

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF OCTOBER 13, 2021
1:30 pm

President McDonald called the Board of Directors meeting to order at 1:30 pm by in-person, teleconference, and Zoom meeting; all those in attendance stood for the pledge of allegiance led by President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President
David E. Raley, Director
Robert Stewart, Director
John Longville, Director (Arrival 1:40 p.m.)
Richard Corneille, Vice President

BOARD MEMBERS ABSENT:

None.

GENERAL COUNSEL PRESENT:

Dave Cosgrove, District Counsel

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
Angie Quiroga, Administrative Analyst

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
June Hayes, San Bernardino Valley Municipal Water District
Susan Lien Longville, San Bernardino Valley Municipal Water District
Ron Coats, East Valley Water District
Willow Green, Tetra Tech

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 guests listed above made self-introductions.

4. CONSENT CALENDAR

President McDonald introduced this item for discussion.

It was moved by Director Stewart and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, September 8, 2021. The motion carried 3-0, with all Board members present voting in the affirmative. Director Longville was absent, and Vice President Corneille abstained from the vote.

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

It was moved by Vice President Corneille and seconded by Director Stewart to approve the Consent Calendar: Item B: Expenditure Report, September 2021 and Item C: CSDA Bylaws Approval. The motion carried 4-0, with all Board members present voting in the affirmative and Director Longville noted absent from the vote.

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

5. COMMITTEE REPORTS/ACTION ITEMS

A. 2021 AUDIT REPORT

Mr. Cozad provided a verbal update of the Ad Hoc Audit Committee (Committee) meeting held on October 4, 2021. The full Audit Report is included on package pages 22 to 94. He noted the reserve levels shown on package page 44. President McDonald said that it was a clean audit and that the District is in good fiscal standing. Director Stewart reviewed the data on package pages 86 and 88.

It was moved by Vice President Corneille and seconded by Director Stewart to approve the 2021 Audit Report as presented. 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

B. UNAUDITED FINANCIAL REPORT, SEPTEMBER 2021

Mr. Cozad introduced this item for discussion, noting its inclusion on package page 95. He said that a few Groundwater Council payments are pending, and mining income is above the minimum annual guarantee.

It was moved by Director Longville and seconded by Vice President Corneille to approve the Unaudited Financial Reports from September 2021. 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

C. WASH PLAN REMAINING PERMITS PROJECT UPDATE AND APPLICATION FEE

Ms. Miller introduced this item for discussion, noting its inclusion on package page 101. She provided background on the AECOM contract approved in August 2020. The table with "Costs by Task Force Member" was discussed, noting that the District received a letter to commit to issuing a Lake and Streambed Alteration Agreement by November 1 from the California Department of Fish and Wildlife. It is anticipated that the 401 permit will be issued by December 2, although there is the potential for an extension through August 2022. Staff is working with the U.S. Army Corps of Engineers (COE) on answering questions they have for the 404 permit. The remainder of the permits update is included in the memo on page 102. Vice President Corneille complimented Ms. Miller on the report and asked if any projects could proceed without the permits noted within the memo. He asked if staff could link the projects to permits. Ms. Miller indicated that she has a master table with a complete list of projects covered under the Wash Plan that can be shared. She requested two checks for 1) California Department of Fish & Wildlife in the amount of \$45,693.25 and 2) Santa Ana Regional Water Quality Control Board in an amount up to \$177,179. President McDonald asked when Task Force members would submit reimbursements to the District. Ms. Miller said that this may be done quarterly or as the permit applications are approved. Director Stewart asked if permitting agencies could ask for additional money. Mr. Cozad indicated that permitting agencies have a calculation to determine the costs, making requests for additional funds unlikely. However, there will be ongoing annual renewal fees.

It was moved by Director Longville and seconded by Vice President Corneille to authorize the General Manager to submit payment of \$45,693.25 in notification fees for the Streambed Alteration Agreement for Wash Plan construction projects to the California Department of Fish & Wildlife and authorize the General Manager to submit payment of up to \$177,179 in project fees for a Clean Water Act 401 Water Quality Certification to the Santa Ana River Regional Water Quality Control Board. 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

D. ACWA GENERAL SESSION VOTING DELEGATE.

Mr. Cozad reviewed this item, included it on package page 113.

