



**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.

**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**TUESDAY, FEBRUARY 1, 2022 – 2:00 P.M.**

**PUBLIC PARTICIPATION**

Public participation is welcome and encouraged. You may participate in the February 1, 2022, 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](mailto: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 Monday, January 31, 2022. 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

**REGULAR MEETING OF THE BOARD OF DIRECTORS**

**AGENDA**

**2:00 PM Tuesday, February 1, 2022**

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

**1) PUBLIC COMMENT**

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

**2) APPROVAL OF MINUTES**

2.1 January 18, 2022, Meeting (Page 3)  
[BOD Minutes 011822](#)

**3) DISCUSSION AND POSSIBLE ACTION ITEMS**

3.1 Confirm the Consulting Services Agreements approved by the Upper Santa Ana River Watershed Infrastructure Financing Authority (USAR WIFA) (Page 15)  
[Staff Memo - Confirm the Consulting Services Agreements approved by the Upper Santa Ana River Watershed Infrastructure Financing Authority \(USAR WIFA\)](#)

3.2 Consider Contract Amendments with Geoscience Support Services and Balleau Groundwater to Address Review Comments on the Integrated Water Quality Model (Page 18)  
[Staff Memo - Consider Contract Amendments with Geoscience Support Services and Balleau Groundwater to Address Review Comments on the Integrated Water Quality Model](#)  
[Budget Amendment Proposal from Geoscience](#)  
[Budget Amendment Proposal from Balleau Groundwater](#)

3.3 Consider Resolution No. 1144 authorizing the San Bernardino Valley Municipal Water (Page 30) District to conduct remote meetings for the period February 1, 2022, through March 2, 2022  
[Staff Memo - Consider Resolution No. 1144 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period February 1, 2022, through March 2, 2022](#)  
[Resolution No. 1144](#)

**4) REPORTS (Discussion and Possible Action)**

- 4.1 CEO/General Manager's Report (Page 35)  
[Staff Memo - CEO/General Manager's Report](#)
- 4.2 Director's Report of Activities
- 4.3 General Counsel Report
- 4.4 SAWPA Meeting Report
- 4.5 Board of Directors' Workshop - Resources - January 6, 2022 (Page 38)  
[Summary Notes BOD Workshop - Resources 010622](#)
- 4.6 Board of Directors' Workshop - Engineering - January 11, 2022 (Page 43)  
[Summary Notes BOD Workshop - Engineering 011122](#)
- 4.7 Board of Directors' Workshop - Policy - January 13, 2022 (Page 49)  
[Summary Notes BOD Workshop - Policy 011322](#)

**5) FUTURE BUSINESS**

**6) ANNOUNCEMENTS**

- 6.1 List of Announcements (Page 55)  
[List of Announcements 020122](#)

**7) CLOSED SESSION**

- 7.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a),(d)(1) - Endangered Habitats League v. U.S. Army Corps of Engineers - Case No. 2:16-CV-09178 (U.S. District Court, Central District of California)

**8) 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](http://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.

**MINUTES  
OF  
THE  
REGULAR BOARD MEETING  
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

**January 18, 2022**

**Directors Present:** Gil J. Botello, T. Milford Harrison, June Hayes, Paul R. Kielhold, and Susan Longville

**Directors Absent:** None

**Staff Present:**

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager  
 Joanna Gibson, MS – Executive Director Upper SAR Habitat Conservation Program  
 Wen B. Huang, PE, MS – Deputy General Manager/Chief Engineer  
 Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board  
 Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer  
 Bob Tincher, PE, MS – Deputy General Manager/Chief Water Resources Officer  
 Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – Strategic Communications Manager  
 Anthony Flordelis – Business Systems Analyst  
 Matthew E. Howard, MS – Water Resources Senior Planner  
 Chris Jones, MESM – Preserve System Program Manager  
 Adekunle Ojo, MPA – Water Resources Manager  
 Kai Palenscar, Ph.D. – Environmental Compliance Program Manager  
 Shavonne Turner, MPA – Water Conservation Program Manager  
 Kirsten Wallace – Intern, Biological Resources

Bradley Neufeld, Varner & Brandt, District Counsel  
 Meredith Nikkel, Downey Brand  
 Megan Somogyi, Downey Brand

**Members of the Public in Attendance:**

Melody McDonald, San Bernardino Valley Water Conservation District  
 John Longville, San Bernardino Valley Water Conservation District  
 David E. Raley, San Bernardino Valley Water Conservation District  
 Madeline Blua, Yucaipa Valley Water District  
 Jennifer Ares, Yucaipa Valley Water District  
 Ron Coats, East Valley Water District  
 Benjamin Kelly, Western Heights Water District

The regular meeting of the Board of Directors was called to order by President Kielhold at 2:00 p.m. Vice President Hayes led the Pledge of Allegiance. A quorum was noted present by roll call.

The meeting was conducted by teleconference only. All actions taken by the Board at the meeting will be conducted by a roll-call vote.

### **Agenda Item 1. Public Comment**

President Kielhold stated that any member of the public wishing to make any comments to the Board may do so. There was no public comment.

*Audience attendance will be recorded in the minutes based on registration information generated in the teleconference or by stating their name during this time. There were no email comments or Zoom requests to speak on non-agendized items.*

### **Agenda Item 2. Approval of Minutes of the January 4, 2022, Board meeting.**

The minutes of the January 4, 2022, Regular Board meeting were approved as amended by the following roll-call vote:

MOVED: Harrison	SECONDED: Hayes	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

### **Agenda Item 3.**

**3.1) Summary of 2021 District Accomplishments.** Chief Executive Officer/General Manager Heather Dyer advised that much was accomplished despite the continuing COVID-19 pandemic conditions. She highlighted activities of the team in 2021, including:

- The District's first Strategic Plan, including the mission statement: *To work collaboratively to provide reliable and sustainable water supply to support the changing needs of our region's people and environment.* The final draft is ready, Ms. Dyer noted. She advised that the rebranding exercise may provide some slight modifications, but it is ready for the workshop in February to set some goals and objectives.
- The forward-looking vision resulting in the Watershed Connect WIFIA Financing Program including formation of a Joint Powers Authority (JPA) in six weeks. An ambitious program of work including the elements of resiliency in climate change,

infrastructure enhancement, drought resiliency, improved water quality, and ecological health of the watershed. She commented on the value of the collaborative effort of all partner agencies, and highlighted the tagline, *Achieving resilience through integrated infrastructure*.

- The acquisition of the 1,600-acre former Harmony property via auction that will meet many future infrastructure needs of the District.
- The internal effort to become an Employer of Choice.

Deputy General Manager/Chief Financial Officer Cindy Saks highlighted some Finance and Administration accomplishments:

- Joined the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA)
- Completed and implemented the District's first employee compensation and benefits study
- Successfully bid for the Greenspot property purchase with escrow hoped to close soon
- Development of a new financial model including long-term projections
- Received a clean, unmodified audit opinion for Fiscal Year 2020-2021

Chief of Staff/Clerk of the Board Jose Macedo presented additional Finance and Administration accomplishments:

- Successful administration through the year's challenges with COVID
- Professional development
- Redistribution of workflow, refined operations to maximize involvement and coverage, established a long-range administrative support plan
- The Board of Directors' vote to lower the State Water Project Debt Service property tax rate

Strategic Communications Manager Kristeen Farlow highlighted details of accomplishments within external and internal communications efforts, including:

- Kickoff of the Strategic Communications and Engagement Plan
- Became an Inland Empire Works founding member
- Held seven Zoom meetings with representatives from the California State Senate and Assembly
- Founded an inland empire-based water collaborative to partner with surrounding wholesalers on topwater issues
- Kicked off a new employee newsletter
- Completed a small, informal 2021 Employee Survey during COVID
- Completed Leadership training for all employees

Executive Director Upper SAR Habitat Conservation Program Joanna Gibson reported the following Habitat Conservation Program accomplishments:

- Upper Santa Ana River Habitat Conservation Plan Draft Environmental Impact Report (EIR) released in May

- Completed the Comprehensive Adaptive Management and Monitoring Program
- Purchased approximately 30 acres of land in Lytle Creek for conservation
- Received more than \$390,000 for a riparian restoration grant through the Wildlife Conservation Board

Chief Information Officer Melissa Zoba enumerated the accomplishments of the Business Information Services Department:

- Partnered with ESRI on the Enterprise Advantage Program, a technology strategic plan
- Performed a communications assessment and made enhancements and upgrades
- Implemented new email protection software and planned upcoming training
- Conducted a cyber threat assessment
- Completed the Board Room audio/visual project

Deputy General Manager/Chief Water Resources Officer Bob Tincher highlighted the following Water Resources accomplishments:

- The 2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan showing supply exceeding demand
- Coordinated the next Operating and Surplus Water Agreement with Metropolitan Water District of Southern California
- Executed the latest Project Amendment to complete planning and permitting for the Sites Reservoir project
- Received the final report from RAND on water supplies and demand
- Coordinated regional response to the 2021 regional drought in Northern California

Deputy General Manager/Chief Engineer Wen Huang shared the following Engineering and Operations accomplishments:

- Continued to work with retail agencies to assure water was delivered safely and effectively
- Worked with partners including the Department of Water Resources (DWR) to complete all maintenance activities in the allocated time frame
- Joined the ACWA JPIA and completed the Phase 1 Safety Program to modernize operations
- Completed the Waterman Basins cleanup project
- Collaborated with recycled water retail agencies to complete design of Regional Recycled Water Pipeline and Weaver Basins
- Assisted with acquisitions and sales of District real properties
- Finalized the design for Enhanced Recharge Phase 1-A and Phase 1-B projects

Ms. Dyer noted the complexity of projects, acknowledged the team, and thanked staff for their efforts. She commended the Board for reading 361 staff memos in 2021.

