



**SPECIAL NOTICE REGARDING
CORONAVIRUS DISEASE 2019 (COVID-19)
AND PARTICIPATION IN PUBLIC MEETINGS**

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The San Bernardino Valley Municipal Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, a meeting in person would present imminent risks to the health or safety of attendees. Accordingly, it has been determined that all Board and Workshop meetings of the San Bernardino Valley Municipal Water District will be held pursuant to the Brown Act and will be conducted via teleconference. There will be no public access to the meeting venue.

SPECIAL MEETING OF THE BOARD OF DIRECTORS
MONDAY, OCTOBER 11, 2021 – 2:00 P.M.

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the October 11, 2021, meeting of the San Bernardino Valley Municipal Water District online and by telephone as follows:

Dial-in Info: (877) 853 5247 US Toll-free
Meeting ID: 684 456 030
PASSCODE: 3802020

<https://sbvmwd.zoom.us/j/684456030>

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for the District’s consideration by sending them to comments@sbvmwd.com with the subject line “Public Comment Item #” (insert the agenda item number relevant to your comment) or “Public Comment Non-Agenda Item”. Submit your written comments by 6:00 p.m. on Wednesday, October 10, 2021. All public comments will be provided to the President and may be read into the record or compiled as part of the record.

IMPORTANT PRIVACY NOTE: Participation in the meeting via the Zoom app is strongly encouraged. Online participants MUST log in with a Zoom account. The Zoom app is a free download. Please keep in mind: (1) This is a public meeting; as such, the virtual meeting information is published on the World Wide Web and available to everyone. (2) Should you participate remotely via telephone, your telephone number will be your “identifier” during the meeting and available to all meeting participants; there is no way to protect your privacy if you elect to call in to the meeting.



SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
380 E. Vanderbilt Way, San Bernardino, CA 92408

SPECIAL MEETING OF THE BOARD OF DIRECTORS

AGENDA

2:00 PM Monday, October 11, 2021

CALL TO ORDER

1) PUBLIC COMMENT

Any person may address the Board on matters within its jurisdiction.

2) CLOSED SESSION

2.1 CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Endangered Habitats League et al. v. U.S. Army Corps of Engineers et al.,
Case No. 2:16-cv-09178 (C.D. Cal.)

3) DISCUSSION AND POSSIBLE ACTION ITEMS

3.1 Discuss and Consider Alternative Forum to the Advisory Commission on Water Policy(Page 2)

[Staff Memo - Discuss and Consider Alternative Forum to the Advisory Commission on Water Policy](#)

[Draft Resolution 113X Forming the Inland SoCal Water Forum](#)

[Chart Comparing Advisory Commission Objectives and Alternate Avenues](#)

4) ADJOURNMENT

PLEASE NOTE:

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District's website at www.sbvmd.com subject to staff's ability to post the documents before the meeting. The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact Melissa Zoba at (909) 387-9228 two working days prior to the meeting with any special requests for reasonable accommodation.



DATE: October 11, 2021
TO: Board of Directors
FROM: Heather Dyer, CEO/General Manager
SUBJECT: Discuss and Consider Alternative Forum to the Advisory Commission on Water Policy

During the Board of Directors Strategic Plan Retreat, staff was asked to place a discussion item on a future Board of Directors Workshop regarding the history and current role of the Advisory Commission on Water Policy. The item was discussed at the July 8, 2021, Board of Directors' Workshop – Policy where staff was directed to compile additional information for the Board to consider regarding the potential dissolution of the Advisory Commission. The staff memo and materials for the July 8th can be found at:

<http://laserfiche.sbvmwd.com/WebLink/ElectronicFile.aspx?docid=333933&dbid=0&repo=SBVMWD>

The item was subsequently discussed at the August 12, 2021 Board of Directors' Workshop – Policy, where staff was directed to develop a concept plan for convening a reformatted regional water policy forum to include interested parties and meet the transparency goals of the Board. The Board indicated it would consider rescinding Ordinance No. 77, thus dissolving the Advisory Commission, if a satisfactory reformatted alternative was developed that would better meet the current needs of the service area and promote effective communication with other elected officials. The staff memo and materials for the August 12th discussion item can be found at

<http://laserfiche.sbvmwd.com/WebLink/ElectronicFile.aspx?docid=334076&dbid=0&repo=SBVMWD>

Background – Advisory Commission

The Advisory Commission Ordinance No. 61 was approved by the Valley District Board on July 6, 1987, establishing the Advisory Commission with the purpose to explore water resource problems and to establish an effective dialogue between the District and local water community through which we could solve regional and basin management problems. From 1987 to 2016, various ordinances have been adopted, including establishing the Commission function, adding members to the Commission, and lowering the number of attendees needed to reach a quorum due to continued low participation.

