FY21-22	0.00			30,000.00	100.00%	0.00		0.00		0.00		0.00	
4025	WASH PLAN REVENUE *Reserve CIP #5	220,000.00	624,399.27	404,399.27	689,910.27		0.00		Processing Complete	0.00		0.00		0.00				220,000.00	100.00%
4086	PLUNGE CREEK IRWMP	200,000.00	317,796.80	117,796.80	317,796.80	Payment final in 21-22	0.00		Per Plunge Creek Budget/schedule	0.00		0.00		200,000.00	100.00%	0.00		0.00	
TOTAL INCOME:		3,790,032.48	3,946,560.06	156,527.58	4,337,829.72		559,957.51			1,392,561.05		234,263.92		896,500.00		344,250.00		362,500.00	
EXPENSES:																			
5000	MISCELLANEOUS	4,000.00	4,281.93	281.93	4,281.93		4,000.00	100.00%	LAFCO Changes	0.00		0.00		0.00		0.00		0.00	
5100	PROFESSIONAL SERVICES	719,865.00	399,234.90	-320,630.10	568,301.48	Lower costs than expected	102,230.50			137,070.80		16,173.25		301,890.45		0.00		162,500.00	
5120	MISC. PROFESSIONAL SERVICES	130,000.00	53,256.29	-76,743.71	60,000.00		39,000.00	30.00%	Includes GSC Support	27,300.00	21.00%	0.00	0.00%	63,700.00	49.00%	0.00		0.00	
5122	WASH PLAN PROFESSIONAL SERVICES	245,000.00	369,633.30	124,633.30	369,633.30	Higher costs than expected	0.00		Per Wash Plan Budget	0.00		0.00		0.00		0.00		245,000.00	100.00%
52-53	FIELD OPERATIONS	191,306.36	115,355.93	-75,950.43	115,355.93		0.00			158,906.36		0.00		32,400.00		0.00		0.00	
5400	UTILITIES	31,069.82	25,802.68	-5,267.14	25,802.68		13,468.77			11,347.41		5,336.81		916.82		0.00		0.00	
6000	GENERAL ADMINSTRATION	302,506.64	207,185.07	-95,321.57	212,185.07	lower costs Covid etc.	110,210.34			52,677.96		88,735.81		46,832.53		0.00		4,050.00	
6100	BENEFITS:	489,815.11	467,388.75	-22,426.36	467,388.75		63,675.96			276,100.99		24,542.31		61,355.78		128,847.13		42,949.04	
6160	PAYROLL TAXES - EMPLOYER	81,796.00	70,362.66	-11,433.34	70,362.66		10,633.48	13.00%	Consolidated costs 2014	44,906.00	45.00%	3,991.64	4.00%	9,979.11	10.00%	20,956.13	21%	6,985.38	7.00%
6170	PERS RETIREMENT	235,124.31	300,667.29	65,542.98	300,667.29	Employee payments	30,566.16	13.00%	Noticed Increase	129,083.24	45.00%	11,474.07	4.00%	28,685.17	10.00%	60,238.85	21%	20,079.62	7.00%
6170.01	PERS EMPLOYEE CONTRIBUTION	-44,054.08	-114,140.07	-70,085.99	-114,140.07	Offsetting reduction	-5,727.03	13.00%		-19,824.33	45.00%	-1,762.16	4.00%	-4,405.41	10.00%	-9,251.36	21%	-3,083.79	7.00%
SALARIES:									Overhead Offset 20%										
6200	SALARIES	1,141,880.19	1,022,455.03	-119,425.16	1,022,455.03	Full Raise pool not used	139,363.56			618,269.36		55,178.37		138,426.30		305,424.36		105,771.90	
6300	INSURANCE	36,700.00	34,615.12	-2,084.88	34,615.12		1,835.00			27,525.00		5,505.00		1,835.00		0.00		0.00	
6400	DIRECTOR'S EXPENSES	214,361.31	71,535.19	-142,826.12	76,535.99	Covid impacts lowered	214,361.31	100.00%	5% increase option included	0.00		0.00		0.00		0.00		0.00	
6500	ADMINISTRATIVE/STAFF EXPENSES	16,335.00	5,033.81	-11,301.19	5,033.81	Covid impacts lowered	7,225.75			5,437.25		0.00		3,422.00		250.00		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		0.00	
TOTAL EXPENSES:		3,836,839.42	2,722,521.71	-1,114,317.71	3,345,589.09		656,371.19			1,395,335.13		215,471.55		903,078.88		434,521.49		560,270.94	
Operating Revenue		3,790,032.48	3,946,560.06	156,527.58	4,337,829.72		559,957.51			1,392,561.05		234,263.92		896,500.00		344,250.00		362,500.00	
NET OPERATING REVENUE		-46,806.94	1,224,038.35	1,270,845.29			-96,413.68			-2,774.08		18,792.37		-6,578.88		-90,271.49		-197,770.94	
OVERHEAD							-106,061.73												
NET GENERAL FUND ANNUAL							-202,475.41												

4TH QUARTER		2020-2021 Budget	Expended/ Received to Date as of 06/30/21	Actual Over/Under Budget	Projected Annual Costs (7/1/20- 6/30/21)	Notes	GENERAL FUND			GROUNDWATER RECHARGE ENTERPRISE		REDLANDS PLAZA & LEASED PROPERTY- MENTONE HOUSE		LAND RESOURCE		ACTIVE RECHARGE TRANSFER PROJECTS		WASH PLAN	
GL ACCT:	GL DESCRIPTION:						2020 BUDGET:	% BUDGET	BASIS:	2020 BUDGET:	% BUDGET	2020 BUDGET:	% BUDGET	2020 BUDGET:	% BUDGET	2020 BUDGET	% BUDGET	2020 BUDGET:	% BUDGET
2020-2021 Budget																			
Multiyear Capital projects						Cost-To-Date													
7010	MATERIALS	12,000.00	0.00	-12,000.00	12,000.00		0.00			6,000.00	50.00%	0.00		6,000.00	50.00%	0.00		0.00	
7055	PLUNGE CREEK PROJECT CIP #2	500,000.00	423,706.51	-76,293.49	423,706.51	0.00	0.00		Net of Grant Funds \$710 K Total	200,000.00	40.00%	0.00		300,000.00	60.00%	0.00		0.00	
	LAND & BUILDINGS																		
7100	CAPITAL REPAIRS	807,000.00	42,521.55	-764,478.45	42,521.55		0.00			500,000.00		0.00		282,000.00		0.00		0.00	
7110	PROPERTY - CAPITAL REPAIRS	315,000.00	0.00	-315,000.00	0.00		0.00			170,000.00		0.00		145,000.00		0.00		0.00	
7120	PROPERTY - LAND PURCHASE	0.00	42,521.55	42,521.55	42,521.55		0.00			0.00	60.00%	0.00	0.00%	0.00		0.00		0.00	
7130	MENTONE PROPERTY (HOUSE) CAPITAL REPAIRS	25,000.00	0.00	-25,000.00	0.00		0.00			0.00		25,000.00	100.00%	0.00		0.00		0.00	
7140	MENTONE PROPERTY (SHOP) CIP #3	330,000.00	0.00	-330,000.00	0.00	Per Operations Commitment	0.00			330,000.00	100.00%	0.00		0.00		0.00		0.00	
7160	MENTONE PROPERTY CIP #9 #12	137,000.00	0.00	-137,000.00	0.00		0.00				100.00%	0.00		137,000.00	100.00%	0.00		0.00	
	EQUIPMENT & VEHICLES																		
7200	EQUIPMENT & VEHICLES	89,000.00	88,153.76	-846.24	88,153.76		7,250.00			62,250.00	91.70%	0.00		18,500.00		0.00		1,000.00	
7150	MILL CREEK DIVERSION PROJECT CIP #1	1,100,000.00	0.00	-1,100,000.00	0.00	172,997.75	0.00		MultiYear Total comitment \$750K	1,100,000.00	100.00%	0.00		0.00	0.00%	0.00		0.00	
7438	ENGINEERING SERVICES-OTHER	125,000.00	0.00	-125,000.00	0.00		0.00		CIP #4 and #7 Partial	20,000.00	16.00%	0.00		87,500.00	70.00%	17,500.00	14%	0.00	
	CAPITAL EXPENSE	3,133,000.00	554,381.82	-2,578,618.18	566,381.82		7,250.00			1,888,250.00		25,000.00		694,000.00		517,500.00		1,000.00	
CAPTIAL REVENUE		444,000.00					0.00			108,000.00		20,000.00		316,000.00				0.00	
CAPITAL SUBTOTAL ANNUAL NET		-2,171,500.00					-7,250.00			-1,780,250.00		-5,000.00		-378,000.00				-1,000.00	
RESERVE CONTRIBUTION OR (-USE)		-2,218,306.94		-2,562,307	TOTAL		-209,725.41			-1,783,024.08	io Capital Pr	13,792.37		-384,578.88				-198,770.94	

San Bernardino Valley Water Conservation District

Quarterly Investment Report

Investment Instruments	Beginning Balance as of Jul 1, 2020	4th Quarter Balance ending June 30, 2021	Yield	Cumulative Unrealized Gain (Loss)
Pooled Money Investment Accounts				
LAIF	\$ 128,186.22	\$ 430,623.48	0.52%	\$ -
CalTRUST				
Short-Term Fund	\$ 3,213,064.41	\$ 3,222,408.78	0.49%	\$ -
Investment Accounts				
UBS Financial Services				
CDs	\$ 1,713,551.94	\$ 500,681.82	2.95%	\$ 8,023.75
Cash Dep Acct	\$ 211,763.88	\$ -		
California Credit Union				
24 Mo. CD cashed out	\$ 257,565.81	\$ -		
CAMP				
Investment Pool	\$ 18,725,746.48	\$ 18,754,702.89	1.85%	\$ -
OPEB-Other Postemployment Benefits				
CERBT-CA Employers' Retiree Benefit Trust	\$ 502,075.68	\$ 639,697.80	6.22%	\$ 138,198.42
TOTAL	\$ 24,751,954.42	\$ 23,548,114.77		\$ 146,222.17

Net Change

\$ (1,203,839.65)
-5.11%

Banking Institutions	Beginning Balance as of July 1, 2020	4th Quarter Balance ending June 30, 2021
Citizen's Business Bank	\$ 904,184.54	\$ 2,306,531.33
Cash and Cash Equivalents	\$ 904,184.54	\$ 2,306,531.33
Change in Value		\$ 1,402,346.79

Description	NAV	Annual Yield	Average Maturity	Shares
LAIF	N/A	0.52%	.78 years (284.7 days)	
CalTrust Short-Term Fund	\$10.09	0.49%	.87 years (317.55 days)	319,366.579
CERBT	\$22.21			28,795.870
UBS-CD's	see below			

UBS Investments

Certificates of Deposit (CDs)	Price	Rate	Maturity	Shares	Purchase Price	Market Value as of 06/30/21	CD Length
1. Ally Bank UT US RT fixed rate CD (ZVIBY)	\$1.023	3.20%	12/13/2021	245,000	\$245,000.00	\$248,557.40	3 yr
1. Morgan Stanley Bank UT fixed rate CD (Cusip: 61690UEV8)	\$1.026	2.80%	2/28/2022	245,000	\$245,000.00	\$249,466.35	3 yr
						\$2,658.07	accrued interest
Average	\$1.02	3.00%	Total Interest Withdrawals	\$14,098.58	TOTAL	\$490,000.00	\$500,681.82



San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

Memorandum No. 1795

To: Board of Directors

From: General Manager, Daniel Cozad

Date: August 11, 2021

Subject: Unaudited Financial Reports, July 2021

RECOMMENDATION

Review and approve the unaudited financials for July 2021.

BACKGROUND

Financials are presented as of July 31, 2021. This report is the first monthly reporting for FY 2021/2022 and limited accounting activity is reported.

DISCUSSION

The City of Riverside has reported \$96,974.64 for their groundwater charge. Payment is expected by the end of August. An estimated \$10,000 is expected from the remaining producers. Payment has not been received from several Groundwater Council members but payment is expected in August. The financials are attached for Board review and approval.

FISCAL IMPACT

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

POTENTIAL MOTIONS

1. Move approval of the Unaudited Financials for July 2021 as presented.
2. Move to request this item be tabled and referred to Finance & Administration Committee for reconsideration of specific issues discussed.

ATTACHMENTS OR MATERIALS

Graph Financials for July 2021
Profit & Loss to Date vs. Annual Budget

BOARD OF DIRECTORS

Division 1:
Richard Corneille

Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL MANAGER

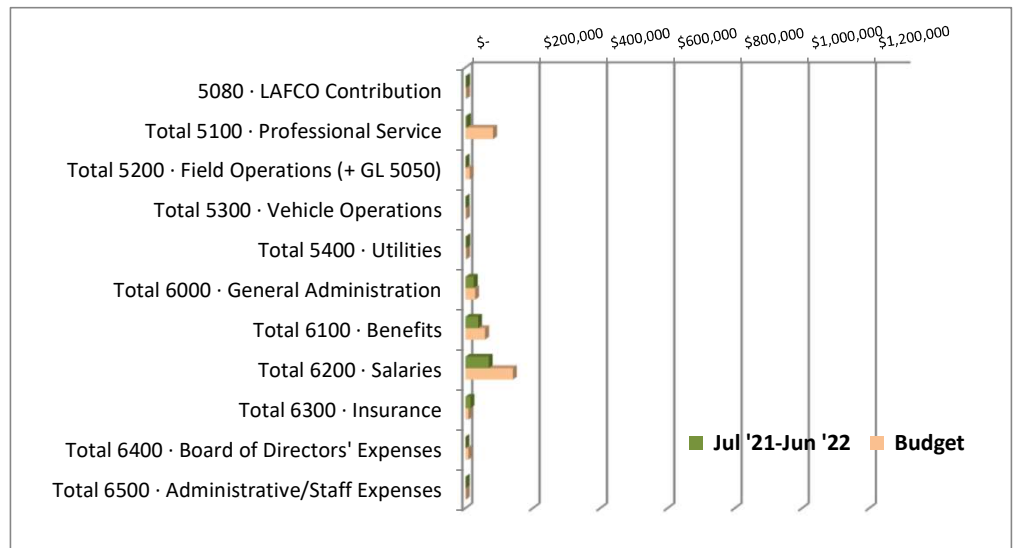
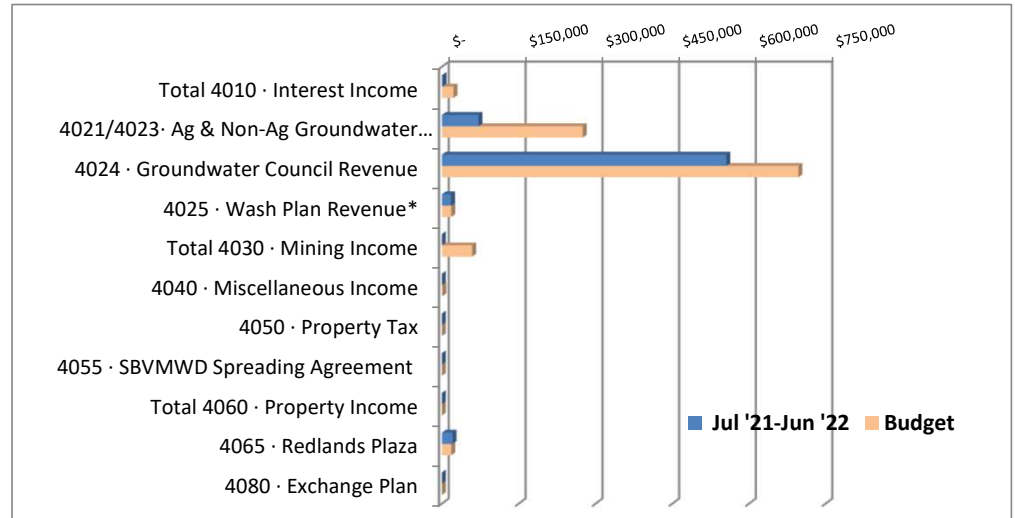
Daniel B. Cozad

SBVWCD - All Enterprises Budget and Actual
July 2021

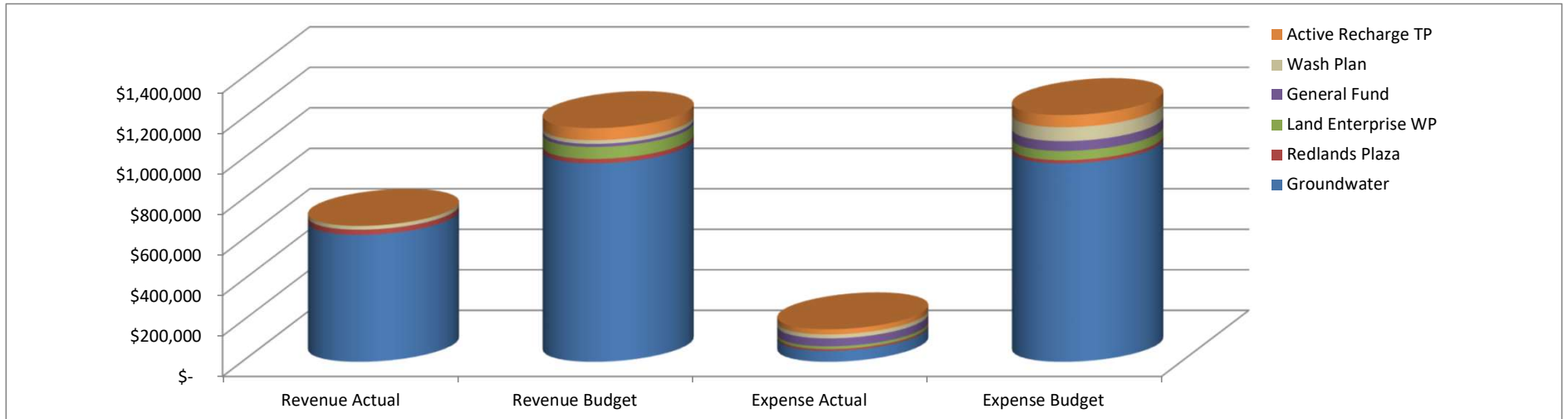
REVENUE	Jul '21-Jun '22	Budget
Total 4010 · Interest Income	\$ 1,231	\$ 22,788
4021/4023 · Ag & Non-Ag Groundwater Charge	\$ 71,432	\$ 274,841
4024 · Groundwater Council Revenue	\$ 555,746	\$ 696,800
4025 · Wash Plan Revenue*	\$ 18,108	\$ 18,333
Total 4030 · Mining Income	\$ -	\$ 59,000
4040 · Miscellaneous Income	\$ 46	\$ 833
4050 · Property Tax	\$ -	\$ -
4055 · SBVMWD Spreading Agreement	\$ -	\$ -
Total 4060 · Property Income	\$ -	\$ -
4065 · Redlands Plaza	\$ 20,693	\$ 18,170
4080 · Exchange Plan	\$ -	\$ -
Total Revenue	\$ 667,256	\$ 1,090,765

*District loans to the WP

EXPENSES Operating and Capital	Jul '21-Jun '22	Budget
5080 · LAFCO Contribution	\$ 2,419	\$ 2,419
Total 5100 · Professional Service	\$ 4,378	\$ 82,246
Total 5200 · Field Operations (+ GL 5050)	\$ 850	\$ 13,097
Total 5300 · Vehicle Operations	\$ 940	\$ 1,929
Total 5400 · Utilities	\$ 3,094	\$ 2,333
Total 6000 · General Administration	\$ 24,808	\$ 29,165
Total 6100 · Benefits	\$ 37,876	\$ 58,545
Total 6200 · Salaries	\$ 69,470	\$ 141,060
Total 6300 · Insurance	\$ 15,174	\$ 9,295
Total 6400 · Board of Directors' Expenses	\$ 448	\$ 8,950
Total 6500 · Administrative/Staff Expenses	\$ 1,221	\$ 1,520
Total Expense	\$ 160,678	\$ 350,559



Enterprises to Date (July 2021)



Enterprise	Actual	Budget	% of Budget
Groundwater Revenue	\$ 627,178	\$ 980,048	64%
Groundwater Expense	\$ 54,524	\$ 119,205	46%
Revenue -Expense	\$ 572,654	\$ 860,842	
Redlands Plaza Revenue	\$ 25,041	\$ 21,912	114%
Redlands Plaza Expense	\$ 8,485	\$ 15,911	53%
Revenue -Expense	\$ 16,557	\$ 6,001	
Land Enterprise Revenue	\$ -	\$ 59,208	0%
Land Enterprise Expense	\$ 13,490	\$ 45,735	29%
Revenue -Expense	\$ (13,490)	\$ 13,473	
General Fund Revenue *	\$ 626	\$ 15,038	4%
General Fund Expense	\$ 39,423	\$ 48,255	82%
Revenue -Expense	\$ (38,797)	\$ (33,217)	
Wash Plan Revenue	\$ 18,108	\$ 18,333	99%
Wash Plan Expense	\$ 19,319	\$ 68,521	28%
Revenue-Expense	(1,210)	(50,188)	
Active Recharge TP Revenue	\$ 605	\$ 59,625	1%
Active Recharge TP Expense	\$ 25,438	\$ 60,015	42%
Revenue-Expense	\$ (24,833)	\$ (390)	
Total All Revenue - Expense	\$ 510,880	\$ 796,522	

Cash Status	As of 7/1/2021	As of 07/31/2021
LAIF	\$ 430,623.48	\$ 430,975.07
Cal Trust	\$ 3,222,408.78	\$ 3,222,874.51
Citizens Bank	\$ 2,306,531.33	\$ 2,570,596.03
UBS Financial Services	\$ 500,681.82	\$ 500,640.54
US Bank-CAMP	\$ 18,754,702.89	\$ 18,755,509.06
Total Cash	\$ 25,214,948.30	\$ 25,480,595.21
Less Prepaid Royalty	\$ (5,000,000.00)	\$ (5,000,000.00)
Less ARTP Obligation	\$ (18,437,500.00)	\$ (18,354,474.10)
Cash Position	\$ 1,777,448.30	\$ 2,126,121.11

Increase (decrease) of
Percent Increase \$348,672.81
19.6%

* General Fund Revenue shown here does not include overhead

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	Jul 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4010 · Interest Income				
4012 · LAIF	0.00	4,000.00	-4,000.00	0.0%
4013 · Caltrust Investment Income	465.73	25,600.00	-25,134.27	1.82%
4014 · CalCredit Union Interest Income	0.00	0.00	0.00	0.0%
4015 · UBS Interest Income	-41.28	27,860.00	-27,901.28	-0.15%
4016 · Interest Income ARTP	806.17	216,000.00	-215,193.83	0.37%
Total 4010 · Interest Income	1,230.62	273,460.00	-272,229.38	0.45%
4017 · ARTP Capital Income	0.00	615,000.00	-615,000.00	0.0%
4020 · Groundwater Charge				
4021 · Assessments - Ag	44,472.50	0.00	44,472.50	100.0%
4022 · Groundwater Charge	0.00	549,681.07	-549,681.07	0.0%
4023 · Assessments - Non-Ag	26,959.03	0.00	26,959.03	100.0%
4024 · Groundwater Council Revenue	555,746.00	696,800.00	-141,054.00	79.76%
4026 · GW Sustainability/Replenishment	0.00	16,814.00	-16,814.00	0.0%
Total 4020 · Groundwater Charge	627,177.53	1,263,295.07	-636,117.54	49.65%
4025 · Wash Plan Revenue	18,108.48	220,000.00	-201,891.52	8.23%
4030 · Mining Income				
4031 · Plant Site - CEMEX	0.00	48,000.00	-48,000.00	0.0%
4032 · Cemex - Royalty / Lease	0.00	600,000.00	-600,000.00	0.0%
4036 · Aggregate Maintenance	0.00	60,000.00	-60,000.00	0.0%
Total 4030 · Mining Income	0.00	708,000.00	-708,000.00	0.0%
4040 · Miscellaneous Income				
4041 · Reimbursed Expenses	46.08	0.00	46.08	100.0%
4040 · Miscellaneous Income - Other	0.00	10,000.00	-10,000.00	0.0%
Total 4040 · Miscellaneous Income	46.08	10,000.00	-9,953.92	0.46%
4050 · Property Tax	0.00	130,817.65	-130,817.65	0.0%
4055 · SBVMWD Spreading Agreement Reim	0.00	421,846.11	-421,846.11	0.0%
4060 · Property Income				
4062 · Mentone Property	0.00	100.00	-100.00	0.0%
Total 4060 · Property Income	0.00	100.00	-100.00	0.0%
4065 · Redlands Plaza	20,693.03	218,036.34	-197,343.31	9.49%
4066 · Redlands Plaza CAM	4,302.31	44,906.35	-40,604.04	9.58%
4080 · Exchange Plan	0.00	30,000.00	-30,000.00	0.0%
4086 · Plunge Creek IRWMP	0.00	0.00	0.00	0.0%
4999 · Trust Reimbursement-Wash Plan	0.00	592,500.00	-592,500.00	0.0%
Total Income	671,558.05	4,527,961.52	-3,856,403.47	14.83%
Gross Profit	671,558.05	4,527,961.52	-3,856,403.47	14.83%
Expense				
5040 · Regional Programs				
5080 · LAFCO Contribution	2,418.94	2,418.94	0.00	100.0%
Total 5040 · Regional Programs	2,418.94	2,418.94	0.00	100.0%
5050 · Basin Cleaning	0.00	50,000.00	-50,000.00	0.0%
5100 · Professional Service				
5120 · Misc. Professional Services	600.00	300,000.00	-299,400.00	0.2%
5122 · Wash Plan Professional Services	0.00	245,000.00	-245,000.00	0.0%
5123 · Habitat Management-WP	3,778.25	346,250.00	-342,471.75	1.09%
5124 · Plunge Creek Prof Services	0.00	0.00	0.00	0.0%
5125 · Engineering Services	0.00	30,000.00	-30,000.00	0.0%
5130 · Aerial Photography & Surveying	0.00	2,200.00	-346,250.00	0.0%
5155 · WP Trails Professional Services	0.00	25,000.00	0.00	0.0%
5160 · IT Support	0.00	8,500.00	-30,000.00	0.0%
5170 · Audit	0.00	26,900.00	-2,200.00	0.0%
5175 · Legal - Wash Plan	0.00	5,000.00	-25,000.00	0.0%
5180 · Legal	0.00	25,000.00	-25,000.00	0.0%
Total 5100 · Professional Service	4,378.25	1,013,850.00	-1,009,471.75	0.43%
5133 · Regional River HCP Contribution	0.00	0.00	0.00	0.0%
5200 · Field Operations				
5210 · Equipment Maintenance	482.78	7,200.00	-6,717.22	6.71%
5215 · Property Maintenance	295.21	40,000.00	-39,704.79	0.74%
5225 · Field Clean Up-Illegal dumping	71.81	60,000.00	-59,928.19	0.12%
Total 5200 · Field Operations	849.80	107,200.00	-106,350.20	0.79%
5223 · Temp. Field Labor	0.00	10,000.00	-10,000.00	0.0%
5300 · Vehicle Operations				
5310 · Vehicle Maintenance	32.58	8,000.00	-7,967.42	0.41%
5320 · Fuel	907.30	15,125.00	-14,217.70	6.0%
Total 5300 · Vehicle Operations	939.88	23,125.00	-22,185.12	4.06%

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	Jul 21	Budget	\$ Over Budget	% of Budget
5400 · Utilities				
5410 · Alarm Service	172.00	1,545.00	-1,373.00	11.13%
5420 · Electricity	1,143.06	7,563.42	-6,420.36	15.11%
5430 · Mobile Phone	405.00	5,370.31	-4,965.31	7.54%
5440 · Telephone	647.87	6,000.00	-5,352.13	10.8%
5450 · Natural Gas	2.99	1,155.00	-1,152.01	0.26%
5460 · Water / Trash / Sewer	457.77	3,609.90	-3,152.13	12.68%
5470 · Internet Services	264.95	2,750.00	-2,485.05	9.64%
Total 5400 · Utilities	3,093.64	27,993.63	-24,899.99	11.05%
6000 · General Administration				
6001 · General Administration - Other	250.00	4,500.00	-4,250.00	5.56%
6002 · Website Administration	365.00	6,000.00	-5,635.00	6.08%
6004 · Meeting Expenses	116.03	2,060.00	-1,943.97	5.63%
6006 · Permits	2,066.00	45,000.00	-42,934.00	4.59%
6007 · Inter District Costs	0.00	10,000.00	-10,000.00	0.0%
6009 · Licenses	0.00	1,712.06	-1,712.06	0.0%
6010 · Surety Bond	1,210.00	1,900.00	-690.00	63.68%
6012 · Office Maintenance	84.59	2,550.80	-2,466.21	3.32%
6013 · Office Lease Payment	4,166.67	50,000.00	-45,833.33	8.33%
6015 · Mentone House Maintenance	266.42	3,500.00	-3,233.58	7.61%
6016 · Redlands Plaza Maintenance	0.00	35,000.00	-35,000.00	0.0%
6018 · Janitorial Services	735.00	10,400.00	-9,665.00	7.07%
6019 · Janitorial Supplies	47.81	515.00	-467.19	9.28%
6020 · Vacancy Marketing-Redlands Plaz	0.00	5,000.00	-5,000.00	0.0%
6026 · Redlands Plaza CAM expenses	2,804.00	32,936.31	-30,132.31	8.51%
6027 · Computer Software	273.50	2,000.00	-1,726.50	13.68%
6030 · Office Supplies	9.22	3,500.00	-3,490.78	0.26%
6033 · Office Equipment Rental	747.82	9,500.00	-8,752.18	7.87%
6036 · Printing	0.00	2,000.00	-2,000.00	0.0%
6039 · Postage and Overnight Delivery	0.00	1,200.00	-1,200.00	0.0%
6042 · Payroll Processing	243.77	2,859.13	-2,615.36	8.53%
6045 · Bank Service Charges	0.00	1,000.00	-1,000.00	0.0%
6051 · Uniforms	304.18	3,025.00	-2,720.82	10.06%
6060 · Outreach	0.00	63,000.00	-63,000.00	0.0%
6087 · Educational Reimbursement	0.00	5,000.00	-5,000.00	0.0%
6090 · Subscriptions/Publications	665.77	1,355.20	-689.43	49.13%
6091 · Public Notices	0.00	3,200.00	-3,200.00	0.0%
6093 · Memberships	10,452.33	25,289.23	-14,836.90	41.33%
Total 6000 · General Administration	24,808.11	334,002.73	-309,194.62	7.43%
6100 · Benefits				
6110 · Vision Insurance	212.94	3,433.34	-3,220.40	6.2%
6120 · Workers' Comp. Insurance	0.00	19,735.34	-19,735.34	0.0%
6130 · Dental Insurance	825.12	12,567.32	-11,742.20	6.57%
6150 · Medical Insurance				
6150.01 · Medical Employee Contribution	-1,973.90	-31,135.80	29,161.90	6.34%
6150 · Medical Insurance - Other	17,523.00	285,106.20	-267,583.20	6.15%
Total 6150 · Medical Insurance	15,549.10	253,970.40	-238,421.30	6.12%
6160 · Payroll Taxes-Employer	4,255.22	122,654.27	-118,399.05	3.47%
6170 · PERS Retirement				
6170.01 · PERS Employee Contributions	-8,323.33	-45,326.72	37,003.39	18.36%
6170 · PERS Retirement - Other	25,357.06	353,223.42	-327,866.36	7.18%
Total 6170 · PERS Retirement	17,033.73	307,896.70	-290,862.97	5.53%
Total 6100 · Benefits	37,876.11	720,257.37	-682,381.26	5.26%
6200 · Salaries				
6230 · Regular Salaries	69,470.21	1,692,720.61	-1,623,250.40	4.1%
6200 · Salaries - Other	0.00	0.00	0.00	0.0%
Total 6200 · Salaries	69,470.21	1,692,720.61	-1,623,250.40	4.1%
6300 · Insurance				
6310 · Property/ Auto Insurance	4,828.74	4,420.14	408.60	109.24%
6320 · General Liability Insurance	10,345.74	33,651.74	-23,306.00	30.74%
Total 6300 · Insurance	15,174.48	38,071.88	-22,897.40	39.86%
6400 · Board of Directors' Expenses				
6401 · Directors' Fees				
6401.5 · Payroll Taxes-Directors	2,998.01	0.00	2,998.01	100.0%
6401 · Directors' Fees - Other	-2,585.00	87,901.20	-90,486.20	-2.94%
Total 6401 · Directors' Fees	413.01	87,901.20	-87,488.19	0.47%

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	Jul 21	Budget	\$ Over Budget	% of Budget
6410 · Mileage	0.00	4,000.00	-4,000.00	0.0%
6415 · Air Fare	0.00	2,500.00	-2,500.00	0.0%
6420 · Other Travel	0.00	500.00	-500.00	0.0%
6425 · Meals	35.00	3,500.00	-3,465.00	1.0%
6430 · Lodging	0.00	4,000.00	-4,000.00	0.0%
6435 · Conf/Seminar Registrations	0.00	5,000.00	-5,000.00	0.0%
6440 · Election Fees / Re-Districting	0.00	25,000.00	-25,000.00	0.0%
Total 6400 · Board of Directors' Expenses	448.01	132,401.20	-131,953.19	0.34%
6500 · Administrative/Staff Expenses				
6510 · Mileage	0.00	2,500.00	-2,500.00	0.0%
6515 · Air Fare	0.00	4,500.00	-4,500.00	0.0%
6520 · Travel, Other (rental car, taxi	0.00	1,500.00	-1,500.00	0.0%
6525 · Meals	458.44	2,035.00	-1,576.56	22.53%
6530 · Lodging	762.42	3,750.00	-2,987.58	20.33%
6535 · Conf/Seminar Registrations	0.00	4,000.00	-4,000.00	0.0%
Total 6500 · Administrative/Staff Expenses	1,220.86	18,285.00	-17,064.14	6.68%
9999 · Contribution to Capital Maint.	0.00	278,621.92	-278,621.92	0.0%
Total Expense	160,678.29	4,473,948.28	-4,313,269.99	3.59%
Net Ordinary Income	510,879.76	54,013.24	456,866.52	945.84%
Other Income/Expense				
Other Expense				
7000 · Construction				
7010 · Materials	0.00	12,000.00	-12,000.00	0.0%
7055 · Plunge Creek Expansion	0.00	0.00	0.00	0.0%
Total 7000 · Construction	0.00	12,000.00	-12,000.00	0.0%
7100 · Land & Buildings				
7110 · Property Capital Repairs	0.00	511,971.00	-511,971.00	0.0%
7120 · Property-Land Purchase	0.00	0.00	0.00	0.0%
7126 · ARTP Engr/Prof Services	0.00	600,000.00	-600,000.00	0.0%
7130 · Mentone Property (House)-CapRep	0.00	25,000.00	-25,000.00	0.0%
7140 · Mentone Property (Shop)-CapRep	0.00	375,000.00	-375,000.00	0.0%
7150 · Mill Creek Diversion	0.00	1,100,000.00	-1,100,000.00	0.0%
7160 · Mendoza Property	0.00	137,000.00	-137,000.00	0.0%
Total 7100 · Land & Buildings	0.00	2,748,971.00	-2,748,971.00	0.0%
7200 · Equipment & Vehicles				
7210 · Computer Hardware-Capital Purch	0.00	5,000.00	-5,000.00	0.0%
7220 · Computer Software	4,382.39	10,000.00	-5,617.61	43.82%
7230 · Field Equipment / Vehicles	0.00	1,604.44	-1,604.44	0.0%
7240 · Office Equipment	869.98	1,500.00	-630.02	58.0%
Total 7200 · Equipment & Vehicles	5,252.37	18,104.44	-12,852.07	29.01%
7400 · Professional Services Capital				
7438 · Engineering Services-Other	0.00	125,000.00	-125,000.00	0.0%
Total 7400 · Professional Services Capital	0.00	125,000.00	-125,000.00	0.0%
Total Other Expense	5,252.37	2,904,075.44	-2,898,823.07	0.18%
Net Other Income	-5,252.37	-2,904,075.44	2,898,823.07	0.18%
Net Income	505,627.39	-2,850,062.20	3,355,689.59	-17.74%



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

Memorandum No. 1796

To: Board of Directors

From: General Manager, Daniel Cozad

Date: August 11, 2021

Subject: CSDA 2022 Committee and Expert Feedback Team Appointments

RECOMMENDATION

Review and consider appointing directors to committees at their request for 2022. The term of office is one year, January 1, 2022 to December 31, 2022.

