

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS MEETING

MINUTES OF JULY 13, 2022  
1:30 p.m.

President McDonald called the Board of Directors meeting to order at 1:30 p.m. 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  
Richard Corneille, Vice President  
David E. Raley, Director (Arrival 1:54 pm)  
Robert Stewart, Director  
John Longville, Director (Arrival 1:36 p.m.)

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

Betsy Miller, General Manager  
Milan Mitrovich, Land Resources Manager  
Erwin Fogerson, ARTP Engineer  
Katelyn Scholte, Principal Engineer  
Laura Torres, Assistant Engineer  
Athena Laroche, Administrative Specialist  
Angie Quiroga, Senior Administrative Analyst  
Anna Frey, Intern  
David Cosgrove, District Counsel

GUESTS PRESENT:

David E. Smith, East Valley Water District  
Willow Green, Tetra Tech  
June Hayes, San Bernardino Valley Municipal Water District  
Paul Kielhold, San Bernardino Valley Municipal Water District  
Adekunle Ojo, San Bernardino Valley Municipal Water District  
Susan Longville, San Bernardino Valley Municipal Water District

1. PUBLIC PARTICIPATION

President McDonald announced that any person 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 no additions or deletions to the posted agenda.

3. GUEST RECOGNITION/SELF INTRODUCTION

Ms. Miller introduced staff present and President McDonald introduced Board members present. Guests present in-person and via Zoom performed self-introductions.

4. CONSENT CALENDAR

**It was moved by Vice President Corneille and seconded by Director Stewart to approve the Consent Calendar: Item A: Board Minutes, June 8, 2022, and Item B: Expenditure Report, June 2022. The motion carried 3-0, with all Board members present voting in the affirmative. Director Raley and Longville were noted absent from the vote.**

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

5. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORT, JUNE 2022

Ms. Miller introduced this item for discussion, noting its inclusion on package page 21. Ms. Quiroga stated that the interest income is still under budget due to current market factors. The GL-4025: Wash Plan Revenue was offset with State permitting fees received from Wash Plan participants in the amount of \$376,384.75. Approximately \$75,000 in additional charges will be billed for FY 2021-2022. The District's portion of State permitting costs to date is \$168,688.33, which is allocated to GL-6006: Permits. The CEMEX payment for May was approximately \$100,000, with \$200,000 estimated for June. Property tax revenue received is higher than initially estimated in line with payments for the last few years. GL-4017: ARTP Capital Income is estimated at \$652,954.98. Ms. Quiroga stated that not all items have been accrued for the Groundwater Enterprise at this time and revenue is over budget because the estimate of monies received was lower than that actually received. She said that the District has been reimbursed for \$405,699 in Wash Plan costs, with an estimated \$550,000 in reimbursable costs still pending. GL-5120: Misc. Professional Services is slightly higher than anticipated primarily due to Land Exchange costs and the 90<sup>th</sup> Anniversary Celebration. GL-5210: Equipment Maintenance was higher than anticipated due to maintenance on the case loader. Several additional items need to be accrued, including: GL-6010: Surety Bond, GL-6090: Subscriptions/Publications, GL-6093: Memberships, and GL-6320: General Liability Insurance. Each of these items is expected to be adjusted slightly based on actual costs. Vice President Corneille requested confirmation that this is the last report before the new fiscal year begins. Ms. Quiroga confirmed that the District entered the new fiscal year for 2022-2023 on July 1. He noted that the bottom line looks good. Ms. Quiroga said that approximately \$200,000 in capitalized expenses will be added to the financials. Vice President Corneille asked if any additional revenue will be received for fiscal year 2021-2022. Ms. Quiroga said that an estimated \$200,000 is expected to be received for that fiscal year. Director Stewart asked if updated financial information will be presented to



the Finance & Administration Committee at its next meeting. Staff will receive updated information from our financial institutions and update the Board and Committee as these data are received. The audit will begin for fiscal year 2021-2022 within the next two weeks.

**It was moved by Vice President Corneille and seconded by Director Stewart to approve the Unaudited Financial Reports for June 2022. The motion carried 4-0, with all Board members present voting in the affirmative. Director Raley was noted absent from the vote.**

