



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, JANUARY 3, 2023 – 2:00 P.M.

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the January 3, 2023, meeting of the San Bernardino Valley Municipal Water District online and by telephone as follows:

Dial-in Info: (877) 853 5247 US Toll-free

Meeting ID: 684 456 030

PASSCODE: 3802020

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

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for the District's consideration by sending them to comments@sbvmwd.com with the subject line "Public Comment Item #" (insert the agenda item number relevant to your comment) or "Public Comment Non-Agenda Item". Submit your written comments by 6:00 p.m. on Monday, January 2, 2023. 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, January 3, 2023

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

1) PUBLIC COMMENT

Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.

2) CONSENT CALENDAR

- 2.1 Approve Minutes of the Regular Board of Directors' Meeting - December 6, 2022 (Page 4)
[Staff Recommendation - Approve Minutes of the Regular Board of Directors Meeting 120622](#)
- 2.2 Approve Minutes of the Board of Directors' Workshop - Policy - December 8, 2022 (Page 11)
[Staff Recommendation - Approve Minutes of the Board of Directors Workshop - Policy 120822](#)
- 2.3 Approve Minutes of the Board of Directors' Workshop - Engineering - December 13, 2022 (Page 16)
[Staff Recommendation - Approve Minutes of the Board of Directors Workshop - Engineering 121322](#)
- 2.4 Approve Minutes of the Board of Directors' Workshop - Resources - December 15, 2022 (Page 23)
[Staff Recommendation - Approve Minutes of the Board of Directors Workshop - Resources 121522](#)

3) DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Election of Officers Pursuant to Water Code Section 71273 (Page 29)
[Staff Memo - Election of Officers Pursuant to Water Code Section 71273](#)
- 3.2 Consider Adoption of Resolution No. 1167 Appointing Primary Commissioner and Alternate

Commissioner for the Santa Ana Watershed Project Authority(Page 31)
[Staff Memo - Consider Adoption of Resolution No. 1167 Appointing Primary Commissioner and Alternate Commissioner for the Santa Ana Watershed Project Authority Resolution 1167](#)

- 3.3 Consider the Reappointment of T. Milford Harrison to the Association of San Bernardino County Special Districts Governing Board (Page 33)
[Staff Memo - Consider the Reappointment of Director T. Milford Harrison to the Association of San Bernardino County Special Districts Governing Board](#)
- 3.4 Consider In-Person meetings or alternatively Resolution 1168 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period January 3, 2023, through February 1, 2023 (Page 34)
[Staff Memo - Consider In-Person meetings or alternatively Resolution 1168 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period January 3, 2023, through February 1, 2023 Resolution 1168](#)

4) REPORTS (Discussion and Possible Action)

- 4.1 Directors' Report of Activities and Travel Requests in accordance with Resolution 1100
- 4.2 General Counsel Report
- 4.3 SAWPA Meeting Report

5) FUTURE BUSINESS

6) ANNOUNCEMENTS

- 6.1 List of Announcements(Page 39)
[List of Announcements 010323](#)

7) CLOSED SESSION

- 7.1 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
- 7.2 Conference with Labor negotiator pursuant to government code section 54957.6
District designated representative: Brad Neufeld of Varner & Brandt
Unrepresented employee: General Manager

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 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**

December 6, 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
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – Strategic Communications Manager
Leo Ferrando, PE, MS – Assistant Chief Engineer
Anthony Flordelis – Business Systems Analyst
Adekunle Ojo, MPA – Water Resources Manager
Matthew Olivo – Senior Accountant
Karen Resendez, MAOL – Human Resources/Risk Manager

Brad Neufeld, Varner & Brandt, District Counsel

Members of the Public in Attendance:

Michael Moore, East Valley Water District
Ron Coats, East Valley Water District
Ben Kelly, Western Heights Mutual Water Company
Kevin Walton, San Gorgonio Pass Water Agency

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

Agenda Item 1. Public Comment

President Kielhold stated that any member of the public wishing to make any comments to the Board regarding non-agenda items may do so. There were none.

Agenda Item 2. Oath of Office. Chief Executive Officer/General Manager Heather Dyer announced the November 8, 2022 General Election results and re-election of:

- Susan Longville, Division 3
- T. Milford Harrison, Division 4
- Paul Kielhold, Division 5

Deputy General Manager/Chief Financial Officer Cindy Saks administered the oath of office for the re-elected Directors.

Agenda Item 3. Consent Calendar

3.1) Minutes of the Regular Board of Directors Meeting – November 1, 2022

3.2) Minutes of the Board of Directors Workshop - Resources – November 3, 2022

3.3) Minutes of the Board of Directors Workshop - Engineering – November 8, 2022

3.4) Minutes of the Board of Directors Workshop - Policy – November 10, 2022

3.5) Minutes of the Regular Board of Directors Meeting – November 15, 2022

Action Item(s): The Board of Directors approved the meeting minutes on the Consent Calendar by the following roll-call vote:

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

Agenda Item 4. Discussion and Possible Action Items.

4.1) Consider In-Person meetings or alternatively Resolution 1165 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period December 6, 2022, through January 4, 2023. CEO / General Manager Heather Dyer reminded about discussion of the potential for returning to meetings in the Board Room in January. She advised that legal counsel has confirmed that a new Board President will need to be selected in January; however, one Board member will be out of town for the January 3 meeting.