BACKGROUND

All CSDA Committees meet at least twice annually. It is mandatory that a committee member attend at least one of the two annual meetings. Additionally, the CSDA Legislative Committee requires for that member to attend the CSDA Special District Legislative Days as well as the Annual Conference in addition to the regular scheduled meetings. They typically meet in Sacramento, but location of meetings may vary. The Committees are:

- Audit Committee
- Professional Development Committee
- Elections & Bylaws Committee
- Fiscal Committee
- Membership Services Committee
- Legislative Committee

A detailed listing is attached of the topics each committee focuses on as well as a listing of Expert Feedback Teams. The teams do not require travel only occasional feedback via email. The District utilizes CSDA for training and attends the CSDA Annual Conference. The General Manager participates in the Experts groups for the Legislative Committee, Governance, Formation and Reformation, and Environmental. There are no Board members currently serving on a committee and to date none have expressed interest in getting involved on a committee.

1630 W. Redlands Blvd, Suite A
Redlands, CA 92373
Phone: 909.793.2503
Fax: 909.793.0188
www.sbvwd.org Email: info@sbvwd.org

**BOARD OF
DIRECTORS**

Division 1:
Richard Corneille

Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

**GENERAL
MANAGER**

Daniel B. Cozad

The deadline for submission of the interest form is October 8, 2022.

FISCAL IMPACT

The fiscal impact will vary depending on the location and whether or not travel to Sacramento is required. The District would be responsible for paying the Committee members per diem and all expenses for their attendance.

ATTACHMENTS

CSDA Committee Information
Committee Interest Form



**California Special
Districts Association**
Districts Stronger Together

[CONTACT US](#) [JOIN](#) [SUPPORT](#)



[LOGIN](#)

Committees



CSDA Committees

CSDA relies on the participation of our members in order to guide the association. Committee involvement is crucial to the success of activities and the development of CSDA policies. The talent and energy of the individuals who serve on CSDA's committees and to the issues that concern special districts in California are the critical components of CSDA's success.

Legislative Committee (space is limited):

Develops CSDA's legislative agenda; reviews, directs, and assists with legislative/public policy issues.

Commitment: Meets three times annually in Sacramento and four times annually via webinar. Committee members must additionally attend CSDA's Special Districts Legislative Days in Sacramento, CA and Annual Conference and are also invited to the legislative planning session.

Working Groups: Each legislative committee member will be assigned to 1 or 2 working groups. Working groups include: environment, formation and reorganization, governance, human resources and personnel, public works and facilities, and revenue.

Professional Development Committee: Plans, organizes and directs the professional development and events for CSDA.

Commitment: Meets at least twice annually.



Link to Your Committee Here

If you have already been selected to serve on a CSDA Committee, you automatically have access to the group's community.

Just click the appropriate button below:

**LEGISLATIVE
COMMITTEE**

[Chat-How Can We Help?](#)



Member Services Committee: Responsible for recruitment of new members, member retention, development of new member benefits and review of current programs.
Commitment: Meets at least twice annually.

PROFESSIONAL
DEVELOPMENT
COMMITTEE

Audit Committee: Responsible for maintaining and updating internal controls. Provides guidance to auditors regarding possible audit and fraud risks.
Commitment: May meet with auditors prior to the commencement of the audit, when audit is completed and possibly one meeting during the auditing process. Financial experience preferred.

MEMBER SERVICES
COMMITTEE

AUDIT COMMITTEE

Elections & Bylaws Committee: Conducts annual elections and occasionally reviews bylaws upon request of the CSDA Board, members, or as needed.
Commitment: Minimum of one meeting in Sacramento.

ELECTIONS &
BYLAWS
COMMITTEE

Fiscal Committee: Oversees the financial direction of the organization including budget review and implementation.
Commitment: Meets at least three times annually. Financial experience preferred.

FISCAL COMMITTEE

No time to be on a committee? View other ways to get involved with CSDA.



1112 "I"
Street, Suite
200
Sacramento

FIND IT FAST

SDLF
Scholarships
Register for an
Event
Career Center
Membership

CALIFORNIA SPECIAL DISTRICTS ALLIANCE





**California Special
Districts Association**
Districts Stronger Together

[CONTACT US](#) [SUPPORT](#)



Get Involved



Get more out of membership by becoming more involved. Below are some ways you can support the strength and effectiveness of CSDA while growing relationships within the association. We encourage the participation from member agencies as well as Business Affiliates.

CSDA Committees play a key role in establishing the direction and priorities of the association. Committee involvement is crucial to the success of activities and the development of CSDA. Each committee requires certain [time commitments and attendance](#).

- Legislative Committee: Develops CSDA's legislative agenda.
- Professional Development Committee: Provides direction for professional development and events.
- Member Services Committee: Supports member recruitment and retention efforts.
- Audit Committee: Maintains and updates internal controls.
- Elections & Bylaws Committee: Conducts annual elections and occasional bylaws reviews.
- Fiscal Committee: Oversees the financial direction of the organization.

Expert Feedback Teams allow CSDA to quickly and effectively gauge the impact new laws may have on special districts. If you have

CSDA Award Nominations

The 2021 CSDA Annual Award nominations are closed, and the winners will be announced in September 2021. The 2022 CSDA Award nominations will open in spring 2022. There are several different categories to enter your district, chapter, and/or an individual.

[LEARN MORE](#)

Chat-How Can We Help?



BOARD OF DIRECTORS!

firsthand experience in one or more of the areas below, please join a CSDA's Expert Feedback Team. Teams include: Environment, Revenue, Formation and Reorganization, Governance, Human Resources and Personnel, Public Works and Facilities, and Legal.

Legislative Distribution List are email correspondence sent to individuals where participants have the opportunity to provide feedback on issues before the Legislative Committee meets. This is a great way to stay informed of CSDA’s legislative efforts without the time and travel commitment of serving as a member of the committee.

Magazine & eNews article ideas are always welcome from our members. Please send to CSDA Communications Specialist [Vanessa Gonzales](#).

Workshop & webinar proposals are collected year-round.

CSDA Chapters provide opportunities to get involved locally in [affiliated chapters](#).

The Board of Directors is crucial to the operation of the association and to the representation of the common interests of all California’s special districts before the Legislature and the state administration. Represent your network and nominate your candidate!

**MORE
INFORMATION**

Get Involved

There are many ways to participate in CSDA. Please take a moment to fill out this form to let us know how you'd like to get involved. You must be a CSDA member to participate in any of these opportunities.

Name *

First Last

Title *

District *

Phone Number *

-

-

####

Email *

I would like to learn more about participation in the following committee(s):
Please select three and rank according to preference.

	1st	2nd	3rd
Audit	☐ 1	☐ 2	☐ 3
Elections & Bylaws	☐ 1	☐ 2	☐ 3
Fiscal	☐ 1	☐ 2	☐ 3
Legislative	☐ 1	☐ 2	☐ 3
Member Services	☐ 1	☐ 2	☐ 3
Professional Development	☐ 1	☐ 2	☐ 3

Because I am interested in participating on the legislative committee, I understand that I will be assigned to a working group.
Please rank according to preference.

	1st	2nd	3rd	4th	5th	6th
Environment	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
Formation and Reorganization	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
Governance	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
Human Resources and Personnel	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
Public Works and Facilities	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6
Revenue	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5	☐ 6

I am interested in joining a committee because: *

I would like to learn more about the following Expert Feedback Team(s):

- ☐ Environment
- ☐ Governance
- ☐ Legal
- ☐ Revenue
- ☐ Formation and Reorganization
- ☐ Human Resources and Personnel
- ☐ Public Works and Facilities

I would like to participate in the Legislative Distribution List!

- ☐ Sign me up today

I would like to get involved or form a chapter.

- ☐ Please contact me regarding chapters.

I would like to submit an article about:

Authorization/Confirmation

- ☐ I have been authorized by the General Manager/Board President or Company CEO/President to participate in a CSDA committee or expert feedback team.



San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

Memorandum No. 1797

To: Board of Directors

From: Daniel Cozad, General Manager

Date: August 11, 2021

Subject: ACWA Committee Appointment Nominations, 2022-2023

RECOMMENDATION

Consider appointing directors to serve on ACWA Committees in accordance with ACWA's request for committee nominations to serve on Standing/Limited/Unlimited committees with a term of 2 years.

BACKGROUND

Every two years ACWA requests applications for membership in ACWA Committees. ACWA Bylaws excerpts relating to committees, policy guidelines, committee purposes and responsibilities and criteria for member nominations are attached for reference. ACWA suggests that an individual serves on only one limited, standing committee and that their Board considers the positive benefits and fiscal impacts when making nominations. ACWA requests a response to ACWA by September 30, 2021.

Currently, Richard Corneille serves on the Groundwater Committee. Vice President Corneille is requesting re-nomination to the Groundwater Committee. The Groundwater Committee meet four times annually; two of those meetings are outside of the conference. President McDonald is currently serving on the Federal Affairs Committee, which meets twice annually at the conferences. Costs for Vice President McDonald's expenses at the two meetings held during the ACWA Conferences are paid by JPIA Board Membership. The State Legislative Committee meets ten to twelve times annually.

FISCAL IMPACT

The District would be responsible for all costs associated with the participation of its representatives on committees. Committee members on monthly committees typically would travel to Sacramento for meetings. The average trip to Sacramento is approximately \$490. Other committees meet quarterly or at the conferences and may be more or less in expenses, per meeting. Costs for the existing appointments are included in the approved budget for 2021-2022. The Board Budget did not specifically include costs related to other appointments.

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www.sbvwd.org Email: info@sbvwd.org

BOARD OF DIRECTORS

Division 1:
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Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL MANAGER

Daniel B. Cozad

The estimates of costs are shown below:

	1st Choice (McDonald)	2nd Choice (McDonald)	3rd Choice (McDonald)	1st Choice (Corneille)
	State Legislative	Federal Affairs	Water Quality	Groundwater
Meeting Frequency	10 to 12	2	4	4
Air Fare	\$ 5,880.00	\$ -	\$ -	\$ -
Annual Conference	Covered by JPIA	Covered by JPIA	Covered by JPIA	Included in Budget
Per Diem	\$ 2,820.00	\$ 470.00	\$ 940.00	\$ 940.00
Total	\$ 8,700.00	\$ 470.00	\$ 940.00	\$ 940.00

ATTACHMENTS

ACWA Consideration Form



JOIN A COMMITTEE AND GET INVOLVED

ACWA has 13 standing committees that members can join and get involved. This is a great way for members to engage in state and local issues and influence policy and legislation. Committees are structured to include representation from all 10 ACWA Regions, bringing together diverse voices on technical and policy matters. **Take action, join a committee!**

COMMITTEE APPOINTMENT PROCESS TIMELINE

2022 - 2023 TERM

Committee consideration forms emailed to member agency general managers and board presidents.

13

JULY

Region Chair and Vice Chair recommendation deadline.

18

NOV

Incoming ACWA President appoints members of committees.

13

DEC

30

SEPT

All completed consideration forms due.
Any consideration submitted after deadline will be put on a waiting list.

2

DEC

Region recommendations given to incoming ACWA President.

31

DEC

ACWA notifies committee members of appointments and rosters posted on acwa.com.

COMMITTEE COMPOSITION

Committee members are appointed for two-year terms that begin on Jan. 1 of even-numbered years. You can learn more about ACWA's 13 standing committees below. For more information and bylaws, visit www.acwa.com. If you have any questions, please contact Region and Member Engagement Specialist Ana Javid at anaj@acwa.com.

Committee	Description	Composition	Meetings Per Year	Liaison
Agriculture	Makes recommendations to the Board of Directors, State Legislative Committee, Federal Affairs Committee or other committees, as appropriate, regarding agricultural issues affecting the interests of ACWA and its members.	Unlimited	4	Lauren Bernadett Regulatory Advocate II laurenb@acwa.com
Business Development	Develops and recommends to the Board of Directors programs and activities to be provided or administered by the association that generate non-dues revenue and provide a service or benefit to association members.	Unlimited	2	Tiffany Giammona Senior Director of Operations & Member Engagement tiffanyg@acwa.com
Communications	- Develops and recommends to the Board of Directors and ACWA staff regarding communications and public affairs programs. - Promotes sound public information and education programs and practices among member agencies. - Prepares and distributes materials for use by member agencies in their local outreach efforts. - Provides input and guidance to ACWA's Communications Department.	Limited to 40	4	Heather Engel Director of Communications heathere@acwa.com
Energy	Recommends policies and programs to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee as appropriate.	Unlimited	4	Nick Blair Regulatory Advocate nickn@acwa.com
Federal Affairs	Coordinates with other ACWA committees regarding input on federal issues before both Congress and the federal administrative branches.	Limited to 5 per Region	2	David Reynolds Director of Federal Relations davidr@acwa.com
Finance	Makes recommendations to the Board of Directors regarding annual budgets, investment strategies, annual audits and auditor selection, dues formula and schedule, and other financial matters.	Limited to 2 per Region (1 Region Chair/ Vice Chair and 1 with financial experience)	4 - 5	Dan Gumpert Controller dang@acwa.com
Groundwater	- Makes recommendations to the Board of Directors on groundwater policy issues. - Monitors state and federal regulations and legislation affecting the quality and management of groundwater. - Conducts studies and gathers data on groundwater issues. - Develops policies regarding groundwater management. - Coordinates with other committees on groundwater issues.	Unlimited	4	Lauren Bernadett Regulatory Advocate II laurenb@acwa.com

Committee	Description	Composition	Meetings Per Year	Liaison
Legal Affairs	- Acts on requests for assistance on legal matters of significance to ACWA member agencies. - Reviews proposed ACWA bylaw revisions and works with staff to produce publications to assist member agencies in complying with state and federal laws. - Files amicus curiae filing on important cases, comments on proposed regulations and guidelines of state agencies such as the Fair Political Practices Commission and monitors and engages in water rights matters of interest to member agencies.	Limited to 45	2 - 3	Kris Anderson Legislative Advocate II krisa@acwa.com
Local Government	- Makes recommendations to the Board of Directors and the State Legislative Committee on local government matters affecting water agencies, including planning issues, local government organization, and finance. - Gathers and disseminates information on the value of special districts, and shares information promoting excellence in local government service delivery.	Limited to 3 per Region	2	Julia Hall Senior Legislative Advocate juliah@acwa.com
Membership	- Makes recommendations to the Board of Directors regarding membership policies, eligibility and applications for membership. - Assists staff in developing membership recruitment and retention programs and reviews and makes recommendations to the Finance Committee regarding an equitable dues structure.	Unlimited	2	Katie Dahl Member Svcs Manager katied@acwa.com
State Legislative	- Reviews relevant introduced and amended legislation, and develops positions and provides recommendations to the Board of Directors on ballot measures and other major statewide policy issues. - Works with staff amendments to bills and provides direction for staff on legislative matters.	Limited to 4 per Region	10 - 12	Adam Quiñonez Director of State Legislative Relations adamq@acwa.com
Water Management	- Makes recommendations to the Board of Directors on policy and programs related to water management. - Reviews and recommends positions on legislation and regulations as requested by other committees. - Assists in gathering and disseminating information regarding agricultural and urban water management, water conservation and water use efficiency, development and use of water resources, wastewater treatment and water recycling and reuse.	Limited to 4 per Region	4	Chelsea Haines Regulatory Relations Manager chelseah@acwa.com
Water Quality	- Makes recommendations to the Board of Directors, the State Legislative Committee and the Federal Affairs Committee on policy and programs regarding water quality issues. - Promotes cost-effective state and federal water quality regulations and provides a forum for members to work together to develop and present unified comments on water quality regulations. - Develops and recommends positions and testimony on water quality regulatory issues.	Unlimited	4	Adam Quiñonez Director of State Legislative Relations adamq@acwa.com

COMMITTEE CONSIDERATION FORM

PLEASE PRINT LEGIBLY

Agency Name (DO NOT use acronyms or abbreviations)	Phone
San Bernardino Valley Water Conservation District	(909) 793-2503
Agency Address	City, State & Zip
1630 W. Redlands Blvd., Ste. A	Redlands, CA 92373

BELOW PLEASE LIST ALL THOSE INTERESTED IN BEING ON ACWA COMMITTEES FOR YOUR AGENCY. FOR ADDITIONAL RECOMMENDATIONS PLEASE FILL OUT ANOTHER FORM.

**If an individual is not an agency employee or director, please indicate company affiliation.*

Name	Title/Company*	Email Address
Melody McDonald	President	melody.sbvwd@gmail.com
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
State Legislative	Federal Affairs	Water Quality
Name	Title/Company*	Email Address
Richard Corneille	Vice President	rcorneille@sbvwd.org
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Groundwater		
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice
Name	Title/Company*	Email Address
Committee 1st Choice	Committee 2nd Choice	Committee 3rd Choice

Signature (Agency/District General Manager or Board President signature required)	General Manager	08/11/2021
	Title	Date

QUESTIONS?

Contact Region and Member Engagement Specialist II
Ana Javaid at anaj@acwa.com or (916) 441-4545

980 9th Street, Suite 1000
Sacramento, CA 95814
www.acwa.com



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

Memorandum No. 1798

To: Board of Directors

From: Daniel Cozad, District Manager
David B. Cosgrove, General Counsel

Date: August 11, 2021

Subject: Agreement for Appraisal Services with Resource Technologies Corporation for Land Exchange Appraisal Services

RECOMMENDATION

Approve and authorize the Board President to execute the “Appraisal/Valuation Agreement” with Resource Technologies Corporation, the low bidder on the proposal for such services, to perform the appraisals of the Federal and Non-Federal lands proposed to be exchanged under the Wash Plan, and Public Law 116-9, (“the Dingell Act”), in substantially the form attached hereto, subject to minor modifications as may be approved by the General Manager and General Counsel.

BACKGROUND AND DISCUSSION

Staff has previously reported on efforts it has undertaken, in cooperation with the United States Department of Interior’s Bureau of Land Management, and the Appraisal and Valuation Services Office (“AVSO”), to define a “Statement of Work” (“SOW”) for performing the appraisals necessary to establish comparative land values for the Federal and Non-Federal parcels of property proposed for exchange, including the equalization parcels. That effort was somewhat detailed, since it required research and clarification of title exceptions and their impacts on values, consistency the Dingell Act, and harmonizing all of the above with federal requirements for land exchange appraisals, as overseen and administered by AVSO.

That effort ultimately resulted in a “Statement of Work” dated June 9, 2021, approved by AVSO. That SOW was sent to a series of appraisers suggested by AVSO, and requests for proposals were sent on or about June 29, 2021.

We received three responsive proposals, as follows:

Resource Technologies Corporation: \$56,300
Spanish Flat Mining Company: \$62,000
Norris Realty Advisors: \$120,000

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Division 4:
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Division 5:
Melody McDonald

**GENERAL
MANAGER**

Daniel B. Cozad

Staff has reviewed the proposals of the three responding parties with AVSO, and reached agreement that Resource Technologies Corporation, the lowest bidder of the three, was appropriate to retain for this assignment. An Agreement retaining their services prepared by the District's General Counsel is attached, for approval by the Board, and authorization of the Board president to sign, subject to non-substantive changes approved by the General Manager and District Counsel.

The structure of the Agreement varies somewhat from the District's standard consultant services arrangement, since under applicable Federal regulations the AVSO must be listed as the appraiser's formal client, with authority to direct and review the work, prior to final approval. This relationship is specified in the Agreement. The District is the party contracting with the appraiser, however, so will be responsible for putting the appraiser under contract (hence this action), and payment of costs.

FISCAL IMPACT

The appraisal fee for RTC's services is \$56,300, all-inclusive, and includes a pre-work meeting, property inspections, and preparation and delivery of appraisal reports, once they are approved by AVSO. Terms are payment of one half the fee within thirty days the Agreement is approved, and the remainder upon delivery of final appraisal reports. Additional services that may be required (and none are presently anticipated) would be subject to a separate agreement, at rates no higher than RTC's rate sheet, included at the final page of its Proposal (Attachment B to the Agreement). The costs associated with the Agreement are included in the Wash Plan budget and will be recoverable in part as Issuance Costs.

POTENTIAL ACTIONS

1. Move to approve the presented Appraisal/Valuation Agreement.
2. Move to direct staff on specific changes to the Agreement for approval.
3. Move to continue the item to a future meeting of the Board.

ATTACHMENTS OR MATERIALS

Appraisal/Valuation Agreement (including Attachment A, the SOW [without attachments] and B, RTC's Proposal)

APPRAISAL/VALUATION AGREEMENT

This Agreement is made this 11th day of August, 2021, by and between the San Bernardino Valley Water Conservation District (“District”), and Resources Technology Corporation (“Appraiser”). District is the contracting party with Appraiser under this Agreement, but for USPAP purposes, and all other purposes related to the valuation work to be performed hereunder, the “client” is the United States Department of Interior, Appraisal and Valuation Services Office (“AVSO”).

STATEMENT OF ENGAGEMENT: For the purposes of this Agreement, Appraiser will perform Appraisal/Valuation services under contract with the District for AVSO as the client, in accordance and conformance with the June 9, 2021 “Statement of Work” prepared for the solicitation of proposals for this appraisal assignment, which Appraiser has received, reviewed in thorough detail in its entirety, and upon which Appraiser prepared its proposal to perform the services hereunder. A copy of the Statement of Work, less its exhibits, is attached hereto as **Attachment A**. Appraiser and District agree that Appraiser’s services hereunder will be consistent with the entire Statement of Work, including all of its attachments, and that the attachments to same have not been included in the **Attachment A** for reasons of convenience and avoidance of bulk, but that all such attachments are an integral part of the Statement of Work, and are equally controlling as the text of **Attachment A** for purposes of defining the scope of Appraiser’s assignment and scope of work hereunder. Appraiser’s performance of its work shall be consistent with the Appraiser’s “Proposal for Santa Ana River Wash Plan Land Exchange, Fed and Non-Fed Appraisals” (“Proposal”) attached hereto as **Attachment B**. In the event of any conflict between the SOW and Proposal, the terms of the SOW shall govern. The property to be appraised is comprised of all of the properties so defined in the SOW hereto. Appraiser represents and warrants that it has the qualifications, experience, personnel, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner. Appraiser shall at all times faithfully, diligently, competently and to the best of its ability, experience, and talent, perform all services described herein. In meeting its obligations under this Agreement, Appraiser shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Appraiser under this Agreement.

PURPOSE AND INTENDED USE: District and Appraiser understand and agree that the purpose and intended use of the results of this engagement are to estimate fair market value of the properties described in the scope of work documents attached hereto as **Attachment A** and **Attachment B** for evaluation and potential processing of a land exchange, under Public Law 116-9, the “Dingell Act,” Section 1003, as referenced in Attachment 4 to the SOW.

AUTHORIZATION AND DATA TO BE FURNISHED: District authorizes Appraiser to examine any and all property and to make copies of any and all records relevant to this engagement, and agrees to furnish in a timely manner all data which Appraiser requests. Appraiser shall keep such information confidential, to the extent it contains confidential information or trade secrets, and is so identified by District. District warrants that owner or occupants of the property have been notified of this engagement and will be cooperative unless otherwise noted herein. District understands and agrees that Appraiser will need prompt access to documents, materials, facilities, and/or District’s or property owner’s personnel in order to perform this engagement in a timely and professional manner, and District agrees to use its best efforts to fulfill all such requests in a reasonably timely manner and to cooperate fully with

Appraiser. District represents that any information or data it and/or its agents supply to Appraiser will be complete and accurate to the best of District's knowledge; that any reports, analyses, or other documents prepared by Appraiser will be used only in compliance with all applicable laws, regulations, and this agreement.

REPORTS: Appraiser shall produce written appraisal reports, consistent with USPAP and "Yellow Book" standards, as provided in the SOW. When authorized by AVSO as client, Appraiser will provide full, complete, and accurate copies of all such reports to District, in digital or hard copy format, or both, as District may require, at no additional cost to District. If additional copies of a report are desired by District, after initial delivery, these reports will be furnished upon written request and receipt of payment of Appraiser's actual costs of duplication for each additional copy.

All or any part of the contents of any report(s) prepared as a result of this engagement are for the sole purposes defined by this Agreement, and may not be used or relied upon by any other person or entity, for any purpose whatsoever, without the express written consent of the appraiser. Any party coming into possession of a complete or partial copy of any report prepared as a result of this engagement does not become an intended user unless that party is specifically identified in this Agreement and in the report as an intended user and Appraiser assumes no obligation, liability, or accountability to any third party.

District agrees that Appraiser reserves the right, consistent with applicable USPAP and Yellow Book standards, and with the SOW, to make reasonable use of relevant and appropriate assumptions, limiting conditions, and/or disclaimers for performance and documentation of this appraisal engagement. Questions concerning commonly used assumptions, limiting conditions, and/or disclaimers should be directed to AVSO prior to completion of this engagement.

COMPLETION TIME: District and Appraiser agree that this Appraisal/Valuation engagement and any required report(s) shall be prepared and delivered, and the tasks of Appraiser shall be completed, within one hundred and twenty (120) days after this contract is awarded, unless otherwise approved by District and AVSO. Appraiser shall be responsible to schedule and coordinate with District and AVSO a Pre-Work meeting, and a Subject Property inspection.

COMPENSATION: The professional fee for this engagement is all inclusive of all services and tasks required of Appraiser hereunder, including any and all materials required by Appraiser, and all costs of Appraiser's research, travel or other costs incidental to Appraiser's inspection of the Subject Property or of comparable sale properties, and the production and delivery of all required appraisal reports. Appraiser's compensation is in no event contingent upon, and shall not bear any relationship to, the value to be reported. The total fee for such Appraiser services is the sum of **Fifty Six Thousand Three Hundred Dollars (\$56,300.00)** District shall pay Appraiser one half of such fee within thirty (30) days of the approval of this Agreement by District, and the remaining one half upon completion and delivery of the required appraisal reports, in final form, to District. Any additional services beyond those provided in the SOW that may be required of Appraiser must be approved in writing by District and AVSO in advance of Appraiser incurring any fees or costs to District. The costs and fees for such additional services shall be separately negotiated between District and Appraiser, and shall be at

rates not in excess of the rates provided to District in the “RTC Fee Schedule 2021” included in the Proposal.

CANCELLATION: District may at any time prior to the completion of Appraiser's services cancel this agreement by written notice to Appraiser. In such event Appraiser shall be entitled to keep any amounts of compensation that may be owing for all services rendered and business expenses incurred in connection with this Appraisal/Valuation engagement prior to receipt of said notice. Appraiser shall, upon such cancellation, provide all work product and analysis performed or generated on the appraisal to AVSO and the District.

STANDARDS: The Appraisal/Valuation services and any written report(s) to be furnished by Appraiser are intended to comply with the legal, professional and ethical standards, in effect at that time, of the State of California, the Uniform Standards of Professional Appraisal Practice (USPAP), the professional organizations of which Appraiser is affiliated, and the Yellow Book requirements. If any special instructions, legal or otherwise, other than those identified in the SOW are to be considered by Appraiser, the same shall be set forth in writing, and be approved by AVSO. Any applicable statutes, case law, or other documents which form the basis for such instructions will be included herein and separately furnished to Appraiser.

LITIGATION: Appraiser shall not be required to give testimony nor to attend public or private proceedings with reference to this engagement unless a separate agreement has been negotiated. Litigation for the purpose of this Agreement shall refer to all judicial, administrative, and/or legislative proceedings and/or hearings, pretrial preparation activities and depositions, in which Appraiser may be required to testify, voluntarily or involuntarily, in relation to the herein described property or the Appraisal/Valuation services being rendered on account of this Agreement. District, or District's Counsel, will provide Appraiser, in a timely manner, with transcripts of depositions, testimony or other required Litigation proceedings at no charge.

TIME: Time is of the essence of this Agreement.

STATUS OF APPRAISER: Appraiser is and shall at all times remain a wholly independent contractor and not an officer, official, employee or agent of District. Appraiser shall have no authority to bind District in any manner, nor to incur any obligation, debt, or liability of any kind on behalf of or against District, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by District. The personnel performing the services under this Agreement on behalf of Appraiser shall at all times be under Appraiser's exclusive direction and control. Neither District, nor any elected or appointed boards, officers, officials, employees or agents of District, shall have control over the conduct of Appraiser or any of Appraiser officers, officials, employees or agents, except as set forth in this Agreement. Appraiser shall not at any time or in any manner represent that Appraiser or any of Appraiser officers, officials, employees or agents is in any manner officials, officers, employees or agents of District. Neither Appraiser, nor any of Appraiser officers, officials, employees, or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to District's employees. Appraiser expressly waives any claim Appraiser may have to any such rights. This Agreement shall in no way prohibit the District from entering into other agreements or contracts, hiring staff or making other such arrangements with other persons and/or entities relative to the services set forth in the SOW.

NO SUBCONTRACTING: The expertise and experience of Appraiser are material considerations for this Agreement. District has an interest in the qualifications of and capability of the persons and entities described in the Proposal who will fulfill the duties and obligations imposed upon Appraiser under this Agreement. In recognition of that interest, Appraiser shall not assign or transfer this Agreement or any portion of this Agreement or the performance of any of Appraiser's duties or obligations under this Agreement without the prior written consent of the District and AVSO. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this Agreement.

GOVERNING LAW: This Agreement for Appraisal/Valuation services shall be construed under the laws and regulations of the State of California.

SEVERABILITY: If any one or more of the provisions of this Agreement should be declared invalid, illegal or unenforceable in any respect by competent authority in any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not be affected nor impaired in any way.

ATTORNEY'S FEES: If either party to this Agreement is required to initiate or defend, or is made a party to, any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, whether or not the matter proceeds to judgment.

WHOLE AGREEMENT: This Agreement and its Attachments contain the whole agreement between District and Appraiser in respect of the engagement contemplated hereby and there are no warranties, conditions, terms, representations, or collateral agreements, express, implied, or statutory, other than those expressly set forth in this Agreement. Although AVSO is Appraiser's client hereunder, and Appraiser shall take its appraisal direction from such client in connection with the performance of Appraiser's services hereunder, consistent with the SOW, nothing in this Agreement is intended to confer on any person or entity, other than District in this Agreement, any right or remedy of any nature whatsoever. This Agreement may be modified or amended only in writing in the form of an Addendum signed by all parties.

CORPORATE AUTHORITY: Each party hereto represents to the other, and to AVSO, that the person whose signature appears below has the authority to execute this Agreement, and bind that signing party to the terms hereof, and that by so doing, such party is not thereby rendered in breach of any other contract or agreement.