In 1987, the Board desired to provide a vehicle by which local elected officials of the water producing agencies could provide feedback and communicate with the Board. However, since the formation of the Advisory Commission, several new avenues have been established that meet those stated goals above. Specifically, in relation to the desire to explore water resource problems and basin management issues, we now have in place a highly effective technical review process developed through the Basin Technical Advisory Committee (BTAC) which has provided tremendous value to regional planning efforts. Through the BTAC and its subcommittees, which include Engineering, Project Review, and Water Conservation, highly qualified technical experts from many local agencies and jurisdictions have the opportunity to review, discuss, refine, and develop new studies, planning documents, projects, initiatives, and water policies that have the potential to affect the upper Santa Ana River watershed. The BTAC representatives are then able to take pertinent information back to their agency and local elected officials to receive feedback. The BTAC reviews and decides by consensus projects, initiatives, and policies that it supports (or does not) before an item is taken to the Valley District Board.

Additionally, in relation to the original desire by the 1987 Board to establish a line of communication with the public and other elected officials, there is currently that opportunity through every Board of Directors workshop and Board meeting, which welcome public comment both at the beginning of meetings and after each discussion item. It should be noted, the first Ordinance to establish the Advisory Commission was adopted before the internet, email, District website development and much of the current technology used to facilitate communication was established. The transparency of Valley District's activities has improved over the years with Valley District adding these three regular monthly workshops, the Basin Technical Advisory Committee (BTAC) meetings, Board agendas being emailed and easily accessible on the

District website, and more recently, all meetings being broadcast via video conference. Each of these improvements in technology give the public and elected officials the opportunity to access and review meeting materials in advance of meetings as well as attend and communicate with the Board of Directors during these Brown Act published meetings.

Finally, the District recognizes there is value in the engagement and communication among local elected officials and other interested stakeholders within the region. For this reason, in our Strategic Plan, the Board committed the District to effective engagement and governance by embracing three specific values that turn the corner towards a new era, one which embraces more collegial watershed dialogue and coordination; **Collaborative:** Dedicated to work inclusively, **Trustworthy:** Committed to earn respect, and **Innovative:** Proactive and effective problem solvers. As we turn that corner and open up new opportunities to work together as a watershed, staff is requesting the Board consider a re-envisioned regional forum to discuss important water issues.

Proposed Alternative to the Advisory Commission

For the Board's discussion today, staff is proposing a potential alternative forum to the Advisory Commission that would promote more effective engagement with a broader network of community leaders while supporting strategic communication with other elected officials. The re-envisioned forum would facilitate the introduction, discussion, and debate of current and emerging water issues among policymakers and members of the public interested in water issues. The proposed, expanded regional "Water Forum" (name to be determined) format is supported by our Strategic Plan **Priority #4**, *Build trust by being a collaborative resourceful partner through effective communication and engagement*, and **Priority #6**, *Commit to effective governance through Board leadership development*.

Part of the discussion today will include ideas on the potential format of the meetings and possible names for this group. As a placeholder, staff has come up with a few potential names that we believe accurately reflect the regional nature of major water initiatives in the area: the *Inland SoCal Water Forum*, the *Inland Valleys Water Forum*, *Inland Valleys Forum on Water Policy*, or the *Upper SAR Forum for Watershed Progress*. These are only suggestions from staff and we look forward to hearing the ideas and thoughts of the Directors on this issue.