The Board of Directors adopted Resolution No. 1165 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period December 6, 2022, through January 4, 2023 by the following roll-call vote:

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

RESOLUTION NO. 1165

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 DECEMBER 6, 2022, THROUGH JANUARY 4, 2023, PURSUANT TO BROWN ACT PROVISIONS.

(SEE RESOLUTION BOOK)

4.2) Summary Report on Employee Performance Review and Professional Development Program. CEO / General Manager Heather Dyer noted that one of her goals upon becoming General Manager was to improve the performance review system to support development of staff and leadership skills and prepare the next generation of leaders. Baseline assessments are in progress, and the new reviews will begin early next year.

Human Resources/Risk Manager Karen Resendez introduced the program and its intended objectives. She compared the typical task-based performance review to the core competency basis and briefed the Board on the components of the program.

Director Botello pointed out this system has many layers, and the core competencies can be very subjective. He asked about feedback from staff and training for evaluators to protect the employee. Ms. Resendez explained the training and said that subjectiveness would be reduced by providing definitions. Scoring can be changed based on collaborative discussion, she added.

Director Botello noted that if something goes wrong, the Board of Directors will likely be asked to intervene, emphasizing that training and buy-in are very important. Ms. Dyer explained the system is more robust and said she finds it to be more thorough and fair.

Director Botello pointed out the possibility of not seeing eye-to-eye on performance, and Ms. Resendez emphasized this would lead to conversation.

Director Harrison said the program appears complicated and suggested it would be time consuming. More time was spent to establish the initial baseline assessments, than will be moving forward, Ms. Resendez said, noting these reviews provide a valuable opportunity for staff to become familiar with the process. Director Harrison commented that it looks well done and should be a good educational process both ways.

Director Longville said she was impressed, and that staff will be well served by this structured program.

Vice President Hayes noted this represents progress and noted the collaborative process, which is in line with District goals.

In response to President Kielhold, Ms. Resendez indicated that time spent varied. Ms. Dyer noted that each took 30 to 40 minutes each, followed by the 30-minute meeting with the employee. Staff is the District's greatest asset, and this is an investment that pays off, she added. President Kielhold noted that more detail and more thought in the process are a worthwhile investment.

Director Harrison asked about the roll-out experience. Ms. Dyer noted her ratings and those of the staff have been fairly aligned and discussions will bear fruit for the District in the future.

Ms. Resendez reviewed the rating system and definitions.

In response to Director Hayes, Ms. Resendez assured that expectations of a new employee are not at the same level as an employee in the same role who has been at the District for five years. She explained professional development and support opportunities.

Director Hayes indicated this is a positive, team-oriented approach.

Ms. Dyer detailed some of the listed competencies.

Director Hayes asked about application of a similar program for the General Manager. Ms. Dyer reminded that legal counsel has a system for General Manager evaluation but indicated interest in ratings and reiterated strong belief in the content.

Action: Received and filed.

Agenda Item 5. REPORTS. Discussion and Possible Action Items

5.1) CEO/General Manager's Report. CEO / General Manager Heather Dyer highlighted the outreach work along Greenspot Road for the Regional Recycled Water System in response to a request from Director Longville. East Valley Water District (EVWD) is doing extensive outreach, and Valley District's logo is on all materials, she noted. Staff, the contractor, and EVWD are trying to minimize impacts to residents and advise them about the process, she stated.

Ms. Dyer briefed the Board on recent events as noted in the written report.

5.2) Directors' Report of Activities and Travel Requests in accordance with Resolution 1100.

Director Botello reported that he attended:

- November 21 – Association of Special Districts Dinner
- December 6 – Regional Recycled Water Pipeline Construction Tour

Director Harrison reported that he attended:

- November 21 – Association of Special Districts Dinner
- November 27-December 1 – Association of California Water Agencies (ACWA) Fall Conference

Director Hayes reported that she attended:

- November 17 - West Valley Water District meeting
- November 21 - Association of Special Districts Dinner

Director Longville reported that she attended:

- November 30-31 – ACWA Fall Conference
- December 5 – Planning and Funding for Climate Resilience and Infrastructure Webinar hosted by Nossaman
- December 6 – Regional Recycled Water Pipeline Construction Tour

Director Kielhold reported that he attended:

- November 28 – San Geronio Pass Water Agency Meeting
- November 30-31 – ACWA Fall Conference

5.3) General Counsel Report. No report.

5.4) SAWPA Meeting Report. Vice President Hayes gave the following report of the December 6, 2022, meeting:

SAWPA Commission

- Under the Consent Calendar items, adopted SAWPA Resolution 2022-17 to Submit the Final Grant Application to the Department of Water Resources
- Special Commendations were made for Recognition of Years of Service for the following:

- 25 Years: Pete Vitt
 - 20 Years: Rick Whetsel
- Authorized the General Manager to execute General Services Agreement and Task Order No. ACS100-26 with Accent Computer Solutions, Inc. for an amount not to exceed \$288,000.00 for a 48-month period (1/1/2023–12/31/2026) to provide Information Technology Services, with an option to add a 12-month extension to the end of agreement.
- Received the following Informational Report:
 - Assembly Bill 2449 (Blanca Rubio)

PA 23 Committee. Director Longville reported on the following:

- Adopted the Project Agreement 23 Committee Budget for Fiscal Years Ending 2024 and 2025.
- Received the following informational reports:
 - SARCCUP Project Updates
 - SARCCUP Schedule Overview

Agenda Item 6. Future Business. Director Longville requested a mid-year Budget review.