District hereby engages Appraiser and Appraiser hereby agrees to perform Appraisal/Valuation services, and District hereby agrees to furnish data and information and to pay compensation in accordance with this Agreement and any Attachments hereto.

[Signatures on Next Page]

**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT
“District”**

By: _____
Melody MacDonald, President
Board of Directors

**APPROVED AS TO FORM:
RUTAN & TUCKER, LLP**

By: David B. Cosgrove
David B. Cosgrove
General Counsel

**RESOURCE TECHNOLOGIES
CORPORATION
“Appraiser”**

By: _____
Its: President

APPROVED AS TO FORM:

By: _____

ATTACHMENT A
STATEMENT OF WORK

STATEMENT OF WORK (SOW)

Appraisal and Valuation Services Office

Agency Case ID: CACA-53257 FD & PT (Santa Ana Wash Land Exchange)

IVIS Number: L200020 (Federal Parcels) & L200044 (Non-Federal Parcels)

Appraiser Proposal Instructions

1. The following is a Statement of Work (SOW) for the Appraisals for the Santa Ana Wash Land Exchange. This document is not the appraisal service contract; the contract will be with the Non-Federal Party (Proponent – The San Bernardino Valley Water Conservation District) and this SOW will become an attachment to that contract.
2. Prior to contract award, submit all questions (preferably in writing) to the AVSO Review Appraiser identified below.
3. Submit your Proposals (Bid Package) for this appraisal assignment to the AVSO Review Appraiser and Non-Federal Party Proponent identified below. Email delivery is preferred.
4. Contact information for the Federal Exchange Party (BLM Representatives) will be provided to the contracted appraiser post-contract award.
5. Provided below are the Non-Federal Party Proponent and the AVSO Review Appraiser contact information for Bid Package Proposal delivery.

Daniel Cozad
The San Bernardino Valley Water
Conservation District
1630 W. Redlands Blvd., Suite A
Redlands, CA 92373
Email: dcozad@sbvwc.org
Phone: 909-793-2503

Jay DeVoe, MAI
Review Appraiser (RA)
1220 SW 3rd Ave., Suite 1010
Portland, OR 97204
Email: jay_devoe@ios.doi.gov
Phone: 503-808-6023

SECTION 1 – Subject Identification & General Information

Identification	<i>Case Name</i>	Santa Ana Wash Land Exchange
	<i>Location</i>	San Bernardino County, California
	<i>Acreage</i>	Federal Land –
		Primary Areas - 327.5 Acres (3 Non-Contiguous Areas)
		Equalization Areas – 90.0 Acres (2 Non-Contiguous Areas)
		Non-Federal Land –
	<i>Property Type</i>	Primary Areas – 310.0 Acres (1 Contiguous Areas)
		Equalization Areas – 59.0 Acres (1 Contiguous Areas)
	<i>Property Type</i>	Vacant Land

Case Type Land Exchange

Client U.S. Department of Interior, Appraisal and Valuation Services Office (AVSO)

Intended Users AVSO, BLM and the Non-Federal Property Owner (San Bernardino Valley Water Conservation District).

Intended Use The appraisal reports will be used by BLM and the Non-Federal Ownership in connection with the completion of the proposed land exchange. The appraisal reports are not intended for any other use.

Project Overview

This proposed land exchange was initially outlined in an Agreement to Initiate (ATI) dated October 20, 2005. The acreage to be exchanged was later altered slightly from this original ATI. It was legislated in Section 1003 of Public Law 116-9 (Dingell Act) dated March 12, 2019. This legislation, along with the maps presented as exhibits, accurately define the lands to be exchanged. The BLM prepared a mineral potential report in 2006 based on the 2005 ATI and prepared a supplemental report in 2019 adding a 17.5-acre parcel to the lands considered in the 2006 report.

Property Overview

The Federal and Non-Federal lands are separated between the primary “exchange” parcels, and secondary “equalization” parcels. For valuation purposes, and as identified in the ATI, the equalization parcels will be considered as their own independent larger parcels.

The Federal Land exchange parcels total 327.5 acres, with the equalization parcels totaling 90 acres. The Non-Federal Land exchange parcels total 310 acres, with the equalization parcels totaling 59 acres. All the properties are in either the City of Highland or the City of Redlands, in an alluvial plain that has historically been the location of sand and gravel mining operations.

All the lands included in the exchange will include the surface and mineral estates; no water rights are to be conveyed. Mineral reports prepared by BLM note the potential on both the Federal and Non-Federal lands for the occurrence and development of construction aggregates used for construction materials.

Property Description

Legal Description (Federal Property)

See Land Description Report (LDR) included as an attachment.

Interests to be Conveyed (Federal Property): The interests to be conveyed include the surface and mineral estate of all parcels. There are no water, timber, or other rights associated with the property.

Interests to be Reserved (Federal Property): All parcels would be conveyed with a reservation to the United States for a right-of-way thereon for existing ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

Encumbrances (Federal Property): There are a number of easements on the Federal lands, as identified in the Master Title Plat:

CACA-19146 – road right of way
CACA-25557 – road right of way
CACA-36490 – water facility right of way
CACA-50427 – road right of way
CALA-0-169868 – power transmission line right of way
CALA-0-24759 – miscellaneous and special right of way for storm water diversion ditches

Legal Description (Non-Federal Property)

See LDR included as an attachment.

Interests to be Conveyed (Non-Federal Property): Conveyance of the Non-Federal land would include the surface and all sub-surface interests (including minerals) owned by the Non-Federal Party.

Interests to be Reserved (Non-Federal Property): None.

Encumbrances (Non-Federal Property): The appraiser will be provided with a copy of a preliminary title report prepared by Lawyers Title Company (File No. 619650472, dated November 20, 2019). Several of the exceptions are typical such as boundary locations and taxes. There are also a number of easements related to flood control and water conservation. The conveyance will be made subject to these easements .

Exceptions No. 6, 7, and 9 are leases that will be removed from title prior to the exchange and can be disregarded in the analysis. Two of the leases were for mining purposes and have been terminated for the proposed land exchange. As discussed ahead, the appraiser may utilize the client-approved extraordinary assumption that these leases will be removed from title prior to the proposed land exchange.

The information contained within this Scope of Work is not necessarily comprehensive and it is the appraiser's responsibility to investigate encumbrances on the properties.

Any identified/observed recorded or unrecorded documents, conditions, agreements, easements and/or encumbrances discovered must be identified and discussed in the appraisal report in relation to their impact on value. It is the appraiser's responsibility to investigate encumbrances on the properties.

Property Interest

The property interest to be appraised is: Fee Simple - subject to exceptions indicated in the Agreement to Initiate (ATI) for the Land Exchange and as indicated within this Scope of Work. (Also see Outstanding Rights Section below.)

Furthermore, any information or observations that are found to be contrary to the above property rights must immediately be brought to the assigned AVSO Review Appraiser's attention as a request for possible amended instructions.

Improvements

None.

Personal Property

None.

Property Access

Most of the Federal Lands all have physical and legal access via Orange Street, a paved public road connecting the cities of Redlands and Highland. The exception is a 17.5-acre portion of the exchange parcels (APN 0291-161-05), which lacks legal access but can be physically accessed via an unpaved road.

The Non-Federal lands have a range of access characteristics, with the 310-acre exchange parcel comprised of APNs 0291-151-01 and 0291-151-02 having physical but not legal access via an unimproved spur road off Greenspot Road. The non-contiguous 59-acre equalization parcel (APN 0290-271-03) lacks legal and physical access.

Timber

There are no known timber resources on the subject properties.

Minerals

A mineral potential report and a supplemental report have been completed and are included as an attachment with this Statement of Work. The reports concluded that there is a potential for the occurrence and development of construction aggregates on the subject properties. The original mineral report, completed in 2006 with outdated data, concluded 103,000,000 tons of saleable aggregate on the Federal parcels, with the Non-Federal lands containing 100,000,000 tons of saleable aggregate. The 2019 supplemental report carried data and assumptions in with the original report and added a 17.5-acre property to the Federal lands, which was determined to add 3,000,000 tons of saleable aggregate.

The BLM mineral reports are presented for informational purposes only based on its inherent limitations. **If the highest and best use of any of the Exchange properties is for mineral extraction, then the appraiser must arrange for an independent determination of reasonable inventory of mineable, resource-grade aggregate.** Additionally, in such case, a mineral development analysis and valuation is anticipated to be needed for incorporation into the real estate appraisal associated with this SOW; **a part of the appraisal assignment potentially includes the real estate appraiser sub-contracting with a mineral specialist for a valuation consistent with the SOW standards.**

Larger Parcel

The appraiser must conduct all research necessary for a well-supported Larger Parcel(s) conclusion presented in the appraisal. UASFLA, Section 4.3.3.

Larger Parcel considerations for each side of the exchange is limited to the defined parcels and acreage within the ATI [later amended]. If the property described in the ATI is part of a larger contiguous ownership, then the land outside the property described in the ATI will not be considered in either the larger parcel determination or in reaching a highest and best use conclusion. (See UASFLA, Section 1.12; Pages 50-53 – Special Considerations in Appraisals for Federal Land Exchanges.)

For purposes of this Federal land exchange, the properties to be appraised are defined in the Agreement to Initiate (ATI). Note, the acreage indicated in the ATI was altered to include an additional 17.5-acre parcel on the Federal side of the exchange (see Dingell Act and Santa Ana Exchange LDR for accurate identifications of the subject properties). Additionally, **the equalization parcels will be considered as their own independent larger parcels, as identified in the ATI.**

While property outside the identified exchange and equalization parcels cannot be considered in the larger parcel analysis, it is noted that assemblage with lands outside of the land exchange is a possible component of highest and best use.

Ownership/Occupant

Federal Land: United States of America as managed by the Department of the Interior through the Bureau of Land Management.

Non-Federal Land: San Bernardino Valley Water Conservation District.

Tenancies

None. Note, two of the leases in the title report are for mining purposes. The proposed land exchange halted the planned mining use on the property, and there are no tenants.

Owner Contact Information

San Bernardino Valley Water Conservation District
Daniel Cozad
Email: dcozad@sbvwcd.org
Phone: 909.793.2503

Provided Subject Property Exhibits

The following Subject Property Exhibits will be provided as attachments to the solicitation for this appraisal assignment:

1. Santa Ana Exchange_LDR
2. 7.5 min quadrangle map; properties highlighted
3. Agreement to Initiate
4. Dingell Act
5. MTP
6. CACA 19146 Robertson Ready Mix
7. CACA 25557
8. CACA 36490 Robertsons Ready Mix
9. CACA 50427
10. CALA-0-169868
11. Mineral Potential Report
12. Santa Ana Wash – Supplemental Mineral Resource Report
13. Preliminary Title Report
14. ESA report pvt sec.9
15. ESA report pvt sec.12 pt.1
16. ESA report pvt sec.12 pt.2
17. Amended ATI 4.27.2020

SECTION 2 – Appraisal Requirements & Instructions**Appraisal Standards**

1. Uniform Standards of Professional Appraisal Practice (USPAP)
2. Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)

Market Value

The following definition of market value is used for BLM land exchanges. “The most probable price in cash, or terms equivalent to cash, that lands or interests in lands should bring in a competitive and open market under all conditions requisite to a fair sale, where the buyer and seller each acts prudently and knowledgeably, and the price is not affected by undue influence.” [43 CFR 2200.0-5(n)].

Further, 43 CFR 2201.3-2 states in part that

(a) In estimating market value, the appraiser shall:

- (1) Determine the highest and best use of the property to be appraised;
- (2) Estimate the value of the lands and interests as if in private ownership and available for sale in the open market;
- (3) Include historic, wildlife, recreation, wilderness, scenic, cultural, or other resource values or amenities that are reflected in prices paid for similar properties in the competitive market;
- (4) Consider the contributory value of any interest in land such as minerals, water rights, or timber to the extent they are consistent with the highest and best use of the property; and
- (5) Estimate separately, if stipulated in the Agreement to Initiate (ATI) in accordance with § 2201.1 of this part, the value of each property optioned or acquired from multiple ownerships by the Non-Federal party for purposes of exchange, pursuant to § 2201.1–1 of this part. In this case, the appraiser shall estimate the value of the Federal and Non-Federal properties in a similar manner.

Date of Value

The effective date of value will be the date of the last property inspection, and any incorporated specialty valuations (e.g. mineral appraisal) must utilize the same effective date of value.

Extraordinary Assumptions (EA's)

If the appraiser deems it necessary and appropriate, then the appraisal may use the client-approved Extraordinary Assumption that the three leases listed in the Preliminary Report (of Title) are not applicable because these leases will be removed from title prior to the Exchange. The title report notes three leases, two to C.L. Pharris Sand & Gravel, Inc. (exceptions 6 and 9) and one to East San Bernardino County Water District (exception 7); per BLM, these leases will be removed from title prior to the proposed land exchange. However, this extraordinary assumption may not be necessary because the fee-simple interests (not the leased-fee) are the subjects of the appraisals.

If the appraiser determines that additional extraordinary assumptions are necessary for the completion of the assignment, the appraiser must contact the AVSO Review Appraiser for prior written approval.

Hypothetical Conditions (HC's)

When appraising the Federal land portion of the exchange, the regulations require that the appraiser(s) “*estimate the value of the lands and interest as if in private ownership and available for sale in the open market*”. Because the Federal land is appraised as if in private ownership, to its highest and best use, any other surrounding Federal ownership cannot be part of a larger parcel, because (due to the hypothetical condition) it is under different ownership and has a different highest and best use.¹

¹ UASFLA 2016 1.12.; C.F.R. 2201.3-2(2)

If the appraiser determines that additional hypothetical conditions are necessary, he/she must contact the AVSO Review Appraiser for prior written approval.

Jurisdictional Exceptions (JE's)

None.

If the appraiser determines that any jurisdictional exceptions are necessary, he/she must contact the AVSO Review Appraiser for prior written approval.

Placement in Report

The appraiser must clearly identify all Extraordinary Assumptions, Hypothetical Conditions, and Jurisdictional Exceptions (if any) wherever the final value conclusion is stated, including the Letter of Transmittal and the Summary of Salient Facts. These must also be communicated with any General Assumptions and Limiting Conditions.

Property Inspection

The appraiser must inspect the Subject Property and all the market properties used in direct comparison, unless the AVSO Review Appraiser has approved other conditions in writing.

For appraisals with an intended use of acquisition or exchange, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) as amended and the Uniform Appraisal Standards for Federal Land Acquisitions (Section 1.2.6.4, page 12), require the appraiser to offer the property owner and/or the owner's representative an opportunity to accompany the appraiser during the property inspection. **The appraiser must certify in the report that such an offer was extended.**

The appraiser is required to make advanced arrangements for the property inspection with the BLM Realty Specialist and notify the AVSO Review Appraiser as to when the property inspection will take place.

Property access for Appraisal Inspections is granted in the original Agreement to Initiate (ATI) for the Land Exchange that says:

“Right to Enter: Each party to this Agreement hereby grants permission to the other, and their authorized agents, contractors or permittees, to enter upon and physically examine the land described in this Agreement. The conduct of such examination shall be limited to non-surface disturbing activities. Any vehicle travel associated with such conduct will be limited to existing roads.

Any examination or entry that exceeds the scope of the above described conduct will require advance approval from the other party. The grant of permission does not require the prior notification of the other Party.”

Pre-Work Meeting

The appraiser may be required to attend a pre-work meeting with the assigned AVSO Review Appraiser, the agency Realty Specialist and/or other agency representative, and other interested parties. The date, time, and place of the meeting (if required) will be coordinated by the AVSO Review Appraiser.

Controversies/Issues

No controversies or extraordinary issues are anticipated for the appraisal assignment. Should the appraiser identify controversies or issues during the course of the assignment, he/she must immediately notify the AVSO Review Appraiser identified in Section 3 of this Statement of Work.

Legal Instructions

None.

Special Appraisal Instructions

1. AVSO is the appraiser's client, even though the appraisal is being funded by the Non-Federal Proponent in the exchange. Communication is encouraged with the property owner(s) and the client agency, however, only the assigned AVSO Review Appraiser can modify appraisal instructions (in writing).
2. The appraiser may not communicate assignment results to any party except AVSO until authorized to do so in writing by AVSO.
3. Any communication (verbal or written) with the Non-Federal Party and/or the BLM Client Agency Realty Contact shall include the assigned AVSO Review Appraiser.
4. The Agreement to Initiate (ATI) for the Santa Ana Wash Land Exchange is a working document that is to be used for guidance and consulted for this appraisal assignment.
5. The appraisals for each side of the Exchange will use consistent appraisal approaches and methodologies to the extent reasonable and appropriate, per UASFLA Section 1.12 that states: *"It is important, however, for the appraiser to recognize that the same method of valuation must be utilized for both the federal and nonfederal lands in the exchange."*
6. The appraisals shall disregard any consideration of value equalization relative to the proposed land exchange. After the individual appraisals are completed, the client (AVSO) will consult with the appraisal users and will utilize the appraisal reports and the provisions for equalization of values within the ATI in balancing the exchange.
7. The appraiser (appraisal) will provide separate, independent market value estimates for each determined larger parcel, with no reflection of "bulk-sale" (all parcels from a single seller to a single buyer) or other similar concepts.
8. This assignment requires two separate, individual market value appraisal reports (one for each of the two sets of properties):

Federal Parcels: Agency Case ID- CACA-53257-FD; IVIS# L200020

Non-Federal Parcels: Agency Case ID- CACA-53257-PT; IVIS# L200044

General Appraisal Requirements & Instructions

1. The appraiser must hold a valid license as a Certified General Appraiser for the jurisdiction in which the subject property is located. (Valid credentials include those obtained directly from the jurisdiction, those issued under a reciprocity agreement, and/or those characterized as "temporary" under the jurisdiction's licensing and certification statutes.)
2. The AVSO Statement of Work, other assignment instructions and Engagement Letter/Contract must be included within the Addenda to the appraisal report(s).
3. The appraiser's prescribed "Scope of Work" must result in credible assignment results for the intended use. See USPAP "Scope of Work Rule" pages 13-14 of USPAP 2020-2021.

4. The appraisal must comply with current USPAP Standards, as well as the Sequence and Content of UASFLA Standards, which are supplemental standards exceeding current USPAP with requirements for a comprehensive level of detail in the presentation of information (consistent with the standards for a Self-Contained Report as defined in 2012-2013 USPAP). Restricted reports do not qualify. See UASFLA Appendix A and B.
5. The appraiser must appraise the subject property in its “As Is” condition unless authorized in writing by the AVSO Review Appraiser to do otherwise.
6. The appraiser must make a personal inspection of the subject properties and all of the comparable market properties used in the analyses unless specific arrangements to the contrary have been approved in writing by the assigned AVSO Review Appraiser prior to the commencement of the assignment.
7. The opinions of current market value may not be predicated upon potential highest and best uses that are speculative or conjectural. A proposed highest and best use requires showing reasonable probability that the land is both physically adaptable for such use and there is an economic need or demand for such use in the reasonably near future.
8. The appraiser’s conclusion of highest and best use must be an *economic* use. A non-economic highest and best use, such as *conservation*, *natural lands*, *preservation* or any use that requires the property to be withheld from economic production in perpetuity, is not a valid use upon which to estimate market value.
9. Essential in the appraiser’s conclusion of highest and best use is the determination of “*Larger Parcel*”. The appraiser must make a larger parcel determination in every appraisal conducted under UASFLA Standards. (See UASFLA Section 4.3.3); but also note this is a BLM Land Exchange so please consult and utilize UASFLA 1.12; pages 50-53; “*Special Considerations in Appraisals for Federal Land Exchanges*”.
10. Reference is made to USPAP Standard Rule 1-3 and (Chapter 16 - Highest and Best Use Analysis, The Appraisal of Real Estate, 14th Edition) with the four tests expected to be applied and supported within the appraisal report as defined on page 335 “Testing Highest and Best Use” as follows: “To test alternative uses for the highest and best use, an appraiser applies the four criteria in the following order: 1) Legal permissibility, 2) Physical possibility, 3) Financial feasibility, and 4) Maximum productivity.”
11. Color photographs and maps of comparable properties shall be included in the appraisal reports. AVSO will accept aerial photographs for comparable properties, unless the aerial photographs do not accurately represent the property as of the date of inspection. The appraiser must photograph any unusual property features from the ground.
12. Documentation of the comparable sales and other market data utilized in the appraisal must comply with reporting requirements of UASFLA and the Uniform Relocation Assistance & Real Property Acquisition Policies Act 1970. For instance, the latter requires “A description of the comparable sales, including a description of all relevant physical, legal and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.”

13. Comparable Data Sheets - Well researched and documented Comparable Sales Sheets are expected. For instance, "Comparable Sale Write-ups" are expected to include a description of all relevant physical, legal and economic factors such as parties to the transaction (Buyer and Seller), source and method of financing, and verification by a party involved in the transaction (preferably the buyer, however, the seller and/or broker involved is acceptable also). A check list of minimally expected elements in a Sale Write-up Sheet include: Date of Sale; Buyer and Seller; Recording Info.; Terms of Sale; Confirmed With Name and Phone #; Legal Description; Location; Access; Physical Description; Zoning; Buyer's Motivation/Planned Use of Property; Appraiser Est. Highest and Best Use; Plat Map, Photograph, Aerial, Flood Zone Area Impacts, and/or other useful data as found necessary for understanding the market sale.
14. If sales to governmental entities, including sales to non-profit entities with the intention of transferring the sale property to a governmental entity later, are included in the appraisal report, they are subject to extraordinary verification and treatment insuring that these government related sales represent credible, arms-length transactions. These types of governmental sales must be documented in accordance with the guidelines found in UASFLA Section 1.5.2.4.
15. The preferred method of adjusting comparable sales is through supported quantitative adjustments (percentage, \$/acre, etc.); qualitative adjustments (similar, inferior, or superior) are to be used only when the market variables cannot be quantified. Quantitative adjustments without support are unacceptable. When the appraiser must resort to qualitative analyses, support that is more extensive and discussion of the appraiser's reasoning why a comparable sale is similar, inferior, or superior to the subject property is required. *All adjustments must be supported by clear, appropriate, and credible analysis based on documented market research.* Mere references to undisclosed "trends," or reliance on the appraiser's "opinion" or "judgment" without market support is an unacceptable practice. Market support includes discussions with buyers/sellers, potential investors, brokers, etc. The appraiser must also recognize that variances in sale prices may be caused by multiple factors and should not over adjust a comparable by double-counting overlapping items.
16. The appraisal report will be reviewed for compliance with the terms of this Statement of Work (including all cited standards). Any findings of inadequacy will require clarification and/or correction.
17. The appraiser shall consider the appraisal report and all DOI internal documents furnished to the appraiser to be confidential. Refer all requests for information concerning the appraisal to the AVSO Review Appraiser.
18. AVSO will not normally accept custody of confidential information. Should appraiser find it necessary to rely on confidential information, he/she will contact the AVSO Review Appraiser for instructions. The Review Appraiser will view the information and provide further instruction to the appraiser regarding handling and storage of the confidential information.
19. While the public is not an intended user of the appraisal reports, the Freedom of Information Act (FOIA) and Agency policy may result in the release of all or part of the appraisal reports to others.
20. If including any proprietary information in the appraisal, appraiser must gain concurrence from AVSO Review Appraiser and deliver the proprietary information in a separate binder. The proprietary information may be subject to public disclosure.

21. When the appraiser has performed any services regarding the subject property within the three prior years, he/she must disclose this in the bid proposal.

SECTION 3 – Performance & Submission Requirements

Review Appraiser

The AVSO Review Appraiser for this assignment is:

Jay DeVoe, MAI
Review Appraiser
Public Lands Division (PLD)
DOI Appraisal and Valuation Services Office (AVSO)
1220 SW 3rd Ave., Suite 1010
Portland, OR 97204

Email: jay_devoe@ios.doi.gov
Office: 503-808-6023
Cell: 971-806-9568

Any questions regarding appraisal instructions and/or technical requirements for this solicitation should be submitted in writing via email and addressed to the AVSO Review Appraiser.

Performance

120 days, or earlier is the preferred due date for submission of one copy of the **appraisal report(s)** for review by AVSO. **However, all bids (proposed delivery dates) will be considered.**

The initially submitted appraisal report will be reviewed for compliance with the terms of this Statement-of-Work, UASFLA and USPAP. Appraisal and Valuation Services Office will review the report within thirty (30) calendar days of receipt. Findings of inadequacy, if any, will require clarification and / or correction.

Review comments and suggestions, if any, will be provided to the appraiser for amendment – after which the appraiser will submit signed final copies in the following formats: four (4) paper copies and one electronic copy of the appraisal report. The final report copies shall be received by the review appraiser within fifteen (15) calendar days after approval of the appraisal report.

The appraisal report and all information furnished to the appraiser are DOI internal documents and are to be considered confidential by the appraiser. All requests for information concerning the appraisal must be referred to the review appraiser. The general public is not an intended user of the subject appraisal report; however, the appraiser must also be aware that the Freedom of Information Act and Agency policy may result in the release of all or part of the appraisal report to others.

Deliverable/Task Schedule

REQUIRED DELIVERABLES	DELIVERY DATE
Cost and Delivery Proposals for Assignment	14 Days after Request for Proposal & SOW received by Bidder
Pre-Work Meeting	TBD (Coordinate with AVSO RA)
Subject Property Inspection	TBD (Coordinate with Property Owners & AVSO RA)
Initial Appraisal Report(s)	120 Days from contract award date
Review Period & Comments Provided to Appraiser	30 Days after Appraisal received

Final Appraisal Report (4 paper copies and one electronic copy of the appraisal to Review Appraiser)	15 Days after Review completed & appraisal approved.
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Evaluation Criteria

This appraisal solicitation is based on “Best Value.” The Government (AVSO) and the Non-Federal Party Proponent (San Bernardino Valley Water Conservation District) will evaluate offers (Bid Packages) based upon the Proposal Evaluation Criteria developed by AVSO and the Proponent that has been provided to the prospective appraisal contract bidders to consult before submitting their proposal.

Contractors must be able to provide the appraisal services within the performance period specified in this solicitation, and/or otherwise state their proposed delivery schedule.

The contractor is to indicate in the proposal what specific roles, if any, associates or subcontractors will play in the assignment. This does not include office support staff. If any associates or subcontractors are contemplated, then their qualifications must be included with the proposal. If the contractor is awarded the assignment, no other associates or subcontractors may work on the project without prior written authorization from the Review Appraiser. The specific contribution(s) to the appraisal of any and all individuals, other than the signer(s), must be detailed in the appraisal report. **If the contractor does not list anyone else as providing assistance, then the proposal will reflect that the contracted appraiser will be doing 100 percent of the research, analysis and writing.**

Submission of Offers

Submissions of offers to perform the requested appraisal service shall be submitted via email to both parties AVSO Review Appraiser and the Non-Federal Party Proponent. The emailed bid offer shall reference the name of this appraisal project and state that the proposed fee is for performance according to this Statement of Work. If the offer submission includes any deviations from this Statement of Work then the proposed deviations must be clearly identified. The cost and delivery proposals must be emailed to:

- 1) **San Bernardino Valley Water Conservation District**
Daniel Cozad
Email: dcozad@sbvwcd.org
Phone: 909.793.2503
- 2) **DOI – Appraisal and Valuation Services Office (AVSO)**
Jay DeVoe, MAI - Review Appraiser
Email: jay_devoe@ios.doi.gov
Phone: 503-808-6023

Payment

This is a “Private Party Appraisal” contracting process; i.e. the appraiser will have a contract with **San Bernardino Valley Water Conservation District** to perform the work that is explained in this Statement of Work.

The contract with San Bernardino Valley Water Conservation District and the AVSO Statement of Work (SOW) must appear in the addenda of the appraisal report.

AVSO is the appraiser’s client even though San Bernardino Valley Water Conservation District is paying for the appraisal service.

The Appraisal Contract will be with and all invoices will be submitted to:

San Bernardino Valley Water Conservation District
Daniel Cozad
1630 W. Redlands Boulevard, Suite A
Redlands, CA 92373
Phone: 909-793-2503

A copy of each invoice shall also be provided to the AVSO Review Appraiser, who will then review the invoice and provide a payment recommendation to San Bernardino Valley Water Conservation District, who will execute payment.

Each invoice shall indicate the total appraisal fee for the assignment, the total amount previously invoiced, and the amount currently due. The balance remaining on the contract will also be indicated. All invoices come only from the appraisal company, but if subcontractor costs are included, then copies of invoices from the subcontractor must be included with the appraisal company's invoice.

**ATTACHMENT B
PROPOSAL**



**PROPOSAL
FOR
SANTA ANA RIVER WASH PLAN LAND EXCHANGE
FED & NON-FED APPRAISALS**

Prepared For:

**Mr. Daniel B. Cozad
General Manager
San Bernardino Valley Water Conservation District
1630 West Redlands Boulevard, Suite A
Redlands, California 92373**

**Mr. Jay DeVoe, MAI
Review Appraiser
1220 SW 3rd Avenue, Suite 1010
Portland, Oregon 97204**

Prepared By:

**Jeffrey R. Kern, ASA, CMA, MRICS
Certified General Appraiser
Resource Technologies Corporation
Post Office Box 242
State College, Pennsylvania 16804**

July 23, 2021



July 23, 2021

via email: dcozad@sbvwcd.org, jay_devoe@ios.doi.gov

Mr. Daniel Cozad, General Manager
The San Bernardino Valley Water
Conservation District
1630 West Redlands Blvd., Suite A
Redlands, CA 92373

Mr. Jay DeVoe, MAI
Review Appraiser
1220 SW 3rd Avenue, Suite 1010
Portland, OR 97204

RE: Agency Case ID: CACA-53257 FD & PT (Santa Ana Wash Land Exchange)
IVIS Number: L200020 (Federal Parcels) & L200044 (Non-Federal Parcels)

Messrs. Cozad and DeVoe:

Thank you for contacting Resource Technologies Corporation (RTC) concerning your specialty appraisal needs. The assignment is to determine the value of parcels involved in an exchange of land (fee estate), including minerals, between The San Bernardino Valley Water Conservation District (SBVWCD) and the Department of Interior, Bureau of Land Management (BLM). Based on the Scope of Work provided, SBVWCD and BLM require an appraisal of the fee estates involving parcels described as:

- Federal Exchange:
 - Aggregating to ±327.50 acres in San Bernardino County, California.
 - San Bernardino Meridian, T. 1 S., R. 3 W.,
 - sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Federal Equalization:
 - Containing ±90.00 acres in San Bernardino County, California
 - San Bernardino Meridian, T. 1 S., R. 3 W.,
 - sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Non-federal Exchange:
 - Containing ±310.00 acres in San Bernardino County, California
 - San Bernardino Meridian T. 1 S., R. 3 W.,
 - sec. 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Non-Federal Equalization Parcels:
 - Containing ±59 acres more or less
 - San Bernardino Meridian T. 1 S., R. 3 W.,
 - sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,

- excepting those portions conveyed to the State of California by Grant Deed recorded May 5, 1983 as instrument number 83-097 136 of official records in Riverside County.

The purpose of the exchange is to afford a more efficient and environmentally appropriate use of the parcels, considering all attributes including minerals and water conservation.

RTC, a qualified federal appraisal contractor, is pleased to submit this proposal. All of our appraisal efforts comply with the appraisal standards promulgated under the Uniform Standards of Professional Appraisal Practice (USPAP). We are familiar with and have developed appraisals for various federal clients that comply with the Uniform Appraisal Standards of Federal Land Acquisition (UASFLA –"Yellow Book"). These clients have included:

- General Services Administration: U.S. Air Force
- National Oceanic and Atmospheric Administration
- U.S. Department of Justice: Bureau of Prisons
- U.S. Department of Defense: Corps of Engineers
- Center for Disease Control and Prevention, National Institute for Occupational Safety and Health.

These appraisals were all completed in compliance with the Uniform Appraisal Standards for Federal Land Acquisitions, the Uniform Relocation Act, and the Uniform Standards of Professional Appraisal Practice. Much of RTC's work involves preparation for court testimony, and we have provided reports and testimony in various Federal District, Federal Bankruptcy, State, as well as Local Courts including:

- Federal District Court, Northern District of West Virginia
- Federal District Court, Middle District of Pennsylvania
- Federal District Court, Western District of Pennsylvania
- Federal District Court, Eastern District of Kentucky
- Superior Court of New Jersey, Monmouth County
- Superior Court of New Jersey, Gloucester County
- Commonwealth Court of Pennsylvania, Allegheny County
- Commonwealth Court of Pennsylvania, Greene County
- Commonwealth Court of Pennsylvania, Schuylkill County
- Federal Bankruptcy Court, Pennsylvania
- Tax Assessment Hearing Board, San Diego County, California
- Tax Assessment Hearing Tribunal, Wellington County, Ontario.

Resource Technologies Corporation (RTC) provides the requisite experience. For over forty years, RTC has specialized in the appraisal of unique commercial, environmental, mineral, and industrial businesses and assets including:

- | | |
|---|--|
| ● Oil and gas reserves and wells | ● Industrial and specialty mineral properties and operations |
| ● Mineral processing and shipping facilities | ● Rural properties |
| ● Aggregate, lime, sand, and other mineral reserves and mines | ● Forest lands, nature and park areas |
| ● Granite reserves and mining operations | ● Environmentally degraded sites |
| ● Coal mines | ● Rail, barge, & other transport facilities. |

Over the years, RTC has provided thousands of appraisal reports for hundreds of clients. RTC is retained by the state of West Virginia, Department of Tax and Revenue, to provide assessment and appraisal services concerning coal, oil and gas, and other minerals for the entire state. RTC annually reviews the assessment procedures and variables used to assess more than 700,000 mineral properties. RTC recently completed audits of the mineral assessment procedures used by the Kentucky Revenue Cabinet (Commonwealth of Kentucky) and the Arkansas State Tax and Revenue Agency (State of Arkansas). We are currently retained by the County of Wellington, Ontario to provide mineral-related valuation services. We provide mineral appraisal services to various clients in several counties in southern West Virginia, southern Virginia, and eastern Kentucky. These efforts have included both governmental clients (Department of Transportation as well as County Governments) and private entities.