It was moved by Vice President Corneille and seconded by Director Raley to appoint President McDonald as the voting delegate for the ACWA Fall Conference General Session meeting. The motion carried 5-0, with all present voting in the affirmative.

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

E. AB 361 REMOTE MEETINGS

Mr. Cosgrove introduced this item for discussion, noting its inclusion beginning package page 121. He indicated that the Governor's Executive order regarding remote meetings expired September 30, 2021, but signed AB 361, allowing for limited continuance of remote meetings. He reviewed the circumstances covered by the bill and indicated that the District may continue remote meetings by passing Resolution No. 592, included on package pages 124 to 125. In order to do so, the Board must make new findings and approve a new resolution every thirty days. The Board requested that this item be placed on the agenda as a standing consent calendar item, as a new resolution every thirty days for approval, so long as circumstances and factual bases for the findings so warranted.

It was moved by Director Longville and seconded by Vice President Corneille to approve Resolution No. 592, authorizing remote meetings and for staff to bring this item back every thirty days for approval. 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

F. REALIGNMENT OF COMPONENT DISTRICT DIVISIONS

Mr. Cosgrove introduced this item for discussion, noting its inclusion on package page 126. The District is required to evaluate and adjust its boundaries, if necessary, after each federal census. The memo covers the criteria involved with this redistricting effort. The District last redistricted in 2012, when it reduced the Board from seven to five members. Mr. Cozad reviewed the schedule for redistricting. This item will be brought back in January or February 2022 for review and discussion. Mr. Cosgrove explained the Elections Code requires at least one public hearing for special districts; given

our regular meeting schedule, this will need to be held by March 9, 2022. Director Stewart requested staff to share the population growth since the last census was done when it is available. It was the consensus of the Board directing staff to bring back a preliminary analysis on population growth per division, to determine the need for realignment of divisions. The Board discussed previous practices and potential options for moving forward. Staff will do a preliminary analysis on potential impacts per division within District boundaries and bring it back to the Board for review.

6. INFORMATION ITEMS

A. WASH PLAN IMPLEMENTATION UPDATE

Ms. Miller provided a verbal update. She indicated that the draft SBKR protocol was distributed to partner agencies for review and comment. The comment period closed on Monday. She said that two RFPs are out for Wash Plan implementation including, 1) vegetation classification and mapping to track the progress of Wash Plan management actions and 2) a restoration program for slender horned spinyflower required within three years of Wash Plan adoption. We will likely have those contracts for Board consideration in December. The potential agreements for Mill Creek will be brought back for review and consideration in November. This item was received and filed.

B. WASH PLAN TRAIL STATUS REPORT

The Wash Plan Trails Status Report is included on package page 130. Ms. Miller said that staff had made progress coordinating with cities on the trails. The City of Highland provided comments on the preliminary MOU deal points in September, and District staff has met with them to discuss. The City of Redlands was provided information on this item; they indicated that the MOU had been included in their strategic plan for 2022. Mr. Cozad said that the MOU with the City of Redlands would be brought back for review and consideration early next year. Director Raley requested the project schedule be placed on a separate sheet so that it is more readable, and the completed tasks be shown in a contrasting color. This item was received and filed.

C. ACTIVE RECHARGE TRANSFER PROJECTS STATUS REPORTS NO. 8

Mr. Fogerson reviewed this item, included on package page 131. The report was approved at the ARTP Policy Committee on October 11. The PowerPoint presentation on pages 135 to 145 was presented. Mr. Fogerson stated that staff is looking to award the first consultant contract for the feasibility study; it may be returned to the Board next month for review and approval. Mill Creek and City Creek RFPs were issued today for consultants for those feasibility studies. The feasibility study will model and analyze each proposed project to enable clear prioritization of projects. Proposals for these two RFPs are due on November 18. Vice President Corneille expressed his appreciation for staff's efforts in moving these projects forward. He said that we have a great team in place to do this work. Director Raley expressed his interest in the financial aspects of these projects and requested a detailed overview of the financials. Mr. Cozad provided a brief overview of the ARTP Partnership Agreement. The funds received for ARTP projects are invested and held in a reserve for the ARTP expenses. Director Stewart asked if project dates can be listed to track which projects are accelerating, lagging, or completed. This item was received and filed.