President Kielhold and directors thanked and commended the staff.

#### **Agenda Item 4. Discussion and Possible Action Items**

**4.1) Consider Approval of Resolution No. 1142 Adopting the Yucaipa Subbasin Groundwater Sustainability Plan as a Member of the Yucaipa Sustainable Groundwater Management Agency.** CEO/General Manager Heather Dyer reminded the Board of discussion at the Engineering Workshop on January 11, 2022, and that this Groundwater Sustainability Plan (GSP) is due to the DWR by January 31, 2022. Other partner agencies are taking this to their Boards for adoption, she added.

The GSP was developed collaboratively by the pumpers in the Yucaipa Basin, Dyer advised. She enumerated the requirements of the Plan and noted that Valley District is committing to be part of the management solution, specifically providing imported water should recharge be needed to have a sustainable groundwater basin. Community workshops were held, she added.

Director Longville highlighted the plan's management efforts, said they were clear and simple, and posited that it is an excellent plan.

Director Botello concurred with Director Longville and noted the community meeting included a detailed presentation of the plan. He acknowledged the team that put together the plan.

President Kielhold also commended staff.

Resolution No. 1142 Adopting the Yucaipa Subbasin Groundwater Sustainability Plan as a Member of the Yucaipa Sustainable Groundwater Management Agency was adopted by the following roll-call vote:

MOVED: Harrison	SECONDED: Hayes	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

#### **RESOLUTION NO. 1142**



**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN BERNARDINO VALLEY MUNICIPAL WATER  
DISTRICT AS A MEMBER OF THE YUCAIPA  
SUSTAINABILITY GROUNDWATER MANAGEMENT  
AGENCY TO ADOPT THE GROUNDWATER  
SUSTAINABILITY PLAN FOR THE YUCAIPA SUBBASIN  
(BASIN NO. 8-002.07)**

**(See Resolution Book)**

**4.2) Consider Contract with Dudek to Prepare the 2022 Annual Report for the Yucaipa Sustainable Groundwater Management Agency.** CEO/General Manager Heather Dyer reminded the Board about discussion at the Engineering Workshop on January 11, 2022, and that an annual report is due to the DWR by April 1, 2022.

Valley District is acting as the contracting agency on behalf of the Yucaipa Sustainable Groundwater Management Agency (SGMA), Ms. Dyer continued. This contract is for \$27,320, which will be invoiced to other agencies less Valley District's contribution of \$1,708.

Dudek prepared the GSP, and it makes sense for them to continue the work, Ms. Dyer added.

The Board of Directors authorized the General Manager to execute a contract with Dudek to prepare the 2022 Annual Report for the Yucaipa Sustainable Groundwater Management Agency by the following roll-call vote:

MOVED: Longville	SECONDED: Botello	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

**4.3) Consider Contract with Innovative Federal Strategies for Consulting and Strategic Advocacy Services.** CEO/General Manager Heather Dyer reminded the Board about discussion at the Policy Workshop on December 16, 2021. She refreshed the Board on the services provided by Innovative Federal Strategies (IFS), pointed to their knowledge and understanding of issues, and noted that the District has worked with them for many years.

As requested by the Board, work will commence on a draft legislative platform and IFS will be instrumental in assisting with understanding of the issues and how to better advocate for the District and its ratepayers.

The fiscal impact of the contract is \$78,000 per year, and staff recommends a two-year agreement, Ms. Dyer explained.

Director Harrison stated that he appreciates the relationship with IFS and noted they are very well-connected and knowledgeable. He pointed out that they have not raised their fee.

Director Longville reiterated that the fee was not increased and recommended that be noted in the final documents and opined that they are wonderful partners.

The Board of Directors authorized the CEO / General Manager to execute a professional services agreement with Innovative Federal Strategies for consulting and strategic advocacy services by the following roll-call vote:

MOVED: Harrison	SECONDED: Hayes	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

**4.4) Consider Resolution No. 1143 Declaring District's Property APN: 016809107 Exempt Surplus Land.** CEO/General Manager Heather Dyer reminded the Board about previous discussion on two 50' x 50' parcels acquired in 1996, one of which was used for the San Bernadino well. The westerly parcel has been vacant and there are no future plans for it.

As part of the GIS data cleanup of District-owned land, it was discovered that the parcel was inadvertently incorporated into the Redlands Sports Park in the mid-2000s, and now includes a sidewalk and planted trees, Ms. Dyer explained. Since the discovery, Mr. Huang has been working with the City of Redlands for them to purchase the property, she noted.

An appraisal was obtained, and to now facilitate the transaction the Board must adopt a resolution declaring the property surplus, Ms. Dyer advised. House counsel developed the resolution, she added.

Resolution No. 1143 Declaring District's Property APN: 016809107 Exempt Surplus Land was adopted by the following roll-call vote:

MOVED: Botello	SECONDED: Harrison	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

### **RESOLUTION NO. 1143**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT DECLARING CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF REDLANDS EXEMPT SURPLUS LAND AND AUTHORIZING THE DISPOSITION OR SALE THEREOF.**

**(See Resolution Book)**

#### **Agenda Item 5. Reports (Discussion and Possible Action Items)**

##### **5.1) State Water Project Report**

Deputy General Manager/Chief Water Resources Officer Bob Tincher drew attention to the recent precipitation events and briefed the Board on the San Bernardino Basin Precipitation Index. As of today, the rainfall is at 19.4 inches – almost double the amount of rain received last year in just one month. Data is also tracking with the wettest year on record, 1992-1993, Mr. Tincher added.

Mr. Tincher compared current reservoir storage in the Oroville and San Luis reservoirs to November of 2020 and noted that Oroville increased by half a million acre-feet. It was the wettest December on record, he stated.

The DWR Precipitation Index shows this year is tracking the second wettest year on record, Mr. Tincher explained. It is a very good start to the year, he said. Snow water content is also above average.

Despite the rainfall, dry conditions still mean a health and safety State Water Project (SWP) allocation, Mr. Tincher noted. It is believed the allocation will increase to around ten percent, but the DWR has not yet released a change.

The Supplemental Water Supply Contingency Workgroup continues to discuss plans for the coming year in the event of little SWP supply, Mr. Tincher advised. It was decided to proportion the water deliveries based on past orders, he said. Feedback received will be incorporated into a future meeting. The group recommended trying to have a minimum of 3,000 acre-feet of carryover. The group meets again on January 24, 2022, and once there

is more information to share, it will be brought back to a Board Workshop, Mr. Tincher advised.

Mr. Tincher drew attention to a press release from the Water Commission on the Sites Reservoir eligibility for \$800 million, and a fact sheet from Sites addressing some false information being circulated on the internet.

Mr. Tincher presented a status report on Sites Reservoir tasks and noted everything is on schedule.

Director Longville noted she has encountered the Sites false information and said she would share the fact sheet.

## **5.2) Directors' Report of Activities.**

Director Botello reported that he attended:

- Jan. 10 – San Bernardino Human Relations Commission meeting
- Jan. 16 – George Brown Legacy Project remembrance for community leaders

Director Harrison reported that he attended:

- Jan. 5 - Valley Conservation Trust Board meeting
- Jan. 12 - San Bernardino Valley Water Conservation District
- Jan. 17 - San Bernardino County Special Districts Association Board meeting

Vice President Hayes reported that she attended:

- Jan. 5 - Inland Empire Utilities Agency Board meeting
- Jan. 7 - Water Advisory Committee of Orange County
- Jan. 13 - West Valley Water District

President Kielhold reported that he attended:

- Active Recharge Policy Committee meeting

Director Longville reported that she attended:

- Jan. 10 - 14 Administrative Hearing related to Strawberry Creek

## **5.3) General Counsel Report**

District Legal Counsel Brad Neufeld reported President Biden's large employer mandate was struck down. At this time, it is not believed that Cal OSHA will take up a similar mandate, nevertheless, the District must still follow the recently renewed Cal OSHA Emergency Temporary Standards effective January 14.

## **5.4) SAWPA Meeting Report.**

Vice President Hayes reported on the following items from the January 18, 2022, Commission Meeting:

The Commission received the following informational report:

- Proposition 1 Round 2 Integrated Regional Water Management Call for Project Update

Director Harrison emphasized the call for projects and noted that Valley District has been successful previously in obtaining \$2 million in grant funding.

**5.5) Operations Report.** Water Resources Senior Planner Matthew Howard presented the Report. In December 2021, 963 acre-feet of imported water was delivered to the District. Total State Water Project delivered in 2021 was 16,678 acre-feet, leaving a DWR-verifies carryover amount into 2022 of 5,704 acre-feet.

**5.6) Treasurer's Report.** Director Harrison reported a significant increase in property tax revenue for the month of December, totaling \$42,283,000.

The Board approved the following expenses for the month of December 2021: The State Water Contract Fund \$52,316,507, Devil Canyon / Castaic Fund \$104,811, and General Fund \$6,320,866.87 by the following roll-call vote:

MOVED: Harrison	SECONDED: Hayes	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

## **Agenda Item 6. Future Business.**

**6.1) Future Business.** None added.

## **Agenda Item 7. Announcements.**

### **7.1) List of Announcements.**

Director Harrison added that the Special Districts Association Dinner will be on January 24, 2022.

President Kielhold announced the three Valley District directors to serve on the Board of the Financing Authority with Yucaipa Water District are Director Harrison, Director Botello, and President Kielhold. The first meeting is this evening.