RTC's professional staff includes Certified Professional Geologists and Certified Property Evaluators. Our Senior Mineral Appraiser, Mr. Jeffrey Kern, is a tested and recertified senior member of the American Society of Appraisers (ASA), a Certified Mineral Appraiser (CMA – International Institute of Mineral Appraisers) and a Member of the Royal Institute of Chartered Surveyors (MRICS). He is a Certified General Appraiser in numerous states including Pennsylvania, Arkansas, Indiana, Georgia, New York, West Virginia, Ohio, Florida, Virginia, Kentucky, New Jersey, and Maryland. He has previously obtained and can acquire a reciprocity-based temporary permit for this assignment.

Mr. Kern, ASA, CMA, MRICS, has taught appraisal and assessment courses to professionals requiring continuing education credits. Mr. Kern, the senior appraiser for this effort, is the author of the Mineral and Mineral Appraisal Chapter in Property Taxation, 3rd Edition, Institute for Professional in Taxation. He has written articles and/or taught courses concerning mineral valuation for the Pennsylvania State University, Society for Mining, Metallurgy, and Exploration (SME), International Association of Assessing Officers (IAAO), Association for Application of Computers in Mining, Mineral Economics and Mining Society, various State Appraisal Licensing Boards, American Society of Appraisers, and the Appraisal Institute. He is the Author of the USGS Textbook "The Use of Aerial Photography in Surface Mining Analysis".

Mr. David Falkenstern is a Registered Professional Geologist and Certified Mineral Appraiser with over 20 years experience in the valuation of coal and aggregate mining operations and reserve properties at RTC. Mr. Falkenstern specializes in mineral pricing, market review, and reviewing mining plans as well as mass appraisal mineral systems for county and state government.

Scope of Work:

The purpose and orientation of the appraisal is as follows:

- **Client:** U.S. Department of Interior, Appraisal and Valuation Services Office (AVSO)
- **Purpose:** Estimate the As-Is Fair Market Value of the land and any improvements thereon, including all rights inherent in the Fee Simple Estate, subject to any existing easements/Right-of-Ways
- **Basis:** Highest and Best Use
- **Intended Use:** Assist BLM and SBVWCD in the proposed land exchange

- **Intended Users:** AVSO, BLM, and SBVWCD
- **Effective Date:** Date of final inspection.

According to the Scope of Work,

- This proposed land exchange was initially outlined in an Agreement to Initiate (ATI) dated October 20, 2005. The acreage to be exchanged was later altered slightly from this original ATI. It was legislated in Section 1003 of Public Law 116-9 (Dingell Act) dated March 12, 2019. This legislation, along with the maps presented as exhibits, accurately define the lands to be exchanged. BLM prepared a mineral potential report in 2006 based on the 2005 ATI and prepared a supplemental report in 2019 adding a 17.5- acre parcel to the lands considered in the 2006 report.
- The Federal and Non-Federal lands are separated between the primary “exchange” parcels, and secondary “equalization” parcels.
 - For valuation purposes, and as identified in the ATI, the equalization parcels will be considered as their own independent larger parcels:
 - The Federal Land exchange parcels total 327.5 acres, with the equalization parcels totaling 90 acres.
 - The Non-Federal Land exchange parcels total 310 acres, with the equalization parcels totaling 59 acres.

Further, according to the scope of work:

- All the properties are in either the City of Highland or the City of Redlands, in an alluvial plain that has historically been the location of sand and gravel mining operations.
- All the lands included in the exchange will:
 - include the surface and mineral estates
 - water rights are *not* to be conveyed.
- Mineral reports prepared by BLM note the potential on both the Federal and Non-Federal lands for the occurrence and development of construction aggregates used for construction materials.

Consistent with the UASFLA, the appraisal will be based on the following definition of Market Value:

“The most probable price in cash, or terms equivalent to cash, that lands or interests in lands should bring in a competitive and open market under all conditions requisite to a fair sale, where the buyer and seller each acts prudently and knowledgeably, and the price is not affected by undue influence.” [43 CFR 2200.0-5(n)].

It is noted that the SOW specifically requires that in determining Market Value the valuation must include consideration of the following:

- Determine the highest and best use of the property to be appraised;
- Estimate the value of the lands and interests as if in private ownership and available for sale in the open market;
- Include historic, wildlife, recreation, wilderness, scenic, cultural, or other resource values or amenities that are reflected in prices paid for similar properties in the competitive market;

- Consider the contributory value of any interest in land such as minerals, water rights, or timber to the extent they are consistent with the highest and best use of the property; and
- Estimate separately, if stipulated in the Agreement to Initiate (ATI) in accordance with § 2201.1 of this part:
 - The value of each property optioned or acquired from multiple ownerships by the Non-Federal party for purposes of exchange, pursuant to § 2201.1–1 of this part.
 - In this case, the appraiser shall estimate the value of the Federal and Non-Federal properties in a similar manner.

Before the market value of a property can be developed, an analysis of highest and best use is necessary. Through the highest and best use analysis, the appraiser interprets the market forces that affect the subject property and identifies the use or uses on which the final opinion of value is based. According to the Appraisal Institute, the highest and best use is defined as:

The reasonably probable use of property that results in the highest value.¹

The opinions of current market value may not be predicated upon potential highest and best uses that are speculative or conjectural. In general, the subject property is appraised “As Is” unless authorized in writing by the AVSO Review Appraiser to do otherwise. A proposed highest and best use requires showing reasonable probability that the land is both physically adaptable for such use and there is an economic need or demand for such use in the reasonably near future. In order to determine the highest and best use, four steps must be applied in the following order

- Legally permissible - The appraiser will examine the current zoning onsite to determine the legally permissible uses. Current land use trends will also be considered as well as deed restrictions, easements, and other legal conditions that may limit use.
- Physically possible - The appraiser will examine what uses are physically possible on the site that comply with the uses that are legally permissible.
- Financially Feasible - The appraiser will look at the uses that are legally permitted and physically possible and determine if the use is financially feasible. With each of these identified uses, the overall market will be discussed and the supply and demand determined.
- Maximally Productive - The financial feasibility of each of the uses will be examined to find the maximally productive use. That use is the highest and best use.

RTC will make a highest and best use conclusion for the “Larger Parcel”. RTC’s report will conform to the requirements of the Uniform Appraisal Standards for Federal Land Acquisitions. Based on “Yellow Book” requirements:

¹The Appraisal of Real Estate, Fourteenth Edition, The Appraisal Institute, 550 West Van Buren, Chicago, IL, 60607, page 332.

The appraiser must make a determination of the “Larger Parcel” and comply with sections on “Unit Rule” and “Mineral”. Section 4.8.3 Valuation Approaches for Mineral Resources is very important. The following is the excerpt from the Index on “Mineral” and indicates the page numbers:

- mineral rights, 11, 16, 45
- mineral interests, 11, 44-48, 140, 180-82
- mineral appraisal, 72, 79
- mineral expert, 45, 54, 68
- mineral valuation, 44, 46-48, 97-98, 178-82, 202
- mineral resource(s), 18, 43, 44, 47, 62, 68, 97-98, 178, 180
- mineral property, 44-48, 140, 180-82.

According to the “Yellow Book” and based on litigation experience of RTC, the UNIT RULE requires that properties be viewed as a whole rather than as a “sum of the parts”.

According to the RFP: the appraisal report is to be self-contained which will include a discussion of the area data and property. Each of the comparable sales will be discussed with reasoning given to explain the differences between the subject property and the comparable sales. All comparables used will be viewed and confirmed by the appraisal staff. Comparable current listings in the subject’s market will be described and analyzed. Photographs of the subject property and the comparable sales will be taken. A Comparable Sale fact sheet with photo, map, previous sales, and tax records will be included. The senior signatory appraiser will make an in-person inspection of the asset(s) to be appraised.

As required by UASFLA Section 1.2.6.4, the appraiser will offer the property owner and/or the owner’s representative an opportunity to accompany the appraiser during the property inspection. As specified in the SOW, RTC will “make advanced arrangements for the property inspection with the BLM Realty Specialist and notify and the AVSO Review Appraiser as to when the property inspection will take place”.

The following requirements are acknowledged by RTC:

1. RTC staff will attend a pre-work meeting with the assigned AVSO Review Appraiser, the agency Realty Specialist and/or other agency representative, and other interested parties.
2. If RTC identifies any controversial issues during the course of the assignment, RTC will immediately notify the AVSO Review Appraiser.
3. The AVSO is the appraiser’s client, even though the appraisal is being funded by the Non-Federal Proponent in the exchange.
4. Only the assigned AVSO Review Appraiser can modify appraisal instructions (in writing).
5. The appraiser may not communicate assignment results to any party except AVSO until authorized to do so in writing by AVSO
 - a. Any communication (verbal or written) with the Non-Federal Party and/or the BLM Client Agency Realty Contact shall include the assigned AVSO Review Appraiser.

6. The Agreement to Initiate (ATI) for the Santa Ana Wash Land Exchange is a working document that is to be used for guidance and consulted for this appraisal assignment.
7. The appraisals for each side of the Exchange will use consistent appraisal approaches and methodologies to the extent reasonable and appropriate, per UASFLA Section 1.12.6.
8. The appraisals shall disregard any consideration of value equalization relative to the proposed land exchange. After the individual appraisals are completed, the client (AVSO) will consult with the appraisal users and will utilize the appraisal reports and the provisions for equalization of values within the ATI in balancing the exchange.
9. The appraisal will provide separate, independent market value estimates for each determined larger parcel, with no reflection of “bulk-sale” (all parcels from a single seller to a single buyer) or other similar concepts.
10. This assignment requires two separate, individual market value appraisal reports (one for each of the two sets of properties):
 - a. Federal Parcels: Agency Case ID- CACA-53257-FD; IVIS# L200020
 - b. Non-Federal Parcels: Agency Case ID- CACA-53257-PT; IVIS# L200044
11. Color photographs and maps of comparable properties shall be included in the appraisal reports these include representative aerial images.
12. Documentation of the comparable sales and other market data utilized in the appraisal must include researched and documented Comparable Sales Sheets including relevant physical, legal and economic factors such as:
 - a. Parties to the transaction (Buyer and Seller)
 - b. Source and method of financing
 - c. Verification by a party involved in the transaction (preferably the buyer, however, the seller and/or broker involved is acceptable also).
 - d. A check list of elements of the sales including:
 - i. Date of Sale, Buyer and Seller, Recording Info.; Terms of Sale; Confirmed With Name and Phone #; Legal Description;
 - ii. Buyer’s Motivation/Planned Use of Property; Appraiser Est. Highest and Best Use
 - iii. Physical Description including:
 - (1) Location and Access
 - (2) Zoning; Plat Map, Photograph, Aerial, Flood Zone Area Impacts.
13. The appraisal report and all DOI internal documents furnished to the appraiser are confidential.
14. If it is necessary to rely on confidential information, the Review Appraiser will view the information and provide further instruction to the appraiser regarding handling and storage of the confidential information.
15. If the report includes any proprietary information in the appraisal, appraiser must gain concurrence from AVSO Review Appraiser and deliver the proprietary information in a separate binder.

Subject Properties:

The interests to be conveyed and thus appraised are as follows:

- **Federal Property:**
 - Interests conveyed:
 - Include the surface and mineral estate of all parcels.
 - There are no water, timber, or other rights associated with the property.
 - Interests reserved: All parcels to be conveyed with a reservation to the United States for a right-of-way thereon for existing ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).
 - Encumbrances:
 - CACA-19146 – road right of way
 - CACA-25557 – road right of way
 - CACA-36490 – water facility right of way
 - CACA-50427 – road right of way
 - CALA-0-169868 – power transmission line right of way
 - CALA-0-24759 – miscellaneous and special right of way for storm water diversion ditches.
- **Non-Federal Property:**
 - Interests conveyed include:
 - the surface and all sub-surface interests (including minerals) owned by the Non-Federal Party.
 - Interests Reserved (Non-Federal Property): None.
 - Encumbrances
 - The appraiser will be provided with a copy of a preliminary title report prepared by Lawyers Title Company (File No. 619650472, dated November 20, 2019). Several of the exceptions are typical such as boundary locations and taxes. There are also a number of easements related to flood control and water conservation. The conveyance will be made subject to these easements.
 - Exceptions No. 6, 7, and 9 are leases that will be removed from title prior to the exchange and can be disregarded in the analysis. Two of the leases were for mining purposes and have been terminated for the proposed land exchange.

According to the SOW, “The property interest to be appraised is: Fee Simple - subject to exceptions indicated in the Agreement to Initiate for the Land Exchange and as indicated within this Scope of Work”.

There are no improvements on the subject lands. Personal property, if any, is not included in the assignment

In accordance with the proposed contract, RTC will prepare a written report in compliance with USPAP and UASFLA.

Deliverable/Task Schedule:

RTC will make every attempt to comply with the schedule below. Any variance must be approved by the AVSO.

REQUIRED DELIVERABLES	DELIVERY DATE
Cost and Delivery Proposals for Assignment	14 Days after RFP & SOW received by Bidder
Pre-Work Meeting	TBD (Coordinate with AVSO RA)
Subject Property	Inspection TBD (Coord w/ Owners & AVSO RA)
Initial Appraisal Report(s)	120 Days from contract award date
Review Period & Comments	30 Days after Appraisal received

Basis for Award:**RTC's Expertise in Mineral Rights Valuation:**

RTC has completed hundreds of mineral and other specialty appraisals for various banks, government agencies, and private entities. Many of these have conformed with the Uniform Appraisal Standards for Federal Land Acquisition. Examples most relevant to the subject are:

Description	Client	Purpose	Acres	
Appraisal of Mineral Interest in Two Parcels Barbour County, WV	Alderson Broaddus University Philippi, WV	Estate Gift	2,909.83	
Valuation of West Virginia Coal Parcels (800,000+) for Taxation Purposes	WV Department of Tax and Revenue Charleston, WV	Annual Mineral Property Tax		
Appraisal of 377.6 Acres at the CDC/NIOSH Lake Lynn Facility in Fairchance, Fayette County, PA	Jacobs Government Services Co. Center for Disease Control and Prevention Atlanta, GA	Condemnation	377.6	Yellow Book
Valuation of Coal Required for Support As Determined by The State Mining Commission - Cases 65 and 66 S.R. 219, Somerset County, PA	Governor's Office of General Counsel Department of Transportation Office of Chief Counsel Pittsburgh, Pennsylvania	Condemnation Proceedings	3,000	
Appraisal of 6 Mines, Nellis Air Force Base, Jamestown Mining District, Golden Chariot No. 1, Golden Chariot No. 2, Golden Chariot No. 3, Last Chance, Daisy, and Mohawk Patented Mining Claims County of Nye, NV	U.S. General Services Administration San Francisco, California	GS- 09-P-15-CF -P-7000	160	Yellow Book
Appraisal of Hoover Inc. 1205 Bridgestone Parkway P.O. Box 400 LaVergne, TN 37086 Plant 608 - Murfreesboro, TN Plant 637 - Smyrna, TN Plant 640 - Lebanon, TN Plant 638 - Huntsville, AL Plant 636 - Allsborough, AL	Bluewater Worldwide, NY M & T Bank Suntrust	Financing	1,200 total 5 sites	

Description	Client	Purpose	Acres	
Before and After Appraisal of Parcel 550-014-00-00-0004-00 Robinson Township, Washington County, PA	Pennsylvania Turnpike Commission Harrisburg, Pennsylvania	Condemnation	350	

RTC's Expertise with the Uniform Appraisal Standards for Federal Land Acquisition:

Over the years, RTC has completed numerous Yellow Book-based appraisals, for example:

- U.S. Department of Justice:
 - Coal Estate, Gilmer County, West Virginia, 2002
 - Oil and Gas Estate, Manchester, Kentucky, 2003
 - Coal, Oil and Gas, Surface, McDowell County, West Virginia, 2006
- National Oceanic and Atmospheric Administration, Patented Gold Claims, Fairbanks Command and Data Acquisition Station (CDAS), 2005
- U.S. Army Corps of Engineers, Monogahela Lock and Dam Project, 1990
- U.S. Army Corps of Engineers, Stonewall Jackson Lake Project, 1988.

RTC's Expertise in the Subject Market (California Aggregates and Construction Materials Market):

RTC has significant experience in the California market, for example:

- Appraisal of Canyon Rock Quarry, Exchange Bank, 2018, 2020
- Appraisal of Chula Vista Quarry, Vulcan Materials, 2019
- Appraisal of Blue Mountain Quarry, Wells Fargo, 2018, 2020
- Appraisal of Hester's Granite Quarry, Well Fargo Bank, 2018.

Total Cost:

The total fee for two separate, individual market value appraisal reports (one for each of the two sets of properties) is \$56,300.

Qualifications of RTC's Senior Mineral Appraiser and Senior Geologist are attached. Please contact Mr. Kern (jrkern@resourcetec.com) for any questions concerning RTC's bid. Thank you for this opportunity. We look forward to working with you.

Sincerely,

April Saldaña

April Saldaña
Office Manager

Curriculum Vitae
Jeffrey R. Kern, ASA, CMA, MRICS
Certified General Appraiser

EDUCATION

Degrees

Masters of Regional Planning: The Pennsylvania State University. Resource Economics. Emphasis on land use planning and resource management (1980)

Bachelor of Arts: Dickinson College. Political Science, minor in Geology. Emphasis on land use planning and resource management (1973)

Graduate Work in Public Administration: The Pennsylvania State University. Focus on public finance and land use management (1977 - 1981)

Appraisal and Real Estate Courses

Best Practices for Completing Bifurcated and Hybrid Appraisals, McKissock, 2021

The Basics of Expert Witness for Commercial Appraisers, McKissock, 2021

Supervisor-Trainee Course, McKissock, 2020

Essential Elements of Disclosures and Disclaimers, McKissock, 2020

National USPAP Update Equivalent (2020-2021), McKissock, 2020

Evaluations, Desktops, and Other Limited Scope Appraisals, McKissock, 2019

Marcellus Shale: Effects of Energy Resource Operations on Property Value, McKissock, 2019

West Virginia Appraisal Law, McKissock, 2019

Managing Appraiser Liability, McKissock, 2019

That's A Violation, McKissock, 2018

Florida Appraisal Laws and Regulations, McKissock, 2018

Introduction to Expert Witness Testimony for Appraisers: to Do or Not to Do, McKissock, 2018

National USPAP Update Equivalent (2018-2019), McKissock, 2018

Appraising REO Properties, McKissock, 2017

Delaware Appraisal Laws & Regulations, McKissock, 2017

Fundamental Concepts of Analysis, McKissock, 2017

Reviewers Checklist, McKissock, 2016

Pennsylvania Appraiser State Mandated Laws, McKissock, 2016

National USPAP Update Equivalent (2016-2017), McKissock, 2016

Complex Litigation Appraisal Case Studies, Appraisal Institute, 2015

Land and Site Valuation, McKissock, 2015

Appraisal of Land Subject to Ground Leases, McKissock, 2015

Mortgage Fraud-Protect Yourself!, McKissock, 2014

National USPAP Update Equivalent (2014-2015), McKissock, 2014

Complex Appraisal Review, McKissock, 2013

Residential Appraisal Review, McKissock, 2013

National USPAP Update Equivalent (2012-2013), McKissock, 2012

Deriving and Supporting Adjustments, McKissock, 2011

Even Odder: More Oddball Appraisals, McKissock, 2011

Foundations in Sustainability: "Greening" the Real Estate & Appraisal Industries, McKissock, 2010

National USPAP Update Equivalent (2010-2011), McKissock, 2010

Income Capitalization, McKissock, 2009

Forecasting Revenue, Appraisal Institute, 2009

Office Building Valuation: A Contemporary Perspective, Appraisal Institute, 2008

Condemnation Appraising, Appraisal Institute, 2008

Real Estate Finance, Statistics, & Valuation Modeling, Appraisal Institute, 2006

Partial Interest Valuation - Divided, Appraisal Institute, 2005

Limited Appraisals and the Scope of Work Decision, McKissock, 2005
Valuation of Regional Malls & Golf Courses, IAAO, 2004
Complex Industrial Property, IAAO, 2004
Minerals & Golf Courses, IAAO, 2004
Electric Asset Valuation, CBI, 2003
Business Valuation - Selected Advanced Topics, ASA, 2002
Minneapolis Assessor's Info. & CAMA System Migration, IAAO, 2001
Alternative Valuation Methods for Downtown Office Properties, IAAO, 2001
PariTop: A Decision Support System for Mass Appraisal, IAAO, 2001
First Application of Modern Location Adjustments to Cost Approach, IAAO, 2001
Improving Location Analysis by Integrating GIS & CAMA Methods, IAAO, 2001
Regional Models for Valuation & Ratio Studies, IAAO, 2001
Analyzing Sales Using GIS & Technology, IAAO, 2001
The Appraisal of Health Care Facilities and Retirement Housing, IAAO, 2001
Managing Your Mineral and Real Estate Assets, SME, 2000
Market Approach to Valuing Businesses, ASA, 1999
Geostatistical Simulation for Mineral Deposit Modeling & Mining Application, Colorado School of Mines (CSM), 1999
APCOM '99 Computer Applications in the Minerals Industries, CSM, 1999
Marshall & Swift Residential Costing, AAP, 1999
Valuation of Pennsylvania Minerals, AAP, 1999
Mining In a Volatile World, MEMS, 1999
Due Diligence Review and Valuation of Industrial Mineral Acquisitions, SME, 1999
Economic Globalization of the Mining Industry, MEMS, 1998
Economic Evaluation and Investment Decision Methods, CSM, 1997
Income Capitalization, McKissock, 1997
Coal Taxation, Virginia Polytechnic Institute State University, 1997
Evaluating, Buying, & Selling Coal Properties, Coal Outlook, 1997
Coal Taxation, Virginia Technical Institute, 1996
Regression Analysis as an Appraisal Tool, McKissock, 1995
Real Property Appraisal, Income Producing Properties III, ASA, 1992
Fundamentals of Real Estate, Polley School, 1991
Real Estate Practice, Polley School, 1991
Appraisal Ethics and Practice, Polley School, 1991
Real Property Appraisal II, ASA, 1990
Real Property Appraisal, Income Producing Properties I, ASA, 1990

CERTIFICATIONS

Certifications

Certified General Appraiser:

Pennsylvania, GA 000447-L
 New Jersey, 42RG00083000
 New York, 46000021412
 Georgia, 343350
 Indiana, CG41100044
 Arkansas, CG 3341

Florida, RZ3924
 West Virginia, 226
 Virginia, 4001 016594
 Ohio, 2013002843
 Maryland, 31956
 Kentucky, 5027

Certified Evaluator:

Pennsylvania, AV 000790-L

Member of:

American Society of Appraisers (Senior Member #213)
 Royal Institution of Chartered Surveyors (Chartered Valuation Surveyor Member #6403665)
 International Institute of Mineral Appraisers (Certified Mineral Appraiser)
 National Association of Independent Fee Appraisers (Member #20704)
 International Association of Assessing Officers (Member #16911)
 Society for Mining, Metallurgy, and Exploration (Member #4106174)

GUEST SPEAKER/INSTRUCTOR

Mineral Valuation, Assessors Association of Pennsylvania, 2019
Mineral Valuation for Taxation, IAAO Annual Conference, Nevada, 2017
Mineral Valuation for Condemnation, Pennsylvania Department of Transportation, 2016
Estate Planning Concerning Oil and Gas Leases, Pennsylvania Bar Institute, 2015
Appraisal Statistics, Assessors Association of Pennsylvania, 2015
Mineral Valuation, Assessors Association of Pennsylvania, 2014
Appraisal of Mineral Properties, Virginia Association of Assessing Officers, 2014
Land and Property Valuations With Shale Development, PSU Extension Education, 2014
Land and Property Valuations With Shale Development, PA Association of Realtors, 2014
Oil and Gas Reserve Valuation, Pennsylvania Institute of CPA's, 2013
Specialized Oil and Gas Valuation Update, Appraisal Institute, 2013
Oil and Gas Reserve Valuation, Ohio Bar Association/Ohio Appraisal Institute, 2013
Specialized Oil and Gas Valuation, Appraisal Institute, 2012
Oil and Gas Reserve Valuation, Pennsylvania Institute of CPA's, 2012
Oil and Gas Valuation, Pennsylvania Institute of CPA's, 2011
Specialized Oil and Gas Valuation, Appraisal Institute, 2011
Mineral Valuation, Assessors Association of Pennsylvania, 2011
Forest Resource Appraisal, Assessors Association of Pennsylvania, 2011
Oil and Gas Valuation, Pennsylvania Institute of CPA's, 2010
Oil and Gas Valuation, Penn State Extension Education, 2010
Oil and Gas Valuation, Appraisal Institute, 2010
Valuation of Pennsylvania Minerals, AAP, 2010
GIS for Assessment, AAP, 2009
Taxation of Pennsylvania Minerals, PA Aggregate and Concrete Associations, 2008
Geographic Information Systems and Assessment, AAP, 2008
Valuation of Pennsylvania Minerals, AAP, 2008
Valuation of Timberlands, AAP, 2008
Statistics to Support and Analyze Assessment, Highmark Institute, 2007
Using GIS in the Appraisal Process, Highmark Institute, 2007
Soil Characteristics and Influence on Valuation, AAP, 2006
Appraisal of Mineral Property, IAAO, Indianapolis, 2004
Appraisal of Mineral Property, IAAO, Boston, 2004
GIS for Assessment, AAP, 2004
Advanced GIS and Property Assessment, AAP, 2003
Advanced Tax Mapping, AAP, 2003
Auditing the Reassessment, AAP, 2002
Assessment of Forest Lands/Timber Resources, AAP, 2002
Valuation of Pennsylvania Minerals, AAP, 2001
Valuation of Pennsylvania Minerals, AAP, 2000
USPAP, ASA, 2000
Mineral Valuation, SME, 2000
GIS, Tax Assessment, and Local Government, AAP, 2000
GIS and Real Estate Tax Assessment, AAP, 2000
Reserve Coal Appraisal Methodology, Virginia Tech, 1999
Valuation of Pennsylvania Minerals, AAP, 1999

GIS and Property Tax Appraisals, AAP, 1999
Business Management, Rehabilitation Services, PSU, 1993
Business Management, Rehabilitation Services, PSU, 1992
Business Management, Rehabilitation Services, PSU, 1991
Business Management, Employee Assistance Plan Opportunities, PSU, 1990
Business Management, Rehabilitation Hospital Locations, PSU, 1990
Remote Sensing Workshop, PSU, 1982
Careers in Geography Workshop, PSU, 1982
Remote Sensing Workshop, PSU, 1981

EXPERIENCE

President, Senior Appraiser of Resource Technologies Corporation (1980 - Present) - Appraise Commercial, Industrial, and Mineral Sites Including:

Natural resources such as coal, oil, gas, sand, gravel, clay, limestone, and other minerals
Energy production facilities
Environmentally-sensitive properties
Technical and business properties including associated equipment

Expert Testimony has been Accepted in Courts Including:

United States District Court, Northern District of West Virginia
United States District Court, Middle District Court of Pennsylvania
United States District Court, Western District of Pennsylvania
United States District Court, Eastern District of Kentucky
United States Bankruptcy Court, Wilkes-Barre, Pennsylvania
State and Local Courts

APPRAISAL PROJECTS

Various Oil and Gas Properties Throughout New York, Ohio, Pennsylvania, and West Virginia,
Clients: Private and Various Law Firms

Assessment of all Minerals for Tax Purposes, Clients: Pennsylvania Counties of Cambria, Centre, Fayette, Greene, Indiana, Schuylkill, and Washington

Various Operating Sand and Gravel Quarries and Asphalt Plants throughout Pennsylvania, Virginia, Maryland, Delaware, Florida, and New Jersey, Client: Various Banks

Ground Water Interests in Maine, Client: Private

Operating Quarry and Asphalt Plant in Vermont, Client: TD Bank

Sand and Gravel Quarry in New Mexico, Client: Private

Bluestone Mineral Reserves in Pennsylvania, Client: Peoples Security Bank

Sand Mine Operation in South Carolina, Client: Triumph Savings Bank

Proposed Sand and Gravel Surface Mine in Colorado, Client: Private

Operating Quarry and Concrete Plant in Connecticut, Client: Wells Fargo Bank

Oil, Gas, Coal, Limestone, and Surface Rights CDC NIOS site, Client: CDC

Brick Plant and Quarry in North Carolina, Client: Wells Fargo

World Famous Quarry Operation, Client: Private

Construction Materials Operations in Pennsylvania, Client: Wells Fargo

Coal Waste Recovery Operation, Client: M&T Bank

Gas-Fired Power Generation Facility, Client: County of Fayette, PA

Coal Mining and Power Generation Operation, Client: M&T Bank

Met Coal Operation, Client: Private

Water Rights in New Mexico, Client: Private

Coal in Mine Area in West Virginia, Client: CONSOL

Limestone Quarries, Client: OldCastle

Various Mineral Parcels, Client: Dominion Natural Gas

Various Mining and Mineral Processing Businesses in Pennsylvania, Client: Various Banks

Various Mineral Rights in Pennsylvania, Client: Western Pennsylvania Conservancy
Mineral Rights in Arkansas, Client: Chicago Title Insurance Company
Mineral Rights in Mississippi, Client: S&B Industrial Minerals
Mining and Mineral Processing Business in Indiana, Client: M&I Bank
Mining and Mineral Processing Business in New Jersey, Client: Wachovia Corporation
Shale Pit Before-and-After-Taking in Pennsylvania, Client: Interstate Acquisition Services
Mine Refuse Site in Pennsylvania, Client: The Clean Streams Foundation
Sand and Gravel Operation in Ohio, Client: Private
Mineral Appraisal in Ohio, Client: Private
Various Limerock Operations in Florida, Client: Various Banks
Sandstone Quarry in Colorado, Client: Carter Lake Enterprises
Sand and Gravel Operation in Massachusetts, Client: Bank of America
Review of Vulcan Materials Property and Concord Regional Airport, Client: City of Concord, North Carolina
Allegheny Energy Power Plant in Pennsylvania, Client: Greene County, Pennsylvania
Coal Fines Recovery Facilities, Lands, and Operations in West Virginia, Client: Ernst and Young
Hard Rock Quarry Operation in Colorado, Client: Fleet Bank
Aggregate Operation in British Columbia, Client: Arthur Anderson
Federal Acquisitions including Coal, Oil, Gas, Other Minerals and Rural Lands in Various States for Federal Prison Construction, Client: U.S. Bureau of Prisons
Clay Mine and Manufacturing Facility, Midwest United States, Client: Coast Business Credit
Sodium Sulfate Deposit and Processing Operation in Texas, Client: Fleet Bank
Limestone and Aggregate Mine in British Columbia, Canada, Client: Arthur Andersen, LLP
Slate Mine and Processing Operation in Pennsylvania, Client: Confidential
Bus Station and Garage in Pennsylvania, Client: Confidential
Paper Production Plant, Client: West Virginia Department of Tax and Revenue
Limestone and Aggregate Mine and Cement Production Facility in Pennsylvania, Client: Essroc Materials, Inc.
Limestone and Aggregate Mine and Cement Production Facility in Missouri, Client: RESCO
Limestone and Aggregate Mine and Cement Production Facility in British Columbia, Client: LaFarge Canada, Inc.
Coal Reserves in Western Pennsylvania, Client: Greene County, Pennsylvania
Gas Storage Field in Western and Central Pennsylvania, Client: Confidential
All Reserve Mineral Properties in West Virginia, Client: West Virginia Department of Tax and Revenue
All Reserve Mineral Properties in Fayette County, Pennsylvania, Client: West Virginia Department of Tax and Revenue
Dimension Stone Reserves in South Dakota, Minnesota, and Texas, Client: Confidential
Damages Caused by Undermining of Cemetery, Client: Hook and Hook, PC
Review of Coal Reserve Assessment System in West Virginia, Client: Common Cause, Federation of Teachers, et. al.
Wood Product Reprocessing Business, Client: Keystone Financial Services
Scenic Easement and Rights-of-Way, Youghogeny River, Client: Curry Lumber Company
Nursing Home, Greene County, Pennsylvania, Client: Greene County Commissioners
Coal and Oil and Gas Reserves and Rural Lands in four Pennsylvania Counties, Client: United Properties Group
Condominium and Vacation Complex in Pennsylvania, Client: GE Capital Credit
Coal Refuse Processing Operation in Pennsylvania, Client: Comerica Bank
Four Operating Deep Mines in Pennsylvania, Client: Fleet Financial Services
Coal Refuse Resources in Pennsylvania, Client: Rhoads & Sinon, LLP
Nursing Home in Jefferson County, Pennsylvania, Client: Nursing Home Corporation
Large Bankrupt Coal and Land Estate, Client: Beltrami Enterprises, Inc.
Lands and Resources Associated with a 20-Mine Holding Company, Client: Schuylkill County, Pennsylvania
Coal Reserve Values, Client: Wheeling Creek Water Shed

Granite Mining Operations, Minnesota and Texas, Client: Barclays Business Credit
Coal Processing Plant, Coal Tipple, Rail and River Load-out, Client: Confidential
Silverbrook Anthracite, Coal, Culm, and Land Resources, Client: Bank of Seoul, Korea
Consolidation Coal Co., Greene County Coal Properties, Client: Greene County, Pennsylvania
Consolidated Coal/Monongahela Railway Rail Spur, Client: Tarasi and Johnson, PC
Uranium Mine Tailings Depository, Client: U.S. Corps of Engineers
Coal Reprocessing Facility, Client: Pressed Steel, Inc.
Coal Processing and Shipping Facility, Client: Hook and Hook, PC

ADDITIONAL EXPERIENCE

Peer Reviewer, SME

Pennsylvania Oil and Gas Task Force, County of Centre, Pennsylvania

Technical Advisor, Participant: National Conference on U.S. Coal Reserves, U.S. Department of Energy. Provide input concerning criteria to determine U.S. coal reserves, volumes, and value.