The Board of Directors added a mid-year Budget review to a future Board of Directors meeting by the following roll-call vote:

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

Agenda Item 7. Announcements.

7.1) List of Announcements. CEO / General Manager Heather Dyer pointed out the list of announcements.

Agenda Item 8. Closed Session. No closed session.

Agenda Item 9. Adjournment. The meeting was adjourned by President Kielhold at 3:16 p.m.

APPROVAL CERTIFICATION

I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.

Secretary

Date _____

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

**MINUTES
OF
THE
BOARD OF DIRECTORS WORKSHOP – POLICY
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

December 8, 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
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
Melissa Zoba, MBA, MPA -- Chief Information Officer

Kristeen Farlow, MPA – Strategic Communications Manager
Anthony Flordelis – Business Systems Analyst
Adekunle Ojo, MPA – Water Resources Manager
Matthew Olivo – Senior Accountant
Karen Resendez, MAOL – Human Resources/Risk Manager

Members of the Public in Attendance:

Melody McDonald, San Bernardino Valley Water Conservation District
Nyles O’Harra, Yucaipa Valley Water District
Ron Coats, East Valley Water District
Joyce McIntire, Yucaipa Valley Water District
Drew Tatum, Innovative Federal Solutions
Letitia White, Innovative Federal Solutions
Jean Denton, Innovative Federal Solutions

The Policy Workshop of the Board of Directors was called to order by Director Botello at 2:00 p.m. A quorum was noted present.

Agenda Item 1. Introductions.

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

Agenda Item 2. Public Comment

Chair Botello Invited public comment. There was none.

Director Longville joined the meeting at 2:07 p.m.

Agenda Item 3. Discussion and Possible Action Items.

3.1) State and Federal Legislative Update. Letitia White of Innovative Federal Solutions (IFS) briefed the Board on federal activity. She reported that Democrats now hold a 51-49 majority in the Senate and leaders were elected. Drew Tatum of IFS explained the biggest changes will be on the House side with the majority flipping from Democratic to Republican control. He discussed leadership elections and committee leadership assignments. Committee ratios will change with Republicans now having just as large a majority as do Democrats, he said.

Mr. Tatum pointed out that impacts locally include Congressman Jay Obernolte seeking to change his committee assignment to a position on the Energy and Commerce Committee; likely having to give up his role on the House Natural Resources Committee if successful. Congressman Pete Aguilar will round out the top Democratic leadership as Democratic Caucus Chair, Mr. Tatum noted.

Jean Denton of IFS discussed activity surrounding newly elected or retiring legislators. New committee assignments will be pulled together but chairmanships will not be seen until Congress comes back the first week of January, she said. Until the end of the year, there will be much proxy voting, she said, and noted a busy lame duck agenda over the next weeks.

Mr. Tatum detailed the passage of the National Defense Authorization Act which is being carried on the legislative vehicle of the Water Resources Development Act (WRDA), which deals with the authorization and change of Army Corps of Engineers projects. IFS is evaluating the potential WRDA applicability to the Seven Oaks Dam related to allowing the governors of drought-stricken states to request changes to water control manuals if those states had declared a drought disaster in 2021.

Ms. White discussed the appropriations process. The House and Senate have still not come to an agreement and are approximately \$25 billion apart in a \$1.7 trillion budget, she noted. Senator Leahy has indicated he will introduce his conference reports including no earmarks for municipalities like Valley District and no changes to last year's funding, she noted. The Continuing Resolution expires on December 16 and IFS believes there will be one more extension, and that the senators and members will come back after Christmas if necessary, she added.

Mr. Tatum reminded that IFS participates in the National Habitat Conservation Program Coalition on behalf of Valley District and serves on the Government Relations Committee. He reported that some of the work done by Coalition members including CEO / General Manager Heather Dyer will result in changes to the Notice of Funding Opportunity announcement to make it easier for practitioners to receive funding under the HCP land acquisition program. He suggested Ms. Dyer volunteer for another effort with the Department of the Interior.

Next year, Mr. Tatum continued, Republicans have indicated they plan to end proxy voting and committee workweeks. This likely also means the end of remote options for committee hearings and markups, he added. Potential House Speaker Kevin McCarthy also sent a letter to the leadership of the support agencies directing them to make plans to re-open the Capitol complex for visitors and business without restrictions beginning next January, Tatum said, paving the way for in-person conferences and meaningful contact with members and their staff on Capitol Hill.

It is expected that the Congressionally directed spending community project funding requests from Congressman Aguilar for fiscal year 2023 will be included in the final appropriations package, Mr. Tatum continued, and IFS is already looking for opportunities where Valley District may want to engage next year based on Board priorities.

Ms. White advised that Arlene Lewis, widow of Congressman Jerry Lewis, had passed away.

Chair Botello asked about the impact of the election of Congressman Aguilar to the third position in leadership. Mr. Tatum acknowledged the importance to the region and the State and reminded that Rep. Aguilar has already held important committee assignments and served in leadership. As his profile continues to rise in Congress, it will allow Rep. Aguilar to address priorities on a programmatic level with requests and he will continue to support Congressionally directed spending in his community, Mr. Tatum indicated.

In response to Chair Botello, Mr. Tatum indicated that IFS staff has communicated with Strategic Communications Manager Kristeen Farlow to identify opportunities for Board and staff to travel to Washington D.C. He noted that conferences are not always the best opportunities and potential dates for early next year will be identified both for Valley District and the National HCP Coalition.