President Kielhold congratulated Director Botello on his appointment to the ACWA Business Development Committee. He reminded the Board about completion of the Form 700 Statement of Economic Interests.

**Agenda Item 8. Closed Session.** District Counsel Brad Neufeld introduced the Closed Session items. President Kielhold adjourned the meeting to Closed Session at 3:18 p.m.

**8.1) Conference with Real Property Negotiators -**

Pursuant to Gov't Code §54956.8 - Property APN 016809107

Agency negotiator: Heather Dyer, Wen Huang

Negotiating parties: City of Redlands - Under negotiation: Price and terms of payment.

**8.2) Conference with Real Property Negotiators**

Property: Southern California Edison East End Hydroelectric Generation Plants

Agency negotiator: Heather Dyer, Wen Huang

Negotiating parties: Southern California Edison Company

Under negotiation: Price and terms of payment

**8.3) Conference with Legal Counsel - Existing Litigation**

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

Name of case: In re BlueTriton Brands, Inc. (successor by name change to Nestle Waters North America, Inc.) on draft Cease and Desist Order, pending before State Water Resources Control Board Administrative Hearings Office

President Kielhold returned the meeting to Open Session at 4:35 p.m. District Counsel Brad Neufeld reported that there are no reportable items from the closed session.

Mr. Neufeld reminded the Board that on January 14, 2022, he sent to the Board an email regarding a confidential personnel matter, and requested a response by this Friday, January 21, 2022.

**Agenda Item 8. Adjournment.**

The meeting was adjourned at 4:36 p.m.

MOVED: Hayes	SECONDED: Harrison	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

<p><b>APPROVAL CERTIFICATION</b> I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.</p> <hr/> <p><b>Secretary</b></p> <p>Date _____</p>
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Respectfully submitted,

Lynda J. Kerney  
Contract Assistant




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**DATE:** February 1, 2022

**TO:** Board of Directors

**FROM:** Heather Dyer, CEO/General Manager

**SUBJECT:** Confirm the Consulting Services Agreements approved by the Upper Santa Ana River Watershed Infrastructure Financing Authority (USAR WIFA)

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**Staff Recommendation**

Staff recommends that the Board of Directors endorse the following consulting services agreements previously approved by the USAR WIFA Board of Directors. The Board’s concurrent approval would allow the continuing payment of the invoices from Valley District’s funds until the JPA can allocate the costs and bill member agencies for their respective cost share.

<b>Consultant</b>	<b>Contracted Services and JPA Approval Date</b>	<b>Contractual Amount</b>	<b>Contract Term</b>
Stradling	Bond Counsel Services 8/18/21	As-needed	n/a
Varner & Brandt	General Counsel 8/18/21	As-needed	n/a
Fieldman Rolapp & Associates	Financial Planning Services 8/18/21	\$327,110	3 Years
AECOM/WSC	Program Management 11/17/21	\$1,162,042	3 Years

**Summary**

The JPA formation and submission of the WIFIA Letter of Interest was accomplished by a team of Agency’s staff and consultants. To facilitate the transition to a full-fledged agency, the JPA Board of Directors has retained the services of these consultants listed in the previous table. In addition to the agreements approved the JPA Board in the table, Valley District previously approved \$325,805 related to the JPA formation and preparation of the WIFIA Letter of Interest (LOI) that are currently being paid by Valley District prior to being billed to the member agencies



namely:

- AECOM/WSC for Program Framework and LOI \$239,805
- Fieldman Rolapp & Associates for LOI Financial Advisory Services \$25,000
- S & P Global for Credit Rating Services \$35,000
- Stradling for JPA Formation & Special Counsel Services \$25,000

The total amount paid by Valley District on behalf of the JPA is not expected to exceed \$1 million before the end of the current fiscal year. The advantage of the JPA structure is that every agency's cost share would be ultimately lower than what they would have paid pursuing separate LOI's. The final project list for the Phase 1 application is still being analyzed, however, Valley District is the largest component of the Watershed Connect program and is estimated to be responsible for between 62-70% of the incurred costs. Therefore, Valley District will be reimbursed approximately 30-38% of the cost that will ultimately be reimbursed by other agencies.

### **Background**

On July 20, 2021, the Valley District Board of Directors approved Resolution No. 1123, which authorized a Joint Exercise of Powers Agreement to create the Upper Santa Ana River Watershed Infrastructure Financing Authority ("Financing JPA"). The Board's approval was with the understanding that it would take some time for the JPA to develop a cost allocation formula, adopt a budget, and set up its finances. In the meantime, Valley District will pay invoices and bill member agencies later.

The Financing JPA is essentially a financial vehicle that provides infrastructure funding over time as each agency is ready to build their project. However, each agency will construct, own, and operate their facilities with the specific payback terms for each project being addressed through an individual Project Agreement between the owner agency and the JPA. The JPA serves as a conduit to the EPA financing and other future funding sources.

### **Fiscal Impact**

\$236,0000 is included specifically for WIFIA within the Fiscal Year 2021-2022 General Fund Budget under Line Item 6360 for consultants. However, there is sufficient budget currently available in the Consultants line item and the Special Counsel line item 6330 to cover these costs. The remaining portion of the contracts will be budgeted accordingly in the Fiscal Year 2022-2023 budget process of Valley District and the JPA.

### **Attachments**

None



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**DATE:** February 1, 2022

**TO:** Board of Directors

**FROM:** Heather Dyer, Chief Executive Officer/General Manager  
Bob Tincher, Chief Water Resources Officer/Deputy General Manager

**SUBJECT:** Consider Contract Amendments with Geoscience Support Services and Balleau Groundwater to Address Review Comments on the Integrated Water Quality Model

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**Staff Recommendation**

Authorize a \$45,528 amendment to the Geoscience Support Services, Inc. (Geoscience) contract and a \$26,640 amendment to the Balleau Groundwater (Balleau) contract for the development of the Upper Santa Ana River Integrated Water Quality Model (Integrated WQ Model) to evaluate and respond to comments provided by West Yost (formerly Wildermuth Environmental).

**Summary**

This item was discussed at the January 13, 2022, Board of Directors Policy Workshop. Those Board members in attendance asked that it be placed on an upcoming agenda for consideration.

The Integrated WQ Model is a joint project with Western Municipal Water District (Western) that is being concurrently peer reviewed by Balleau Groundwater and the United States Geological Survey. The comments provided by West Yost require additional analysis and could result in additional changes to the model and the model report. The total cost of the requested contract amendments is \$72,168 which would be split equally with Western, or

\$36,084 each. These are time and materials contracts so the actual cost could be less than the requested.

The Integrated WQ Model is an important tool that will be used to develop a Salt and Nutrient Management Plan for the region that could potentially eliminate the need for very costly desalting facilities in the Upper Watershed. Staff from Western and Valley District believe that this additional work will improve the model and increase the level of confidence.

## **Background**

The Integrated Groundwater Flow Model (Integrated Model) was a joint project with Inland Empire Utilities Agency (IEUA), Orange County Water District (OCWD) and Western which resulted in a sophisticated tool that allows better understanding of the interaction of the surface flow and groundwater levels from the Yucaipa area to Prado Dam. The Integrated Model has already been used to determine the cause of decreasing flow in the Santa Ana River and to evaluate any environmental impacts associated with the various proposed water supply projects in the Upper Santa Ana River Habitat Conservation Plan including projects that Valley District is developing: Enhanced Recharge project, Active Recharge projects, the Riverside North Aquifer Storage and Recovery Project, and several recycled water projects along the Santa Ana River through the Local Resources Investment Program. The Integrated WQ Model is being enhanced to include water quality for the upper watershed. Valley District and Western are paying for these water quality enhancements since they only cover their service areas.

Geoscience was selected by a review committee as the firm to develop the Integrated Model and accompanying Integrated Water Quality Model. Balleau and the U.S. Geological Survey were selected to provide independent, concurrent peer review of the project. The HCP consulting team, ICF Jones & Stokes, has also participated in the development process as well as Wildermuth Environmental (now West Yost) and other stakeholders. A Section 6 Grant from the United States Fish and Wildlife Service has provided almost \$1 million of outside funding for this project.

The proposed budget amendments will be generally used for the following additional tasks:

### **Geoscience**

- Review comments and prepare a response plan
- Prepare for and attend coordination call with commenting agencies
- Prepare for and attend calls with Peer Review team
- Additional status update meetings to review response to comments, and
- Finalize Technical Memorandum No. 3, incorporating comments from CBWM/IEUA and OCWD

Balleau

- Additional Peer Review of Model in Context of Objectives
- Additional Peer Review of Model in Context of Selected Comments from CBWM and IEUA
- Additional Peer Review of Model in Context of Selected
- Comments from CBWM and IEUA
- Reporting - Preparation of Summary Letter/Report

A summary of the contract values, to date, for both contracts is summarized below.

<b>Geoscience Integrated Model Contract</b>		<b>Reimbursable</b>
Authorized Contract (April 2017)	\$ 956,728	Funding Match
Amendment #1 (August 2018)	\$ 336,162	\$336,162
Amendment #2 (February 2019)	\$ 541,428	\$541,428
Amendment #3 (January 2020)	\$ 73,732	
Amendment #4 (January 2021)	\$ 52,402	
<b>Amendment #5 (proposed)</b>	<b>\$ 45,528</b>	
<b>New TOTAL</b>	<b>\$ 2,005,980</b>	<b>\$877,590</b>
<b>BGW Peer Review Contract</b>		
Authorized Contract (June 2017)	\$ 209,406	\$94,031
Amendment #1 (October 2019)	\$ 25,000	\$25,000
Amendment #2 (January 2021)	\$ 78,440	
<b>Amendment #3 (proposed)</b>	<b>\$ 26,640</b>	
<b>New TOTAL</b>	<b>\$ 339,486</b>	<b>\$119,031</b>

Fiscal Impact

Funds are available in the Valley District's current budget in Budget Category 6360 (Consultants) to pay the total cost of \$72,168 with Valley District's portion being \$36,084; Western will be invoiced for the other half.