Technical Advisor, Senior Economics Analyst: "Defining the Anthracite Resources" for the U.S. Department of Energy. Economic analysis focused on the national and world coal market to the year 2010 as well as the local economic, regulatory, labor, and transportation situation.

Principal Investigator: "Concepts for the Protection Against Catastrophic Events" for the U.S. Department of the Interior. Project involved extensive interviews, literature searches, and analyses concerning various legal, financial, and other instruments potentially available to avoid, mitigate, or abate problems that are associated with the long-term effects of mining. Instruments evaluated included bonding, local planning options, insurance programs, surety arrangements, regulatory programs, legal restrictions and covenants, and disaster assistance programs. Both a policy and economic analysis were included in the report.

Principal Investigator: Development and publication of a self-instructional aerial photographic and inspection handbook for federal, state, local, and private environmental personnel. The 150+ page textbook includes numerous "hands-on" learning exercises and case studies.

SELECTED PUBLICATIONS AND REPORTS

2020, **Appraisal of Sand and Gravel Quarry and Asphalt Plant, Connecticut**, Prepared for Jewett City Savings Bank

2020, **Appraisal of Proposed Sand and Gravel Mine, Maryland**, Prepared for Confidential Client

2020, **Appraisal of MoonTide Springs, Maine**, Prepared for Confidential Client

2020, **Various Coal Appraisals, Virginia**, Prepared for Virginia Department of Transportation

2020, **Appraisal of Mineral Rights, Kentucky**, Prepared for Confidential Client

2019, **Appraisal of Tompkins Bluestone Quarry, Pennsylvania**, Prepared for Confidential Client

2019, **Appraisal of Portola Minerals Co. dba Blue Mountain Minerals, California**, Prepared for Wells Fargo

2019, **Appraisal of Ada Sand and Gravel Pit, Idaho**, Prepared for Confidential Client

2019, **Appraisals of Pipeline Easements, Texas**, Prepared for Confidential Client

2018, **Appraisal of Dally Big Penn Slate Quarry, Pennsylvania**, Prepared for Commonwealth Capital

2018, **Appraisal of Chula Vista Quarry, California**, Prepared for Confidential Client

2018, **Appraisal of Premier Magnesia, Nevada**, Prepared for Wells Fargo

2018, **Appraisal of Westwood Coal Refuse Power Plant and Rausch Creek Fuel, Pennsylvania**, Prepared for Confidential Client

2017, **Appraisal of Ricci Brothers Sand Company, New Jersey**, Prepared for Bank of America

2017, **Appraisal of Canyon Rock Quarry, California**, Prepared for Exchange Bank

2017, **Appraisal of Hester's Granite Company, California**, Prepared for Wells Fargo

2017, **Appraisal of Bermont Excavating, Florida**, Prepared for Florida Community Bank

2016, **Appraisal of Helena Sand and Gravel, Montana**, Prepared for Kakuk Law Office

2016, **Appraisal of Thiele Kaolin Company, Georgia**, Prepared for Wells Fargo Bank

2016, **Appraisal of Copper Ridge Oil, New York**, Prepared for Northwest Savings Bank

2016, **Appraisal of South Tamaqua Coal Pockets, Pennsylvania**, Prepared for Keystone Anthracite Company

2015, **Appraisal of Wisconsin White Sand, Wisconsin**, Prepared for First Niagara Bank

2015, **Appraisal of OpeQuon Condominium Development, Pennsylvania**, Prepared for S&T Bank

2015, **Appraisal of USA Aggregates (15 Quarries), Virginia, Tennessee, and Georgia**, Prepared for Wells Fargo Bank

2014, **Appraisal of Carolina Aggregates' Gaston Sand Mine, South Carolina**, Prepared for Triumph Savings Bank SSB

2014, **Appraisal of TT Land Development, Connecticut**, Prepared for Wells Fargo Bank

2014, **Appraisal of J&J Stone Products, Pennsylvania**, Prepared for Peoples Security Bank

2014, **Appraisal of Lafarge Mid-Atlantic, LLC Quarries, Virginia, Maryland, and Pennsylvania**, Prepared for SunTrust Robinson Humphrey

2014, **Appraisal of Vulcan Construction Materials, Pennsylvania**, Prepared for Ryan

2013, **Appraisal of H&K (12 Quarries and 2 Asphalt Plants) throughout New Jersey, Maryland, and Pennsylvania**, Prepared for First Niagara Bank

2013, **Appraisal of F.W. Whitcomb Quarry, Vermont**, Prepared for TD Bank

2013, **Appraisal of Highway Materials throughout Pennsylvania**, Prepared for M&T Bank

2013, **Appraisal of Reading Materials throughout Pennsylvania**, Prepared for Univest Bank and Trust

2012, **Appraisal of JML Quarries, New York**, Prepared for M&T Bank

2012, **Appraisal of M&M Telford Mine (East), Pennsylvania**, Prepared for Univest National Bank and Trust Co.

2012, **Appraisal of Pine Ridge Energy's Oil and Gas Well Lease, Pennsylvania**, Prepared for Steptoe & Johnson

2012, **Appraisal of Sunset Towns, Pennsylvania**, Prepared for Regions Bank

2011, **Appraisal of Norlite Expanded Shale Mine and Processing, New York**, Prepared for Charter One Bank

2011, **Appraisal of PPL Substation Acquisition, Pennsylvania**, Prepared for PPL Services Corporation

2011, **Appraisal of Phoenix Business Park**, Prepared for Redevelopment Authority of the County of Washington

2011, **Appraisal of Millville Asphalt Unit and Appraisal of Rosano Asphalt Unit, New Jersey**, Prepared for Stavola Construction Materials Company

2010, **Appraisal of Buckeye Industrial Mining, Ohio**, Prepared for Evergreen Energy, Inc.

2010, **Appraisal of Haines & Kibblehouse, Pennsylvania and New Jersey**, Prepared for Bank of America

2010, **Appraisal of Cedar Rock Materials Corporation Stone & Gravel Pit, Pennsylvania**, Prepared for Appraisal & Marketing Associates, Inc.

2010, **Appraisal of Lake Point Holdings, Florida**, Prepared for Bank of America

2010, **Appraisal of Colver Limestone Grinding Facility, Pennsylvania**, Prepared for Wells Fargo

2009, **Appraisal of Spring House Quarry, Pennsylvania**, Prepared for Wells Fargo Bank

2009, **Appraisal of Miller Brothers Masonry Sand & Gravel, Delaware**, Prepared for Wilmington Trust

2009, **Appraisal of Black Diamond Mine, Pennsylvania**, Prepared for Verde Funding

2008, **Appraisal of Garrett Limestone Company, Inc., Pennsylvania**, Prepared for Somerset Trust Company

2008, **Appraisal of Belle Mead Quarry, New Jersey**, Prepared for Wachovia Corporation

2008, **Appraisal of Perry Pines Project, Florida**, Prepared for Banyan Street Partners

- 2008, **Appraisal of LTV Russellton Mine Site, Pennsylvania**, Prepared for The Clean Streams Foundation
- 2007, **Appraisal of North Church Gravel, Inc., New Jersey**, Prepared for Sun National Bank
- 2007, **Appraisal of Youngquist Limerock Quarries, Florida**, Prepared for Bank of America
- 2007, **Appraisal of Colletti Sand Pit, Massachusetts**, Prepared for Bank of America
- 2007, **Appraisal of Como Stone, Pennsylvania**, Prepared for B.S. Quarries, Inc.
- 2006, **Appraisal of Cole Water Company, Indiana (Aquifer Only)**, Prepared for MD Associates
- 2006, **Appraisal of B.S. Quarries Damascus 535 Bluestone Quarry, New York**, Prepared for Peoples National Bank
- 2005, **Methods for Determining Discount Rates**, Newsletter of the Mineral Economics and Management Society (MEMS)
- 2005, **Appraisal of Donald and Evelyn Stein Placer Claims, Gilmore, Tom and Pat Creeks, Alaska**, Prepared for U.S. Army Corps of Engineers, Alaska District
- 2005, **Appraisal of Penn-Ohio Coal Company and Kimble Sanitary Mining Operations, Ohio**, Prepared for Confidential Client
- 2005, **Appraisal of J.D. Materials Co. Quarry, New Jersey**, Prepared for Borough of Gibbsboro
- 2004, **Tax Assessment of Mineral Property**, Proceedings of IAAO Conference, Boston, MA, Valuation Sessions, International Association of Assessing Officers
- 2004, Contributing Author, **Property Taxation, 3rd Edition**, Institute for Professionals in Taxation. *This textbook serves as a manual or desk reference for the business property tax practitioner/professional. It provides an in-depth analysis compiled and edited by experienced property tax practitioners.*
- 2004, **Appraisal of Mineral Parcels Located Within U.S. Route 22 Section 491, Indiana County, Pennsylvania**, Prepared for The Pennsylvania Department of Transportation, District 10
- 2004, **Appraisal of R.T.G., Inc. Mineral Estates, Ohio**, Prepared for The State of Ohio
- 2003, **Appraisal of Dragon Products' Thomaston Cement Plant & Quarry, Maine**, Prepared for Fleet Bank
- 2002, **Appraisal of Victor Oolitic Stone Company, Indiana**, Prepared for CIB Bank
- 2002, **Appraisal of Leeward Quarry, Pennsylvania**, Prepared for Leeward Construction
- 2002, **Effects of Longwall Mining on Real Property Value and the Tax Base of Greene and Washington Counties, Pennsylvania**, Prepared for the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation
- 1999, **Use of Geographic Information Systems Technology to Value for Ad Valorem Tax Purposes Coal Reserves Deposit**, Prepared for Society of Mining Engineers

1998, **"Use of Geographic Information Systems Technology to Evaluate Large Mineral Deposit"**, Prepared for Minerals Economics and Management Society

1989, **"Analysis of Coal Tipple And Loadout Needs Along the Monongahela River From Milepost 60 Below the Maxwell Lock And Dam to Milepost 100 Above Lock And Dam Number 8"**, Prepared for U.S. Army Corps of Engineers

1984, **"Defining the Anthracite Resources of Northeastern Pennsylvania"**, Prepared for U.S. Bureau of Mines, Pittsburgh Mining Research Center

1983, **"Low Altitude Photointerpretation Manual for Surface Coal Mining Operations"**, Prepared for U.S. Geological Survey, U.S. Office of Surface Mining

1981, **"Concepts for Protection Against Catastrophic Events Resulting from Coal Mining"**, Prepared for Office of Surface Mining, U.S. Dept. of the Interior

1981, **"Semi-Automated Land Cover Change Detection from Sequential Aerial Imagery as a Resource Planning Tool"**, MRP Dissertation, The Pennsylvania State University

1980, **"SWMIS - Solid Waste Management Information System - Specifications"**, Prepared for The Pennsylvania Department of Environmental Resources, U.S. Environmental Protection Agency

1979, **"Premining Identification of Hazards Associated with Coal Mine Roof Measures"**, Prepared for U.S. Bureau of Mines

1979, **"SUMIS - Surface and Underground Mine Management Information System - Specifications"**, Prepared for The Pennsylvania Department of Environmental Resources, U.S. Office of Surface Mining

1979, **"Digital Mapping for Waterways Monitoring and Surveillance"**, Prepared for U.S. Army Corps of Engineers

1978, **"Evaluation of Color Infrared Aerial Photography Data for Regional Wildlife and Land Use Inventory and Analysis"**, Prepared for U.S. Fish and Wildlife Service

1978, **"Impact of Coal Gasification and Mine Degasification on Appalachian Coal Production"**, Prepared for Battelle Columbus Laboratories

1977, **"A Bibliography of Appalachian Coal Resources and Reserves"**, Prepared for Battelle Columbus Laboratories

1976, **"The Impact of Overmining and Undermining on the Eastern Underground Coal Reserve Base"**, Prepared for U.S. Bureau of Mines

Curriculum Vitae - David M. Falkenstern

Current Employment

David M Falkenstern
Geologist - Mineral Valuation
Resource Technologies Corporation
davemf@resourcetec.com
814-237-4009

EDUCATION

Master of Science (2000) - Engineering Geosciences, Radford University, Radford VA;
Determining Sediment Yields in the Valley Creek Watershed, Scott County, Virginia, using the Universal Soil Loss Equation linked to a Geographic Information System

Bachelor of Science (1997) - Geosciences, Hydrogeology Option, The Pennsylvania State University, University Park PA;
The Use of Seismic and Direct Observations to Study the Shallow Ground Water Flow Regime at an USDA Experiment Site along Spring Creek, Hershey, PA

EXPERIENCE

Resource Technologies Corporation, Senior Geologist - Mineral Valuation (2000-Present) State College, PA

National Renewable Energy Lab, Geologist - Geothermal Technologies Program (2010) Golden, CO

CERTIFICATIONS

Certified Minerals Appraiser (2018) - International Institute of Mineral Appraisers
Professional Geologist (2005) - Pennsylvania License #004612
Professional Geologist (2005) - American Institute of Professional Geologists

PUBLICATIONS

Augustine, C. and Falkenstern, D. (2013) An Estimate of the Near-Term Electricity-Generation Potential of Co-Produced Water From Active Oil and Gas Wells. Society of Petroleum Engineers, SPE Journal, SPE-163142-PA

Kern, J. R., Falkenstern, D. and Stingelin, R. (2002) Effects of Longwall Mining on Real Property Value and the Tax Base of Greene and Washington Counties, Pennsylvania (2003) - Pennsylvania Department of Environmental Protection, BMR-00-02

INVITED SPEAKER

Effects of Longwall Mining on Real Property Value and the Tax Base of Greene and Washington Counties, Pennsylvania (2003) - Society for Mining Metallurgy and Exploration, Pittsburgh Section

CONTINUING EDUCATION

- Essential Petroleum Economics & Decision Making (2020) University of Tulsa
- The Last Ice age in Western Pennsylvania: A changing Climate as Seen In the Glacial Landscapes (2019) Pennsylvania Council of Professional Geologists, Pittsburgh, PA
- Project Management for Mining (2018) Colorado School of Mines, Golden, CO
- Appraisal of Mineral Rights, Eastern Conference (2018) IIMA, Washington, PA
- Elements of Mineral Property Appraisal and Avoiding Valuation Pitfalls (2017) IIMA, Denver, CO
- Environmental Site Assessments for Commercial Real Estate - ASTM Phase I and II (2016) ASTM, Columbus, OH
- Expanding World of Unconventional Shale Hydrocarbon Resources (2015) AIPG, Worthington, OH
- Rifting, Geology and Importance of Terrain on the Battle of Gettysburg (2014) PCPG, Gettysburg, PA
- Residential Site Valuation and Cost Approach (2014) Kaplan Professional Schools, Denver, CO (*Completion of Colorado DORA Course Requirements for Residential Appraisal*)
- Residential Market Analysis and Highest & Best Use (2014) Kaplan Professional Schools, Denver, CO
- Basics of Petroleum Economics (2013) University of Tulsa, Houston, TX
- Residential Report Writing and Case Studies (2013) Kaplan Professional Schools, Denver, CO
- Residential Sales Comparison & Income Approach (2013) Kaplan Professional Schools, Denver, CO
- Using Dynamic DCF and Real Options to Value and Manage Mining & Petroleum Projects (2012) Colorado School of Mines, Golden, CO
- USPAP Update (2012) Appraisal Institute, Loveland CO
- Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets (2012) Appraisal Institute, Denver, CO
- Environmental Statistics in Pennsylvania (2011) Pennsylvania Council of Professional Geologists, Monroeville, PA
- Surface Geophysics for Hydro-Geological and Geotechnical Applications (2011) Pennsylvania Council of Professional Geologists, Harrisburg, PA
- Basic Appraisal Principles (2011) Kaplan Professional Schools, Denver, CO
- Geophysical Well Logging & Imaging (2011) Pennsylvania Council of Professional Geologists, Malvern, PA
- Basic Appraisal Procedures (2010) Kaplan Professional Schools, Denver, CO
- Appraisal Standards and Ethics - USPAP (2008) Kaplan Professional Schools, Denver, CO
- Economic Evaluation and Investment Decision Methods (2007) Colorado School of Mines, Golden, CO
- Appraisal of Oil and Gas Properties (2007) University of Tulsa and Gustavson Associates, Denver, CO

- Mineral Appraisal (2003) The American Society of Farm Managers and Mineral Appraisers, Denver, CO

TESTIMONY

- Court of Common Pleas of Indiana County, PA (2017)
 - Don MacIsaac v Indiana County Board of Assessment Appeals, No. 10159 CD 2015
- Court of Common Pleas of Somerset County, PA (2013)
 - Shade-Central City School District v Somerset County Board of Assessment Appeals; No. 914, Civil 2011
- Commonwealth Court of Pennsylvania (2011)
 - BET Lehigh Real Estate, LLC v Schuylkill County Board of Assessment Appeals; No. 1385 C.D. 2012
- United States Bankruptcy Court, For the Middle District of Pennsylvania (2010)
 - Motion of BET Associates IV, LLC to Continue Hearing on Motion of Panther Valley School District and Tamaqua Area School District for the Immediate Turnover of Escrowed Taxes, Lehigh Coal and Navigation Company; Chapter 11, Case No. 08-51957
- Numerous West Virginia and Pennsylvania County Commission Hearings:
 - Marion County, WV Board of Review and Equalization
 - Clay County, WV Board of Review and Equalization
 - Preston County, WV Board of Review and Equalization
 - Barbour County, WV Board of Review and Equalization
 - Braxton County, WV Board of Review and Equalization
 - Brooke County, WV Board of Review and Equalization
 - Buchanan County, VA, Board of Equalization
 - Schuylkill County, PA County Commission Board of Assessment of Appeals

CURRENT RESPONSIBILITIES

- Appraisal of minerals (coal, oil & gas, aggregates) and mineral rights for taxation, purchase, or collateral purposes using discounted cash flow
- Maintain mineral economic databases on commodity prices, royalty rates, discount rates, decline curves, drilling spacing, depletion rates, market absorption and mineral quality
- Create digital map data to assist in mineral assessment including geology, mineral quality, environmental impacts, and transportation factors
- Conduct mineral reserve studies on coal and aggregate resources
- Research deeds to determine surface ownership, mineral ownership, and mineral rights ownership
- Investigate mineral lease terms to check that bonus payments, royalty rates, and wheelage rates are upheld
- Program custom GIS and database packages to create easy to use systems for clients
- Sustain working relationships with county and state mineral assessment staff employees

- Interact with tax payers at County Commission hearings

CURRENT PROJECTS

West Virginia Reserve Coal Valuation (2000-Present) - Prepared for the West Virginia Department of Tax & Revenue; Since 2001, manager a multifaceted GIS and Valuation database systems that determine the fair market value of coal beds based on coal volume, coal quality, property rights, ownership interests, proximity to current mining, and coal prices derived from lease, FERC, and PSC data. Serves as the liaison between coal companies and state tax department to aid in the transfer of data. Appears at County Board of Review and Equalization hearing as the State representative to assist County Commissions when addressing tax payer questions and resolving disputes. Assists in active and reserve oil and gas valuations.

Estimation of Coal Value along the Somerset County Route 219 Corridor (2009 - Present) - Prepared for the Pennsylvania Department of Transportation; Assessing the volume and value of mineable coal, unmineable coal and the location of mined-out coal along the U.S. Route 219 expansion corridor through Somerset County, Pennsylvania. Includes determining the surface estate ownership, mineral estate ownership, and mining rights of the coal. In conjunction with Kimball Engineers and Associates.

County Mineral Taxes (2000-Present) - Prepared for Cambria, Centre, Clinton, Fayette, Greene, Indiana, Luzerne, Schuylkill and Washington Counties, Pennsylvania; Manages the fair market valuation of mineral properties using a GIS linked to mineral information databases. Serves as the County representative at County Commission appeal hearings and informal data sharing sessions.

PAST APPRAISALS

Appraisal of 6.947 acres of Granite Hill Quarry for Acquisition, Bonner County, ID (2021) - Prepared for Idaho Department of Transportation

Appraisal of Rock Road Companies Inc. Including : Townline East Pit, Townline West Pit & Asphalt Plant, Lathers Pit, Van Allen Quarry, Monroe Quarry and Asphalt Plant, Hurd Pit, Paddock Pit, Sun Prairie Asphalt Plant, Genesee Pit; Rock, Green, Dane, Waukesha and Walworth Counties, Wisconsin (2021 - with J. Kern) - Prepared for Wells Fargo Bank, Minneapolis MN

Mass Appraisal of Buchanan County Mineral Real Estate (4665 records; 3.7 million mineral acres) (2020) - Prepared for Buchanan County Virginia

Appraisal of 19 Mineral Properties for Acquisition, Buchanan County VA (2021-2019) - Prepared for Virginia Department of Transportation

Appraisal of 2,400 acres of Aggregate Resources, Williamson County, TX (2019 - with J. Kern) - Prepared for Enterprise Pipeline, Houston, TX

Appraisal of 101.60 acres of mineral land, I-90 / I-43 Interchange, Rock Road Companies Inc, Rock County Wisconsin (2019 - with J. Kern) - Prepared for Wells Fargo Bank, MMB, Madison Wisconsin, Akron, OH

Appraisal of Sunrise Aggregates Sand and Gravel Mine, Clinton Tecumseh Aggregates, Tecumseh, Michigan (2019 - with J. Kern & J Utzman) - Prepare for Key Bank NA

Appraisal of 294.40 acres of Frack Sand Resources, Monroe County, WI (2018 - with J. Kern) - Prepared for Duane Morris, LLP, Philadelphia, PA

Appraisal of 600.00 acres of Magnesia Resources Nye County, NV (2018 - with J. Kern) - Prepared for Wells Fargo Bank, Conshohocken, PA

Appraisal of Townline East Pit, Townline West Pit, Lathers Pit, Van Allen Quarry, Monroe Quarry, and Harmony Quarry, Rock Road Companies Inc, Rock and Green Counties, Wisconsin (2018 - with J. Kern) - Prepared for Wells Fargo Bank, Minneapolis MN

Appraisal of 5.70 acres of Coal Resources Harrison County, OH (2017 - with J. Kern) - Prepared for Gordon & Rees, Columbus, OH

Appraisal of 9.00 acres of Sand and Gravel Resources Washtenaw County, MI (2017 - with J. Kern) - Prepared for Mika Meyers PLC, Grand Rapids, MI

Appraisal of 1,920.92 acres of Limestone Resources Campbell County, VA (2017 - with J. Kern) - Prepared for Campbell County, VA Assessment Office

Appraisal of 2,909.83 acres of Mineral Interests (2016 - with J. Kern) - Prepared for Alderson Broaddus University, Barbour County, WV

Appraisal of La Luz Quarry, Mesa Verde Aggregates, and La Luz Pit, CEMEX, La Luz, New Mexico (2015 - with J. Kern) - Prepared for Mesa Verde Enterprises, Inc., Alamogordo, NM

Appraisal of 361 Acres of Sand & Gravel Properties (2014 - with J. Kern) - Prepared for Ranson & Kane, Pueblo County, CO

Appraisal of La Luz Quarry, Mesa Verde Aggregates, La Luz, New Mexico (2013 - with J. Kern) - Prepared for Mesa Verde Enterprises, Inc., Alamogordo, NM

Appraisal of Coal Ownership in 16 acres in Washington County, Pennsylvania (2013- - with J. Kern) - Prepared for Speakman, Riethmuller & Allison, Attorneys at Law, Washington, PA

Appraisal of Townline East Pit, Townline West Pit, Lathers Pit, Van Allen Quarry and Monroe Quarry, Rock Road Companies Inc, Rock and Green Counties, Wisconsin (2013 - with J. Kern) - Prepared for Wells Fargo Bank, Minneapolis MN

Appraisal of Big Island Mine, OCI Chemical Company (In-place Trona), Green River Wyoming (2012 - with J. Kern) - Prepared for Wells Fargo Bank, Summit, NJ

Appraisal of 377.6 Acres at the CDC/NIOSH Lake Facility (Including Land, Mineral, Gas and Gas Storage Estates) (2012 - with J. Kern) - Prepared for the Center for Disease Control, National Institute for Occupational Safety and Health, Atlanta, GA

Appraisal of Coal Ownership in 2,200 acres in Somerset County Pennsylvania (2012 - with J. Kern) - Prepared the Pennsylvania Department of Transportation, Hollidaysburg, PA

Appraisal of Mineral Parcels in Active Mines in Somerset County Pennsylvania (2012 - with J. Kern) - Prepared Shade-Central City School District

Appraisal of Coal Ownership in 3,700 acres in Indiana County Pennsylvania (2012 - with J. Kern) - Prepared for PPL, Allentown, PA

Appraisal of Coal Ownership Rights in 7.87 acres in Marshall County, West Virginia (2011 - with J. Kern) - Prepared for Steptoe & Johnson, PLLC, Canonsburg, PA

Appraisal of Coal Ownership in 874 acres in Schuylkill County Pennsylvania (2011 - with J. Kern) - Prepared for PPL, Allentown, PA

Appraisal of Coal Ownership in 9,000 acres in Somerset County Pennsylvania (2009 - with J. Kern) - Prepared the Pennsylvania Department of Transportation, Hollidaysburg, PA

Appraisal of Coal Ownership in 423 acres in Lackawanna County Pennsylvania (2009 - with J. Kern) - Prepared for PPL, Allentown, PA

Appraisal of Coal Ownership Rights in 3 acres in Marshall County, West Virginia (2009 - with J. Kern) - Prepared for Steptoe & Johnson, PLLC, Canonsburg, PA

Appraisal of Coal Ownership Rights in 61 acres in Marshall County, West Virginia (2009 - with J. Kern) - Prepared for Steptoe & Johnson, PLLC, Canonsburg, PA

Appraisal of Coal Estate in 19.66 acres in Greene County, Pennsylvania (2009 - with J. Kern) - Prepared for CONSOL Energy, Canonsburg, PA

Appraisal of Oil and Gas Rights in 1,144 acres in Warren County, Pennsylvania (2009 - with J. Kern) - Prepared for The Western Pennsylvania Conservancy, Pittsburgh, PA

Appraisal of Oil and Gas Rights in 2,382 acres in McKean County, Pennsylvania (2008 - with J. Kern) - Prepared for The Western Pennsylvania Conservancy, Pittsburgh, PA

Appraisal of Sandstone Mineral Reserves at Carter Lake Enterprises, Larimer County Colorado (2007 - with J. Kern) - Prepared for Carter Lake Enterprises, Masonville, CO

Appraisal of the Mineral Assets of GOH Inc., 19 sites throughout Pennsylvania and New York (2007 - with J. Kern) - Prepared for GOH Inc., State College, PA

Appraisal of Coal Ownership in 300 acres in Indiana County Pennsylvania (2005 - with J. Kern) - Prepared the Pennsylvania Department of Transportation, Indiana, PA

Appraisal of Millard, Prescott, and Fontana Quarries, Lebanon County, Pennsylvania (2004 - with J. Kern) - Prepared for International Appraisal Associates, New York, NY

Appraisal of Mineral Parcels Located Within U.S. Route 22 Section 491, Indiana County, Pennsylvania (2004 - with J. Kern) - Prepared for the Pennsylvania Department of Transportation, District 10, Indiana, PA

PREVIOUS PROJECTS

Review of Arkansas Assessment Coordination Department's Oil and Gas Taxing Procedures (2017-2018) Prepared for the Kentucky Revenue Department.

Estimation of Coal Volume and Value Along Turnpike 576 Extension (2016–2017) - Prepared for the Pennsylvania Turnpike Commission, Washington and Allegheny Counties, PA

Review of Kentucky Reserve Coal Taxing Procedures (2016 - 2017) Prepared for the Kentucky Revenue Department.

Washington County Mineral Reassessment (2016) - Prepared for the Washington County, PA Assessment Office.

Buchanan County Mineral Reassessment (2011 - 2016) - Prepared for the Buchanan County, VA Assessment Office. Conducting reassessment of all mineral parcels (active and reserve coal, reserve gas, active CBM and conventional gas wells) as part of the county-wide real property reassessment. Values based on current market factors (commodity prices, local royal rates, industry cost of capital) and ability of market to absorb county production (metallurgical coal and gas).

Mapping the location of horizontal coal bed methane laterals in the Pittsburgh Coal Seam (2013) - Prepared for Brendan O'Donnell, Esq.

Estimation of Reserve Coal Value Beneath the Pennsylvania Turnpike, Route 43 Extension, Washington County, PA (2013) - Prepared for the Pennsylvania Turnpike Commission

Campbell County Virginia Mineral Valuation (2012) - Prepared for the Campbell County Assessment Office

Estimation of Coal Bed Methane Derived from the Pittsburgh Coal Seam (2010) - Prepared for David Hook, Esq.; Using a GIS, determine the percentage of gas removed from the Pittsburgh coal seam or surrounding rock by horizontal drilling.

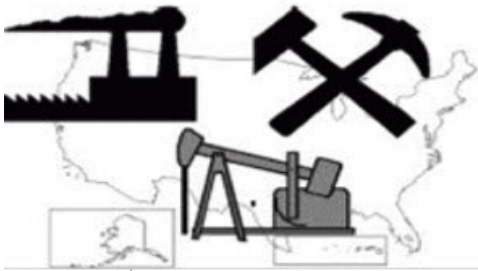
Land Acquisition Studies (2008) - Prepared for GOH Inc.; Participated in land acquisition research for future mining sites. Field research to identify mineral reserves, deed research to find willing sellers and zoning ordinance compliance.

Luzerne County Pennsylvania Mineral Valuation (2006) - Prepared for the Luzerne County Assessment Office

Clinton County Pennsylvania Mineral Reassessment (2005) - Prepared for the Clinton County Assessment Office

Effects of Longwall Mining on Real Property Value and the Tax Base of Greene and Washington Counties, Pennsylvania (2002) - Prepared for the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation: Built a GIS to investigate the relationship between surface property value and longwall coal mining.

Economic Impacts of Environmental Constraints on Mountain Top Coal Removal in West Virginia (2001) - Prepared for U.S. Environmental Protection Agency; Estimated mineable coal resources remaining in West Virginia using changing environmental scenarios for Phase I of Mountain Top Removal/Valley Fill Environmental Impact Statement. Considered mountain top removal mining, contour mining, auger mining and deep mining.



RTC FEE SCHEDULE 2021

Valuation and Consulting Services:		\$300	per hour
Geotechnical Services:		\$275	per hour
Technical Services:	GIS/Modeling	\$175	per hour
	GIS/Market Analysis	\$125	per hour
	Analytical Services	\$125	per hour
	Research	\$100	per hour
Non-Technical Services:		\$75	per hour
Court Appearance/Expert Witness Fee:		\$3,250 per day plus expenses	
Pre-Trial Preparation:		\$400	per hour
Depositions:	Onsite	\$3,250 per day plus expenses	
	Video Conference	\$400	per hour
Supplies, Materials, and Testing:		Actual Cost	
Travel Expenses:			
Basic Retainer:		50% of Estimated Cost	
Previous Clients:			
◆ Federal Government ◆ State Governments ◆ County Governments ◆ Local/City Governments	◆ Banks ◆ Financial Firms ◆ Law Firms ◆ Consulting Firms	◆ Mining Companies ◆ Construction Firms ◆ Individuals ◆ Non-Profit Organizations	

**San Bernardino Valley
Water Conservation District**
Helping Nature Store Our Water

Project Management Approach / Work Plan

-
- A photograph of a dirt road winding through a dry, hilly landscape under a clear blue sky. The road is flanked by sparse vegetation and leads towards distant mountains.

District staff met with City of Redlands staff on June 3, 2021, to discuss MOU. Redlands staff are reviewing their CUPs with Robertson's and CEMEX to determine an appropriate approach to funding; District staff followed up on July 20. District staff spoke with City of Highland staff, who discussed their Adopt-a-Trail program and existing coordination efforts to support enforcement and implementation.