Ms. Farlow reported that the State legislature has 37 new members, creating great opportunity for relationship-building. The California 47th Assembly District (Chad Mayes) race is close and still not decided, she noted, and a recount may be requested up until next week.

SB 852 – Climate Resilience Districts was signed by the Governor and allows cities, counties, or special districts to establish climate resilience financing districts to undertake a variety of projects and programs to address climate change, Farlow explained.

3.2) Consider the Approval of Resolution No. 1166 Authorizing Valley District to act on behalf of the Yucaipa Sustainable Groundwater Management Agency to the Sustainable Groundwater Management Grant Program of the California Department of Water Resources. Water Resources Manager Adekunle Ojo reminded the Board of the draft term sheet presented at the September 20, 2022 Regular Meeting for the County Line Recharge Basin Project and that Valley District is a member of the Yucaipa Sustainable Groundwater Management Agency (SGMA). As part of the Project,

Valley District is responsible for the design and construction of the turnout for the State Water Project (SWP) and finding grant opportunities. A grant application was presented to, and this resolution was approved by, the Yucaipa SGMA and now the Valley District Board needs to approve submission of the application for \$20 million, Mr. Ojo explained.

The State is accepting grant applications until next Friday, Mr. Ojo continued. There is no funding match requirement.

Mr. Ojo explained the Project is a collaboration between the South Mesa Water Company, Valley District, and the San Geronio Pass Water Agency that will help recharge the Calimesa sub-area of the Yucaipa sub-basin. The salinity and groundwater enhancement project being led by the Yucaipa Valley Water District is treating recycled water to a higher level of purity to recharge the basin and reduce groundwater extraction by approximately 5,000 acre-feet per year.

Director Longville indicated support and said she is delighted that Valley District has the capacity to submit the application on behalf of Yucaipa SGMA. Director Botello emphasized that this is the maximum application and there is no match required.

Mr. Ojo acknowledged the teamwork of Aaron Jones, Matt Howard, Lance Eckhart, and Joe Zoba.

The Board of Directors adopted Resolution No. 1166 authorizing Valley District to act on behalf of the Yucaipa Sustainable Groundwater Management Agency to the Sustainable Groundwater Management Grant Program of the California Department of Water Resources by the following roll-call vote:

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

RESOLUTION NO. 1166

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO VALLEY MUNICIPAL WATER
DISTRICT AS A MEMBER OF THE YUCAIPA
SUSTAINABILITY GROUNDWATER MANAGEMENT
AGENCY AUTHORIZING THE GRANT APPLICATION TO,
AND IF AWARDED ACCEPTANCE AND EXECUTION OF,
A FUNDING AGREEMENT WITH THE STATE OF
CALIFORNIA**

(See Resolution Book)

Agenda Item 4. Future Business.

President Kielhold suggested scheduling a meeting of the 2x2x2 Committee as soon as possible.

The Board of Directors approved this item by the following roll-call vote:

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

Agenda Item 5. Adjournment

The meeting was adjourned by Chair Botello at 2:37 p.m.

| |
|---|
| <p>APPROVAL CERTIFICATION</p> <p>I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.</p> <p>_____</p> <p>Secretary</p> <p>Date _____</p> |
|---|

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

**MINUTES
OF
THE
BOARD OF DIRECTORS WORKSHOP – ENGINEERING
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

December 13, 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
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
Melissa Zoba, MBA, MPA – Chief Information Officer

Michael R. Esquer – Senior Project Manager
Leo Ferrando, PE, MS – Assistant Chief Engineer
Joanna Gibson, MS – Executive Director Upper SAR HCP
Adekunle Ojo, MPA – Water Resources Manager
Matthew Olivo – Senior Accountant
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public in Attendance:

Melody McDonald, San Bernardino Valley Water Conservation District
John Longville, San Bernardino Valley Water Conservation District
Brian Dickinson, City of Colton
Joyce McIntire, Yucaipa Valley Water District
Chris Mann, Yucaipa Valley Water District
Nyles O’Harra, Yucaipa Valley Water District
Jan Dyer
Matt Romero

The Engineering Workshop of the Board of Directors was called to order by Chairperson Harrison at 2:00 p.m. A quorum was noted present.

Agenda Item 1. Introductions. Melody McDonald of San Bernardino Valley Water Conservation District introduced herself.

Agenda Item 2. Public Comment

Chair Harrison stated that any member of the public wishing to make any comments to the Board may do so. There were none.

Agenda Item 3. Discussion and Possible Action Items.

3.1) Review Request for Proposals (RFP) for Sunrise Ranch Property Master Plan Development. Chief Executive Officer/General Manager Heather Dyer reminded of the Board's request for this item at the July 2022 visioning workshop.

Due to much confusion between the Tres Lagos property and the Tres Lagos Mutual Water Company, staff began using the working name of Sunrise Ranch when referring to the property, which references the historic name, Ms. Dyer noted.

Assistant Chief Engineer Leo Ferrando provided location and background information on the District's acquisition of approximately 1,600 acres with opportunities for future water infrastructure and habitat mitigation. He reminded about workshop discussions regarding the future of the property.

The RFP seeks a landscape architect type of consultant for the project rather than the typical engineering consultant, Ferrando explained. The master planning document will serve as a guideline for the future physical development of the property with a comprehensive plan to carry out the vision and long-term goals along with a conceptual layout of the opportunities identified. He reviewed the scope of services of the RFP and components for potential uses.