**Attachments**

1. Budget Amendment Proposal from Geoscience
2. Budget Amendment Proposal from Balleau Groundwater



December 22, 2021

Mr. Bob Tincher, PE  
Chief Water Resources Officer / Deputy General Manager  
San Bernardino Valley Municipal Water District  
380 East Vanderbilt Way  
San Bernardino, CA 92408-3593

**Re: Budget Amendment Request for the Upper Santa Ana River Integrated Model Water Quality Modeling**

Dear Bob:

Comments were received following submittal of Technical Memorandum (TM) No. 3: Water Quality Model Calibration Summary Report on August 13, 2021, providing recommendations and suggestions for further analysis. In particular, comments received from Chino Basin Watermaster (CBWM)/Inland Empire Utilities Agency (IEUA) and Orange County Water District (OCWD) requested additional work unanticipated in the original scope. Per your request, Geoscience has prepared this budget amendment for the Integrated Santa Ana River (SAR) Model to cover unanticipated additional work in response to comments on TM No. 3, including:

- Additional work to review comments and prepare a response plan,
- Prepare for and attend coordination call with commenting agencies,
- Prepare for and attend calls with Peer Review team,
- Additional status update meetings to review response to comments, and
- Finalize TM No. 3, incorporating comments from CBWM/IEUA and OCWD.

The following sections discuss the proposed scope of the additional work and estimated costs.

PO Box 220 Claremont, CA 91711  
t. 909.451.6650  
f. 909.451.6638  
[www.gssiwater.com](http://www.gssiwater.com)

## Scope of Work

### Task 4.9 Technical Memorandums and Reporting

#### Task 4.9.4: Prepare a Final Model Calibration Technical Memorandum (TM No. 3)

Following discussions with the commenting agencies and Peer Review team (see Task 5.11.7 below), Geoscience will finalize draft TM No. 3 to address important comments and develop additional discussion beyond the anticipated original scope of work. This includes:

- Updating background and objectives sections.
- Adding additional discussion to the uncertainty and limitations sections.
- Preparing final text, figures and tables incorporating feedback from the TAC. Suggested modifications include additional text to describe model calibration and the addition of layer information (if available) to figures and chemographs.

### Task 5.11: Project Management and Meetings - Water Quality Modeling

#### Task 5.11.2: Prepare for and Attend Status Update Conference Calls

This task covers Geoscience's preparation for and attendance at an upcoming project status update conference call in January 2022 to review responses to comments as well as a second, follow-up conference call at a later date (TBD) to review and discuss any unresolved items.

#### Task 5.11.7: Prepare for and Attend Conference Calls with CBWM/IEUA and Peer Review Team to Discuss Comments Received on TM No. 3

Geoscience participated in a conference call to review and discuss comments received from CBWM/IEUA on TM No. 3. Several follow-up meetings were also held with the Peer Review team (including Balleau Groundwater, Inc. and the USGS) to determine the best way to address and resolve comments received from both CBWM/IEUA and OCWD. Several further coordination calls with the Peer Review team are anticipated to discuss response to these comments. Task 5.11.7 will cover Geoscience's costs associated with preparing for and attending these unforeseen meetings.

## Schedule

The proposed schedule for the additional water quality modeling work is shown in the following table.



**Proposed Water Quality Modeling Schedule**

Item	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022
Prepare a Final Model Calibration TM (Task 4.9.4)						TM
Prepare for and Attend Status Update Conference Calls (Task 5.11.2)						
Prepare for and Attend Conference Calls to Discuss Comments Received (Task 5.11.7)						

**TM** = Final TM/Report

**Cost Estimate**

The total proposed cost of additional work under Tasks 4.9, and 5.11, above, is \$45,528. A breakdown of cost by task and anticipated staff participation is provided in attached Table 1.

If you have any questions, please contact us at (909) 451-6650

Sincerely,



Johnson Yeh, PhD, PG, CHG  
 Principal Geohydrologist  
 Encl.



David Barnes, M.Eng.  
 Senior Geohydrologist / Modeler

Budget Amendment Request for the Upper Santa Ana River Integrated Model Water Quality Modeling

Task		GEOSCIENCE SUPPORT SERVICES, INC.									
		Principal Modeler	Senior Modeler	Project Modeler	Project Geohydrologist	Sr. Associate Modeler	Associate Modeler	Graphics	Clerical	Labor	Reimbursable Expenses <sup>1</sup>
<b>Hourly Rate:</b>		\$289	\$264	\$244	\$213	\$210	\$196	\$155	\$107		
<b>4.9 Technical Memorandums and Reporting</b>											
4.9.4	Prepare a Final Model Calibration Technical Memorandum (TM No. 3)	8	20			32	16	16		\$ 19,928	\$ 19,928
	<i>Subtotal (Task 4.9)</i>	8	20	0	0	32	16	16	0	\$ 19,928	\$ - \$ 19,928
<b>5.11 Project Management and Meetings - Water Quality Modeling</b>											
5.11.2	Prepare for and Attend Status Update Conference Calls (assumes 2 additional status meetings)	8	16		8	12	4	4		\$ 12,164	\$ 12,164
5.11.7	Prepare for and Attend Conference Calls with CBWIM/IEOA and Peer Review Team to Discuss Comments Received on TM No. 3	8	24		8	8	4	4		\$ 13,436	\$ 13,436
	<i>Subtotal (Task 5.11)</i>	16	40	0	16	20	8	8	0	\$ 25,600	\$ - \$ 25,600
<b>TOTAL ADDITIONAL HOURS AND COST (Tasks 4.9, &amp; 5.11):</b>		<b>24</b>	<b>60</b>	<b>0</b>	<b>16</b>	<b>52</b>	<b>24</b>	<b>24</b>	<b>0</b>	<b>\$ 45,528</b>	<b>\$ - \$ 45,528</b>

Notes:

<sup>1</sup> Reimbursable Expenses includes travel and mileage.

**BALLEAU GROUNDWATER, INC.**

901 RIO GRANDE BLVD. NW, SUITE F-242

ALBUQUERQUE, NEW MEXICO 87104

W. PETER BALLEAU CPG, P.Hg., P.G. (AZ, KS, TX)  
DAVE M. ROMERO P.H.  
STEVEN E. SILVER GISP

**Via Electronic Delivery**

December 10, 2021

Robert M. Tincher, P.E., M.S.  
Chief Water Resources Officer/Deputy General Manager  
San Bernardino Valley Municipal Water District  
380 E. Vanderbilt Way  
San Bernardino, CA 92408

Subject: Peer Review - Scope for Additional Work

Dear Mr. Tincher:

Geoscience Support Services, Inc. (Geoscience) has developed and documented the Upper Santa Ana River (SAR) Integrated Water Quality Model (hereafter “the Model”) in a draft Technical Memorandum (TM).<sup>1</sup> The Chino Basin Watermaster (CBWM) and Inland Empire Water Utilities Agency (IEUA) have produced comments<sup>2</sup> indicating that documentation of the model is not sufficient to assess whether the Model is suitable for its intended purpose. As we discussed, Balleau Groundwater, Inc. (BGW) is in the process of reviewing the Model with an approach intended to provide additional context regarding the comments from CBWM and IEUA. However, BGW has expended the funds currently allocated for peer review of the Model. We prepared Table 1 (attached) with a proposed work scope and estimated cost for additional technical support involving additional peer review and coordination with the Model Technical Advisory Committee on our observations.

I estimate that our additional services could be completed with an additional budget of \$26,640. The estimated cost does not reflect a fixed cost for our services; it is based on the estimated level of effort. Monthly invoices will reflect actual costs in terms of hours and expenses. The actual cost may be more or less than estimated, but will be fully coordinated with San Bernardino Valley Municipal Water District to ensure cost is under control.

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<sup>1</sup> Geoscience Support Services, Inc., 2021, Upper Santa Ana River Integrated Water Quality Model - Technical Memorandum No. 3: Water Quality Model Calibration: prepared for San Bernardino Valley Municipal Water District, DRAFT report dated August 13, 2021.

<sup>2</sup> Electronic communication, From: Mark Wildermuth of West Yost To: Johnson Yeh of Geoscience and Bob Tincher of SBVMWD, dated August 30, 2021.

Robert M. Tincher, P.E., M.S.  
December 10, 2021

2

BGW is pleased to provide this work scope for your consideration. I am happy to discuss the approach further if you have a different line of thinking for moving forward. Please call with any questions you may have.

Very truly yours,

BALLEAU GROUNDWATER, INC.

A handwritten signature in black ink, appearing to read "D. Romero", with a stylized flourish at the end.