		UPPER SANTA ANA WASH LAND MANAGEMENT AND HABITAT CONSERVATION PLAN (WASH PLAN)																																			
		TRAILS MASTER PLAN																																			
		PROJECT SCHEDULE																																			
ID	Task Name	2016				2017				2018				2019				2020				2021				2022				2023				2024			
		Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2				
1	Conceptual Trails Plan Complete (District Staff prepared)	◆ 8/6/15																																			
2	RFP for Trails Master Plan	◆ 10/1/15																																			
3	Trails Master Plan Complete (CDM Smith/Stillwater)	■																																			
4	Trails Committee Meeting, Update on Coordination with Cities	◆ 6/1/17																																			
5	Trails Committee Meeting, Trail Management Costs/Issues, Homeless Approach	◆ 7/5/18																																			
6	Trails Committee Meeting, Draft Project Charter (to build without Cities)	◆ 7/19/19																																			
7	Trails Committee Meeting Major Decision on who to Coordinate with	◆ 5/12/20																																			
8	Implantation Phase Kickoff meeting with AD Hoc Committee (preliminary date)	◆ 6/22/21																																			
9	Coordinate / Execute Agreements with Cities of Highland and Redlands	■																																			
13	Final Environmental Permit Approvals / Processing	■																																			
16	Develop Preliminary Trail Improvement Plans	■																																			
20	Incorporate Trails into the Board Approved Budget	◆ 6/8/22																																			
21	Final Design and Local Agency Permits (if any)	■																																			
25	Bid and Construct 1st Project (or construct with District staff)	■																																			
29	Develop O&M Manual, Staff and Train	■																																			
36	Grand Opening and Press Release	9/20/23 ◆																																			

Decided to work with Highland on Orange St Connector, decided holding off on work with Redlands until they are a member of the GC

Page 1

Mentone Yard Shop

Project Summary & Status Report No. 4

August 2021



**San Bernardino Valley
Water Conservation District**
Helping Nature Store Our Water

Project Management Approach / Work Plan

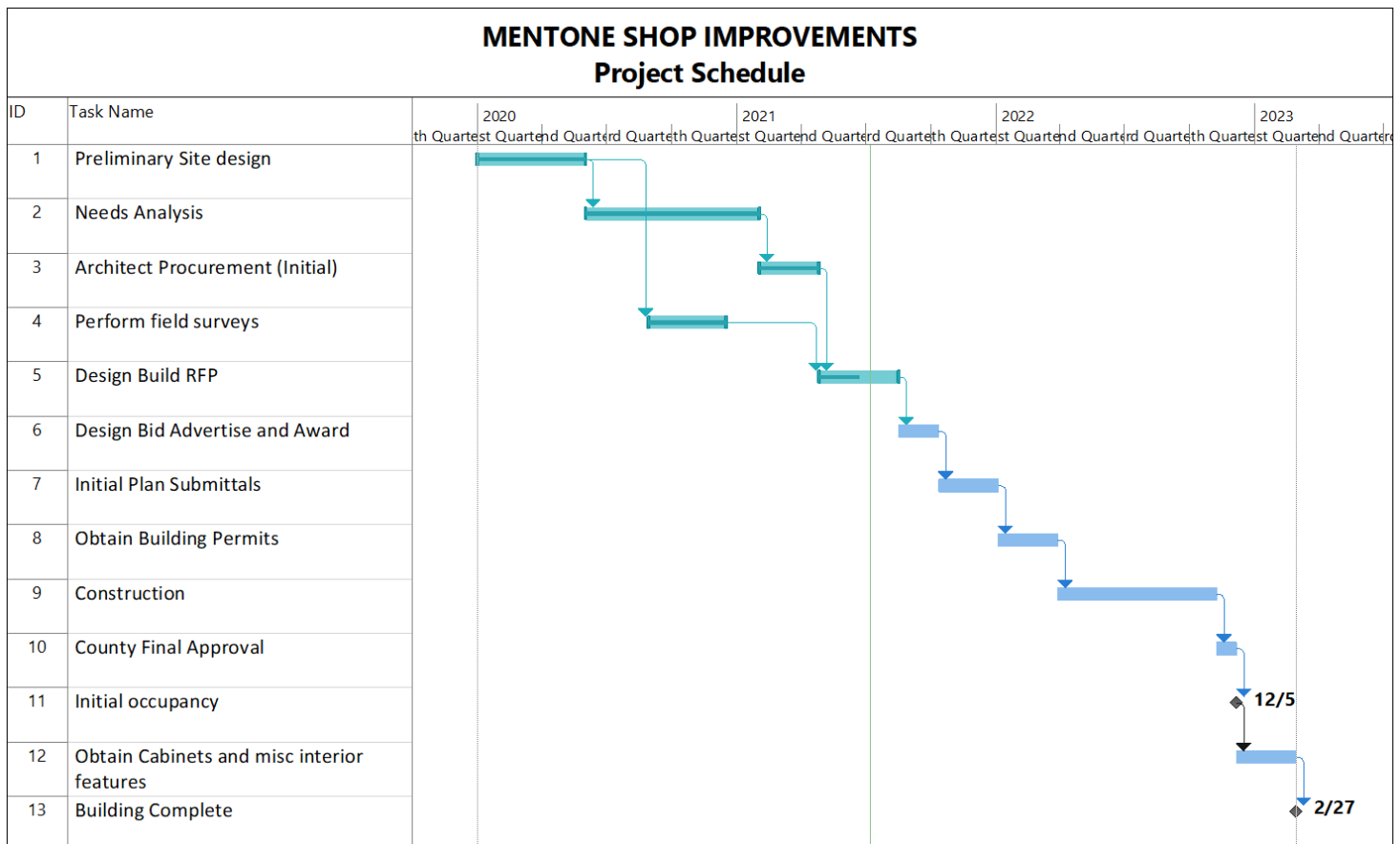
- District prepared initial site plan, needs analysis and preliminary design - COMPLETE
- Bid out building as a Design / Build contract
- Bid out septic improvements as a separate design / build contract
- District staff to perform construction management and oversee permitting
- Bid out storage cabinets / install including hazardous material cabinets separately (portion may be done by Ops staff)



Current Status

Started the Design/Build bid documents. Currently working on RFP for geotechnical work needed as foundation and septic system design support documents within the Design / Build and separate Septic System bid documents. RFP will be sent to local firms that know County requirements and are familiar with local soil types. Also, working with County Building and Safety Department to confirm the required water quality requirements.

Project Schedule



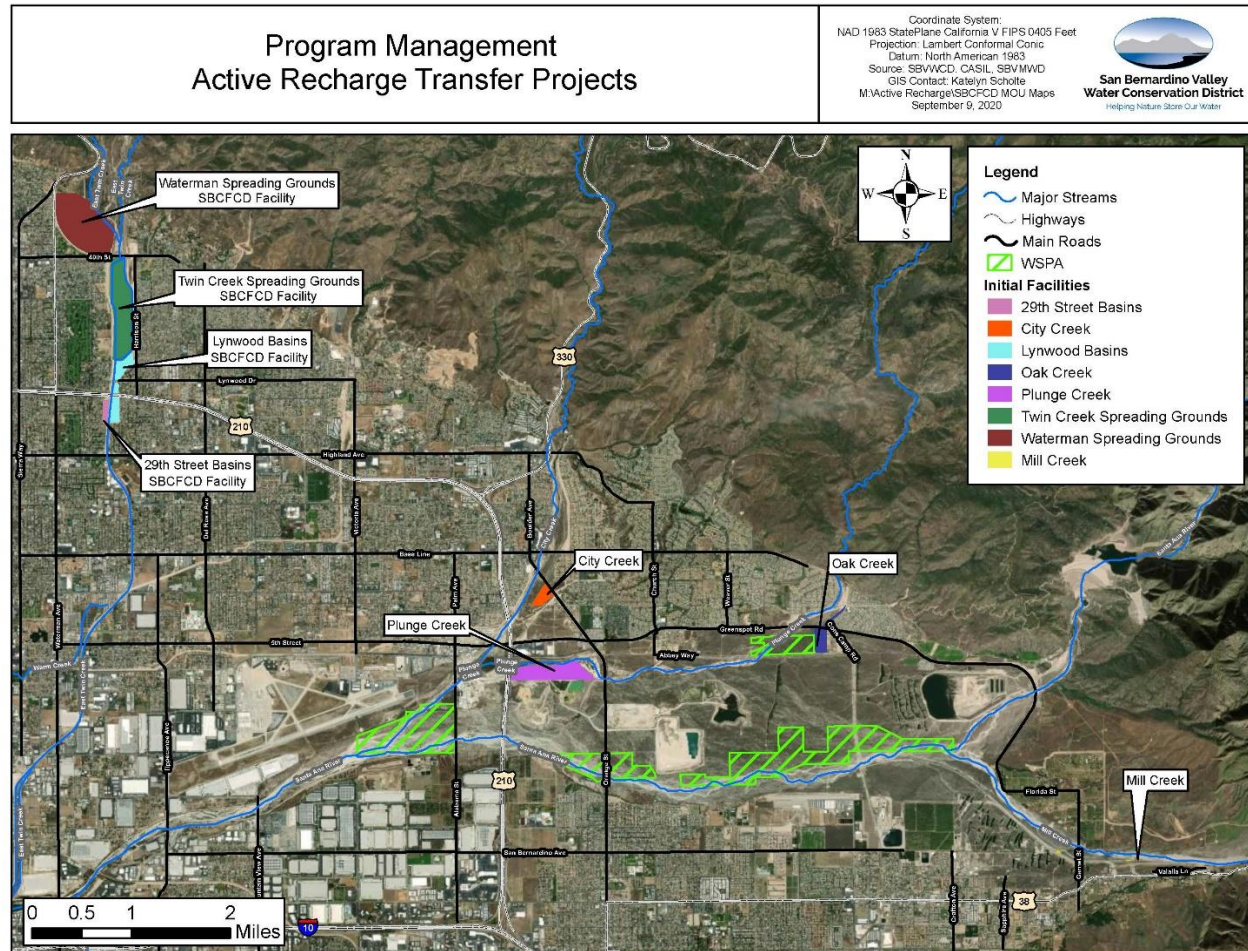
August 11, 2021 Status Report

July 2021



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water



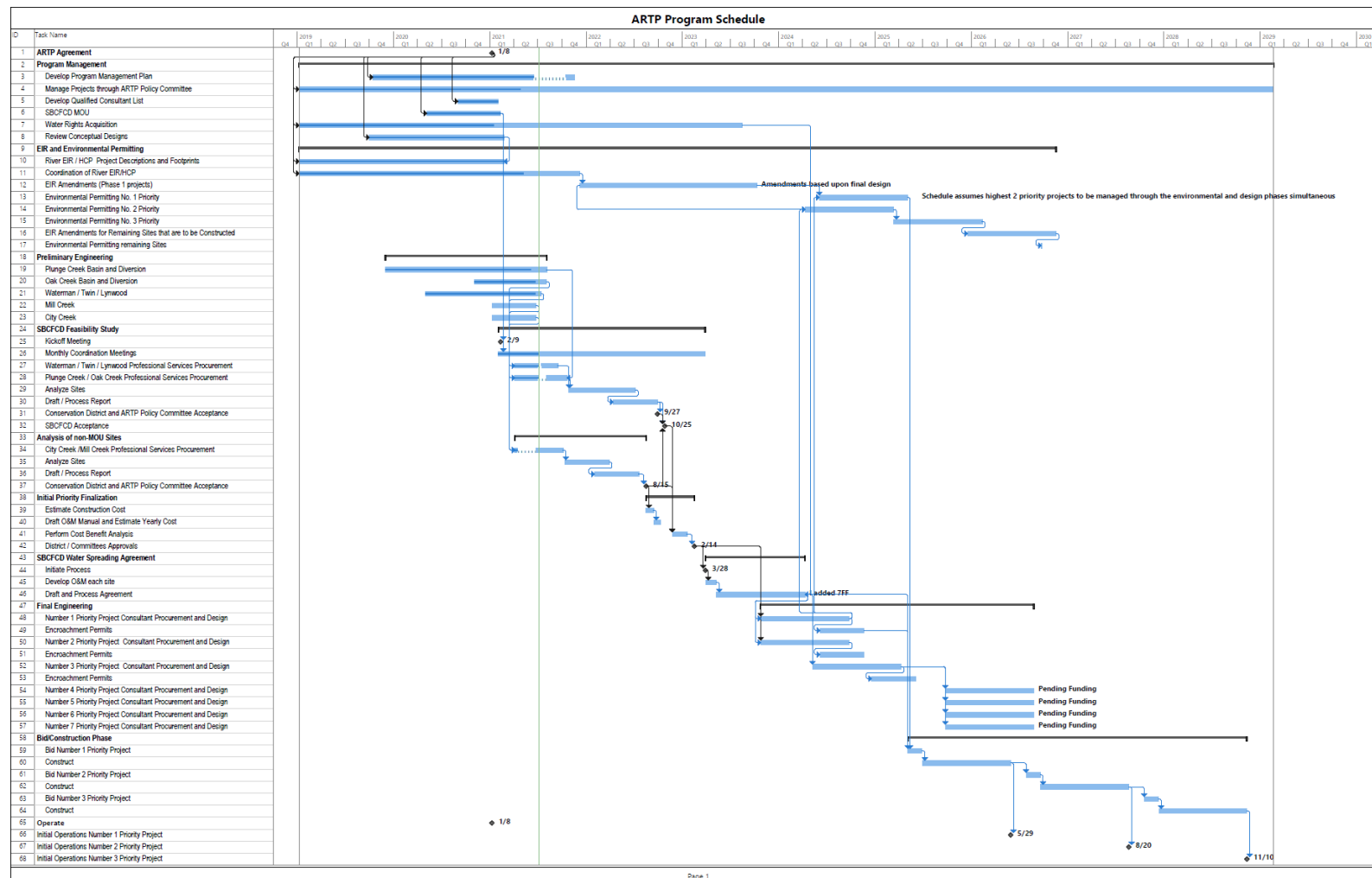
Completed Tasks

- a. Evaluation of original project concepts and modified and/or added projects to final concept stage
- b. Revised project footprints and project descriptions and coordinated changes with SBVMWD
- c. Program Management Plan
- d. Issued RFQ and compiled a list of interested and qualified consultants (14 total)
- e. Executed Planning MOU with SBCFCD
- f. Held MOU coordination kickoff and commenced with monthly / bi-monthly coordination meetings
- g. Preliminary engineering plans for Waterman Basins, Twin Creek Spreading Grounds and Lynwood basins
- h. Issued RFP for engineering support services for required Feasibility Study required as part of SBCFCD Planning MOU. Note, the feasibility study will complete the work as that the project priorities can be finalized and final design can be started
- i. Held quarterly ARTP Policy Committee progress meetings (see attached latest Policy Committee meeting status Report No. 7)

Current Activities

- Proposals are due Sept. 2, 2021 for Feasibility Services Support RFP for Water, Twin and Lynwood sites
- Two other RFP's are in progress; Plunge Creek and Oak Creek Basins Feasibility Study Support Services and Mill Creek and City Creek Preliminary Design and Feasibility Support Services
- Preliminary Design redlines for Plunge Creek and Oak Creek basins has been completed, drafting is currently in progress

Project Schedule (larger scale version is included in the Program management Plan)



Attachments

- ARTP Policy Committee Status Report No. 7
- ARTP Power Point Update



San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

ARTP Status Report No.7

To: Partnership Agreement Policy Committee

From: Erwin Fogerson, Senior Engineer/Project Manager

Date: July 12, 2021

Subject: Active Recharge Project Status Report

BACKGROUND

The boards of the San Bernardino Valley Water Conservation District (Conservation District) and San Bernardino Valley Municipal Water District (Valley District) have agreed to draw from the best of both districts to promote a brighter future for groundwater storage and protection of threatened species in the region. This collaborative effort has been realized through the execution of the Partnership Agreement for Active Recharge Project Development under the Upper Santa Ana River Habitat Conservation Plan (Agreement).

The Agreement includes the requirement for the formation of a Partnership Agreement Policy Committee to review and advise the Conservation District staff on a number of items covered in the Agreement. The committee is to meet quarterly throughout the duration of the development of Active Recharge Transfer Projects. Major items of work in the partnership include:

- The Conservation District will provide up to 295 acres of conservation easements to the San Bernardino Valley Conservation Trust, to help offset the environmental impacts of active recharge projects being undertaken to enhance groundwater recharge and storage.
- Valley District will provide funding to the Conservation District for building new recharge projects for each acre of conservation easement the Conservation District transfers to the trust.
- Valley District will fund a permanent endowment with the Conservation Trust to support the management of habitat mitigation land.
- Valley District will transfer to the Conservation District the implementation, management, and eventual ownership of the following tentative list of proposed Active Recharge Projects:
 1. Mill Creek Diversion (expansion, construction, and operations)
 2. Plunge Creek Basins 1 (construction and operations)
 3. Plunge Creek Basins 2 (construction and operations)
 4. City Creek Basins (construction and operations)
 5. Waterman Percolation Basins (reconstruction and maintenance)
 6. East Twin Creek Basin (repairs and maintenance)

- The Conservation District will develop plans, specifications, estimates and bid packages (Construction Package) on planned projects and submit to the Committee for review and concurrence.
- Valley District will draft, and process all required permits and any items of work required under NEPA or CEQA including Water Rights.

This status report is a summary of work completed to date on these major items and provides a look ahead to the planned work in the upcoming quarter.

PROGRAM UPDATE

Conservation Easement (CE) Payment Obligation

The agreement requires payment of 50% of the funds for the CE at completion of the Due Diligence which was paid on June 20, 2019. The remainder is paid when obligated by commitment or by January 8, 2022.

The total paid to date is \$18,437,500. As of this report, the threshold for additional payment has not been reached.

Conservation Easement Usage Status (295 Acres initially set aside)

Covered Activity (project)	Implementing Agency	Easement Area required (ac)	Easement recordation date	Remaining Available Acreage
				295

Program Management

The following items of work have been performed:

1. A Program Management Plan to guide the long-term implementation of the program has been developed and updated to reflect the current project schedule and procurement approach.
2. A planning level Memo of Understanding (MOU) has been developed and adopted by SBVWCD and SBFCFCD and work is underway. Monthly meetings have been regularly held to keep the coordination and approval processes moving forward.
3. A Request for Qualifications (RFQ) process has been completed to develop a list of qualified consultants to use for proposal requests. A summary matrix of the fourteen consulting firms based on category and type of work for which they are qualified.
4. A draft Request for Proposals (RFP) has been completed for support analysis work on the site feasibility study that is required by SBFCFCD.
5. Preliminary design plans for Waterman, Twin Creek and Lynwood basins have been discussed with SBFCFCD.

Active Recharge Transfer Projects (as listed in the Agreement) PS&E Status

Project Name	Project Priority	Current Plan Phase	CEQA Status	Required Agreements / Permits w/ status	Construction Target date	Recent Activity
Mill Creek Diversion	3	Concept	Not started	ACOE – Not started SBCFCD – Not Started	Not determined	GIS level design concept completed for downstream basins. Work on Preliminary design started.
Plunge Creek Basin 1 &2 (now Plunge Creek Quarry Basins)	1	Concept	Not started	RRM – Initiated Concept Level Discussion SBCFCD – Initiated through MOU	Not determined	Alternative location and layout completed and labeled ‘Former Plunge Creek Silt Pond Quarry Basin’. Coordination for plan is on-going.
City Creek	2	Not determined	Not started	SBCFCD – Initiated through MOU	Not determined	GIS level design concept completed for downstream basins.
Waterman Spreading Grounds	2	Not determined	Not started	SBCFCD - Initiated through MOU	Not determined	Preliminary Design Plans completed; Draft RFP for Feasibility Report support services 90% complete.
Twin Creek	1	Concept	Not started	SBCFCD – Initiated through MOU	Not determined	Preliminary Design Plans 90% complete, Draft RFP for Feasibility Report support services completed.

Additional Active Recharge Transfer Projects (not listed in the Agreement) Status

Project Name	Project Priority	Current Plan Phase	CEQA Status	Required Agreements / Permits w/ status	Construction Target date	Recent Activity
Oak Creek Basin	1	Concept		SBVMWD – Initiated SBCFCD – Initiated through MOU	Not determined	Drafting of preliminary plans started
Lynwood Basins	1	Concept		none	Not determined	Preliminary Design Plans 90% complete; Draft RFP for Feasibility Report support services completed.

“Next Steps” - Planned Work upcoming Quarter

Project	Planned Activity
Mill Creek Diversion	Complete Preliminary design plans and complete / issue RFP for Feasibility Study support services
Plunge Creek Quarry Basins	Complete Preliminary design and complete draft RFP for Feasibility Study support services Submit preliminary concept of diversion to City of Highland to analyze potential impacts to future bridge project.
City Creek	Start preliminary design plans
Waterman Spreading Grounds	Issue RFP for Feasibility Study support services and award contract
Twin Creek	Issue RFP for Feasibility Study support services and award contract
Oak Creek Diversion	Complete Preliminary design plans and complete / issue RFP for Feasibility Study support services
Lynwood Basins	Issue RFP for Feasibility Study support services and award contract

EXHIBITS

1. Status Report PowerPoint Presentation

ARTP Update

JULY 12, 2021

Progress Overview

Preliminary Design and Environmental Approval Phase

	Conceptual Design	Revised Footprint to River HCP	MOU w/ SBCFCD	Pre liminary Design	RFP for Feasibility Study	Analysis for Feasibility Study	Initial Submittal to SBCFCD	Feasibility Study Acceptance	Cost Benefit Analysis	Approval to start final design	Water Rights Confirmed	Water Spreading Agreement	CEQA addendum & HCP approval	Revisions/ addendum to River HCP	EIR / HCP Public Draft	Final EIR / HCP Approval
Waterman Basins	✓	✓	✓	✓	ip											
Twin Creek Spreading Grounds	✓	✓	✓	✓	ip											
Lynwood/29th Basins	✓	✓	✓	✓	ip											
Plunge Creek	✓	✓	✓	ip	ip							N/A				
Oak Creek	✓	✓	✓	ip	ip							N/A				
Mill Creek	✓	✓	N/A	ip	ip							N/A				
City Creek	✓	✓		ip	ip											

Progress Overview

Final Design and Construction Phase															
	30% Design updated cost est.)	30% Reviews	60% Design	60% reviews	Environmental Permit Apps	90% design	100% Design	100% Bid Package and Cost	Design and Bid Package Approval	Encroachment Permits	Environ mental Permits	Construction Bid Packet	Bid / Award	Construction	Operation
Plunge Creek															
Oak Creek															
Waterman Basins															
Twin Creek Spreading Grounds															
Lynwood/29th Basins															
Mill Creek															
City Creek															

Waterman Basins



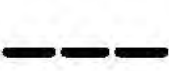
- Current Progress

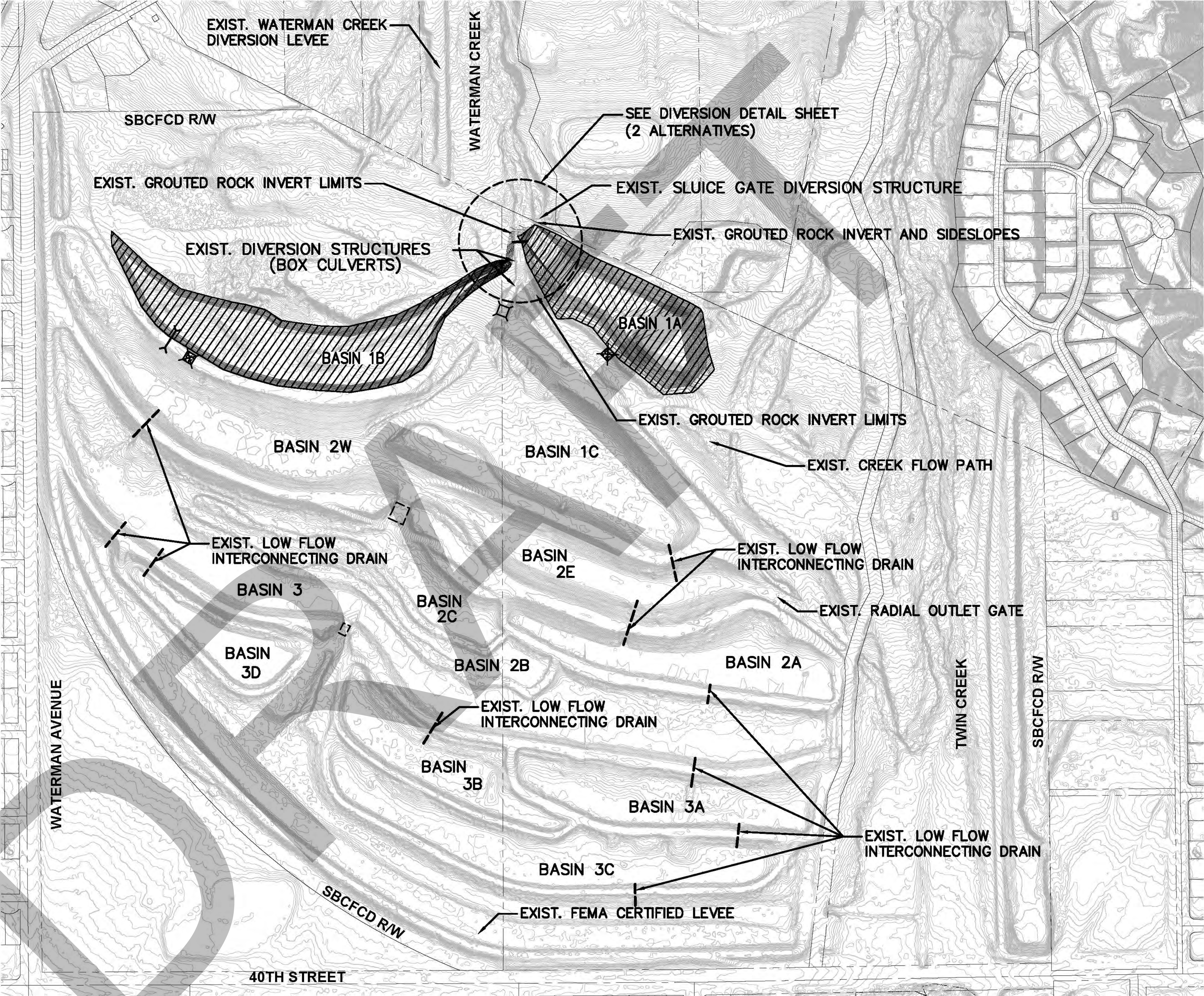
- Onsite coordination with SBCFCD Operations and Permits
- Two preliminary design alternatives for the diversions and two for the proposed basin configuration completed
- RFP for Feasibility Study in progress, coordination with SBVMWD and SBCFCD to be completed

- Next Steps

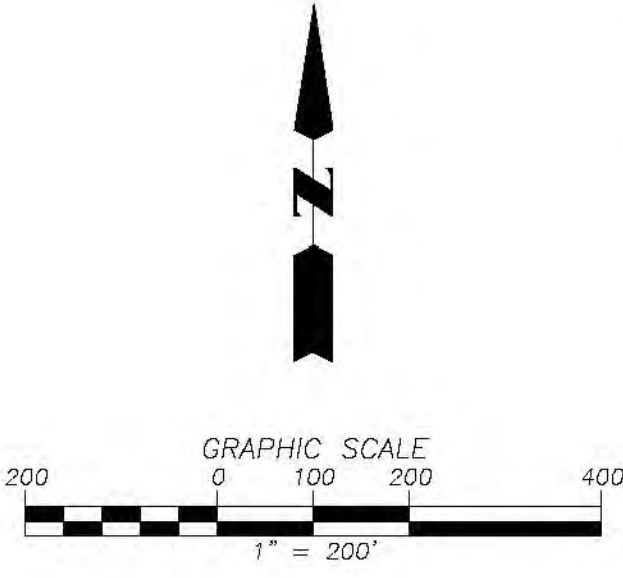
- Release RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood, FEMA and USACE standards compliance

LEGEND

-  BASIN TO BE RESTORED
-  PROPOSED NEW LOW FLOW DRAIN
-  PROPOSED CONCRETE TRAPEZOIDAL SPILLWAY WITH 10:1 SIDE SLOPES
-  PROPOSED ROAD CULVERT
-  EXIST. SPILLWAY
-  EXISTING LOW FLOW INTERCONNECTING DRAIN



UNDERGROUND SERVICE ALERT
CALL TOLL FREE
1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG



NO.	DATE	REVISIONS	APPROVED	DATE
1				
2				
3				
4				
5				
6				
7				



Prepared under the supervision of:

DRAWN BY:
DESIGNED BY:
CHECKED BY:



**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT**

WATERMAN BASINS
PRELIMINARY SITE PLAN ALT 1

PROJECT NO.
SBVWCD -
xxx

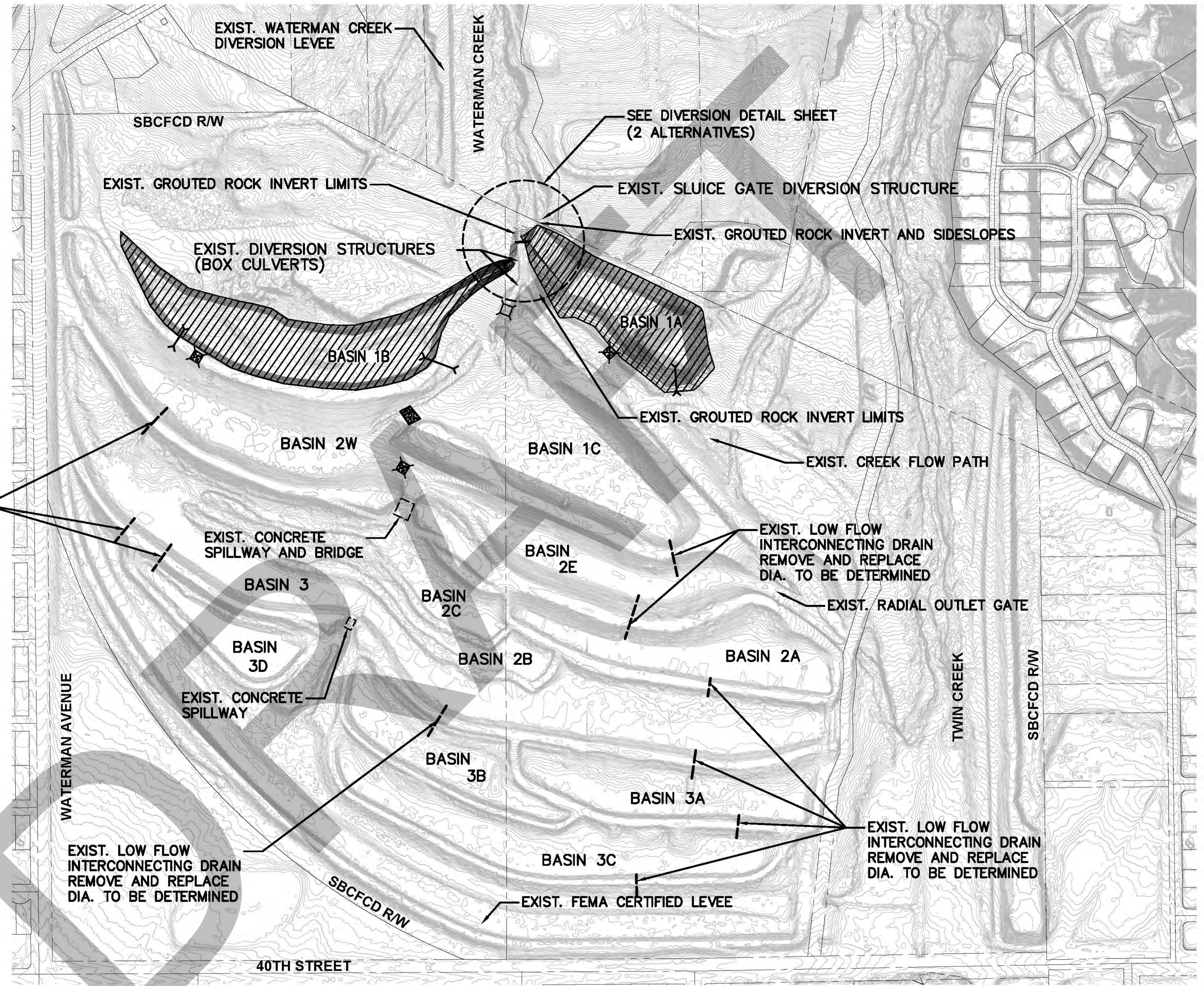
SHEET 5
OF 9

LEGEND

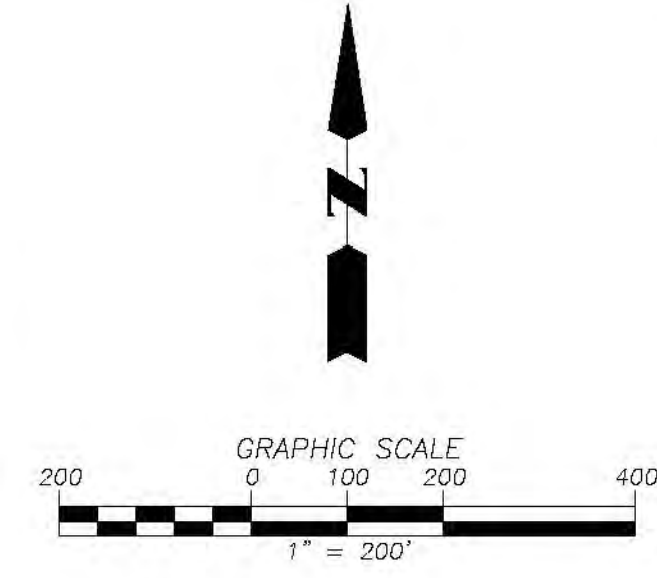
- BASIN TO BE RESTORED
- PROPOSED CONCRETE CULVERT WITH GATE STRUCTURE
- PROPOSED NEW LOW FLOW DRAIN
- PROPOSED CONCRETE TRAPEZOIDAL SPILLWAY WITH 10:1 SIDE SLOPES
- PROPOSED ROAD CULVERT
- EXIST. SPILLWAY
- EXISTING LOW FLOW INTERCONNECTING DRAIN

EXIST. LOW FLOW INTERCONNECTING DRAIN REMOVE AND REPLACE DIA. TO BE DETERMINED

NOTE: SEE GRADING PLAN FOR PROPOSED CONTOUR GRADING.