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

**B. WASH PLAN SAN BERNARDINO KANGAROO RAT 2022 MONITORING PROGRAM  
PROFESSIONAL SERVICES AGREEMENT**

Mr. Mitrovich introduced this item for discussion, noting its inclusion beginning on package page 28. Staff recommended the approval of a Professional Services Agreement with Origin Biological for an amount not to exceed \$35,590. Mr. Mitrovich reviewed the requirements for the San Bernardino kangaroo rat (SBKR) monitoring program as identified in the Wash Plan, and reviewed the tasks proposed for implementation under the Agreement as noted in the attachment in brief. Vice President Corneille said that the District may want to include a contingency amount in the agreement. Mr. Cosgrove noted his preference for a not to exceed amount with the understanding that we can amend the contract if needed at a later date. Director Stewart asked what prior costs were and how the data will be used. Mr. Mitrovich said that the consultants will implement the protocol for SBKR monitoring developed by the District in collaboration with the U.S. Geological Survey (USGS). Ms. Miller said that the costs were higher during the initial year of implementation and now we are seeing cost savings because the team has experience implementing this protocol. Mr. Mitrovich said that the trapping conducted under this Agreement will provide the data needed to begin to predict why SBKR are where they are, and why they are absent in other areas, and what habitat covariates they are responding to. Ms. Miller said that the goal is to see the number of occupied plots increase over time in order to demonstrate the growth in of the population in response to habitat management projects, in compliance with the Wash Plan.

**It was moved by Director Longville and seconded by Director Stewart to approve the Professional Services Agreement for Wash Plan San Bernardino Kangaroo Rat Monitoring with Origin Biological in an amount not to exceed \$35,590. The motion carried 4-0, with all Board members present voting in the affirmative. Director Raley was noted absent from the vote.**

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



C. WASH PLAN SAN BERNARDINO KANGAROO RAT MONITORING PROGRAM  
TECHNICAL ASSISTANT PROFESSIONAL SERVICES AGREEMENT

Mr. Mitrovich introduced this item for discussion, noting its inclusion beginning on package page 42. Staff recommends the approval of a Professional Services Agreement with USGS for an amount not to exceed \$60,000. Mr. Mitrovich said that this item is related to the previous item discussed, which will provide for data collection while this item focuses on data analysis portion. Mr. Mitrovich reviewed the requirements for the San Bernardino kangaroo rat (SBKR) monitoring program as identified in the Wash Plan, and reviewed the tasks proposed for implementation under the Agreement as noted in the attachment in brief. The proposed Agreement with USGS would assist the District in 1) analyzing the data collected in fall 2021, spring 2022, and fall 2022, and 2) utilize this information to optimize the SBKR monitoring program methodology for efficient implementation in future years. Ms. Miller noted that approximately \$60,000, as required to complete this proposed work, was initially anticipated to be a reoccurring cost due to the specialized knowledge and statistical skills required to conduct this work; however, due to Mr. Mitrovich's experience with these programs, costs for future years are expected to be reduced as more of these tasks are shifted from USGS to District staff. Vice President Corneille asked how often USGS will bill us. Mr. Mitrovich said that it is undetermined at this time. Vice President Corneille suggested including a provision where the consultant advises the District of the remaining contract balance and any concerns with exceeding the approved budget. Ms. Miller said that staff will work to implement such a process internally if needed. Director Stewart spoke in support of the Agreement and the possibility of including additional lands such as Mill Creek in the future. Mr. Mitrovich said that multiple years of data will help us better understand and manage the system. He said that the District has had support from partner and resource agencies and there has been discussion about expanding this protocol for use across the species' range. Discussion ensued regarding fire and how it affects this protocol and plots studied. Director Raley asked if this item was budgeted. Ms. Miller confirmed that these costs were budgeted as part of Wash Plan implementation.

**It was moved by Director Longville and seconded by Director Stewart to approve the Professional Services Agreement for Wash Plan San Bernardino Kangaroo Rat Monitoring Program Technical Assistance with U.S. Geological Survey in an amount not to exceed \$60,000. 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. ENVIRONMENTAL UPDATE

Mr. Mitrovich provided a verbal update on this item, noting its inclusion on package page 55. He said that staff has completed a draft of the Natural Resource Management Plan (Management Plan). The Management Plan draft is due to wildlife agencies by today. Mr. Mitrovich said that today marks the two year anniversary since the District received its Wash Plan Incidental Take Permit. President McDonald commended staff on their efforts. Mr. Mitrovich said that staff has requested high level comments from



the resource agencies, and we are also forming a Preserve Management Committee as required by the Wash Plan. That Committee will also review the draft Management Plan. The Committee members include: U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, Bureau of Land Management, representation from the Woolly Star Preserve Area, San Bernardino County Flood Control District, San Bernardino Valley Municipal Water District and the Conservation District. The first meeting is scheduled for this fall. Vice President Corneille thanked Mr. Mitrovich for his detailed report, and said that it is valuable for the Board to have a written report provided on page 55. Mr. Mitrovich noted that the U.S. Army Corps of Engineers (COE) posted their required public notice for the 404 permit for Wash Plan Covered Activities on July 1 with a 30-day comment period. Hard-copies of the public notice were mailed to adjacent property owners as required by law July 5. The Santa Ana Water Quality Control Board 401 certification continues to meet progress milestones as well and we anticipate receipt of this permit by the end of the month. Both of these permits were proposed with terms of twenty years. Ms. Miller said a draft 401 certification was received from the Regional Board for District staff review. Director Stewart asked if the 401 and 404 permits will have annual tasks and reporting and, if so, if those will be conducted in-house by District staff. Ms. Miller said that the annual tasks and reporting will be assigned to the new Assistant Biologist that the Board approved in the FY23 budget. This item was received and filed.