Dave M. Romero  
President

Attachments: Table 1. Peer Review SAR Integrated Water Quality Model Scope of Work  
Fee Schedule

**BALLEAU GROUNDWATER, INC.**  
 901 Rio Grande Blvd. NW, Suite F-242  
 Albuquerque, NM 87104  
 505-247-2000



**TABLE 1. PEER REVIEW - SAR INTEGRATED WATER QUALITY MODEL WORK SCOPE**

Project: Geohydrologic Support for Exploratory Well  
 Period: 2022

**COST ESTIMATE**  
**December 10, 2021**

Work Product	Hydrologic Research			Field Investigation			Calculate/Simulate			Interpret/Recommend			Meetings/Testimony			Report			
	Senior Counsel	Principal	Hydrologist	Senior Counsel	Principal	Hydrologist	Senior Counsel	Principal	Hydrologist	Senior Counsel	Principal	Hydrologist	Senior Counsel	Principal	Hydrologist	Senior Counsel	Principal	Hydrologist	Admin
Hourly Rate \$	250	185	165	250	185	165	250	185	165	250	185	165	250	185	165	250	185	165	60

**Work Elements**

																			Days	Task Cost									
1	Additional Peer Review of Model in Context of Objectives																			6	\$8,880								
2	Additional Peer Review of Model in Context of Selected Comments from CBWM and IEUA																			4	\$5,920								
3	Reporting - Preparation of Slides for TAC Meeting																			4	\$5,920								
4	Reporting - Preparation of Summary Letter/Report																			4	\$5,920								
Element Cost																	\$0		\$0		\$7,400		\$13,320		\$0		\$5,920		
																			Total Days	18	(8 hrs/day)								

**Estimate for Services \$26,640**

The itemized listing of task costs is based on the work elements, tasks and the estimated level of effort required to provide scientific advisory peer review and comments on developing TDS and Nitrate transport simulation capability into the SAR Integrated Model. The task list is not intended to represent exact costs of line-items. The actual work required and the level of effort may vary as work requirements of the project evolve during project development. Accordingly, Balleau Groundwater, Inc. proposes to undertake the work on the basis of its Fee Schedule. Monthly invoices will reflect actual costs incurred for authorized work performed on behalf of the project in terms of hours and expenses. The actual cost for the program may be more or less than the estimated costs listed above, but will be fully coordinated with and directed by San Bernardino Valley Municipal Water District to ensure cost is under control.

**BALLEAU GROUNDWATER, INC.**

901 RIO GRANDE BLVD. NW, SUITE F-242  
ALBUQUERQUE, NEW MEXICO 87104

**2021 FEE SCHEDULE FOR CONSULTING SERVICES**

Senior Counsel	\$250/hour
Principal Staff	\$185/hour
Professional Hydrogeologist/Hydrologist	\$90-165/hour
Hydrologic Technician	\$75-90/hour
Technical/Clerical Support	\$70/hour

Work authorized and performed in the reasonable conduct of the client's program is billed at standard hourly rates for professional and support personnel.

BGW is reimbursed for actual expenses incurred on behalf of client work including travel, the use of personal cars in the field and charges for daily rental of BGW equipment, printing and reproduction and other direct costs. An administrative charge of five percent is added to expenses.

Invoices are billed monthly and are payable within 30 days of the billing date; accounts unpaid more than 60 days after the billing date are subject to one percent interest per month (12 percent annual rate) from the invoice date.

All subcontracted services are subject to a surcharge of 15 percent.



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**DATE:** February 1, 2022

**TO:** Board of Directors

**FROM:** Heather Dyer, CEO/General Manager

**SUBJECT:** Consider Resolution No. 1144 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period February 1, 2022, through March 2, 2022

---

**STAFF RECOMENDATION**

Staff recommends the Board adopt Resolution No. 1144 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period February 1, 2022, through March 2, 2022.

**BACKGROUND**

This item was brought to the Board of Directors by General Counsel, Bradley Neufeld, during the November 16, 2021, Regular Board of Director's meeting as a method to continue remote teleconference meetings of San Bernardino Valley Municipal Water District in accordance with the Brown Act. During that meeting, the Board of Directors approved a Resolution to continue remote teleconference meetings of San Bernardino Valley Municipal Water District and will continue to evaluate the situation and renew this Resolution every 30-days until it is decided the resolution will no longer be needed.

On March 17, 2020, due to the COVID-19 global pandemic emergency, Governor Newsom issued Executive Order N-29-20, which allowed local agencies to hold meetings via teleconferences and to make meetings accessible electronically without violating the open meetings laws in the Brown Act by relaxing the teleconferencing rules.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which replaced the text in Executive Order N-29-20. Executive Order N-08-21 stated the relaxed Brown Act provisions shall apply through September 30, 2021.

The recently signed Assembly Bill No. 361 provides additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency. The goal of Assembly Bill No. 361 is “to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.”

Assembly Bill No. 361 allows a local agency to use teleconferencing without complying with certain Brown Act provisions in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Assembly Bill No. 361 will be in effect on October 1, 2021. A local agency is authorized to use teleconferencing without complying with the teleconferencing requirements in the Brown Act when meetings are held during a declared state of emergency until January 1, 2024. In order to do so, the local agency must adopt a Resolution making the following findings by majority vote:



1. The legislative body has considered the circumstances of the state-of-emergency; and
2. Any of the following circumstances exist:
  - a. The state-of-emergency continues to directly impact the ability of the members to meet safely in person; or
  - b. State or local officials continue to impose or recommend measures to promote social distancing.

**FISCAL IMPACT**

None

**ATTACHMENT**

Resolution No. 1144

**RESOLUTION NO. 1144**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT FOR THE PERIOD FEBRUARY 1, 2022, THROUGH MARCH 2, 2022, PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the San Bernardino Valley Municipal Water District (District) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the San Bernardino Valley Municipal Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov't Code § 54950 et seq.), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, such conditions now exist in the District, specifically, a state of emergency has been proclaimed due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the San Bernardino County Department of Health has recommended measures to promote social distancing;

WHEREAS, the Board of Directors has determined that the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, the Board of Directors does hereby find that the current state of emergency with respect to COVID-19, local official recommendations to promote social distancing, and conditions causing imminent risk to the health and safety of attendees have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of San Bernardino Valley Municipal Water District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT** as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and declares that meeting in person would not comply with local official recommendations to promote social distancing and would present imminent risk to the health and safety of attendees.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager and legislative bodies of the San Bernardino Valley Municipal Water District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on February 1, 2022 and shall be effective until the earlier of (a) March 2, 2022, or (b) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the San Bernardino Valley Municipal Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED this 1<sup>st</sup> day of February 2022.

---

Paul Kielhold  
President

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Heather P. Dyer  
Secretary



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**DATE:** February 1, 2022  
**TO:** Board of Directors  
**FROM:** Heather Dyer, CEO/General Manager  
**SUBJECT:** CEO/General Manager's Report

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The following is an update from the CEO/General Manager on the status of a number of items at the District.

I. Yucaipa SGMA Groundwater Sustainability Plan

The Yucaipa Sustainable Groundwater Management Agency (SGMA) finalized its Groundwater Sustainability Plan (GSP) and submitted it to the Department of Water Resources prior to their January 31, 2022, deadline. Prior to that, the Yucaipa SGMA held a public hearing on January 26, 2022, to adopt the Final GSP.

Prior to that, the Yucaipa SGMA hosted two public Community Engagement Meetings to discuss and receive comments on the Draft GSP for the Yucaipa Basin. The GSP provides the basis for sustainably managing the groundwater resource in the Yucaipa Basin, with the goal of avoiding undesirable conditions that would adversely affect this resource in the future.

II. State Water Project Allocation

On January 20, 2022, the Department of Water Resources announced an increase in the 2022 allocation of State Water Project water to the State Water Contractors. The allocation is now 15 percent, up from the initial zero percent allocation previously announced in December.

III. Upper Santa Ana River Water Forum: Division V

The District will hold its first Upper Santa Ana River Water Forum in Division V at the Yucaipa Valley Water District's Crystal Creek Treatment Plant. This event will occur at on Wednesday, February 16, at 11:30 a.m., with an optional Treatment Plant Tour beginning at 11 a.m. Lunch will be provided. Speakers include Yucaipa City Manager Ray Casey, Yucaipa Valley Water District General Manager Joe Zoba, and myself.

IV. Weaver Basins Dedication Event

Together with East Valley Water District and the City of San Bernardino Municipal Water Department, we will be celebrating the Weaver Basins Project with a dedication event on Thursday, February 24, at 10 a.m. As you will recall, the Basins are an integral part of Valley District's new Regional Recycled Water System that will receive highly treated wastewater from both the above-mentioned partner agencies, up to 16,500 acre-feet/year. The event will include each of the three agencies discussing the value of this project in terms of collaboration, our regional water supply reliability, and long-term infrastructure planning in the region. I will serve as the master of ceremonies for the event.

An invitation will be sent out in the next couple of weeks to those on the contact lists for each of the three agencies. An event agenda will be provided to the Directors once it is finalized.

V. Upper Santa Ana River Mayors Breakfast

The Upper Santa Ana River Mayors' Breakfast has been rescheduled for Wednesday, March 30, at the Mission Inn. An updated invitation will be sent out in early March to all those on the invitee list. More details will be provided to the Board in March.

VI. Employee Updates

Our new Human Resources and Risk Manager, Ms. Karen Resendez, started with the District January 24, 2022. She brings with her more than 20 years of Human Resources experience throughout San Bernardino, Riverside, and Los Angeles counties. Most recently, Karen worked as the Assistant Director of Human Resources with the City of Glendora where she oversaw all aspects of human resources, including employee relations, leadership development and mentoring, classification and compensation,

organizational strategy, succession planning and career pathways, safety and risk management, policy development and implementation, and. Karen's experience developing programs in the human resources field coupled with her experience with employee relations make her the perfect addition to our team.