UNDERGROUND SERVICE ALERT
CALL TOLL FREE
1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG



NO.	DATE	REVISIONS	APPROVED	DATE
1				
2				
3				
4				
5				
6				
7				



Prepared under the supervision of:

DRAWN BY:
DESIGNED BY:
CHECKED BY:



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

WATERMAN BASINS
PRELIMINARY SITE PLAN ALT 2

PROJECT NO. SBVWCD - xxx

SHEET 6
OF 9

LEGEND

--- EXISTING LOW FLOW INTERCONNECTING DRAIN

NOTE: BASIN BOTTOM ELEVATIONS ARE TO BE CONFIRMED AFTER FIELD SURVEY OF EXIST. LOW FLOW INTERCONNECTING DRAINS IS COMPLETED.

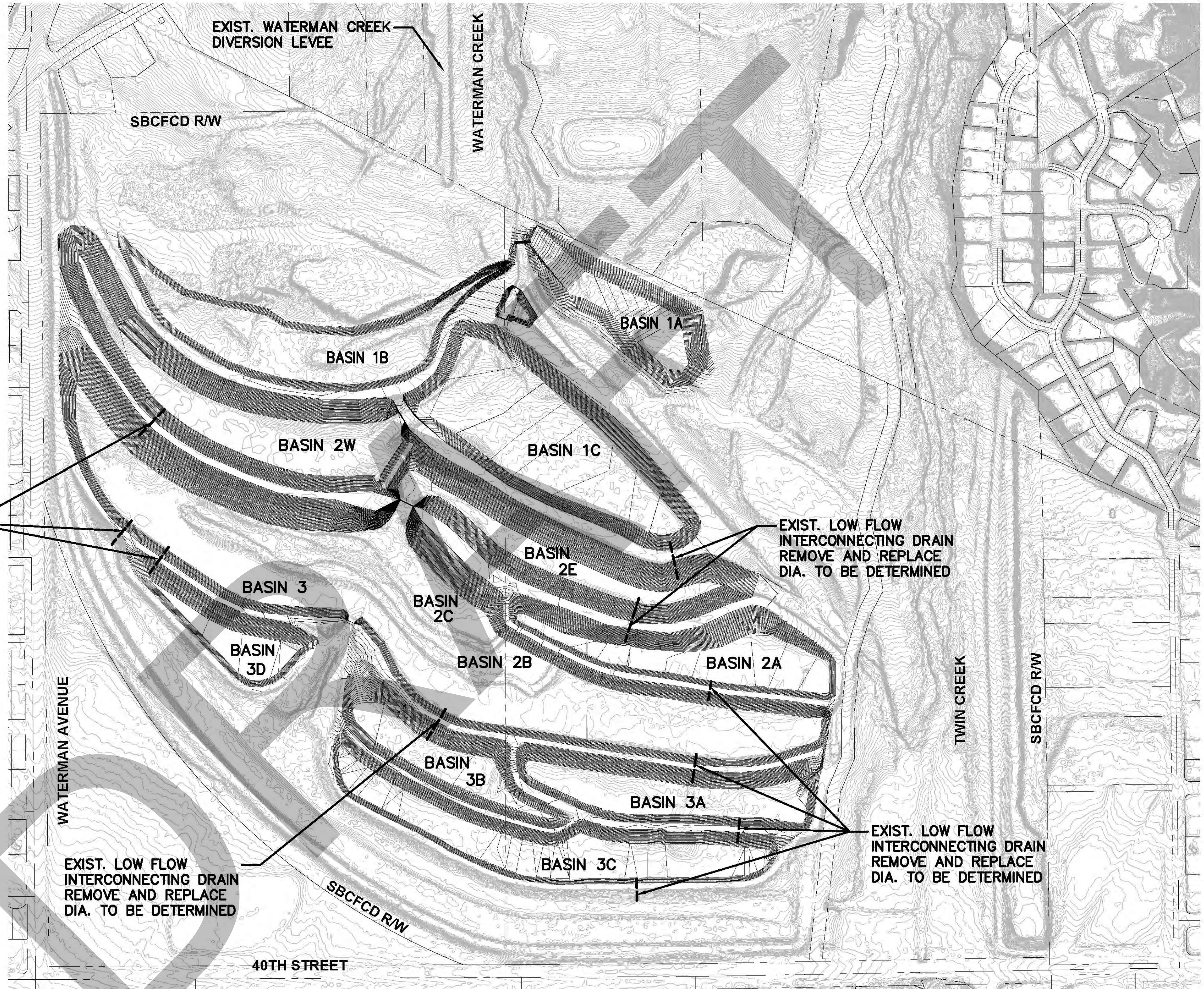
BASINS ACCESS ROAD ARE TO REMAIN AS EXIST. EXCEPT FOR BASIN 1A & 1B WHICH ARE TO BE RESTORED.

EXIST. LOW FLOW INTERCONNECTING DRAIN REMOVE AND REPLACE DIA. TO BE DETERMINED

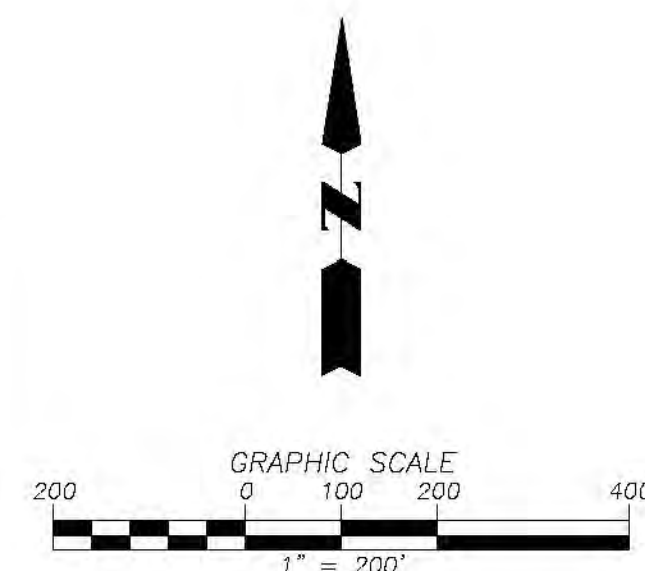
EXIST. LOW FLOW INTERCONNECTING DRAIN REMOVE AND REPLACE DIA. TO BE DETERMINED

EXIST. LOW FLOW INTERCONNECTING DRAIN REMOVE AND REPLACE DIA. TO BE DETERMINED

EXIST. LOW FLOW INTERCONNECTING DRAIN REMOVE AND REPLACE DIA. TO BE DETERMINED



UNDERGROUND SERVICE ALERT
CALL TOLL FREE
1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG



NO.	DATE	REVISIONS	APPROVED	DATE
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Prepared under the supervision of:

DRAWN BY:
DESIGNED BY:
CHECKED BY:

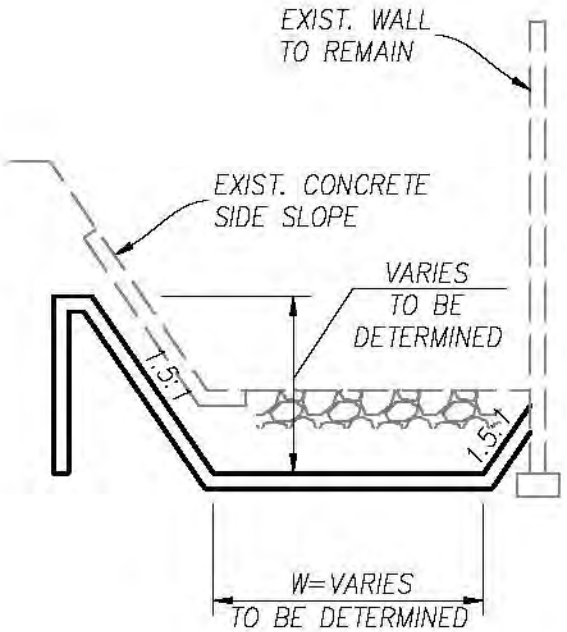
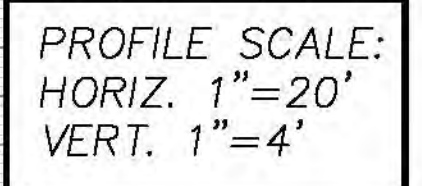


**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT**

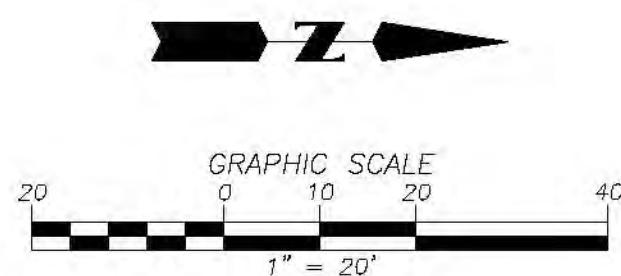
WATERMAN BASINS
ALT 2 GRADING PLAN

PROJECT NO.
SBVWCD -
xxx

SHEET **7**
OF **9**

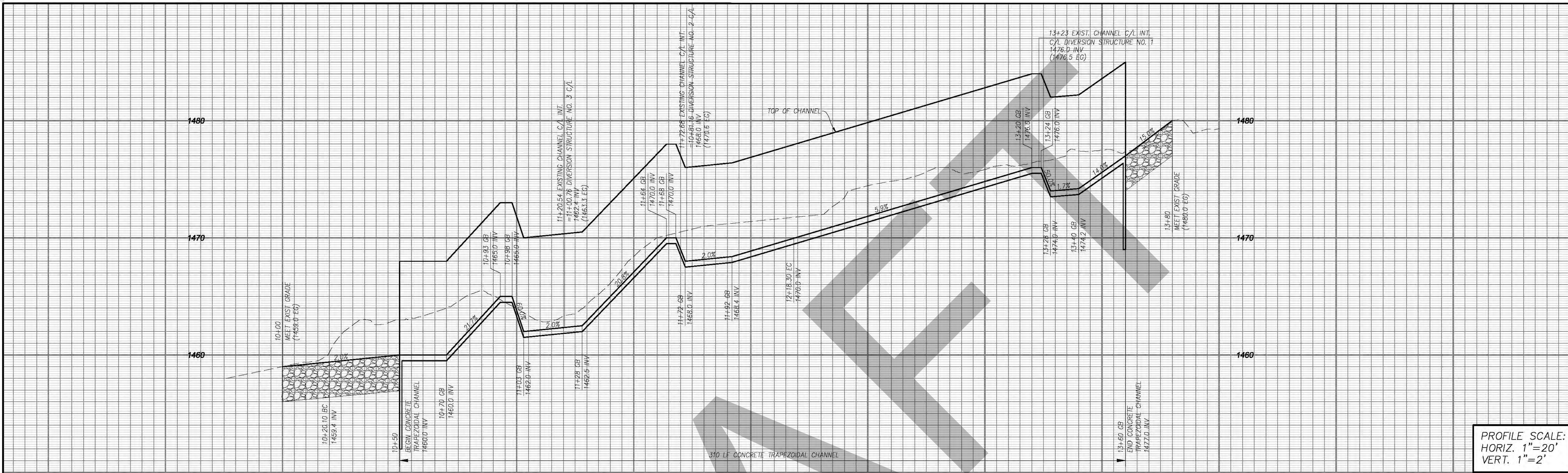


TYPICAL SECTION
LOOKING DOWNSTREAM
N.T.S.

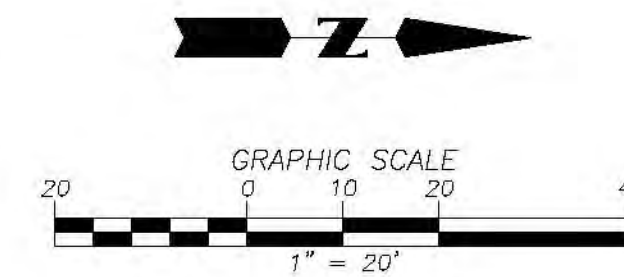
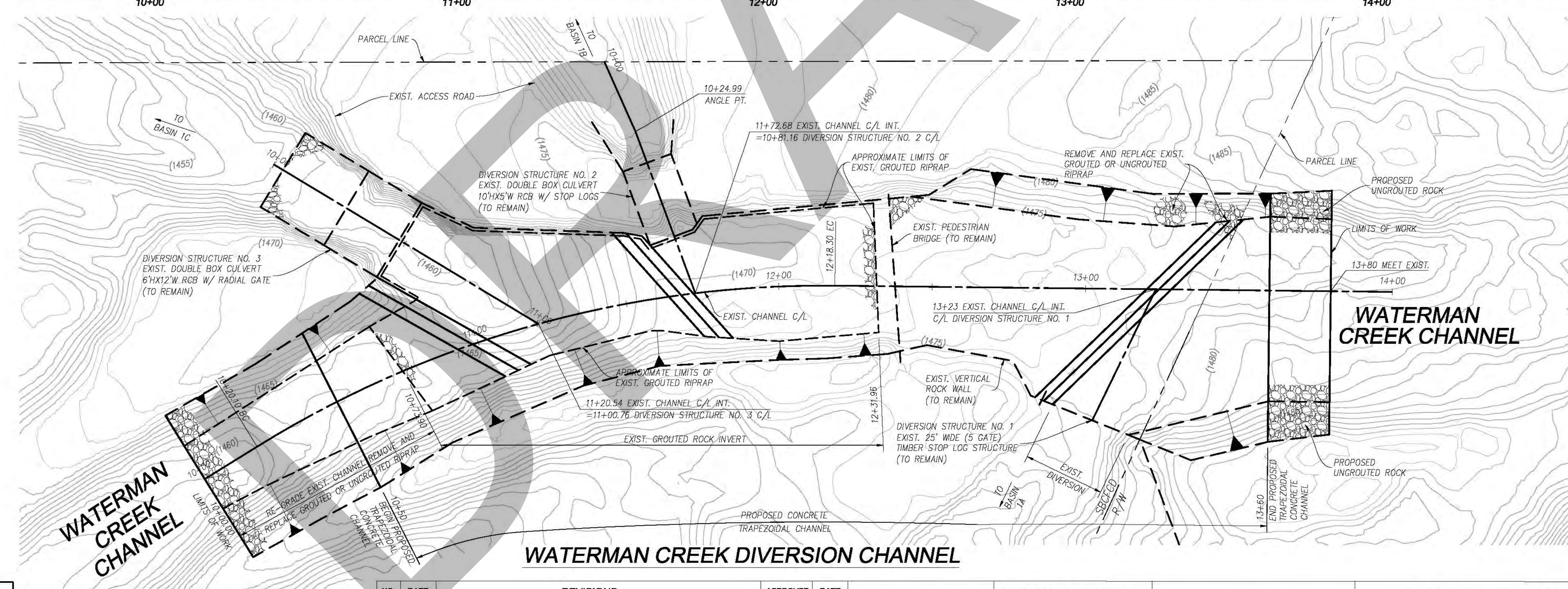


PROJECT NO.
SBVWCD -
XXX

SHEET 1
OF 1



PROFILE SCALE:
HORIZ. 1"=20'
VERT. 1"=2'



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NO.	DATE	REVISIONS	APPROVED	DATE
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CHECKED BY:



**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT**

WATERMAN BASINS
DIVERSION DETAIL SHEET
ALTERNATIVE 2

PROJECT NO.
SBVWCD -
xxx

SHEET **1**
OF **1**

Twin Creek Spreading Grounds

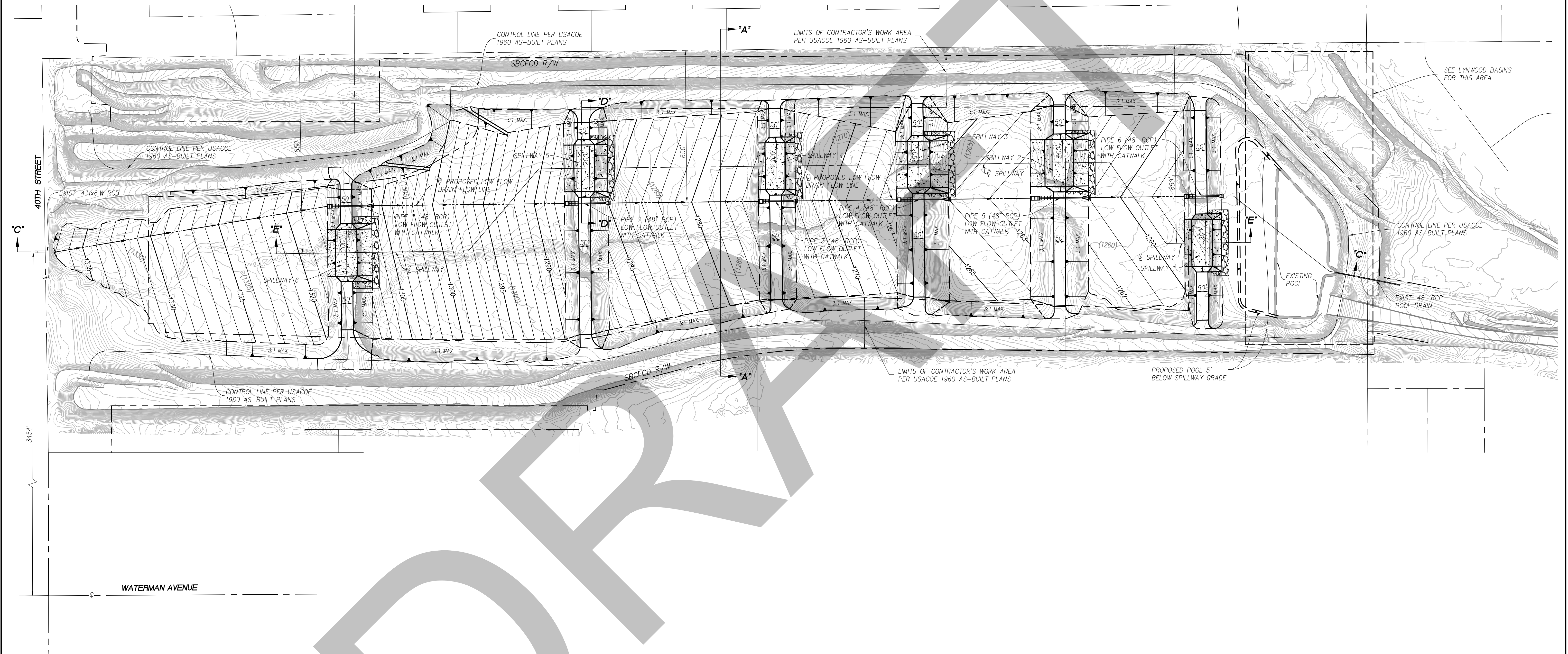


- Current Progress

- Preliminary design completed
- RFP for Feasibility Study in progress
- Field meeting with Flood completed
- Coordination with SBVMWD on going

- Next Steps

- Release the RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood, FEMA and USACE standards compliance



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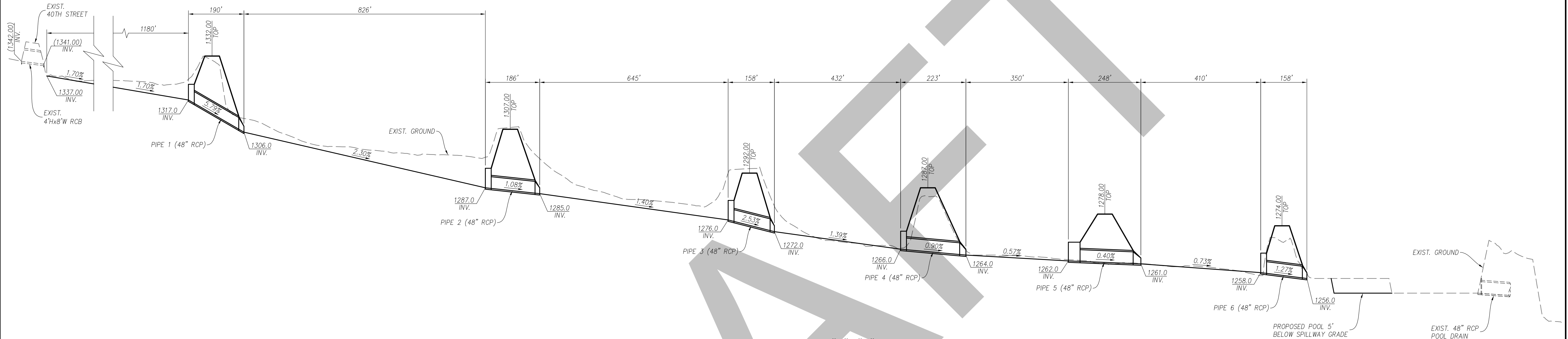


Prepared under the supervision of:

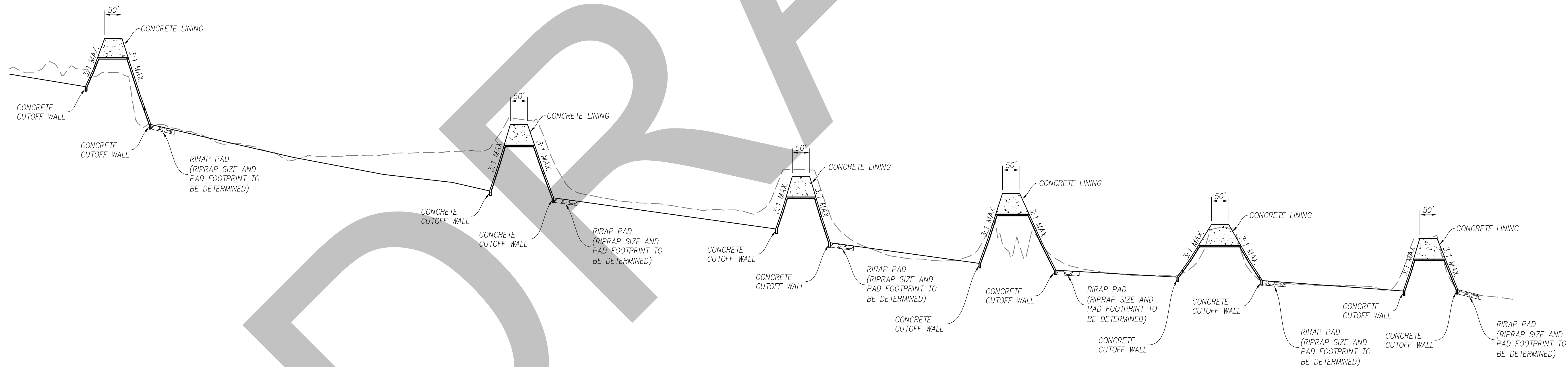
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DESIGNED BY: _____
CHECKED BY: _____



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT		PROJECT NO. SBVWCD - xxx
TWIN CREEK SPREADING GROUNDS OVERALL SITE PLAN ALTERNATIVE 1		SHEET 4 OF 11



SECTION "C"-"C"
 N.T.S.



SECTION "E"-"E"
 N.T.S.

UNDERGROUND SERVICE ALERT
 CALL TOLL FREE
1-800-227-2600
 TWO WORKING DAYS BEFORE YOU DIG

NO.	DATE	REVISIONS	APPROVED	DATE
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Prepared under the supervision of:

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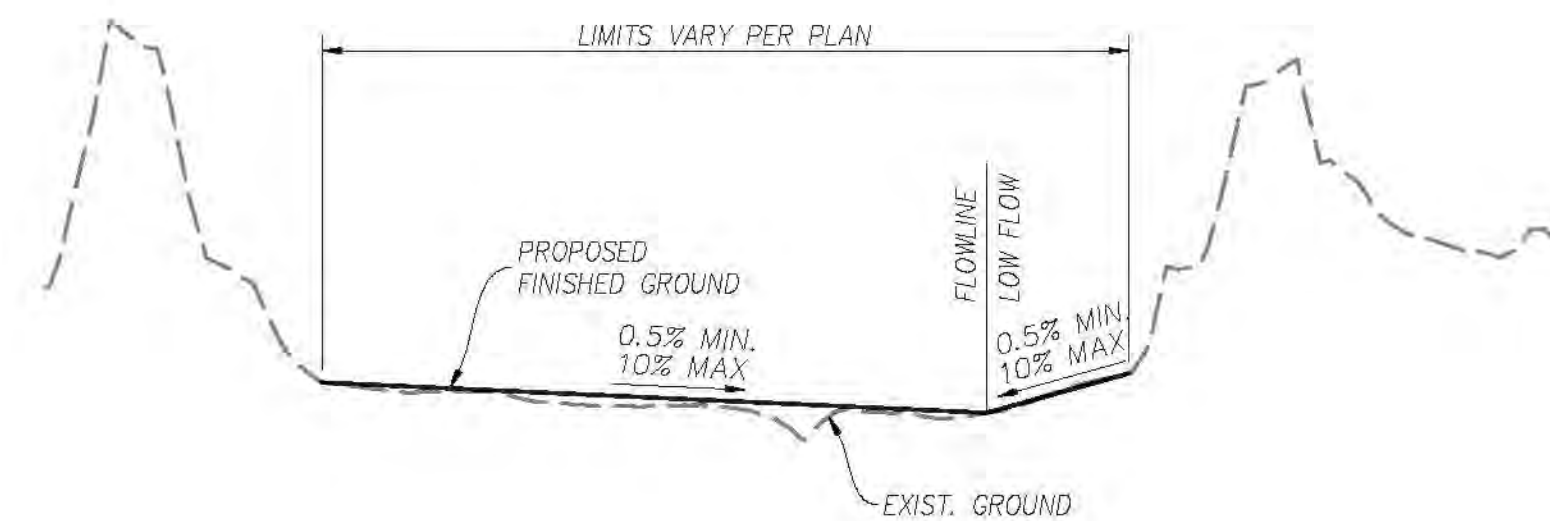


**SAN BERNARDINO VALLEY
 WATER CONSERVATION DISTRICT**

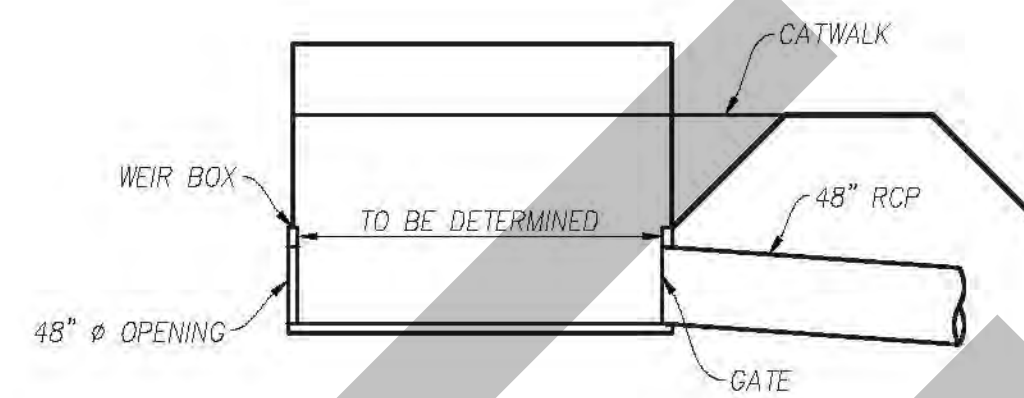
TWIN CREEK SPREADING GROUNDS
 OVERALL SITE PLAN
 ALTERNATIVE 1

PROJECT NO.
 SBVWCD -
xxx

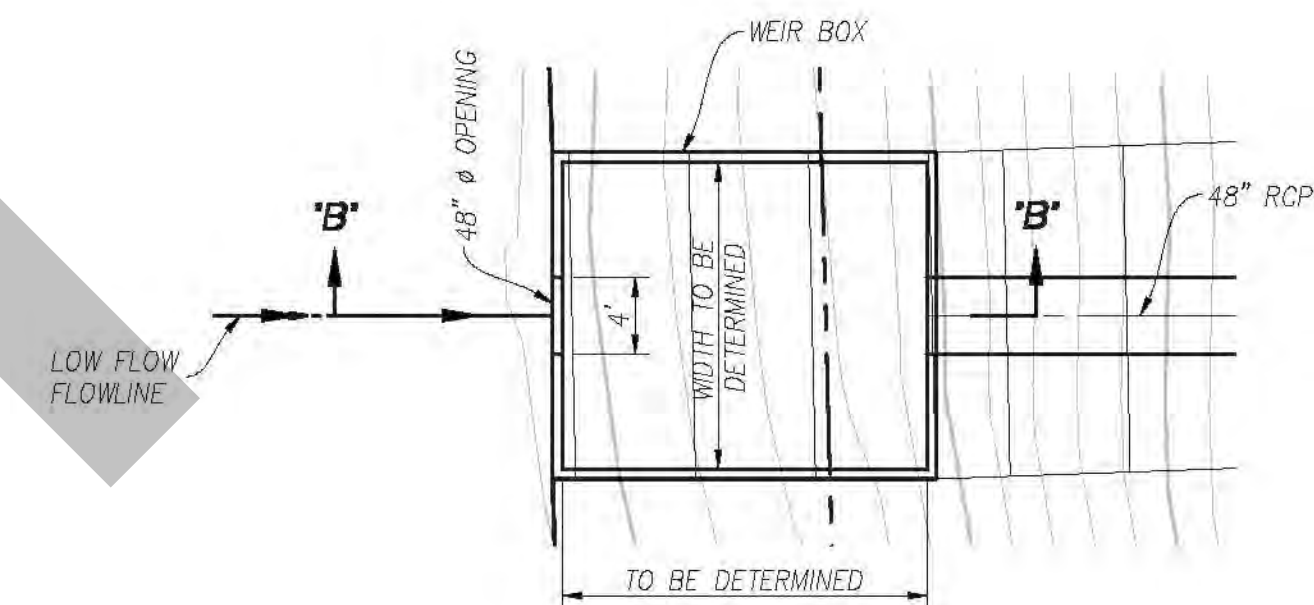
SHEET **5**
 OF **11**



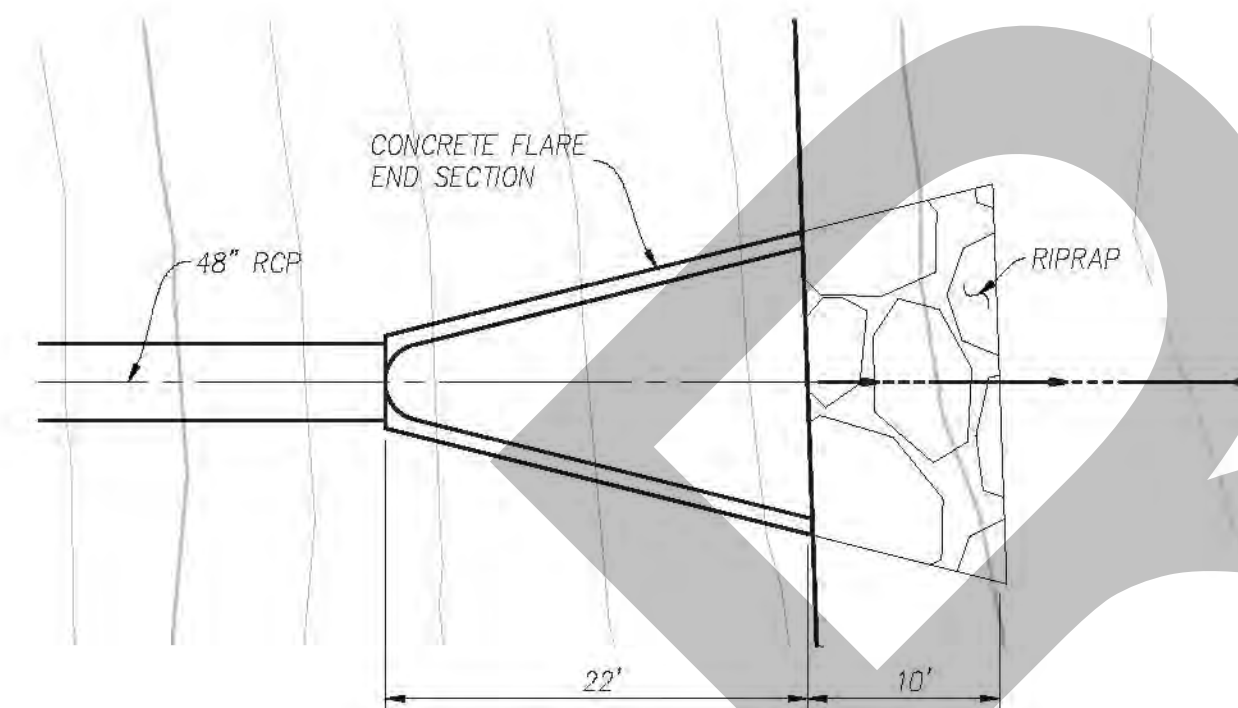
SECTION "A"-"A"
N.T.S.