D. MENTONE SHOP IMPROVEMENTS STATUS REPORT

Mr. Fogerson reviewed this item, noting its inclusion on package page 146. Staff signed a contract with Hilltop Geotechnical to perform a percolation test and site investigation in the new proposed shop

location, which will be completed in the next thirty days. Staff obtained permits to perform tests for the soils report and site percolation test, which has been added to the project schedule. Staff also met with the septic system contractor. The schedule shows items that need to be done in light gray while a gray bar with a line through it identifies items that are completed. This item was received and filed.

E. 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 147 through 163. He discussed the removal of homeless encampments and the annual Groundwater Council Report on package pages 151 to 163. The Monthly Recharge Report was included on package page 164, and this item was received and filed.

F. FUTURE AGENDA ITEMS AND STAFF TASKS

Vice President Corneille requested an Operations Committee meeting and that we set quarterly meetings. He said that permitting issues should be reviewed by the Committee as well.

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

Vice President Corneille attended the City of Redlands Council meeting on September 21. They reviewed redistricting, meeting with General Manager on September 29 and Redlands Chamber of Commerce (RCC) State of the Community Luncheon on September 30. He attended the Redlands Rise N Shine on October 1, Succession and Transition Workshop on October 6, and Valley Municipal Engineering Workshop on October 12. They have abolished the Advisory Commission and now have implemented a Water Forum. He attended the ARTP Policy Committee on October 11. Vice President Corneille reviewed the ACWA Groundwater Management Policy Principles included on package pages 165 to 166.

Director Stewart attended the Conservation Trust meeting on October 4, Succession and Transition Workshop on October 6, and Big Bear Watermaster Committee on October 12.

Director Longville attended the Conservation District Board meeting on September 8, Valley Municipal Board meeting on September 7, and Succession and Transition Workshop on October 6. He attended the Conservation Trust meeting on October 4.

President McDonald attended the Valley Municipal Board meeting on October 12, the Association of San Bernardino County Special Districts (ASBCSD) Board meeting on October 11, and the Basin Technical Advisory Committee (BTAC) and Ad Hoc Audit Committee on October 4. She attended the Valley Municipal Board meeting on October 5, Succession and Transition Workshop on October 6, Valley Municipal Resources Workshop on October 7, the ASBCSD Dinner meeting on September 20, and the Valley Municipal Board meeting on September 21. She attended the ACWA Federal Affairs Committee and Valley Municipal Strategic Planning Workshop on September 16, Valley Municipal Engineering Workshop on September 14, and ASBCSD Board meeting on September 13. She attended the Valley Municipal Policy Workshop on September 9.

Director Raley attended RCC State of the Community Luncheon on September 30, Valley Municipal Board meeting on September 21, and Redlands Rise N Shine on October 1. He participated at the Ad Hoc Audit Committee and Conservation Trust on October 4, Succession and Transition Workshop on October 6, and Valley Municipal Special Board Meeting on October 11. He attended the Big Bear Watermaster on October 12.

8. UPCOMING MEETINGS

Mr. Cozad said that the District Facilities Tour is scheduled for November 5 and confirmed that this date works for the Board. Mr. Coats from East Valley Water District (EVWD) asked if he and other members of his Board may attend. The District Board confirmed they are all welcome and requested a tour of the EVWD facilities. A special Board meeting will be held on November 3 at 1:30 pm; this will be a Closed Session meeting.

9. CLOSED SESSION

It was moved by Director Longville and seconded by Director Stewart to adjourn to Closed Session. 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**

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

At 4:11 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 4:11 pm, the meeting adjourned to the Board meeting scheduled for 1:30 pm on November 10, 2021, in-person, teleconference, and Zoom meeting.


Daniel B. Cozad
General Manager