

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF December 9th, 2020
1:30 p.m.

President Corneille called the meeting of the Board of Directors to order at 1:30 p.m. by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by President Corneille.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President
Melody McDonald, Vice President
David E. Raley, Director
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

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
June Hayes, San Bernardino Valley Municipal Water District
David E. Smith, East Valley Water District
Clayton Larkin, Tetra Tech
Kimberly Munkres, Thunderwheel Communications

1. PUBLIC PARTICIPATION

President Corneille 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 none.

3. OATH OF OFFICE

Mr. Cozad administered the oath of office to Directors Corneille and Stewart.

4. ELECTION OF BOARD OFFICERS

President Corneille opened nominations for District Board President for a two-year term through December 2022. He indicated he would be nominating current Vice President McDonald for the position of President.

It was moved by President Corneille to nominate Vice President McDonald for President and seconded by Director Longville. There being no other nominations, the President closed the nominations without objection and called for voting on the office of President. 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**

President Corneille opened nominations for Vice President for a two-year term through December 2022. Director Raley nominated President Corneille for the position of Vice President.

It was moved by Director Raley to nominate President Corneille for Vice President and seconded by Vice President McDonald. There being no other nominations, the President closed the nominations without objection and called for voting on Vice President's office. 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**

5. CONSENT CALENDAR

President McDonald introduced this item for discussion.

It was moved by Director Raley and seconded by Director Longville to approve the Consent Calendar: Item A: Board Minutes, November 18th, 2020 and Item B: Expenditure Report, November 2020. 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. COMMITTEE REPORTS/ACTION ITEMS

A. 2021 PER DIEM RATE

President McDonald introduced this item for discussion. The Finance and Administration Committee met on November 18th and recommended an increase of \$4 per meeting for calendar year 2021. Vice President Corneille recommended that section three of the resolution be revised to include the following:

Section 3. Each director shall receive per diem compensation in an amount of two hundred and thirty-five dollars (\$235) per meeting for the calendar year 2021 for attendance at each regular, adjourned, or special meeting of the Board of Directors, and for District Requested and Director Selected meetings, as provided for and under the conditions specified in the Board Policy Manual;”

It was moved by Director Raley and seconded Vice President Corneille to approve an increase in the per diem rate for 2021 to \$235 per meeting. 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 REPORTS, NOVEMBER 2020

Mr. Cozad presented this item for discussion, noting its inclusion on package page 20. The Groundwater Council (GC) revenue for the City of San Bernardino has not yet been received but is expected, and the City of Redlands has not yet joined the GC. This is the last quarter used in developing the budget beginning in January. Vice President Corneille asked if the expenses paid for 5175 Legal – Wash Plan is reimbursable. Mr. Cozad indicated that the agreements that the District has for the most part are reimbursable, and may be reimbursed through issuance costs.

It was moved by Vice President Corneille and seconded Director Longville to approve the Unaudited Financial Reports for November 2020 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**

C. WASH PLAN COVERED ACTIVITIES CALIFORNIA ENDANGERED SPECIES ACT PERMIT APPLICATION

Ms. Miller introduced this item for discussion, noting its inclusion on package page 26. This item is related to the 2081 permit application, which will be submitted to the California Department of Fish and Wildlife (CDFW) and the application fee is not to exceed \$45,000. Ms. Miller is leading preparation with support

from AECOM under their existing contract. Mr. Cozad said that the amount of application fee is beyond the General Manager's authority and Board approval and authorization is being requested at this time. Director Stewart asked what the timeline is once paid and submitted to CDFW. Ms. Miller indicated that once all permit applications are submitted, we hope to have permits within approximately one year. The District is requesting a multi project permit. Director Raley asked about the contract with AECOM. Ms. Miller indicated that the AECOM agreement is within scope and budget. Vice President Corneille asked what the District's percentage of costs are for this item. Ms. Miller stated that the exact percentage of shared costs for the State and Waters permits have to be calculated based on the impacts, which will occur in January.