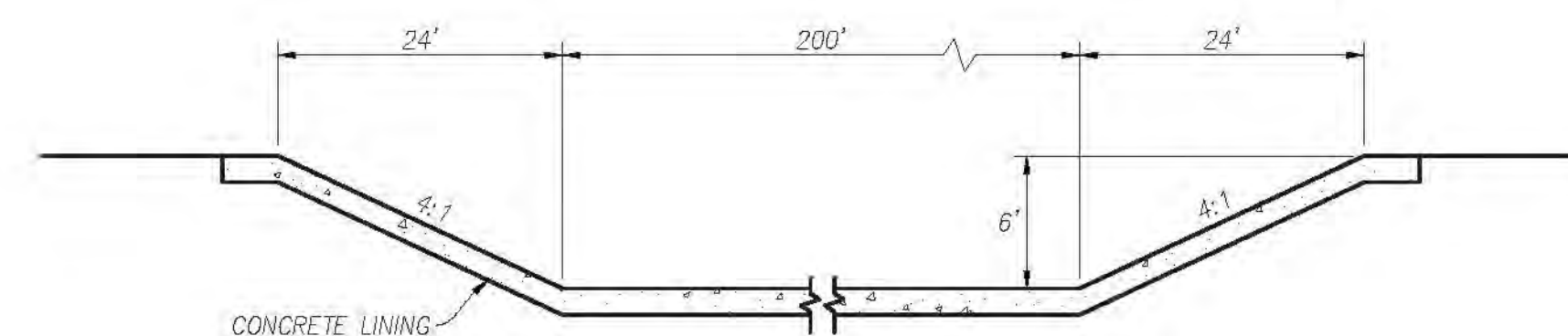
SECTION "B"-"B"
N.T.S.



**LOW FLOW INLET
TYPICAL DETAIL**
N.T.S.



LOW FLOW OUTLET TYPICAL DETAIL
N.T.S.



SECTION "D"-"D"
N.T.S.



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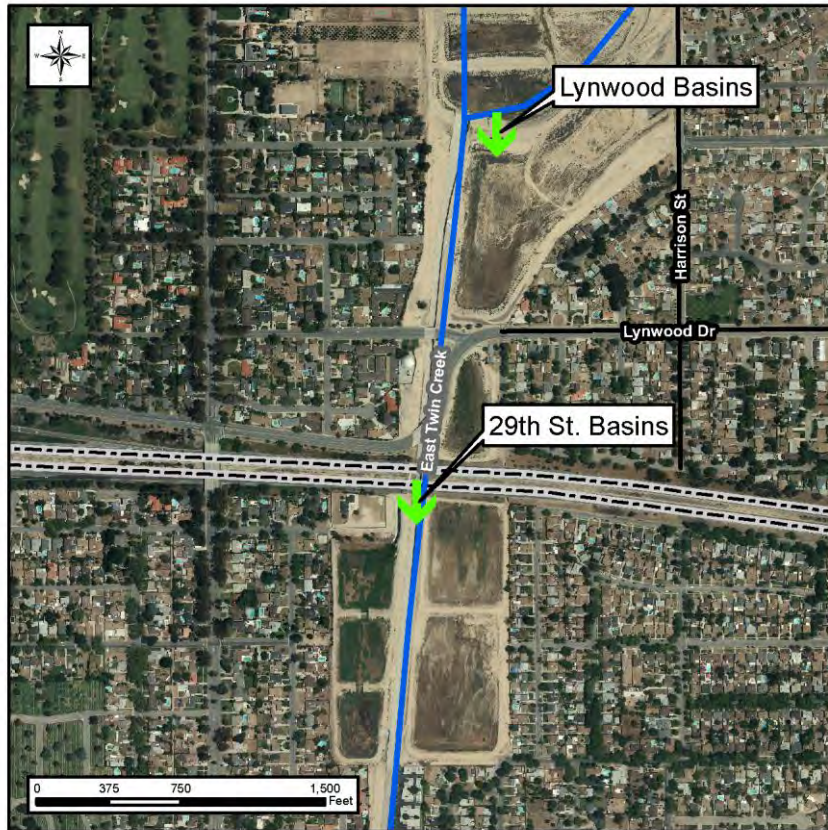
CHECKED BY: _____



**San Bernardino Valley
Water Conservation District**
Helping Nature Store Our Water

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT		PROJECT NO. SBVWCD - XXX
TWIN CREEK SPREADING GROUNDS OVERALL SITE PLAN ALTERNATIVE 1		SHEET 6
		OF 10

Lynwood/29th Street Basins

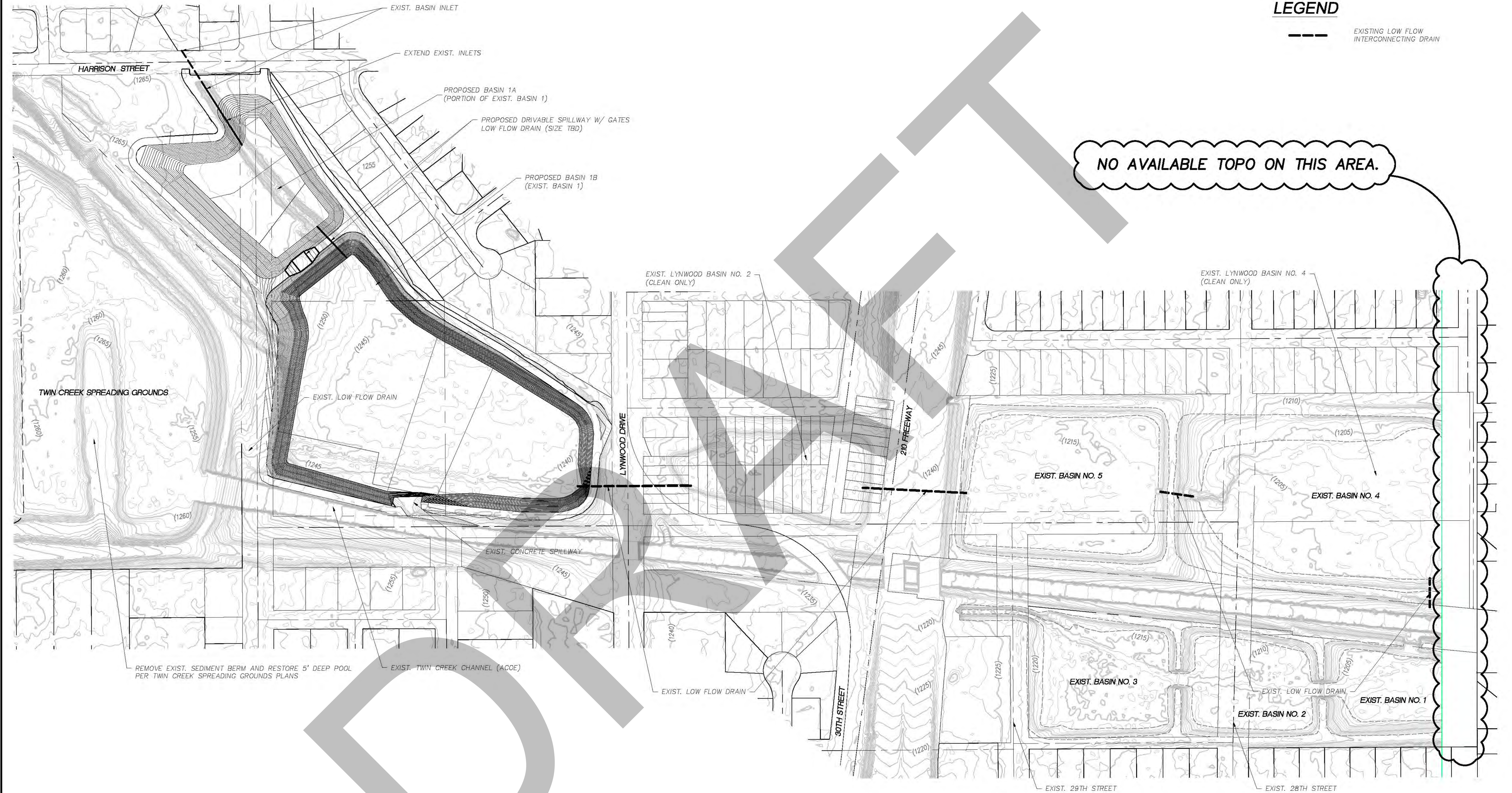


- Current Progress

- Two preliminary design alternatives completed
- Onsite coordination with SBCFCD operations completed
- RFP for Feasibility Study in progress, coordination with SBVMWD and SBCFCD to be completed

- Next Steps

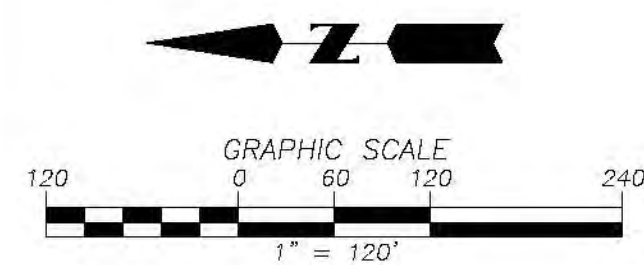
- Release RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood, FEMA and USACE standards compliance



LEGEND

--- EXISTING LOW FLOW INTERCONNECTING DRAIN

UNDERGROUND SERVICE ALERT
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DRAWN BY:
DESIGNED BY:
CHECKED BY:

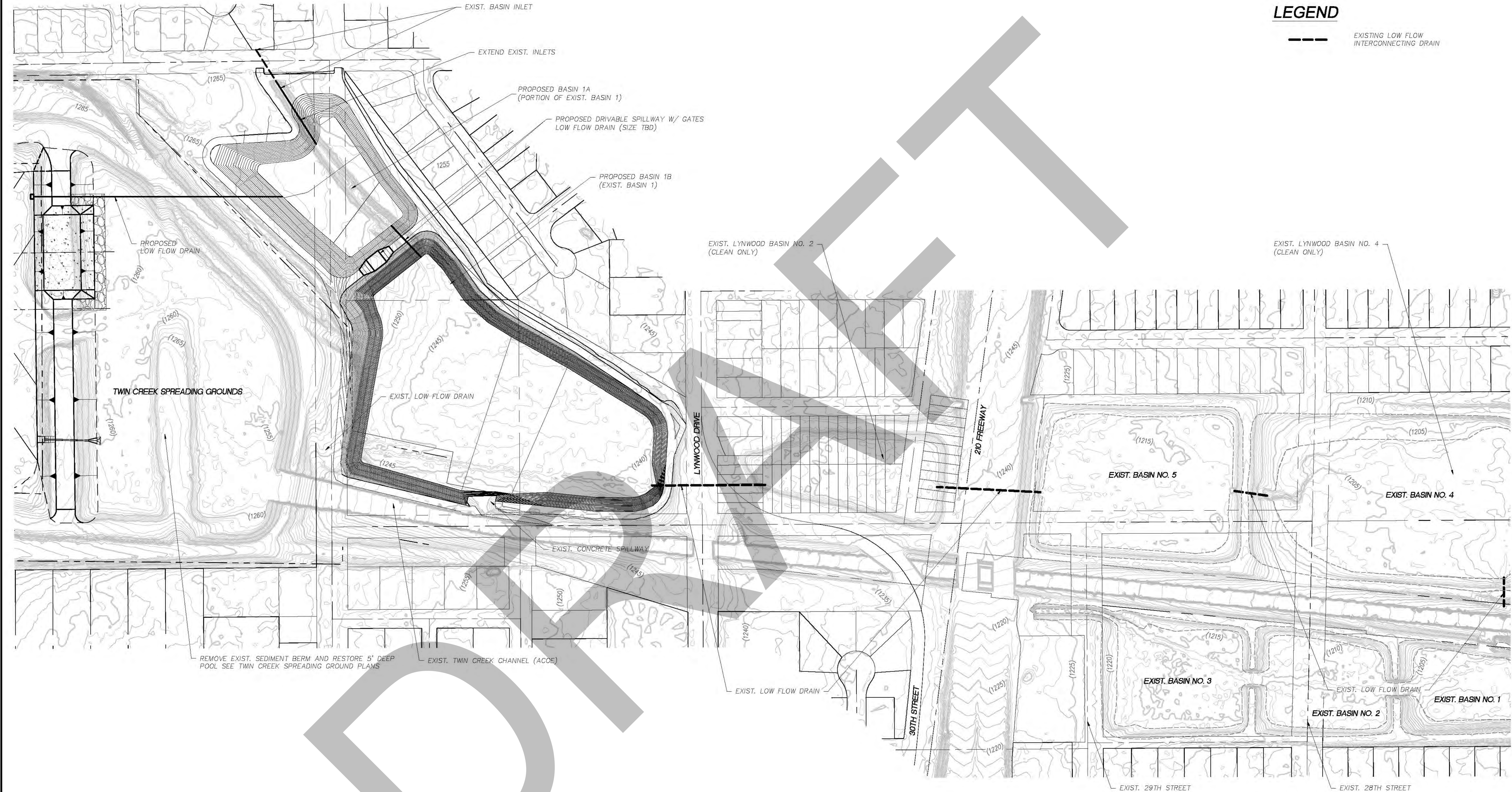


**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT**

LYNWOOD BASINS
PRELIMINARY SITE PLAN ALT 1

PROJECT NO.
SBVWCD -
xxx

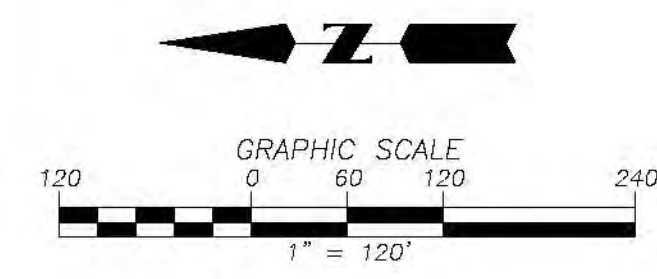
SHEET **2**
OF **11**



LEGEND

--- EXISTING LOW FLOW INTERCONNECTING DRAIN

UNDERGROUND SERVICE ALERT
CALL TOLL FREE
1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG



NO.	DATE	REVISIONS	APPROVED	DATE
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Prepared under the supervision of:

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DESIGNED BY:
CHECKED BY:



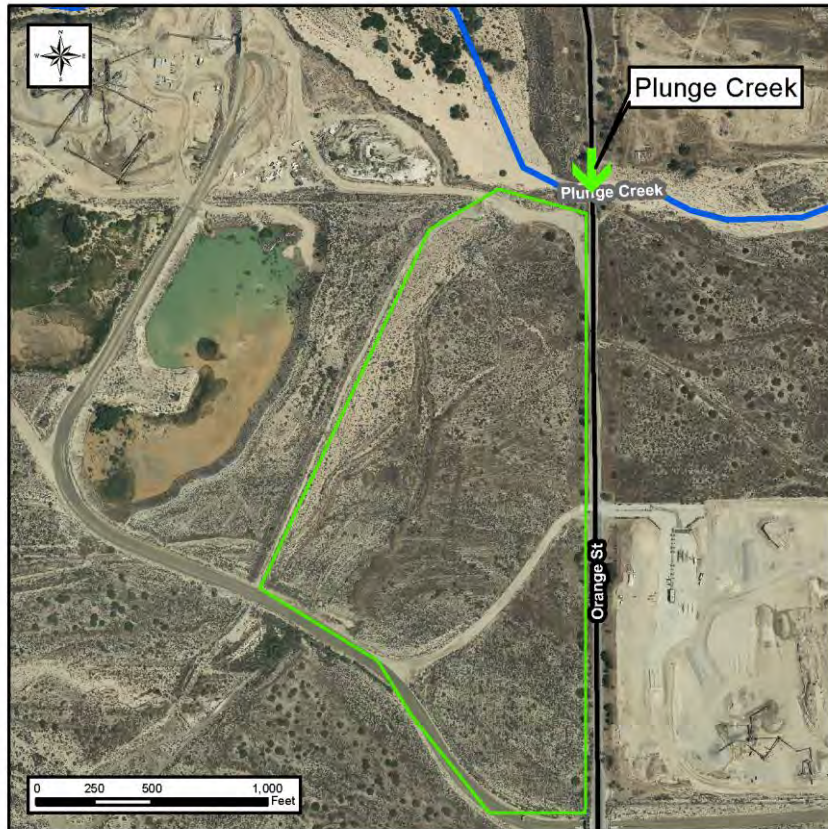
**SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT**

LYNWOOD BASINS
PRELIMINARY SITE PLAN ALT 2

PROJECT NO.
SBVWCD -
xxx

SHEET **3**
OF **11**

Plunge Creek



- Current Progress

- Continued coordination with Robertson's
- Three preliminary design alternatives for the diversion and two (interim and ultimate condition) for the basin configuration developed
- RFP for Feasibility Study in progress, coordination with SBVMWD, City of Highland and SBCFCD in progress

- Next Steps

- Finalize acquisition approach with Robertson's
- Complete drafting of preliminary design alternatives
- Release RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood and FEMA standards compliance

Oak Creek



- Current Progress

- Continued coordination with SBVMWD for Sterling
- Preliminary design alternatives in progress
- RFP for Feasibility Study in progress, coordination with SBVMWD and SBCFCD to be completed

- Next Steps

- Complete preliminary design
- Release RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood and FEMA standards compliance

Mill Creek



- Current Progress

- Conceptual design plan completed
- Onsite coordination with SBVWCD field staff
- RFP for Feasibility Study in progress

- Next Steps

- Complete preliminary design
- Release RFP for Feasibility Study analysis
- Select consulting firm to complete the analysis
- Obtain updated topo and imagery data
- Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood, FEMA and USACE standards compliance

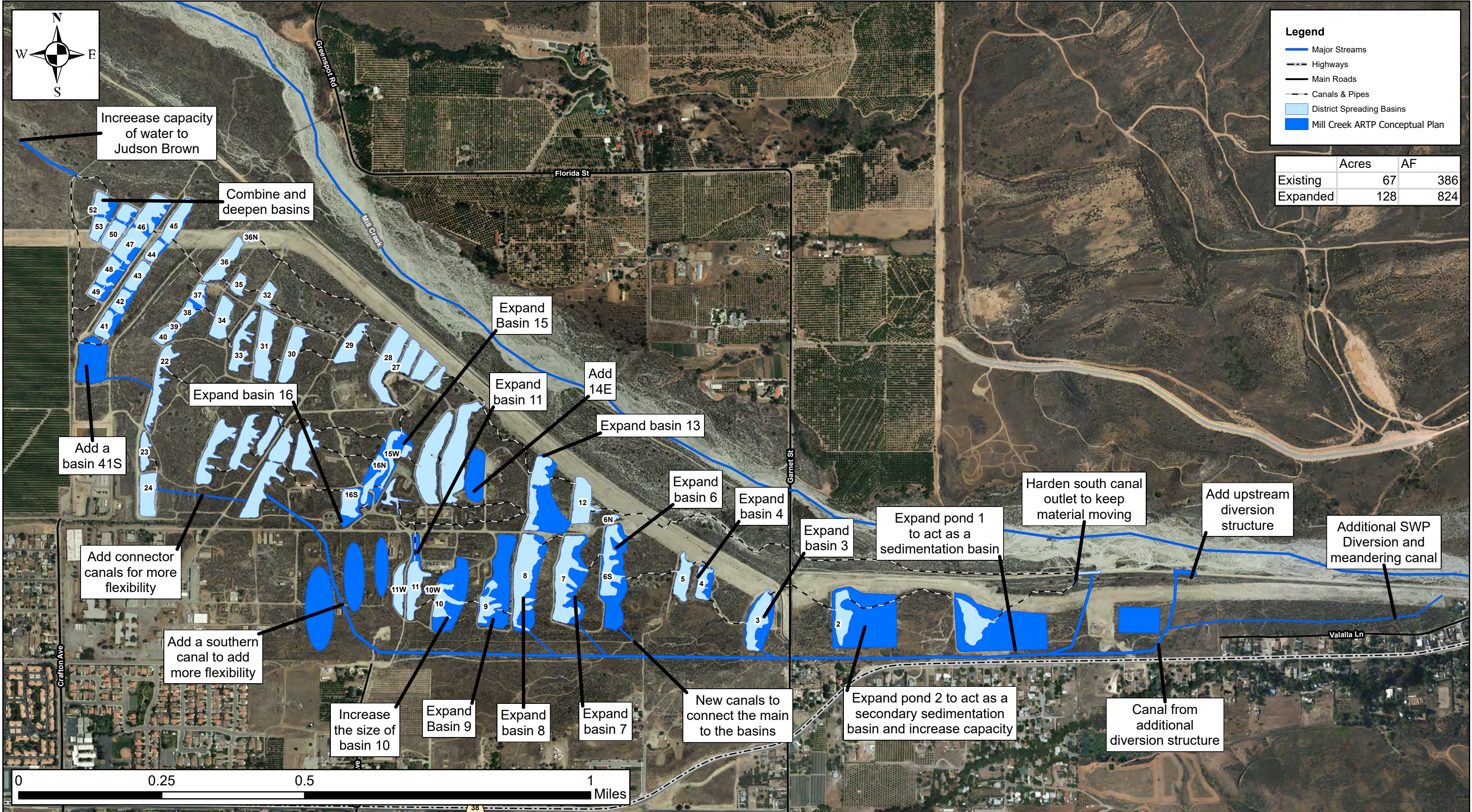
Preliminary Concept Plan

Mill Creek ARTP

Coordinate System:
NAD 1983 StatePlane California V FIPS 0405 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983
Source: SBVWCD, CASIL, SBVMWD
GIS Contact: Katelyn Scholte
M:\Active Recharge\SBVWCD Proposal for Active Recharge Projects\Maps\Mill Creek
June 30, 2021



San Bernardino Valley
Water Conservation District
Helping Nature Store Our Water



Legend

- Major Streams
- Highways
- Main Roads
- Canals & Pipes
- District Spreading Basins
- Mill Creek ARTP Conceptual Plan

	Acres	AF
Existing	67	386
Expanded	128	824

City Creek



- Current Progress
 - Refining conceptual design
 - RFP for Feasibility Study in progress
- Next Steps
 - Complete preliminary design
 - Release RFP for Feasibility Study analysis
 - Select consulting firm to complete the analysis
 - Obtain updated topo and imagery data
 - Begin analysis for hydrology and hydraulics, percolation testing, levee impacts, field surveys Flood, FEMA and USACE standards compliance

General Manager's Report

From July 10 to August 6, 2021

Daniel B. Cozad



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

The District currently remains at Phase 2 COVID 19 response level. CalOSHA Standards for COVID require masks in the common areas of the office by unvaccinated or undocumented staff. Staff revised the COVID Illness Prevention Plan following these orders. San Bernardino County and California cases and transmission rates are high and increasing due to the Delta variants. Staff has prepared an in-person/hybrid for August 11, pending further direction.

The following report covers the weeks between meetings and the efforts and activities during the reporting period.

1. **Water Conservation – Plan Goal 1** – Santa Ana River, Mill, and Plunge Creeks have been dry for several months. SAR flows are limited and being used for direct use or recharged if muddy. Mill Creek's low flows are mainly being used for direct use. Mill Creek's total recharged is projected at 2,569 AF so far for the water year. The Santa Ana River recharge totals 3,931 AF since October. Total recharge for the year, including Plunge Creek, is 6,500 AF.
2. **Facility Maintenance and Cleanout – Plan Goal 1** – Water operations are limited, allowing field maintenance and vegetation management to take center stage. All facilities are in operation and available. Cleaning needs are limited.
3. **Aggregate Management – Plan Goal 1** – Upland Rock continues to screen and sell sand and rock from District basin cleaning efforts.
4. **Personnel/Administration/Staff** – Staff continues to monitor and implement the District Extreme Flu/COVID19 plan. Staff updated the IIPP/CPP in accordance with CalOSHA guidance. Staff is working on reopening requirements and work from home policies to comply with the State direction on meetings.
5. **Finance/Budget/Audit** – Support for the Board's financial reporting and standard accounting efforts were completed. Staff is implementing the budget working with RAMS for the Annual District Audit.
6. **Mill Creek Diversion Engineering – Plan Goals 1/4** – Erwin reports on the engineering and construction projects at meetings when updates are not included in agenda items. Staff continues to provide the additional requested information for environmental and engineering questions in the hopes of having permits in time to construct in mid-2022.

7. **Plunge Creek Conservation Project** – *Plan Goals 1/4* – Both operations and habitat management and monitoring efforts are ongoing. Recharge for this water year is estimated at 112 AF.
8. **Enhanced Recharge Project** – *Plan Goal 1* – The Enhanced Recharge Phase 1A is completed. Engineering design is nearing completion for the new basins scheduled for construction in 2022. State and Waters permitting are needed to proceed. The Operations Committee discussed the SBVMWD plans underway. Staff is coordinating with engineering and environmental changes to the project.
9. **Active Recharge Transfer Project Partnership** – *Plan Goals 1, 2, and 4* – The Committee met on July 12. Staff is working on RFP and design support to continue the development process. Staff has worked with Robertson's on issues related to the Silt Pond or Plunge Creek Quarry options.
10. **Edison Divestiture to Water Users** – *Plan Goals 1/4* – The Committee held a meeting on August 4, 2021, updating the group on SCE feedback.
11. **Groundwater Council** – *Plan Goal 1* – The Groundwater Council meets on August 9, 2021. Staff supported Groundwater Council by scheduling and attending meetings with Southern California Edison and San Bernardino County Facilities Management Water staff.
12. **Shop Facilities for Field Staff** – *Plan Goals - 1* – Staff is preparing a scope of work for the Design-Build delivery method following Operations Committee and Board direction. In accordance with Director Raley's staff request, a separate report has been listed on the agenda.
13. **Wildland Trails** – *Plan Goal 3* – Developing and opening Wildland Trails on District property is a Board priority and now has a separate report listed on the agenda.
14. **Wash Plan** – *Plan Goal 4* – The Wash Plan has a separate report listed on the agenda. Staff worked with AECOM on preliminary permitting. Staff is working with staff dedicated to the permit review at CDFW.
15. **Santa Ana River Wash Plan Land Exchange Act Implementation** – *Plan Goal 4* – S.-47 was passed and signed by the President, becoming PL 119-6. Staff, District Counsel, and special legal counsel are working closely with BLM to expedite the exchange. Progress has been made in the appraisal RFP. District Counsel will present the agreement to award the agreement to the appraiser at this meeting. Staff and the BLM are working on the Right of Way needed to support the District's activities under the land transferred to the BLM.
16. **Conservation Trust** – *Plan Goal 4* – The Conservation Trust Board of Directors met on July 19 and will meet again in October for their annual meeting. Staff has met with entities with which a deposit agreement is on file. Most projects continue to move forward slowly. The District and Trust have been reimbursed for services and funding for conservation easements and contributions to the endowment.

17. Property/Redlands Plaza – Staff continues to manage Redlands Plaza tenants and maintenance issues. All units are now fully leased. The church is working with the City on permitting the changes needed for the CUP. Many tenants utilizing the Board's payment plan to weather the COVID 19 downturn have begun repayment schedules for these deferrals. District Field Staff identified trespass on District lands off Greenspot Road and are working with the Contractor and the City to identify resolution.



18. Mining – Mining efforts by CEMEX contractors continue at the Plant Site quarry. Mining above the guaranteed minimum continues resulting in additional revenue to the Land Enterprise and large stockpiles for ongoing projects, as shown below.



- 19. Public Outreach and Legislative** – *Plan Goal 5* Staff worked with consultants to coordinate outreach and award applications. Staff supported a visit to Linda Gass (left), a visiting artist preparing an installation looking at water and the Santa Ana Watershed, which was coordinated with the San Manuel Tribe. Please click on the link to access the latest [Monthly Newsletter](#).



- 20. Community Recharge and Mitigation** – *Plan Goal 1 and 4* – The 2017 Community Strategic Plan (CSP) included this effort for planning and implementation. The Active Recharge Transfer Projects in the Partnership Agreement are the first efforts under this goal. Additional recharge options where flows and open space allow recharge will be sought as staff has time.

- 21. Current Board Action Implementation** – Many priority efforts have separate sections of the General Manager's Report, or independent Board requested reports. Staff and District Counsel worked closely on EHL/CBD v. USACOE settlement-related studies. Staff also has several MOUs and agreements in development to support the Wash Plan and its projects. The status of the agreements are shown below or in items:

- BLM MOU for Wash Plan – pending ROW issues above
- Blossom Trails Conservation Easement/Endowment awaiting CDFW

- 22. Future Board Activities** – Expected short-term items for consideration or note

- Exchange Plan Amendment – in progress Task Force review in August and Board consideration later in the fall
- BLM Land MOU working with regional manager to complete in 2021
- Alliance JPA for River HCP

- 23. District Successes**

- Many staff have completed vacation time or will shortly
- Summer thunderstorms have provided limited but appreciated watershed flows that have been recharged
- Staff is happy to welcome David aboard in his new role as In-house Counsel.

San Bernardino Valley Water Conservation District

Monthly Recharge Report

From: 7/1/2021

To: 7/31/2021



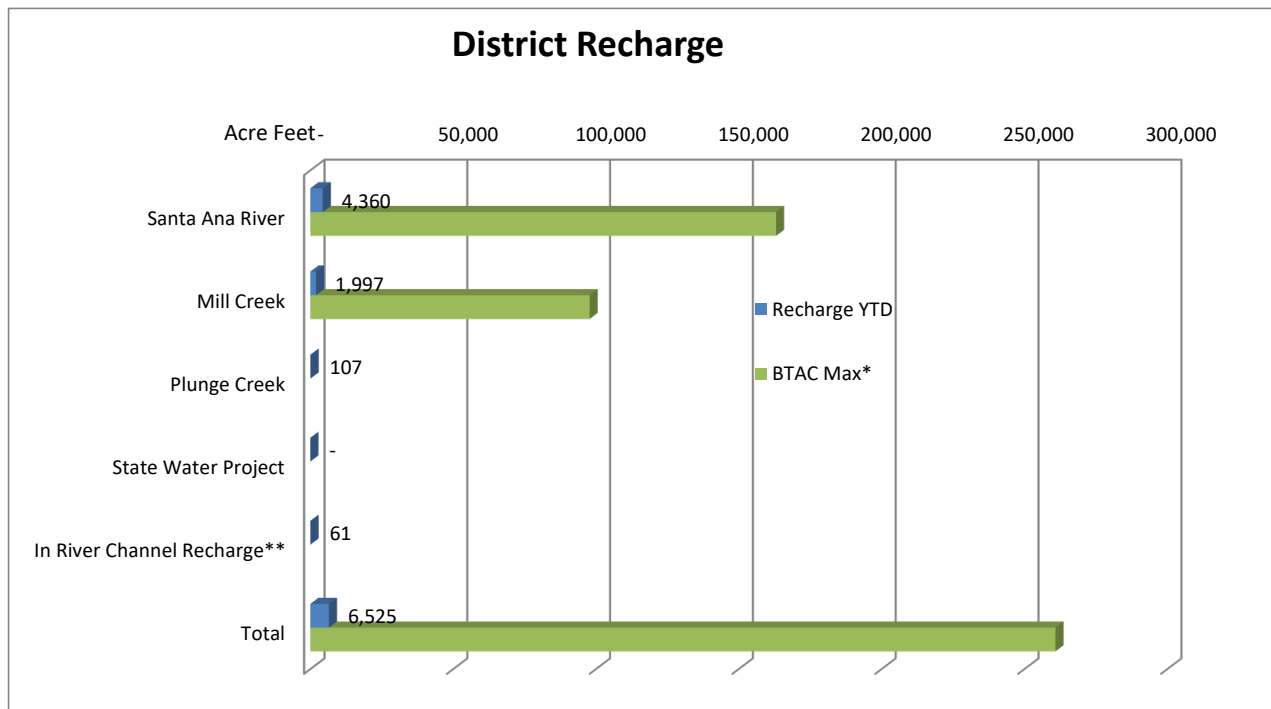
	July				
	Avg Daily Recharge	Monthly Recharge	Recharge YTD	BTAC Max*	% Max
Santa Ana River	0.5	16	4,360	163,100	3%
Mill Creek	0.0	-	1,997	97,800	2%
Plunge Creek	0.0	0.2	107	#N/A	#N/A
State Water Project	0.0	-	-	#N/A	#N/A
In River Channel Recharge**	0.0	-	61	#N/A	#N/A
Total	1	16	6,525	260,900	3%

Values in Acre Feet

*BTAC Revised Max in December 2020

**Monitoring began in Mid-April 2011

*** All Values Based on Water Year Oct-Sep 2021



JANUARY						
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31						

Jan. 13 Board Meeting
 Jan. 27 2nd Qtr. Finance & Admin Mtg.

FEBRUARY						
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Feb. 10 Board Meeting

MARCH						
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28	29	30	31			

Mar. 10 Board Meeting
Engineering Investigation Report Presentation
 Mar. 24 3rd Qtr. Finance & Admin Mtg.

APRIL						
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Apr. 14 Board Meeting
Public Meeting/Groundwater Charge
 Apr. 28 Board Meeting
Public Hearing/Groundwater Charge

MAY						
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30	31					

May 12 Board Meeting

JUNE						
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27	28	29	30			

Jun. 9 Board Meeting

JULY						
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Jul. 14 Board Meeting
 Jul. 28 4th Qtr. Finance & Admin Mtg.

AUGUST						
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Aug. 11 Board Meeting

SEPTEMBER						
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Sept. 8 Board Meeting

OCTOBER						
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31						

Oct. 13 Board Meeting

NOVEMBER						
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28	29	30				

Nov. 10 Board Meeting
 Nov. 24 1st Qtr. Finance & Admin Mtg.

DECEMBER						
S	M	T	W	Th	F	S
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12	13	14	15	16	17	18
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26	27	28	29	30	31	

Dec. 8 Board Meeting
 (@ 9:30 a.m.)
Holiday Luncheon