Staff proposes that the “Water Forum” would meet five (5) times per year (February, April, July, September, November), once each in Valley District’s five (5) divisions. The Board Member for that Division would serve as the “host” and chair for that meeting. This could include the Director working with staff to identify an emerging topic of interest in that Division as a focus of the meeting, specific invitees, a potential keynote speaker, and a particular venue, if so desired by the hosting Director. An alternate chair/vice chair could also be designated by the host. Staff envisions a luncheon meeting held at a service club or other venue of appropriate size although we could also do breakfast, if desired. Staff would work with the hosting Director to plan and coordinate the meeting details. The retail agencies in each Division could be involved in planning and potentially co-hosting the Forum, if an agency expressed interest.

The Forum would be open to all who would like to attend. In fact, staff suggests the Board consider expanding the group to include local business leaders, realtors, attorneys, engineers, consultants, academics, educational entities, and others in the community who are interested in regional water issues and how those issues are tied to other community interests. These meetings would provide Directors and attendees an opportunity for professional networking, open dialogue and more consistent engagement with our stakeholders.

The meeting format would include a guest presentation or keynote speaker, a division update from the Director hosting the meeting, and a roundtable to receive updates and reports from those in attendance. Updates from the groundwater councils may be an appropriate topic of discussion as well. If there are specific items of interest that the Board of Directors would like to present to the Forum, by staff or others, those presentations would be made.

If the Board chooses to move forward with this new Water Forum, the tentative 2022 meeting schedule and possible locations are proposed to be held as follows:

- February 2022 – Division I hosted by Director Hayes and held at a venue in Rialto or Fontana;
- April 2022 – Division II hosted by Director Botello and held at a venue in Colton, Bloomington or San Bernardino;
- July 2022 – Division III hosted by Director Longville and held at a venue in San Bernardino;
- September 2022 – Division IV hosted by Director Harrison and held at a venue in Loma Linda, Redlands or Grand Terrace;

- November 2022 – Division V hosted by Director Kielhold and held at a venue in Yucaipa or Highland.

The continued education of the public and elected officials of local and state-wide water related issues is of utmost importance to staff and the Board of Directors. The goal of providing valuable water-related information in a timely fashion continues to keep all agencies working together. Staff is confident that, with the platform of the new “Water Forum”, this goal will be more effectively achieved; as the manner in which the Advisory Commission currently functions does not serve this goal.

If the Board desires to move forward with dissolution of the Advisory Commission, staff recommends that the Board consider approving a new Resolution that would 1) formally acknowledge the progress the District and the region has taken to increase collaboration and transparency in the watershed; and 2) formally commit to establishing and supporting this newly envisioned “Water Forum”. A draft Resolution is included for the Board to review, provide input, and consider if it meets the needs of the District. If a new Resolution establishes the Board’s policy and commitment to maintaining open and transparent communication with our local stakeholders through the “Water Forum”, then the Board could further direct staff to place an Ordinance on a future Board meeting agenda to officially rescind Ordinance No. 77, thus dissolving the Advisory Commission on Water Policy.

Fiscal Impact

There is no fiscal impact related to this item at this time.

Recommended Action

- 1) Consider the item discussed and provide feedback to staff.
- 2) If the Board decides to move forward with dissolution of the Advisory Commission, direct staff to:
 - Place an item on an upcoming Board meeting to adopt Resolution 113X Forming the “Water Forum (name tbd); and
 - Place an item on an upcoming Board meeting to formally rescind No. Ordinance 77

Attachments

- Draft Resolution 113X Forming the Inland SoCal Water Forum
- Chart Comparing the roles and function of the Advisory Commission in comparison to other current avenues, including a newly established “Water Forum”, as described above.

RESOLUTION NO. 113X

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT FORMING THE “INSERT NAME OF NEW WATER FORUM”

WHEREAS, the San Bernardino Valley Municipal Water District (“Valley District”) is a wholesale water provider and State Water Contractor in southwest San Bernardino County, California; and

WHEREAS, Valley District provides a supplemental water supply for 14 retail water providers throughout a 325 square mile service area, helping to meet the water needs of over 700,000 people; and

WHEREAS, the Advisory Commission on Water Policy to the Valley District Board (“Advisory Commission”) was formed in 1987 by Ordinance No. 61 to provide a forum for elected officials of local water agencies to provide feedback and communicate with the Board, and also make occasional recommendations on matters of water policy to the District; and