Vice President Hayes asked for assurance that the consultant engaged would understand both infrastructure and mitigation. Mr. Ferrando stated the vast majority of the property is to be open space for mitigation and the consultant will not be a typical engineer but will be a landscape architect type with environmental background and team knowledge of planning and engineering to address the components of water supply infrastructure and headquarters facility. Ms. Dyer added that because the project is complex and outside the norm, it will be a multi-disciplinary integrated team for master planning, incorporation of information about utilities and property constraints, a biological team with specific endangered species habitat and mitigation banking knowledge, plus a sub-consultant for water engineering.

Director Hayes asked if this would be clear in the RFP and Director Harrison opined that it is clear in the RFP presented. Mr. Ferrando noted the items mentioned by Ms. Dyer are spelled out in the RFP packet.

Mr. Ferrando enumerated the project deliverables and timeline, intended to be flexible. Comments from this meeting will be incorporated into the RFP and it will be released Thursday of this week, he advised. He reviewed the process timeline culminating in Board approval and award of contract in March 2023.

Director Longville said the RFP was well written and asked about a broad release of the RFP. Ms. Dyer said it would go out to the robust distribution list and would be directed to specialty firms.

Director Longville noted she was glad the working name was not Harmony. She reminded that the District has just completed a rebranding and said she was not fond of calling the property Sunrise Ranch. Ms. Dyer said it is a working title and she did not envision it being the final title or name; that would be decided by the Board.

Under Task two of the RFP, Director Longville suggested outreach to additional groups, including non-governmental organizations (NGOs) and other communities of interest for public engagement. This is the urban interface with the forest, she pointed out, and suggested opportunities for the educational center. She suggested making camping available for schools and other groups.

President Kielhold stated this is a good start but needs work. He recommended focus on needs of the District rather than possibilities for the property. When the acquisition was first made, he requested some demonstration of need but has not seen it. He asked what was being mitigated related to the Habitat Conservation Plan (HCP) projects, noting the HCP has not been approved. He said he has not heard any presentation on water supply infrastructure needs, only what could be provided for local partners and retailers, and the Board has not approved any of that.

President Kielhold recommended partnering with other agencies which would be more appropriate to develop and provide recreation facilities and education center facilities. The inclusion in the RFP is premature, he stated. He added that he did not see how this effort fits into Valley District's other efforts, and pointed out that in the past few years, several projects have been approved that do not seem to be going anywhere. He said he is not comfortable starting more projects until some of them start getting done.

Ms. Dyer indicated additional clarifying information can be included in the RFP. The current information is based on the two workshops and the survey of retail agencies and other entities in the watershed, she noted. The idea behind the master plan is to identify the opportunities and constraints within the property boundaries, as there are unknowns, she advised. This will lead into discussion of what water infrastructure is possible and whether that goes along with the District's engineering needs assessment, she noted.

Vice President Hayes agreed with President Kielhold and requested the RFP include his suggestions so that the master planning remains focused. She acknowledged evaluating opportunities but said she did not want Valley District to do a recreational center or educational center although it may be on the District's property. She suggested additional work prior to sending out the RFP to assure the contractor knows the Board's concerns.

Director Harrison said that the RFP includes all information from the workshops, and the plan will give a clear indication of where the project should or should not go as it moves ahead.

Deputy General Manager / Chief Engineer Wen Huang assured that staff reached out to retail agencies along with other NGOs and community members and received some feedback. The master plan would have the consultants start considering all things on the table that the Board envisioned during the workshop, and with discussion the project would start to whittle down over the next 13-month period, he advised.

Director Longville agreed with the comments and clarified there are opportunities, but the constraints are that the projects are not done unless there are people who want to participate and pay for them. She said she does not see spending ratepayer money on things that are inappropriate, but when a property presents opportunities, those are to be identified then determined if they are compatible, along with others who would manage and pay for them.

Director Botello also agreed with the comments made and noted this is a step in the right direction to look at the possibilities, with discussion and drill-down to define the desires of the Board for the property. Mr. Botello advised his top priority is water infrastructure, but the consideration of a landscape architect indicates the focus will be on habitat protection or restoration, on which there has not been thorough discussion. He said he interpreted the workshop as a first step, and this as another step in the right direction.

Ms. Dyer confirmed this is the next step in how to deal with a property of this size. She clarified it is uncertain the selected consultant will be a landscape architecture firm; it could be an engineering firm, but typically firms that lead master plans are landscape firms. The strength of the consultant team will be evaluated, she noted. Mr. Huang added there will be an engineering component such as buildings with utilities, traffic circulation and more, but often, such activities are led by a landscape architect as the master planner.

Director Botello stated this is a bold step and suggested refreshing the discussion about proposed partnerships. Ms. Dyer indicated that there needs to be a master plan before those opportunities for partnership can be identified.

President Kielhold asked about delaying another month; Ms. Dyer indicated that delay is acceptable. She noted staff believed they had received direction based on the workshops and surveys, but the request is for a presentation on the capital improvement program. Staff may be able to get that together in a month, but it is outside of how staff was thinking about supporting this effort in the RFP, she noted.

President Kielhold stated there was not enough information to become a plan; opportunities and constraints need to be clear to the consultant, staff, and the Board. Ms. Dyer suggested a first step (Component 1) of analysis of opportunities and constraints which takes a broad depth of technical expertise and cannot be done by staff. This would feed into the greater whole of preparation of a master plan, which is needed for a property of this size, she said.

