

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF MAY 17, 2023
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
Robert Stewart, Vice President
Richard Corneille, Director
David E. Raley, Director
John Longville, Director (Arrival 1:38 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, District Counsel

STAFF PRESENT:

Betsy Miller, General Manager
Milan Mitrovich, Land Resources Manager
Katelyn Scholte, Principal Engineer
Erwin Fogerson, ARTP Engineer
Athena Laroche, Administrative Specialist

GUESTS PRESENT:

Paul Kielhold, San Bernardino Valley
Willow Green, Tetra Tech
David E. Smith, 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 no additions and deletions to the posted agenda.

3. GUEST RECOGNITIONS/SELF INTRODUCTIONS

Ms. Miller introduced staff present, President McDonald introduced guests present via Zoom and in-person. Board members made self-introductions.

4. CONSENT CALENDAR

It was moved by Director Corneille and seconded by Director Raley to approve the Consent Calendar: Item A: Board Minutes, April 26, 2023; Item B: Expenditure Report, April 2023; and Item C: Opposition Letter for AB 1337 (Wicks), State Water Resources Control Board: water shortage enforcement. The motion carried 4-0, with all Board members present voting in the affirmative. Director Longville was absent from the vote.

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

5. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORT, APRIL 2023

Ms. Quiroga introduced this item for discussion, noting its inclusion on package page 27. She reviewed significant expenses incurred this month. She reviewed interest income, noting that under GL 4015: UBS Interest Income and GL 4016: Interest Income, ARTP has received significant revenue of approximately \$300,000. The District has received additional revenue under GL 4022: Groundwater Charge and GL 4026: GW Sustainability/Replenishment. Ms. Quiroga said that GL 4030: Mining Income has decreased from monthly revenue seen earlier in the fiscal year. She noted that expenses associated with a water leak in Suite I have been allocated under GL 6016: Redlands Plaza Maintenance but are anticipated to be reimbursed by ACWA/JPIA. President McDonald asked for additional information regarding interest income. Ms. Quiroga indicated that the interest income earned is primarily due to invested PERC funds, with interest rates significantly increased from the previous fiscal year. She reviewed the graph financials shown on package page 29. Ms. Quiroga noted that GL 5126: GW Sustainability/Replenishment will be expended by the end of the fiscal year. Director Raley asked about the increased patrol service from \$800 to \$1120 per month. Ms. Miller stated that staff is reviewing potential upgrades to the current security and surveillance system, which may alleviate the need for this patrol service. Vice President Stewart requested additional information on GL 6600: Replenishment Water Purchase GC. Ms. Quiroga said that GL 5126: GW Sustainability/Replenishment replaces this amount. Mr. Cosgrove said that these are funds collected on behalf of the Groundwater Council that are used to purchase State Water Project water when it becomes available. President McDonald thanked Ms. Quiroga for her detailed report.

It was moved by Director Corneille and seconded by Director Longville to approve the Unaudited Financial Reports from April 2023. The motion carried 5-0, with all Board members present voting in the affirmative.

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

B. REDLANDS PLAZA REMEDIATION FOR SUITE I

Ms. Miller introduced this item for discussion, noting its inclusion beginning package on page 34. She noted that since the posting of the package the contract has been negotiated down to \$29,154.62, which is within her signature authority. The water leak in Suite I has required significant work to repair, and the District is seeking reimbursement from ACWA/JPIA.

It was moved by Director Longville and seconded by Director Raley to table the item and bring it back if the invoice amount increases to above the General Manager's signature authority. The motion carried 5-0, with all Board members present voting in the affirmative.