WHEREAS, the Basin Technical Advisory Committee (BTAC) was formed in 2007 comprising of highly qualified multi-disciplinary staff representatives from plaintiffs and non-plaintiffs of the Western Judgment, providing another forum for discussion, feedback, development and early resolution of water issues in the region; and

WHEREAS, BTAC meets on a bimonthly basis or as-needed to provide technical examination and review of policies and issues related to basin management, and members cooperatively make decisions by consensus; and

WHEREAS, policy issues emanating from BTAC, if any, are forwarded to the applicable advisory bodies and elected governing bodies (Utilities Commissions, Water Policy Committees, Board of Directors, City Councils, etc.) for review and approval; and

WHEREAS, the priority basin issues that the Advisory Commission was set out to address including but not limited to banking of excess water, high groundwater, water quality monitoring, groundwater recharge criteria, groundwater modeling, interagency interties, water reuse, regional water conservation, and preservation of historical water rights have been resolved or being addressed through other platforms such as BTAC or other collaborative watershed groups; and

WHEREAS, Ordinance No. 77 of 2016 attempted to revamp the relevance of the Advisory Commission, however, its functions have been overtaken by 34 years of regional accomplishments, including BTAC, Groundwater Councils, Basin Monitoring Task Force, several iterations of cooperative regional planning efforts and regional projects, and other avenues for effective dialogue with local policymakers such as Valley District’s Board Workshops; and

WHEREAS, Valley District desires to provide an expanded forum to consider broader water issues and the District’s strategic priorities than is possible within the existing Advisory Commission and open to all individuals to work together with a common goal in mind to actualize the District’s Strategic Plan; and

WHEREAS, Valley District wishes to establish a Forum to provide continued education to the public and elected officials of local and state-wide water related issues while expanding the opportunity for engagement and transparency; and

WHEREAS, Valley District will host periodic Forum meetings throughout the District service area inviting all to attend in an effort to keep individuals informed of ongoing District’s business; provide another avenue for Directors to hear from their constituents, elected officials and retail water entities; and facilitate the introduction, discussion, and debate of current and emerging water issues

WHEREAS, Valley District affirms that BTAC has demonstrated its effective role for ongoing basin management and reviewing and updating of regional water plans and projects, and staff representatives have the responsibility to report their discussions and recommendations from time-to-time to their respective governing bodies.

WHEREAS, nothing in the Resolution should be construed as limiting the Valley District Board of Directors from setting up future ad-hoc advisory bodies to review, comment and recommend actions on policy issues under the Board’s jurisdictions including but not limited to new water supply development, water rate changes, and changes to the State Water Project contract. Such ad-hoc advisory bodies may be comprised of various stakeholder representatives and hold meetings that are open to the public in accordance with the Brown Act.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the San Bernardino Valley Municipal Water District does hereby support the forming the **INSERT NAME Water Forum.**

ADOPTED this ____ day of ____ 2021.

Paul Kielhold
President

ATTEST:

Heather Dyer
Secretary

Chart Comparing the Advisory Commission and the Inland SoCal Water Forum

	Advisory Commission	Basin Technical Advisory Cmte. (BTAC)	Valley District Workshops	Proposed "Inland SoCal Water Forum"
Establishment and Functions	<ul style="list-style-type: none"> ➤ 1987; to provide <u>maximum opportunities for consultation with elected officials of water producing agencies and other members of the community</u> 		<ul style="list-style-type: none"> ✓ Open to all elected officials, water agency staff, and members of the community. Public comments, feedback, and recommendations requested by Board. 	<ul style="list-style-type: none"> ✓ 2021; to provide a <u>broader platform for interaction with elected officials and other members of the community</u> ❖ Supports Strategic Plan: Strategy #4 (Building Trust, Effective Communication and Engagement) and Strategy #6 (Effective Governance, Board Leadership Development)
	<ul style="list-style-type: none"> ➤ Study and make recommendations to the Board on local, regional and State-wide water policy matters affecting the District 	<ul style="list-style-type: none"> ✓ Technical examination of water-policy issues that may affect the District, its customers, or the region. ✓ BTAC subcommittees and committee members advise the District and make recommendations based on technical expertise of BTAC participants. ✓ BTAC representatives from each agency brief and receive feedback as needed from their respective elected officials. 	<ul style="list-style-type: none"> ✓ Information regarding technical studies or investigations brought to the Board and public via District workshop for discussion and feedback. ✓ BTAC examination of the issues and recommendations or BTAC formal support presented to Board as part of the materials for consideration. 	<ul style="list-style-type: none"> ✓ High-level overview of timely emerging water issues presented to elected officials and interested members of the community. Directors can receive feedback or comments on issues of concern from other elected officials.
	<ul style="list-style-type: none"> ➤ Study matters submitted to it by the 	<ul style="list-style-type: none"> ✓ Particular emerging issues of interest to the Board, 	N/A	N/A