## B. ENGINEERING UPDATE

This item is included on package page 56. Ms. Scholte said that the payment bond has been received from the contractor for the Mentone Shop, and a notice to proceed has been issued for the design phase. Staff met with the contractor and the District's field team yesterday morning to discuss dimensions. The contractor said they will have initial drawings for review and comment next week. Following staff review, the drawings will be submitted to the County for review. There is a three month lead time for the building fabrication. Staff is working on preparing an RFP for the onsite concrete and soils testing and septic installation. Field staff has been involved with the Mentone Shop project at each step to ensure a final product that truly functions as needed. USFWS has completed their review of the Mill Creek Diversion project and provided their concurrence to COE; COE can now complete both the 404 and 408 permits. The COE initiated a 60-day window for the Santa Ana Water Quality Control Board to issue, deny or waive the 401 permit within this timeframe. The 401 permit is restricted to the area that overlaps with the 404, rather than covering the entire project footprint. Staff is evaluating these requirements.

Regarding the ARTP, Ms. Scholte said that Tetra Tech has submitted updated information to FCD on the Waterman, Twin and Lynwood basins, and the hydrologic analysis has begun. GeoScience is working on the existing condition groundwater model that combines geotechnical data with the hydrology analysis. Valley Municipal completed the permitting needed to be able to do the geotechnical analysis; Ms. Scholte thanked Ms. Gibson from Valley Municipal for her assistance. Tetra Tech is scheduled to complete the borings in late September. Staff has coordinated with the City of San Bernardino as the landowner for much of the Lynwood Basins for access. Mr. Fogerson reviewed the hydrology study for Plunge and Oak Creeks, noting that the methodology is inconsistent with previous reports. He said that staff is working to submit a summary to FCD in order to obtain consensus on the approach within the next week. Ms. Scholte said that the environmental permitting is also in process. The Santa Ana River woolly star found in the Plunge Creek basin footprint will be avoided during testing work. Staff met with Lockheed Martin staff to discuss any hazards associated with geotechnical testing and/or the removal of the concrete bunkers. For Cook Creek, a fault study has been completed and reviewed by District staff; this will be forwarded to the Operations Committee and the ARTP Policy Committee. President McDonald



asked for additional information surrounding potential hazards of removing the Lockheed buildings. Ms. Scholte indicated that these buildings historically contained rocket fuel and may currently contain asbestos. Ms. Miller has begun the initial steps of determining appropriate steps for analysis of removal, including request of a scope of work as part of the Mill Creek Groundwater Recharge Facility permitting. Additional information is needed to determine the appropriate path forward and therefore building removal was not included in this year's budget. The goal is to develop a clear plan to implementation in the next three to four years. This item was received and filed.

#### C. WASH PLAN TRAILS STATUS REPORT

Ms. Miller introduced this item for discussion, noting its inclusion on package page 57. She said that we await a response from the City of Redlands. Director Stewart said that certain sections of the Blossom Trail do not connect through to other segments, and said that he would like to avoid this issue in the Wash Plan trails. Director Raley asked if staff is evaluating grant opportunities. Ms. Miller said that the team is reviewing such, including preparation of a pre-applications for the Wildlife Conservation Board. Director Raley said that expenditures in support of trails completion will be worthwhile. Ms. Miller thanked the Board for their support and feedback. This item was received and filed.

#### D. PREVIOUS GENERAL MANAGER APHORISMS

President McDonald introduced this item for discussion, it is included on package page 58. She reviewed them in detail and asked for them to be displayed in the Board room.