In other employee relations news, Mr. Tom Holcombe, Operations Manager, will be retiring in July 2022 after 34 years of service to the District! Tom has been an integral member of the team and has contributed significantly to our success and growth during his time with the District. We anticipate beginning the selection process for Tom's successor in early Spring.

#### VII. Upcoming Presentations

- March 29-30: American Groundwater Trust Annual Groundwater Conference in Lakewood, CA. I will be speaking about the Yucaipa Basin Project and stormwater capture throughout our region.
- April 4-7: National Water Supply Alliance Roundtable in Arlington, VA.

#### VII. Recent Past Presentations

- Jan. 25: Integrated Water Stakeholder Discussion: This opportunity enabled regional water stakeholders to present to the State Water Board staff on topics and projects affecting their regions. I presented on Watershed Connect, the Regional Recycled Water Program, Stormwater Capture, and the Upper Santa Ana River Habitat Conservation Plan.

#### **Staff Recommendation**

Receive and file.



---

**DATE:** February 1, 2022  
**TO:** Board of Directors  
**FROM:** Staff  
**SUBJECT:** Summary of January 6, 2022, Board of Directors Workshop – Resources

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The Resources Workshop convened on January 6, 2022. Vice President Hayes chaired the meeting via video conference.

Directors Present: President Kielhold, Vice President Hayes, Director Botello, Director Harrison and Director Longville.

Staff Present:

Heather Dyer, MS, MBA - Chief Executive Officer/General Manager  
Joanna Gibson – Executive Director Upper SAR Habitat Conservation  
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board  
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA - Strategic Communications Manager  
Anthony Flordelis – Business Systems Analyst  
Matthew E. Howard, MS – Water Resources Senior Planner  
Adekunle Ojo, MPA – Manager of Water Resources

Members of the Public Present:

Madeline Blua, Yucaipa Valley Water District  
Chris Mann, Yucaipa Valley Water District  
Nyles O’Harra, Yucaipa Valley Water District  
David E. Raley, San Bernardino Valley Water Conservation District  
Melody McDonald, San Bernardino Valley Water Conservation District  
Scott Fleury, ICF

*Pursuant to the provisions of the Brown Act, this meeting will be conducted by teleconference only.*

## **1. Introductions**

Melody McDonald, San Bernardino Valley Water Conservation District, and Scott Fleury, ICF, introduced themselves.

## **2. Public Comment**

Chair Hayes invited public comment. There was none.

## **3. Summary of Previous Meeting**

The meeting notes from the December 16, 2021, Board of Directors Workshop - Resources were accepted with no comments.

### **4.1 Presentation on Upper SAR HCP Comprehensive Adaptive Monitoring and Management Program (CAMMP) and Demonstration of the Online Data Portal**

Executive Director Upper SAR Habitat Conservation Joanna Gibson introduced Dr. Scott Fleury, senior conservation biologist and leader of ICF's Habitat Conservation Planning Practice in Southern California, who has been working on vision for the long-term implementation of the Habitat Conservation Plan (HCP) under the CAMMP.

Dr. Fleury provided background and an overview of progress on the project. He emphasized the need for a strong foundation to provide structure and initiative on which to build. The HCP parallels the process to get the State endangered species permits, the aquatic resource permits, the tributary restoration projects, CEQA and NEPA compliance, mitigation reserve program, and the CAMMP which examines how to coordinate the implementation of the HCP, restoration, and facilitation of all the different water agency projects. This foundation allows the water agencies as permittees start to implement projects, he stated, and detailed additional portions of the overall process to reach the end goal of water supply security.

The HCP provides the endangered species permits for the 20 covered species to move forward with projects and covered activities, and regulatory assurance to be able to move forward in the future without additional regulatory requirements for the more than 100 water



agency facility projects and operations activities over the 50-year permit term, Mr. Fleury explained. On the ecosystem side, he continued, the HCP is protecting and managing the habitat for the covered species which contributes to watershed health and overall resiliency.

Mr. Fleury reviewed the covered species which include those that are likely to become listed as endangered or threatened in the foreseeable future, and the objectives and strategies. Upon implementation, the result is a preserve system of roughly 1,900 acres, he explained. He noted what is being accomplished is substantial and involves new cutting-edge procedures and opportunities. He provided examples of the purple pipe project to provide in-stream flow for species habitats while recharging the groundwater, and the Santa Ana Sucker maintenance effort.

Last year, the public review draft of the HCP was circulated, and the integration of feedback will soon be finalized, Mr. Fleury stated. The HCP Environmental Impact Report (EIR) was completed, and the CAMMP document and portal and online monitoring and management tools were also implemented. This year, he continued, some of the major restoration projects will begin.

Mr. Fleury presented a comparison to other large scale conservation plans throughout the state with timeframe and estimated costs. He noted the greater complexity of the SAR HCP and pointed out it is average in the comparison. The SAR HCP has gone above and beyond, is a national model, and is close to the finish line, he assured.

CEO / General Manager Heather Dyer stressed the complexity of the comprehensive environmental compliance program and reminded that the reason for integration of the whole program was the value of the mitigation use for multiple permits.

Vice President Hayes asked about integration with the San Bernardino Valley Conservation District's Wash Plan. Mr. Fleury noted the complexity, pointed to other ongoing projects, and emphasized the shared coordination and economies of scale of management and monitoring for species and learning from each other. Ms. Dyer noted that the Wash Plan was originally envisioned to cover terrestrial impacts, and the River HCP covers the hydrology impacts. If the Wash Plan had not already been 18 years into the process, they would have been combined, she said.

Director Longville noted the proposed listing of Foothill Yellow Legged Frog; Mr. Fleury assured that species is not in the District's area. Ms. Gibson added detail and said she would look into it.

Ms. Gibson commented on the added complexity of analysis of the impacts related to water. A need was recognized early for development of a robust, long-term monitoring and adaptive management strategy to track and verify all the estimated impacts that were analyzed, she said. Also, development of the CAMMP would require input from a multidisciplinary team including experts in species, and physical processes.

The Upper SAR team was awarded grant funding under Section 6 for the preparation of the long-term management plan over a 10-month period, Ms. Gibson explained. More than 70 participants held a three-day online workshop to develop a science-based and data-driven plan for the protection and management of species under the HCP, resulting in the CAMMP document, followed by an organizational framework for the decision-making process for the preserve system, and ensuring that the HCP is being implemented as approved under the U.S. Fish & Wildlife Service Incidental Take Program.

The overarching strategy includes site evaluations, consideration of identified goals and objectives, development of conceptual models for each species, and provision of a feedback loop for continuous learning, Ms. Gibson advised. Another interest was in integrating the management program with regional efforts, especially with climate change, she added.

Ms. Gibson pointed out the sections of the large CAMMP document. Mr. Fleury advised that annual reports are required for submission to the wildlife agencies.

Mr. Fleury introduced the innovative web portal to make information more accessible for implementation and available to the regulatory agencies, the public and the science community. Long-term goals of the program were envisioned to be a hub for science and collaboration for the region in a way that stakeholders and permittees can communicate and share information and provide the tools for adaptive management and required reporting.

A team was assembled to develop the portal, Mr Fleury said, and explained the process of building the portal. He described the comprehensive website and dynamic data dashboard. Key features are the full transparency and accessibility to the public, regulators and others

interested, document management system / library, and interactive map. He provided a detailed tour of the website and Ms. Dyer highlighted some functionality of the tool and emphasized the more proactive relationship with the regulators.

Mr. Fleury explained the functionality of the website and dashboard.

Director Harrison and Director Longville commented on the technology. Mr. Fleury identified the site as revolutionary and said he hoped it serves as a model for others. Director Botello pointed out the portal could be useful for students. Ms. Gibson noted that audience was one of the considerations for the task. Mr. Fleury acknowledged the web development team.

**Action Item(s):** Receive and file.

## **5. Future Business**

There were no future business items added.

## **6. Adjournment**

Chair Hayes adjourned the meeting at 3:19 p.m.

## **Staff Recommendation**

Receive and file.



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**DATE:** February 1, 2022  
**TO:** Board of Directors  
**FROM:** Staff  
**SUBJECT:** Summary of January 11, 2022 Board of Directors Workshop – Engineering

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The Engineering Workshop convened on January 11, 2022, via Zoom video-teleconference. Director Harrison chaired the meeting.

Directors Present: President Kielhold, Vice President Hayes, Director Botello, Director Harrison, and Director Longville.

**Staff Present:**

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager  
Wen Huang, PE, MS – Deputy General Manager/Chief Engineer  
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board  
Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer  
Bob Tincher, PE, MS – Deputy General Manager/Chief Water Resources Officer  
Melissa Zoba, MBA, MPA – Chief Financial Officer

Dan Borrell – Manager of Geospatial Services  
Anthony Flordelis – Business Systems Analyst  
Matthew E. Howard, MS – Water Resources Senior Planner  
Adekunle Ojo, MPA – Water Resources Manager

**Members of the Public Present:**

Melody McDonald, San Bernardino Valley Water Conservation District  
David Raley, San Bernardino Valley Water Conservation District  
Nyles O’Harra, Yucaipa Valley Water District  
Joyce McIntire, Yucaipa Valley Water District  
Ron Coats, East Valley Water District  
Fabian Valdez Jr., Redistricting Insights  
Eddy Harrity, Redistricting Insights  
Matt Rexroad, Redistricting Insights  
Steve Stuart, Dudek

## **1. Introductions**

None.

## **2. Public Comment**

Chair Harrison invited public comment. There was none.

### **3.1 Public Hearing on the Redistricting of Valley District's Division Boundaries**

Chair Harrison introduced the public hearing pursuant to the requirements of the State of California.