Chart Comparing the Advisory Commission and the Inland SoCal Water Forum

	Board and the District's staff; may also study water policy matters it deems appropriate	project or study ideas, and/or concerns brought to the attention of the Board could be sent to the BTAC for further technical investigation or review.		
Membership	➤ One (1) member and an alternate from 21 entities or groups in Ordinance 77; new entities may be added by making a request to the Board	✓ Technical experts from the region including basin producers, retailer agencies, and other local agency staff.	N/A	✓ None; open to elected officials, business leaders, academics, educators, students, and interested community members
Decision-Making Responsibility	➤ Review, comment, or make recommendations to the Board	✓ Review, comment, make recommendations to the Board	✓ After taking into consideration feedback from staff and public comment, items may be forwarded to regular Board meeting for consideration	✓ None; forum for professional networking and conversations on current and emerging water issues
Meetings	➤ Regular meetings on a quarterly basis unless dispensed with by the Commission; special meetings may be called. ➤ Brown Act Notice 72 hours before meetings.	✓ Bi-monthly meetings. Meetings of three sub-committees: Engineering, Project Review, and Conservation ✓ Brown Act Notice 72 hours before meetings	✓ Three regular Board workshops per month: Resources, Engineering, and Policy. Other workshops scheduled as needed. ✓ Brown Act Notice 72 hours before meetings ✓ Public comment received during meeting	✓ Meeting held five (5) times per year: Feb, April, July, September, and November within each Division ✓ "Hosted" by Division Director and highlights important activities, issues, opportunities in the hosting Division. ✓ Simple Brown Act notice inviting the public and notifying of the potential presence of the entire Board
Quorum	➤ Nine (9) members; all actions by affirmative	✓ Consensus-based recommendations to Valley Board	✓ Items moved to Board meeting with support of three Directors	✓ None needed; no decision-making responsibility

Chart Comparing the Advisory Commission and the Inland SoCal Water Forum

	vote of the majority present			
Leadership	➤ Chairperson and Vice Chairperson elected and serve at the pleasure of the Commission	✓ Chairperson and Vice Chairperson elected by BTAC	✓ Chairperson and Vice Chairperson for Resources, Engineering, and Policy workshops elected by the Board every two years to.	✓ No elected position; meetings chaired by the host Director or an alternate
Meeting Format	✓ Formal Brown Act meeting with agenda, memos/reports, and minutes	✓ Formal Brown Act meeting with agenda, memos/reports, and minutes	✓ Formal Brown Act meeting with agenda, memos/reports, and minutes	✓ Conference, speakers and presentations, roundtable-style discussion
Staff Support	✓ Clerical/secretarial support for agendas, notices, reports, and minutes ✓ Technical support from staff, BTAC, Consultants, or other available sources	✓ Clerical/secretarial support for agendas, notices, reports, and minutes ✓ Technical support from staff, Consultants, or other available sources, as needed	✓ Clerical/secretarial support for agendas, notices, reports, and minutes ✓ Technical support from staff, BTAC, Consultants, or other available sources, as needed	✓ Simple agenda and notice; no reports and minutes ✓ Staff time to support hosting, catering, support presentations, etc. ✓ Staff time to prepare and make presentations when requested
Conflict of Interest	✓ Form 700, State of Economic Interest, completed annually by Commissioners and submitted to Valley District	N/A	N/A	✓ N/A
Transmission of Recommendations	✓ Recommendations supported by a majority and signed by the Chair or Vice Chair	✓ Recommendations signed by the Chair or Vice Chair	✓ Items can be forwarded to a Board meeting for consideration after input from staff and the public	✓ No decision-making power, hence, no recommendations