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

Ms. Miller reviewed this item starting on package page 59. She noted that the new Assistant Engineer, Laura Torres, began on Monday, that Ms. Quiroga has been promoted to Senior Administrative Analyst, and that the opening for the part-time Administrative Assistant position approved by the Board for FY23 was posted this morning. She indicated that staff is planning to repost the RFP for IT Modernization and Managed IT Services because we received a single proposal. Staff is also working to develop a proposal for a smart board room. Staff is in the process of updating the COVID Injury and Illness Prevention Plan which was previously updated, but now must be revised to incorporate recently released guidance from CalOSHA. Following a meeting with LAFCO, the District requested exemptions for both the ARTP agreement with Valley District and the ARTP MOU with Flood Control; those letters are included on package pages 63 to 66. Ms. Miller said that Vice President Corneille provided an excellent presentation on climate change at the Association of San Bernardino County Special Districts (ASBCSD) dinner on June 20. She noted that the District will need to obtain current bio's from our Board members related to California Department of Fish and Wildlife (CDFW) approval of conservation easements being sold to the San Bernardino County Transit Authority (SBCTA) through the District's Community Mitigation Program. Ms. Miller said that staff is also evaluating if Mr. Mitrovich should assume the role of Executive Director of the Conservation Trust following comments received from CDFW; this item will be discussed by the Conservation Trust Board on July 20. Director Raley asked when the Ad Hoc Audit Committee will be held. Staff is working on setting a date for this meeting. Mr. Cosgrove noted that an Exchange Plan Committee meeting was held on June 29. The group consensus was that the Exchange Plan is a viable structure but the future role would change in significant ways. These include removal of the formal Committee and Project Manager, along with restructuring the agreement to function more as an MOU. Funding for the Daily Flow Report (DFR), which is currently partially covered by Valley District under the



Exchange Plan, is being determined, with the Exchange Plan Committee recommending the Basin Technical Advisory Commission (BTAC) or the Groundwater Council (GC) assuming the responsibility for DFR funding. Ms. Scholte stated that without the Exchange Plan, District staff would only need to check readings on approximately two to three sites (rather than fifteen to twenty) for our own data needs. Vice President Corneille asked if we have responsibility to monitor the other sites. Ms. Scholte indicated that we do not. Director Raley asked if we can establish a line in the budget to automate reporting (meters). Ms. Scholte said that this is technically possible but we have found frequent errors in the automated meters and believe it to be beneficial to have a person check these sites daily as well. She said that this morning provided a perfect example: the USGS meter provided a reading of zero flow but our team recorded water flowing at the same location. Often times field staff will notify others of meter issues. The monthly recharge report is included on package page 67.

#### F. FUTURE AGENDA ITEMS & STAFF TASKS

Vice President Corneille asked for a detailed explanation of how the Exchange Plan Amendment to the agreement will affect the District. Director Raley asked to go out with field staff who take the DFR to view the sites. Director Stewart requested an update on Steps 4 Life. Vice President Corneille asked for an update on the Enhanced Recharge Phase 1B.

#### 7. MONTHLY BOARD MEMBER MEETING REPORTS

Director Stewart attended the Valley Municipal Policy Workshop on June 9, ASBCSD Dinner meeting on June 20 and Exchange Plan Committee meeting on June 29.

Vice President Corneille attended the Valley Municipal Engineering Workshop on June 16, presented at ASBCSD on June 20 and the Valley Municipal Resource Workshop on July 7.

Director Longville attended the Valley Municipal Board meeting on February 15, March 1, April 19 and June 21. He also attended the Valley Municipal Policy Workshop on June 9 and a lunch meeting with President McDonald on June 23 and Valley Municipal Resources Workshop meeting on July 7.

President McDonald attended Valley Municipal Board meeting July 12, ASBCSD Board meeting on July 11 and Valley Municipal Resource Workshop on July 7. She attended a lunch meeting with Director Longville on June 23, Valley Municipal Board meeting on June 21 and Valley Municipal General Fund Budget Workshop on June 14. She attended the ASBCSD Board meeting on June 13, ACWA State Legislative Committee on June 10 and Valley Municipal Policy Workshop on June 9.

Director Raley attended the Valley Municipal General Fund Budget Workshop on June 14.

#### 8. UPCOMING MEETINGS

There were none discussed.

#### 9. CLOSED SESSION

**It was moved by Director Raley and seconded by Director Stewart to enter into 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**

Mr. Cosgrove announced that the meeting would adjourn to a closed session to discuss all posted agenda items. Mr. Cosgrove recused himself from Closed Session Item 5, during the discussion on his performance evaluation.

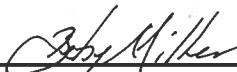
At 4:50 p.m. the meeting reconvened into open session. Mr. Cosgrove noted reported that while in Closed Session the Board made no reportable action.

#### **10. ADJOURN MEETING**

**It was moved by Director Longville and seconded by Vice President Corneille 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 4:51 p.m., the meeting adjourned to the regular Board of Directors meeting scheduled for 1:30 p.m. on August 10, 2022, via Zoom and in-person.

  
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Betsy Miller  
General Manager