Chief Executive Officer/General Manager Heather Dyer reported the hearing was properly noticed. Chair Harrison noted the agenda and notice was posted January 7, 2022 in accordance with the Brown Act.

Chief Information Officer Melissa Zoba provided an overview of California Elections Code 22000 which requires each special district to adjust its division boundaries after each decennial Census. She reminded the Board of the approved contract with Redistricting Insights (RI) to conduct the redistricting. This is the first of three required public hearings, she stated.

Mr. Matt Rexroad, Chief Legal Counsel of RI introduced RI staff Fabian Valdez and Eddy Harrity and explained the principles and process of redistricting. Members of the public may submit maps for consideration and RI staff will provide an analysis to include those in the process, Rexroad assured. He reviewed considerations in choosing boundaries and shared current division populations.

Director Longville asked about the notice of public hearing and the upcoming process. Chief Information Officer Melissa Zoba indicated the notice was circulated with the meeting agenda. The next hearings will be published in the newspapers, she stated.

Director Longville pointed out all Directors have ideas about the communities of interest and other considerations and asked when the Board would have opportunity to present these and have them included in the draft maps. Mr. Rexroad emphasized that maps are available to avoid any surprises and the Board will have plenty of time to provide input. Often, after this presentation, RI staff is asked to provide draft maps and provide suggestions at the next meeting for Board member input.

Director Harrison asked about the impact of the Citizens Voting Age Population (CVAP) data and Mr. Rexroad explained the Gingles court case factors and application to the area. He noted that this process does not include a racially polarized voting analysis.

The public hearing was opened at 2:37 p.m. There were no speakers. The public hearing was closed at 2:38 p.m.

Mr. Rexroad indicated he will return with draft maps and invited comment from the Directors.

Director Harrison noted his district will need to expand and requested it remain on the south side of the Santa Ana River and expand to the east.

Director Longville recognized that Division 3 has the greatest deviation and will lose some territory. She pointed to communities of interest and opined that the portion below Highland Avenue belongs in another division; at the west end it makes sense to cede some area to Division 2, and below Highland makes sense to go to Division 1. She emphasized that Highway 215 is a significant dividing line and communities on the west side make sense in Division 3, with the communities on the east side moving to another division. She also requested attention to the location of current director residences for presentation of maps that do not propose a burden in case of running for re-election.

Vice President Hayes pointed out that previous figures showed her division was the closest to the number it should be. To get the numbers right, the overall picture appears that Division 4 has no choice but to move east to avoid impacting Division 2, and Division 4 will impact Division 5, which will impact Division 3, Hayes posited.

Mr. Rexroad assured that choices would be presented. He noted that population can be clustered in some areas while other areas do not have many people, resulting in land mapping differences without much population difference.

President Kielhold pointed out there are two existing divisions on both sides of the Santa Ana River and adding a third would not be a stretch.

Director Botello emphasized this should be an equitable, fair process transparent to the public..

Ms. Zoba advised that staff will work with RI to engage the community and seek input. There will be several options to review at the next meeting, she said.

#### **4. Summary of Previous Meeting**

The summary notes from the December 14, 2021 Board of Directors Workshop – Engineering were accepted with no comments.

## **5.1 Consider the Draft Groundwater Sustainability Plan for the Yucaipa Sustainable Groundwater Management Agency**

Water Resources Senior Planner Matt Howard introduced main Project Manager Steve Stewart from Dudek. Mr. Howard provided history of the project, pointing out multiple studies of the subbasin which have all contributed to and helped build the Yucaipa Groundwater Sustainability Plan (GSP) developed by the Yucaipa Sustainable Groundwater Management Agency (SGMA).

Mr. Howard gave some detail on the Sustainable Groundwater Management Act and advised that the Yucaipa Basin was designated as high priority and was required to form a GSP to address sustainable yield and sustainability factors. Also in the Valley District area, the San Bernardino Basin, Rialto-Colton Basin, and the Riverside-Arlington Basin are adjudicated and managed to the Western-San Bernardino Watermaster adjudication of 1969 and are not subject to the development of a GSP, he added.

Mr. Howard explained sustainability indicators as applicable to the Yucaipa Basin, and the purpose of monitoring and managing the use of groundwater to avoid undesirable results. He introduced the hydrogeological concept models created by the U.S. Geological Survey which are the backbone of all water budget analyses performed and shared a map of the four SGMA Yucaipa subbasin management areas.

Mr. Howard presented charts for each management area and explained related indicators, water budget scenarios, management actions, and triggers. If the change in storage for the management area is above the measurable objective, then the water purveyors can pump at the sustainable yield without causing any undesirable effects, he explained. If the change in storage in the management area drops below the objective, the first management action would be triggered and net groundwater production would be reduced, he continued. This can be offset by purchasing imported State Project Water for recharge or direct delivery or implementing conservation programs.

If the volume in storage continues to decline past the minimum threshold, net production would be reduced by 35 percent of the sustainable yield and actions like the purchase of imported water would be necessary to avoid undesirable results, which could include impacts of chronic lowering of water levels, reduction in groundwater storage, and potential

land subsidence, Mr. Howard explained. He described the management actions including constraining pumping, defining the pumping allocations per retailer based on percentage of historical pumping, and importing water. He pointed to the charts indicating the direct result of YVWD's management action in the basin.

Director Harrison requested a map of water retailers overlying the Yucaipa Basin.

Mr. Howard explained that the goal is to ensure the volume in storage remains in the sustainability zone and to import as much State Project Water as possible to keep the Basin sustainable. The implementation of the GSP and the three management actions become effective when the GSP is adopted by the Yucaipa SGMA, he explained. The Yucaipa SGMA will be considering adoption of the GSP on January 26, 2022. The goal is to have all SGMA participating agencies provide their adopted resolutions prior to that meeting, to include with the GSP that will be submitted to the Department of Water Resources by the January 31 deadline and to show a collaborative effort and collective desire to continue managing and maintaining sustainability in the Yucaipa Basin, Howard advised.

Every five years until 2042, the Yucaipa SGMA will reevaluate the GSP and perform a recalculation of sustainable yield and assess responses if a management action were to be implemented, Howard noted. Annual reports are due April 1, he added.

**Action Item(s):** The Board voted to direct staff to forward this item to the January 18, 2022 Board of Directors meeting for consideration by the following roll-call vote:

There was no motion or second.	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville
NOES:	None
ABSTAIN:	None
ABSENT:	None

## **5.2 Consider Contract Amendment with Dudek to Prepare the 2022 Annual Report for the Yucaipa Sustainable Groundwater Management Age**

Mr. Matt Howard indicated that this is the contract amendment required by SGMA to prepare the annual report and submit it by April 1. DWR requires actual data for water years from 2018 to 2021 and include groundwater production, quality of surface water supply, and description of processes for implementing the GSP including management actions, he said. The agreement was approved by the Yucaipa SGMA Board of Directors on October 27,



2021, and the \$27,320 cost will be subject to the funding split per the Yucaipa SGMA Memorandum of Agreement; Valley District's share will be \$1,708. This amount was included in this year's fiscal budget, Howard advised.

**Action Item(s):** The Board voted to direct staff forward this item to the next Board of Directors meeting by the following roll-call vote:

There was no motion or second.	APPROVED: 4-1
AYES:	Botello, Harrison, Hayes, Longville
NOES:	Kielhold
ABSTAIN:	None
ABSENT:	None

## 6. Future Business

There was none.

## 7. Adjournment.

The meeting was adjourned at 3:25 p.m.

## Staff Recommendation

Receive and File



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**DATE:** February 1, 2022  
**TO:** Board of Directors  
**FROM:** Staff  
**SUBJECT:** Summary of January 13, 2022 Board of Directors Workshop – Policy

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The Policy Workshop convened on January 13, 2022, via Zoom teleconference. Director Botello chaired the meeting.

Directors Present: President Kielhold, Vice President Hayes, Director Botello, Director Harrison, and Director Longville.

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager  
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board  
Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer  
Bob Tincher, PE, MS – Deputy General Manager/Chief Water Resources Officer  
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – Strategic Communications Manager  
Anthony Flordelis – Business Systems Analyst  
Matthew E. Howard, MS – Water Resources Senior Planner  
Adekunle Ojo, MPA – Water Resources Manager  
Shavonne Turner – Water Conservation Program Manager

Members of the Public Present:

James Morales, East Valley Water District  
Jackson R. Gualco, The Gualco Group  
Nyles O’Harra, Yucaipa Valley Water District  
David E. Raley, San Bernardino Valley Water Conservation District  
Melody McDonald, San Bernardino Valley Water Conservation District  
Graham Bradner, Delta Conveyance Design and Construction Authority  
Johnson Yeh, Geoscience  
MAYOR (Guest)  
Dave Romero  
David Barnes

*Pursuant to the provisions of the Brown Act, this meeting will be conducted by teleconference only.*

## **1. Introductions**

Chief Executive Officer/General Manager Heather Dyer introduced staff members present.

## **2. Public Comment**

Chair Gil Botello invited public comment. There was none.

## **3. Summary of Previous Meeting**

The summary notes from the December 9, 2021, Board of Directors Workshop – Policy were accepted with no comments.

### **4.1 Discuss State and Federal Legislative Update**

Jackson R. Gualco with The Gualco Group advised that the State legislature reconvened on January 3, 2022, and the impacts of the coronavirus Omicron variant were immediately felt in reduced number of staff in the Capitol and slower business than usual. Mr. Gualco pointed out that January is a critical month for bills that are left over from 2021, and many may fall by the wayside. He anticipated that the February report will be short due to the failure of bills to meet the January 31 deadline.