President Kielhold reminded the total acreage was purchased from the owner as a whole as there were certain properties that the District needed. This is not the same as needing

to fill up 1,657 acres, he stated. There is a difference from the starting point to where the effort is now, he said. He indicated he did not know that there was good development of the process from step 1 to step 2, although staff has accurately captured the information brought forward in the surveys and workshops. That is insufficient information for a plan, he posited. Ms. Dyer said she felt that the master planning process was the development of the information President Kielhold sought.

Director Longville said the RFP has a nice body of work; however, the Board should not move forward when even one member would like to have deeper discussion. She suggested one more workshop in January to work out the issues, better define, and rename it.

Vice President Hayes acknowledged and said she was comfortable delaying for one month to incorporate into the scope understanding the opportunities and constraints to strengthen the plan. She said she did not see a need for two separate RFPs and suggested the scope identify a first step, followed by Board approval before moving to step 2.

Director Harrison said he was in favor of the master plan but was willing to wait to see what additional input was necessary. He said he felt that what the District was looking for is a master plan, not a specific plan or more detailed plan, which come from a master plan. This is the next step in response to the two workshops, he noted, looking more specifically at all the potential of the areas that have been clearly set out, and giving a better idea of where they would fit into what is appropriate for the District and what is appropriate for partners or other entities.

Ms. Dyer clarified the Board's request for an opportunities and constraints analysis in the scope of work, plus more information including a District water infrastructure needs analysis, how much mitigation land is needed for the HCP, and acres left over to put on the market to generate revenue for water projects.

The Board of Directors directed staff to clarify the plan and return in January.

3.2) Project Update Report on the Enhanced Recharge in the Santa Ana River Basins - Phase 1B Project. Chief Engineer/Deputy General Manager Wen Huang introduced the topic and provided a brief history. This is one of the most anticipated projects of a generation, he stated. He acknowledged the work of staff.

Senior Project Manager Mike Esquer provided an overview of the project location and components. He described some reduction in project scope in an effort to reduce impacts to the San Bernardino Kangaroo Rat (SBKR).

In response to Vice President Hayes, Mr. Esquer indicated the area is critical habitat, but no specific structures are being built for the SBKR. He added that staff worked with Executive Director Upper SAR HCP Joanna Gibson to trim the project so the impacts to habitat and the SBKR were reduced. He detailed the specific changes to the plan and

potential further adjustments for not only the SBKR but also the woolly star, gnatcatcher, and others.

President Kielhold stated it looks like more than 30 percent reduction in impact. Mr. Esquer indicated that there would be some take, but they are doing the best they can.

In response to President Kielhold, Mr. Esquer advised during a wet year with 500 cubic feet per second (cfs) coming down, all the existing and proposed basins would have water in them for multiple weeks. Diminished infiltration would be considered, but they are intended to all be used in the wet years.

Ms. Joanna Gibson advised that this project is a covered activity under the Wash Plan HCP with a total amount of acres the project would impact. She detailed related hurdles but explained that the preparation has ensured the project has not had any hiccups in the permitting phase. Environmental agencies are impressed with the SBKR bridge, which is included in the design plans, she added.

Ms. Gibson further detailed the status of the permitting process and reminded that a \$2 million grant has been received from the Bureau of Reclamation.

An operational plan is being developed to help maximize groundwater recharge in the facilities, Mr. Esquer continued. He provided detail on wet year and dry year operations.

Director Longville applauded the progress.

Mr. Esquer reviewed the project timeline. He advised that in 2010, the District was given a permit to perfect water rights, which has been a lengthy process, he said. He detailed the upcoming bid process and indicated that construction is expected to be complete sometime in the third quarter of 2025.

Staff is confident in the project cost estimate, Mr. Esquer stated, and described some of the components including haul from leftover rock and material from the site as an alternative bid item. President Kielhold asked about outreach to other agencies about the available rock. Mr. Esquer noted the Water Conservation District will discuss at their Board meeting for potential approval of storage and processing of the rock. He explained that staff is allowing the contractors to be as creative as possible in disposition of the rock and get the best bid value.

Ms. Dyer described the strategy to fund the project. She noted that it is included in the Watershed Connect portfolio for a low-interest, 35-year WIFIA loan. The financing will be brought to the Board in January for consideration.

This stormwater recharge project has been 25 years in the making, Ms. Dyer continued. She said it is extraordinary to get this far and acknowledged the magnitude of the efforts of Ms. Gibson and Mr. Huang to make this happen in such a sensitive area. Director Harrison acknowledged the work.

Mr. Huang added the original time frame given to complete the facilities was ten years, and extensions have been granted and responded to further questions from President Kielhold.

Vice President Hayes asked about expected completion, and Mr. Esquer said the hope is for the third quarter of 2025 for Phase 1B. He listed additional work for Phase 1C which is estimated for completion in 2026.

Agenda Item 4. Future Business. None added.

Agenda Item 5. Adjournment

The meeting was adjourned by Director Harrison at 3:36 p.m.

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| <p>APPROVAL CERTIFICATION</p> <p>I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.</p> <p>_____</p> <p>Secretary</p> <p>Date _____</p> |
|--|

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

**MINUTES
OF
THE
BOARD OF DIRECTORS WORKSHOP - RESOURCES
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

December 15, 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
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
Leo Ferrando, PE, MS – Assistant Chief Engineer
Anthony Flordelis – Business Systems Analyst
Adekunle Ojo, MPA – Water Resources Manager
Matthew Olivo – Senior Accountant
Karen Resendez, MAOL – Human Resources/Risk Manager
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public in Attendance:

John Longville, San Bernardino Valley Water Conservation District
Melody McDonald, San Bernardino Valley Water Conservation District
Joyce McIntire, Yucaipa Valley Water District
Nyles O’Harra, Yucaipa Valley Water District
Ron Coats, East Valley Water District

The regular meeting of the Board of Directors was called to order by Chairperson June Hayes at 2:03 p.m. A quorum was noted present.