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

C. RENEWAL OF GROUNDWATER COUNCIL FRAMEWORK AGREEMENT

Ms. Miller introduced this item, noting its inclusion on package page 48. The Groundwater Council (GC) Framework Agreement was approved in February 2018, and expired in February 2023. The GC formed a renewal committee to propose an updated agreement for continuation of the GC. The GC Renewal Committee recommended that the GC approve the Amendment brought before the Board today; the thirteen member agencies have reviewed the Amendment and will take this item to their Boards for final approval. She reviewed the components of the GC, and noted that the Amendment expires on June 30, 2024. She stated that if the member agencies do not renew the agreement, the District would resume collection of the Groundwater Charge for GC member agencies within our boundaries. Ms. Miller thanked Ms. Scholte for her hard work on the Equitable Allocation Model (EAM). Director Corneille asked why it is only a one-year renewal. Mr. Cosgrove indicated that broader water policy issues require further discussion. He stated that the funding of the water purchases are being discussed among the member agencies. Ms. Miller said that over 90,000 acre feet (AF) of imported water has been purchased for recharge through the GC over the last five years. The GC acknowledged this benefit. President McDonald spoke on the benefits of the GC. Director Corneille

asked for the total amount anticipated to be recharged for this year. Ms. Scholte said that the GC has an Operations Committee that determines where water is allocated. She said that this year a portion of the 40,000 AF of water the GC has available will be sent to the Waterman Basin project. Vice President Stewart asked if the water recharged in Waterman Basin is being reimbursed to the District. Ms. Miller stated that San Bernardino Valley is performing that work and will be reimbursed for maintenance costs. Ms. Scholte said that there is an agreement between San Bernardino Valley (Valley) and the San Bernardino County Flood Control District (FCD). FCD operates the basins, and Valley operates the turnout. Mr. Cosgrove said that our revenues from the GC is an annual budgeted amount for operations and maintenance that the District receives. He reviewed the District's water rights in brief. Director Corneille asked what major aspects of the EAM changed. Ms. Scholte stated that the previous version utilized an average base period (1959-1963), pumping, and surface water compared to the current five-year average. The GC voted to use only the current five-year average to determine if an agency is there is a gap between use and availability. Director Raley asked if there was any opposition to the Amendment from other agencies. Ms. Miller indicated there was not. Vice President Stewart requested quarterly updates on the GC.

It was moved by Director Corneille and seconded by Director Longville to approve the Amendment to the San Bernardino Basin Groundwater Council Framework Agreement and authorize the District Board President to sign the agreement on behalf of the District's General Manager and Counsel, with the request for quarterly updates to the Board. The motion carried 5-0, with all Board members present voting in the affirmative.

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

D. ACWA REGION 9 CALL FOR CANDIDATES

Ms. Miller introduced this item for discussion, noting it's inclusion on package page 78. She provided a brief overview and requested feedback from the Board. President McDonald reviewed the election process in brief. Director Raley requested the Board's support to run for the ACWA Region 9 Board.

It was moved by Vice President Stewart and seconded by Director Raley to authorize staff to modify the sample resolution in the packet, authorize the Board President to sign and forward it to ACWA with the associated nomination form, and authorize staff to draft materials supporting Director Raley's candidacy and the President to sign related documents. The motion carried 5-0, with all Board members present voting in the affirmative.

President McDonald: Yes

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

6. INFORMATION ITEMS

A. ENVIRONMENTAL UPDATE

Mr. Mitrovich provided an update on this item, noting its inclusion on package pages 93 to 94. He reviewed the San Bernardino Kangaroo Rat (SBKR) Monitoring Program, noting that staff has initiated the second year of the SBKR habitat assessment surveys. Staff is 79 plots into the 101-plot survey. Mr. Mitrovich reviewed the Slender-horned Spineflower (SHSF) Monitoring Program, which was initiated at the beginning of May and completed it last week. There are twenty populations that staff monitors. Staff is also performing comprehensive SHSF surveys of the Wash Plan Preserve with Dudek.

Mr. Mitrovich reviewed the Wash Implementation Organizational Structure & Planning, noting that staff continues to meet with United States Fish & Wildlife Service (USFWS) monthly. He stated that staff is coordinating with San Bernardino Valley to discuss monitoring and management activities related to the Wash Plan and mitigation actions associated with the Enhanced Recharge Project. Director Raley encouraged staff to publicize the District's environmental efforts. Mr. Cosgrove said the Board and Staff would review this topic throughout the Strategic Planning update process.