It was moved by Director Raley and seconded by Vice President Corneille to authorize the General Manager to prepare and submit a permit application for Wash Plan Covered Activities and pay up to \$45,000 in associated permit application fees to California Department of Fish and Wildlife. 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. MEMORANDUM OF UNDERSTANDING WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT TO SUPPORT CONSERVATION AND HABITAT MANAGEMENT ACTIVITIES ASSOCIATED WITH WASH PLAN IMPLEMENTATION

Ms. Miller noted this item's inclusion on package page 28. This item is related to the Wash Plan. The San Bernardino County Flood Control District (SBCFCD) has requested the Districts' assistance with various items associated with the Wash Plan listed in Section I of agreement shown on package page 32 to 33. Mr. Cosgrove provided a through overview of the Memorandum of Understanding (MOU); Exhibits A, B and C were shown via Zoom. Mr. Cozad reviewed the exhibits. Mr. Cosgrove said that SBCFCD has their own Implementing Agreement and Incidental Take Permit for the Wash Plan, but there are responsibilities outlined within MOU that can be efficiently implemented cooperatively. Director Stewart asked if the District will be obligated to accept their projects. Mr. Cosgrove indicated that the District would not unless it is mutually agreed upon. President McDonald inquired about title insurance for properties upon which the Trust will hold conservation easements. Mr. Cosgrove and District staff is currently using Lawyers Title, but is still reviewing options. .

It was moved by Vice President Corneille and seconded by Director Longville to authorize the General Manager to execute the Agreement for Management of Conservation Easement, Funding for Conservation Activities, and Memorandum of Understanding Regarding Habitat Management Activities with San Bernardino County Flood Control District in a form substantially consistent with Attachment 1, including changes approved by the District's Legal Counsel and inclusion of Exhibits A, B and C. 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

E. PLANNING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN SAN BERNARDINO COUNTY FLOOD DISTRICT (SBCFCD) AND THE DISTRICT FOR THE POTENTIAL GROUNDWATER RECHARGE PROJECTS WITHIN SBCFCD LAND

Mr. Cozad presented this item for discussion. He noted this item's inclusion on package page 44 to 53. This agreement is in support of the Active Recharge Transfer Projects (ARTP). This item is scheduled to be review by the San Bernardino County Board of Supervisors at their second meeting in January. Director Raley asked who is doing the engineering design for these projects. Mr. Cozad said that Mr. Fogerson and Ms. Scholte are working on preliminary design and the final design will be completed by a consultant selected under a Request for Qualifications that was posted on November 16th, 2020. Mr. Cozad said that there may be specific projects fees or charges but Flood would not charge for the cooperative planning work and review. Director Stewart asked for more detailed information about the work planned for Twin Creek. Mr. Fogerson said that Twin Creek was a spreading ground at one time, but the intermediate spillways were blown out, by high flows. However, there is a certified levee which runs along the facility and whatever is done for the reconstruction must ensure that the certification is not compromised. This will be reconstruction of the basin, but more complex because of the levee.. Mr. Cosgrove said that the District is trying to maximize the water spreading by using various SBCFCD facilities without compromising the flood control mission. President McDonald commended staff and SBCFCD for their efforts and cooperation. Discussion ensued regarding joint use. Vice President Corneille noted that the ARTP Policy Committee reviewed the deal points of the MOU and approved this approach.

It was moved by Director Raley and seconded by Director Longville to approve the presented Planning Memorandum of Understanding by and between the San Bernardino County Flood Control District 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

F. CONSIDER THE REAPPOINTMENT OF VICE PRESIDENT MCDONALD TO THE ASSOCIATION OF SAN BERNARDINO COUNTY SPECIAL DISTRICTS BOARD

President McDonald introduced the need for her reappointment.