Agenda Item 1. Introductions

Melody McDonald and John Longville of the San Bernardino Valley Water Conservation District, Ron Coats of East Valley Water District, and Joyce McIntire of Yucaipa Valley Water District introduced themselves.

Agenda Item 2. Public Comment. Chair Hayes invited public comment. There was none.

Agenda Item 3. Discussion and Possible Action Items.

3.1) Discussion and possible action on Amendment No. 2 to the consulting services agreement with Dudek to cover the preparation of the Water Year 2022 Annual Report of the Yucaipa Sustainable Groundwater Management Agency.

Water Resources Manager Adekunle Ojo reminded that Valley District is a member of the Yucaipa Sustainable Groundwater Management Agency (SGMA) and acts as the fiscal agent. Valley District was involved in the preparation of the Groundwater Sustainability Plan (GSP) for the Yucaipa sub-basin which was submitted to the Department of Water Resources as required in January 2022.

The Board approved an amendment to the Dudek contract in the amount of \$27,320 in January 2022 for preparation of the first annual report of the Groundwater Sustainability Agency (GSA), Mr. Ojo continued. This amendment for a total cost of \$28,700 is for Dudek to prepare the second annual report due on April 1, 2023. The Valley District share of the cost is six percent of the total with the balance billed to the other SGMA agencies. The Yucaipa SGMA Board has approved the item, and Valley District Board must also approve as the contracting party with Dudek, Mr. Ojo explained. He pointed out the increase between the years' costs totals only \$14.

In response to President Kielhold, Mr. Ojo explained the cost share is derived from a Memorandum of Understanding among the Yucaipa parties when the process began in 2018. The groundwater producers in the area pay 75 percent, and regional agencies and municipalities are responsible for the remaining 25 percent of costs, he advised.

Chair Hayes pointed out Valley District's share is \$1,722 and asked why this would not fall under the General Manager's signing authority. Chief Executive Officer/General Manager Heather Dyer explained Valley District has been acting as the regional lead and fiscal agent, and the total contract amount is greater than her authority.

The Board of Directors approved Amendment No. 2 to the existing agreement with Dudek to provide support services for the Yucaipa Sustainable Groundwater Management Agency by the following roll-call vote:

| | | |
|-----------------|---|---------------|
| Moved: Kielhold | Second: Harrison | APPROVED: 5-0 |
| AYES: | Botello, Harrison, Hayes, Kielhold, Longville | |
| NOES: | None | |
| ABSTAIN: | None | |
| ABSENT: | None | |

3.2) Water Resources Management Update. Water Resources Manager Adekunle Ojo presented a stewardship report of the resources entrusted to the care of Valley District.

Mr. Ojo described the ensuring of water reliability for customers and emphasized that the nature of water resources is about living the vision and strategic plan, plus collaboration both internally and with other agency partners.

The 2023 State Water Project (SWP) allocation is currently at five percent, Mr. Ojo advised, which is based on storage and worst-case scenario. If snow and runoff improve, the allocation will get better, he noted. He provided additional detail on water allocation, reminding that health and safety water deliveries must be repaid in the future.

The approach in the Valley District service area is to remind everyone in the contingency planning meetings about plans and strategies, Mr. Ojo continued. The region's primary strategy is to store water in wet years and pump the water in dry years, he noted, followed by bringing in available SWP supplies, with retailers working among themselves to share the supply. The process works, he stated: Since the contingency planning began in 2014, Valley District has not had to step in to divide the water among the retail agencies.

The first meeting for 2023 SWP contingency planning was held on Monday and conversations will continue, Mr. Ojo reported, with the priority to assure minimum delivery.

Metropolitan Water District (MWD) has an operating agreement with Valley District, Mr. Ojo reminded. When MWD acts, it does not affect Valley District but partially affects Fontana Union Water Company and West Valley Water District which have some service area within Valley District. When there are issues on the MWD side, they look to Valley District to balance the books, he explained, therefore staff monitors MWD action to serve customers better and address concerns.

Chair Hayes asked about the relationship of some City of Rialto customers to MWD and Ms. Dyer noted that staff will get back to her with an answer.

Mr. Ojo presented a graph of historical SWP allocation and noted only one year prior to 2006 where allocation dipped below 50 percent. Since 2012-2013, the supplies have diminished, he noted, due to a combination of hydrology and environmental restrictions. Low allocations back-to-back mean no water to carry over, which makes 2023 a bit tight, Mr. Ojo explained. Investment in the Delta Conveyance and other projects will ultimately restore the average in the long term, he noted.

Mr. Ojo also pointed out in prior years, final allocations had been greater than the initial allocation, but said he did not expect that this year. About 15 percent allocation would be needed to meet most direct deliveries, and at 35 percent, the District can actually recharge some water, he advised.

The Climate Adaptation and Resilience Plan (CARP) is in the brainstorming stage, Mr. Ojo continued. He said staff hopes to meet with the Climate Resilience Committee after the next brainstorming session in January. He discussed Plan components and said the

draft strategies will be brought to a Board workshop. After Board feedback, next steps will be specific implementation steps including policy and procedure changes, partnerships, and individual projects.