Mr. Mitrovich reviewed the Mill Creek Programmatic Permits, noting that the District is working on drafting the Safe Harbor Agreement. He said that surveys have been performed on the California Gnatcatcher, and that five active nests have been found on District property. President McDonald asked if any video documentation has been compiled. Mr. Mitrovich noted the interest in prior video materials and stated that new video has not been collected at this time. This item was received and filed.

B. WASH PLAN TRAILS STATUS REPORT

Ms. Miller introduced this item for discussion, noting its inclusion on package page 95. Staff have yet to receive feedback from the City of Redlands or the mining partners on the five-party agreement but will continue to follow up. Director Corneille offered to speak with the City Manager of the City of Redlands if needed. Director Stewart suggested scheduling an Ad Hoc Trails Committee. This item was received and filed.

C. ENGINEERING UPDATE

Ms. Scholte introduced this item for discussion, noting its inclusion on package page 96. She stated that 150 CFS is running in Mill Creek, with this amount of flow for this duration not seen since the nineties. The District is diverting and recharging 77 CFS. For the Santa Ana facilities staff is coordinating with the

Enhanced Recharge Project contractor who are installing SBKR fencing and a temporary waterline. The main canal is closed where it typically feeds Basin 13. The District is able to utilize basins 14 and up, as well as the Borrow Pit. The Santa Ana River is still holding at approximately 65 CFS. Staff is coordinating with Valley staff to add a connection from Basin 13 to Dike D. Ms. Scholte reviewed the project in detail, noting its completion is planned within two and a half years.

Ms. Scholte reviewed the Mentone Shop project. She stated that a fire hydrant is required and additional work to determine associated costs is underway. Staff continues to coordinate with the City of Redlands on these issues. She said staff are comparing the costs for septic and sewer given that a sewer connection is located in the project vicinity. Director Raley spoke in support of the installation of a sewer line. Ms. Scholte indicated that it will be brought to the Operations Committee as additional information is provided.

Ms. Scholte discussed the Mill Creek Diversion Project, stating that the Encroachment Permit from FCD has been received. The 408 is pending, and the 404 has been drafted but the District is unable to obtain it until the 408 is received. The draft Mill Creek Diversion Project bid package will be reviewed by the Operations Committee at its meeting on May 19.

Ms. Scholte reviewed the PERC Projects. She said that for Waterman, Twin, and Lynwood, Tetra Tech is working on the hydraulic models, and some revisions may be needed to add additional details. The 2D model will be presented to the Board once completed. The geotechnical work will tie into the model as well. The average annual storm model is in development and will be used to develop the cost-benefit ratio and to assist in sizing various diversion structures. She stated that hydrology is being developed for Plunge and Oak Creek, , and the final report is expected by the end of the week for submission to FCD. The calculations for developing the hundred-year annual storm are underway, and there has been discussion about developing a white paper.

Ms. Scholte reviewed the Mill Creek, Bledsoe, and Cook contract. She stated that the field staff met with the hydraulic modeler to ensure that the existing conditions model accurately reflects what is seen in the field. The model has been adjusted based on their feedback. The seismic refraction and reflection study has been received. The depth to bedrock is twenty-five feet. There will be additional analysis performed, and the data will be presented to the PERC Policy and Operations committees to determine if this is a viable site.

D. BOARD PRESIDENT MONTHLY VERBAL UPDATE

President McDonald reviewed the recent ACWA/JPIA election and appointments.

E. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Ms. Miller indicated that the written General Manager's Report was included in the Board package on pages 97 through 99. She commended staff on their efforts on the many tasks at hand. Staff

participated in a Strategic Planning Workshop this morning, where mission, vision and values were discussed. The total recharge is 47,199 AF to-date for the water year. Ms. Miller recognized Ms. Quiroga as she has reached eleven years at the District. She noted that she attended the California Habitat Conservation Planning Coalition Annual Meeting on May 3 and 4 and ACWA Spring Conference on May 8 through 11. The District received an update from the Bureau of Land Management (BLM) on the Land Exchange, indicating that they are preparing the final environmental site assessment for internal review and approval. The Conservation Trust met on May 3, and on May 6, they submitted a grant application for approximately \$800,000 in response to a notice of funding opportunity from BLM. Ms. Miller reviewed the recent public outreach efforts that were performed as included on package page 99. She received positive feedback and thanked staff that assisted. The first Strategic Planning Workshop will be held on June 6 at 1:30 p.m. at the District. The Budget Workshop will be held today immediately following the adjournment of the Board meeting. The approval for FY24 budget will be brought forward to the June 14 Board meeting. Ms. Miller noted that the Assistant Biologist Anna Frey identified a new area of Spineflower that has been added to our data this year. The Monthly Recharge Report is included on package page 100. This item was received and filed.

F. STRATEGIC PLANNING VERBAL UPDATE

Ms. Miller noted that staff met with the strategic planning consultants from Strategy Driver. They have compiled all the written surveys and verbal interviews for the mission, vision, and values. The consultants provided drafts, and staff provided feedback. These will be reviewed and brought forward to the Board on June 6.

G. FUTURE AGENDA ITEMS AND STAFF TASKS

Vice President Stewart would like to see the impacts and life cycles of wet years. He recommended Mr. Mitrovich keep that in mind during various studies. He would also like to see the effects of fires on the District. The Board recommended looking into a method to improve the sound in the Board room.

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

Director Longville attended a lunch meeting with Assemblyman Ramos on April 14, met with Congressman Aguilar on April 18, and Conservation Trust on May 3. He attended the San Bernardino Valley (Valley) Policy and Administration Workshop on May 4 and the Valley Board meeting on May 16. He made a presentation on climate change to the City of Rialto on April 21 at Eisenhower High School.

Director Raley attended the Redlands Rise N Shine on May 5 and Conservation Trust on May 3.

Director Corneille had a phone interview with Strategy Driver on April 19. He had no additional meetings from April 19th through today's Board Meeting.

Vice President Stewart attended the Special Meeting of the Board of Directors on May 2, the Loma Linda Chamber of Commerce (LLCC) breakfast on May 3, and the Conservation Trust on May 3. He attended the Valley Policy and Administration Workshop on May 4 and LLCC Annual Dinner on May 11.

President McDonald attended the Valley Board meeting on May 16, the Association of San Bernardino County Special Districts Board meeting on May 15, ACWA Region 9 meeting on May 10, and JPIA Conference. She attended the ACWA State Legislative Committee on May 5 and April 20, and Pre ACWA-State Legislative Committee on April 19, the Valley Board meeting on May 2, and the Highland Area Chamber of Commerce Luncheon on April 25. She attended the Resources and Engineering Workshop on May 18. She had a phone interview with Strategy Driver on April 24.

8. UPCOMING MEETINGS

There were none discussed.

9. CLOSED SESSION

It was moved by Director Corneille and a second by Director Longville to adjourn to Closed Session. The motion carried 5-0, with all Directors present voting in the affirmative.

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

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

At 4:25 p.m. the meeting reconvened into open session. Mr. Cosgrove noted that there was no reportable action during the closed session.

10. ADJOURN MEETING

It was moved by Vice President Stewart and seconded by Director Corneille to adjourn. The motion carried 5-0, with all Directors present voting in the affirmative. Director Longville was noted absent from the vote.

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

Director Raley: Yes

At 4:25 p.m. the meeting adjourned to the Board meeting scheduled for 1:30 p.m. on June 14, 2023, in-person, teleconference, and Zoom meeting.



Betsy Miller
General Manager