New bills are beginning to trickle in but will be mostly submitted by the introduction deadline of February 18, Mr. Gualco noted.

Mr. Gualco discussed the policy and political impacts of redistricting, COVID, and the temporary Capitol annex. He warned about incumbents declining to run for reelection due to redistricting, and major term limit expiration which will result in loss of 2/3 of the legislature, with new legislators joining.

Due to the COVID-19 situation, the legislature considered taking a break, but leadership decided to move forward, Mr. Gualco explained.

Mr. Gualco reminded the Board that the governor, legislature, and Department of Finance moved to temporary quarters, limiting opportunity for private meetings.

The Gualco Group is combing through the <\$200 billion proposed State budget which was announced by the Governor on Monday, January 10 and will share their report with staff once research is complete. Major themes are drought relief, wildfire, housing, homelessness, and crime, Mr. Gualco said. The administration will also spend time implementing funding decisions made in 2021 as they are one- to three-year appropriations cycles, he explained. It is a very healthy budgetary picture at this point, he added.

Mr. Gualco briefed the Board on key bills of note:

- SB 559 – would set up the fund into which subsidence mitigation funds would be placed
- AB 1001 – would require that as part of the CEQA analysis for projects, the potential impacts on disadvantaged communities be clearly identified and mitigated. This would impact water projects, including the State Water Project. Director Harrison requested a copy.

In response to Vice President Hayes, Mr. Gualco reviewed the State bill process.

CEO / General Manager Heather Dyer reported drought funding appears to be a more reactive than a proactive investment to better withstand future droughts. A budget surplus is the perfect opportunity to invest in transformative, proactive projects, she opined. Mr. Gualco noted that the budget vice chairs sent a letter to the governor encouraging that, and explained current trends toward infrastructure. He noted that AB 1001 could impact the Sites Reservoir project.

Director Longville indicated she heard about a potential bill to insist that more studies be done on the impacts of water efficiency, aimed at delaying the approval of the Department of Water Resources recommended efficiency standard. She also advised of her interest in a bill regarding more credits for recycled water. Mr. Gualco pointed out that the author of AB 1434 which restricts residential water use will allow the bill to die, and will reintroduce it in 2022.

Strategic Communications Manager Kristeen Farlow provided the federal legislative update. She noted the return of the legislature in January. Due to the stall in negotiations over Build Back Better, the Senate is expected to turn their attention elsewhere, however the legislators are hopeful that those conversations can resume later this month, she reported.

The status of appropriations was also halted in December, she said. A continuing resolution is in place to fund the federal government through February 18, 2022, and it is expected that the 2023 budget will be released sometime in March.

Another round of community project funding is expected in both the House and Senate, Farlow noted. Another Water Resources Development Act (WRDA) will be coming out, she advised.

**Action Item(s):** Receive and file.

#### **4.2 Update on the Delta Conveyance Project**

Deputy General Manager/Chief Water Resources Officer Bob Tincher advised this update is per request regarding the Bethany Alternative alignment. He introduced Graham Bradner, executive director of the Delta Conveyance Design and Construction Authority and reminded the Board of the importance of the Delta Conveyance to Valley District.

The District's return on investment in the State Water Project (SWP) is waning due to much of the water captured being sent to the ocean in an unsuccessful attempt to help the fish; the Delta conveyance will help restore much of what has been lost, Mr. Tincher explained. He provided an overview of the Delta Conveyance, its functions, and proposed facilities.

The Bethany Alignment alternative offers some advantages, Mr. Tincher continued. He detailed the proposed second intake and the conveyance of water. He explained the mitigation of sea level rise, breakage of levies, and more by bypassing the Delta. In all cases, the State Water Project is better off with the Delta Conveyance Project than without it, Mr. Tincher explained, and detailed the estimated benefits.

Mr. Tincher noted as the project is engineered, the cost estimate will change. The current estimate is approximately \$16 billion, about 2.8 percent (\$.5 billion) of which is currently Valley District's share, depending on the final participation. This will restore about 15,000 acre-feet (af) of the supply lost at a reasonable cost per acre-foot.

Mr. Bradner presented a schedule of major planning milestones through mid-2024 and explained the process. He noted the major milestone of completion of conceptual designs. If approved, the project will proceed to a final design phase of several years, overlapping with the beginning of early construction activities, he advised. The construction period is anticipated to be 12 years, he added.

Director Longville indicated support for the Bethany Alternative, saying it has tremendous potential. She commented on the construction timeline, noting that completion in 2036 is a long way off. She asked about the obstacles to be overcome and relation to the Delta smelt.

Mr. Bradner indicated that the development of the Bethany Alternative was a team effort, has some distinct benefits, and is very different from some of the past variations of the project. He noted that the completion is actually several years beyond 2036 and acknowledged the gap between current status and anticipated completion.

Director Harrison asked if the Bethany Alternative has had better reception or if there is still opposition. Mr. Bradner advised that the move by the DWR to change the preferred proposed project to the Bethany Alignment was based on it having the least environmental impact of the three alternatives, but he acknowledged there will still be opposition. Mr. Tincher pointed out changes to the project have been made in response to public comment.

Director Botello emphasized the original intent of Valley District is to assure plentiful, safe, affordable water in the valley. Mr. Tincher reiterated that this project restores water that has been lost over the years and the SWP is a high-quality source of supply. Because of that, Mr. Tincher continued, it is anticipated that millions of dollars will be saved on desalting facilities down the road.

**Action Item(s):** Receive and file.

#### **4.3 Consider Contract Amendments with Geoscience Support Services and Balleau Groundwater to Address Review Comments on the Integrated Water Quality Model**

Deputy General Manager/Chief Water Resources Officer Bob Tincher explained Valley District and Western Municipal Water District (WMWD) have been developing an integrated water quality model for the upper watershed to work in coordination with the Chino Basin model and which will allow water quality modeling from Yucaipa to Prado Basin. He reminded that the Board authorized the project and explained the process which includes peer review team, professional, and stakeholder input from the beginning to ensure the best model possible and buy-in. Geoscience Support Services, Inc. has been building the model, Mr. Tincher stated, and they and Balleau Groundwater have provided estimates for what it will take to process comments and complete the review.

Mr. Tinchler emphasized the importance of the model, which will be used to develop a Salt and Nutrient Management Plan (SNMP) which is anticipated to prevent the need to build desalination facilities.

In response to Director Harrison, Ms. Dyer stated she is supportive of having as much input as possible, noted that the team of project scientists is capable and inspiring, and said the model will be valuable over time to the region.

Director Botello clarified the action today whether to recommend to the full Board the amendments to the existing Geoscience Support Services, Inc., and Balleau Groundwater contracts for the development of the Upper Santa Ana River Integrated Water Quality Model to evaluate comments provided by West Yost (formerly Wildermuth Environmental).

Director Longville requested additional information as the project moves forward.

**Action Item(s):** The Board voted to move this item forward for consideration to a regular Board of Directors meeting by the following roll-call vote:

There was no motion or second.	APPROVED: 5-0
AYES:	Botello, Harrison, Hayes, Kielhold, Longville
NOES:	None
ABSTAIN:	None
ABSENT:	None

## 5. Future Business

Vice President Hayes inquired about the Association of San Bernardino County Special District dinner in person given the current increase in COVID-19 cases. Director Harrison reported the number of attendees registered to attend was low, but the Board is meeting on Monday to make a final determination.

## 6. Adjournment

The meeting was adjourned at 2:06 p.m.



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**DATE:** February 1, 2022

**TO:** Board of Directors

**SUBJECT:** List of Announcements

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- A. February 1, 2022, 9:30 a.m. – SAWPA Commission Meeting
- B. February 1, 2022, 10:00 a.m. – SAWPA PA 24 Meeting
- C. February 1, 2022, 2 p.m. – Regular Board Meeting by Teleconference
- D. February 2, 2022, 8:30 a.m. – Upper SAR WIFA by Teleconference
- E. February 3, 2022, 2 p.m. – Board of Directors Workshop – Resources by  
Teleconference
- F. February 7, 2022, 1:30 p.m. – Basin Technical Advisory Cmte – by Teleconference
- G. February 8, 2022, 2 p.m. – Board Workshop – Engineering by Teleconference
- H. February 9, 2022, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee by  
Teleconference
- I. February 9, 2022, 9:00 a.m. – Board Workshop – Branding (In-Person)
- J. February 9, 2022, 1:30 p.m. – San Bernardino Valley Water Conservation District  
Board Meeting
- K. February 10, 2022, 2 p.m. – Board Workshop – Policy by Teleconference
- L. February 11, 2022, 10 a.m. – Board Workshop – Board Leadership/Professional  
Development (In-Person)
- M. February 15, 2022, 2 p.m. – Regular Board Meeting by Teleconference
- N. February 16, 2022, 8:30 a.m. – Upper SAR WIFA by Teleconference



- O. February 16, 2022, 11 a.m. – Upper SAR Water Forum – Division V (Yucaipa Valley Water District Crystal Creek Treatment Plant)
- P. February 17, 2022, 10 a.m. – Board Workshop – Board Leadership/Professional Development (In-Person)
- Q. February 21, 2022 – Washington’s Birthday Observance - District Closed
- R. February 23, 2022, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee by Teleconference
- S. February 23, 2022, 9 a.m. – Board Workshop – Strategic Goals Development
- T. February 24, 2022, 10 a.m. – Weaver Basin Dedication
- U. February 28, 2022, 6 p.m. – ASBCSD dinner (Shandin Hills Golf Club)