It was moved by Vice President Corneille and seconded by Director Longville to approve Vice President McDonald's reappointment to the Association of San Bernardino Special Districts Board and direct staff to prepare required documents for submittal if needed. 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

7. INFORMATION ITEMS

A. WASH PLAN IMPLEMENTATION AND STATE PERMITTING UPDATE

Ms. Miller indicated that AECOM provided a detailed update to the Wash Plan Task Force as its meeting yesterday on the State and Waters permits. All sixty-three of the Wash Plan Covered Activities were reviewed, and significant fieldwork was performed by AECOM, especially related to jurisdictional delineation. There are three projects that will not be permitted under the AECOM project. There are thirty-one that will need permitting under the California Endangered Species Act and twenty that will need full waters permitting (1602, 402, 401, 404), and another nine that will require only state permitting. There are thirty-two that are estimated not to have any waters impacts. Mr. Cosgrove said that we are still engaging with the Bureau of Land Management (BLM) staff on the legal analysis related to preexisting rights. He noted that there are additional discussions being held related to the amendment to the Enhanced Recharge MOU. The statement of work can be completed once feedback is received from BLM. The legal services will be needed until the appraisal process is completed. This item was received and filed.

B. 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 55 through 58. Mr. Cozad said that CalOSHA has released their temporary directive orders related to COVID, and mandatory training that will be conducted. There has been a link included to the Monthly Newsletter on package page 57. The Monthly Recharge Report was included on package page 59. Mr. Cozad thanked Ms. Miller and our outreach consultant, ThunderWheel Communications, for help in preparing the Annual Year In Review. Vice President Corneille said that the ARTP consulting firms Request for Qualifications (RFQ) had been sent out. Mr. Fogerson said that the RFQ submissions are due January 14th, 2021. He also noted that a Request for Proposal would likely be issued to some consultants in January. President McDonald asked about the Redlands Plaza tenants and if there will be a need to extend the payment arrangements. Mr. Cozad indicated that there have been no requests thus far but requests are likely. This item was received and filed.

C. FUTURE AGENDA ITEMS AND STAFF TASKS

Director Raley requested a presentation on the Weir and Borrow Pit modifications that will be performed by SBVMWD as part of the Enhanced Recharge Project. Director Stewart requested that management develop a concept related to in-person meetings and the option to attend those via Zoom for those who are unable to attend in person. Mr. Cosgrove said that existing legislation allows for attending meetings through teleconference but requires that the location has to be open to the public; however, those restrictions have been temporarily revised due to the pandemic. Director Raley would like an update on trails in early 2021. Vice President Corneille requested an overview of the Conservation Trust financials position and an update on how the relationship between the District and the Conservation Trust is working at the February meeting. President McDonald requested an item for her re-election to the ACWA/JPIA Executive Committee be

placed on a future agenda. Vice President Corneille noted that a date for an Operations Committee will need to be identified in January 2021.

8. MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS

Vice President Corneille attended a meeting to discuss the update of Advisory Commission contacts on December 2nd and attended the ACWA Virtual Fall Conference on December 2nd and 3rd. He attended the ACWA Groundwater Committee on December 8th and sat in on Wash Plan Task Force meeting on December 8th.

Director Stewart attended today's meeting.

Director Longville attended the Valley Municipal Board meeting on November 17th and December 1st.

Director Raley attended the Basin Technical Advisory Committee on December 7th, Wash Plan Task Force meeting on December 8th and Valley Municipal Engineering Workshop; on December 8th.

President McDonald attended the Highland Area Chamber of Commerce on November 24th, the ACWA/JPIA Directors Meeting, and Valley Municipal Board meeting on December 1st. She attended the virtual Armed Robbery Seminar and ACWA Fall Conference on December 2nd and 3rd. She attended the Valley Municipal Engineering Workshop on December 8th.

9. UPCOMING MEETINGS

There were none discussed.

10. CLOSED SESSION

It was moved by Vice President Corneille and seconded by Director Longville to adjourn to Closed Session. The motion carried 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 Closed Session under item number four on the published agenda.

At 3:18 p.m., the meeting reconvened into Open Session. Mr. Cosgrove noted while in Closed Session under Government Code section 54954.8 that there was no reportable action.

11. 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 3:20 p.m., the meeting adjourned to the Board meeting scheduled for 1:30 p.m. on January 13, 2021, via Zoom.



Daniel B. Cozad
General Manager