Mr. Ojo updated the Board on the Demand Management program. Retailers are on board with the goal of saving water, he noted, stating that four agreements have been signed and all agencies are anticipated to sign as there is nothing to lose with this adaptive approach.

Water Conservation Program Manager Shavonne Turner will be bringing forward an application for the open Community Drought Relief grant program hoping to fund a regional water conservation program targeting disadvantaged communities as well as conjunctive use wells, Mr. Ojo advised. He listed examples of activities being done by other agencies and emphasized the success of the workshops.

Mr. Ojo briefed the Board on the current situation of the Colorado River. The Bureau of Reclamation is offering a similar payment to Valley District's demand management incentive, he reported.

The State is currently approaching water conservation via a percentage in reduction reported monthly, Mr. Ojo explained. He presented a graph showing the success of various agencies but pointed out that agencies which are late starters to conservation can show a greater percentage increase. The State will be moving from that approach starting in 2024, he noted.

Mr. Ojo reported none of the area's retail agencies failed to submit the required annual Water Supply and Demand Assessment, and 82 percent of those indicated there is no projected shortage even if it is dry.

The required Water Loss Standards report was submitted to the State Water Resources Control Board (SWRCB) earlier this year, Mr. Ojo advised. The regulatory process is expected to be finalized in 2023, he said. Mr. Ojo explained the Urban Water Use Objectives; a water budget based on water use standards, are pending at the SWRCB and if adopted, will be in place starting in 2024.

Director Longville indicated she would like to hear how the water savings will be achieved. She said the water demand agreement was not what she had expected. She read the initial program description and said she would like to discuss five concepts she had discussed with parties based on her April 15 understanding of the program and approval of 5,000 acre-feet in the budget. Mr. Ojo noted as part of the agreement, an attachment would be submitted explaining how the agencies want to achieve the goals. Valley District does not want to get into the weeds or dictate to them, but to help refine the ideas to make them more effective, he said.

Mr. Ojo acknowledged the process is slow and provided more detail in response to Director Longville. Ms. Dyer added that the presentation was intended to be a broad overview, and a specific update and more robust presentation on the demand

management program is intended for January after needed data is obtained. A savings of 2,000 acre-feet or more is expected, she added, and staff is in the process of reaching out to the agencies listed as saving water to offer them the agreement.

Director Longville will forward her ideas to Ms. Dyer.

Ms. Dyer reiterated this is a very different program for the retailers. The program and approach through the Basin Technical Advisory Committee (BTAC) is going exceptionally well in giving control to the retailers, she added. She said she believed the program is on the right track.

President Kielhold asked about the SWP allocation. Mr. Ojo clarified that at a 15 percent allocation, the District cannot meet all of its direct deliveries, but it indicates a good position to start satisfying delivery needs. At 35 percent, almost 100 percent can be met, with recharge of a minimal quantity of water, he explained.

Chair Hayes asked about incentives for replacement of water meters and how long the compensation would continue for the savings. Mr. Ojo indicated it is set up to be a one-time, one year only program. Ms. Dyer added it is meant to be a bridge to get to the requirements that will have to be met anyway and gives some cash to invest in infrastructure. She noted on the Israel trip, she learned Israelis change their meters every seven years. Director Longville noted similar procedures in Atlanta.

As the State transitions to new processes, conversations can take place regarding how to fit the incentive into the new structure, Mr. Ojo stated.

Chair Hayes said she favors separating water efficiency from conservation and requested more emphasis on efficiency. Mr. Ojo said the BTAC subcommittee is aware of Chair Hayes' comment on the distinction and respects that at the retail level, the emphasis is on efficiency and at the wholesale level both are embraced.

Agenda Item 4. Future Business. There was none.

Agenda Item 5. Adjournment. The meeting was adjourned by Chair Hayes at 3:06 p.m.

APPROVAL CERTIFICATION

I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.

Secretary

Date _____

Respectfully submitted,

Lynda J. Kerney
Contract Assistant



DATE: January 3, 2023
TO: Board of Directors
FROM: Heather Dyer, CEO/General Manager
SUBJECT: Election of Officers Pursuant to Water Code Section 71273

Staff Recommendation

Staff recommends the Board elect officers for the next 2-year term.

Board Officer Election

Under the Municipal Water District Act of 1911 (Water Code § 71000 et seq.) (the “Act”), elected directors take office at noon on the first Friday in December following the election. California Water Code section 71273 provides the requirements for the election of a municipal water district board president. Although the term of office for directors was changed in 2014, the time for the board to elect its president under Section 71273 remains unchanged, *i.e.*, the first meeting of January of each odd-numbered year. Section 71273 necessarily implies a two-year term for the president.

Section 71273 only addresses election of the board president. The board may also elect other board members as officers, such as vice president, treasurer, or secretary, at any meeting and those other board officers may serve shorter or longer terms. The Valley District Board has in the past elected such other officers for 2 year terms. Accordingly, for consistency it is recommended that elections of the other board officers also take place at the first meeting of January of each odd-numbered year and that those other board officers also serve two-year terms.

The Act only requires that the president and vice president be members of the board. The offices of secretary and treasurer are technically district officers rather than board positions, since they are established in Chapter 3 (Officers and Employees) of the Act, as opposed to Chapter 2 (The Board). While these officers may be board members, oftentimes they are individuals who are not on the board. For example, the secretary is frequently a full-time employee rather than a member of the board such as the General Manager. At present, the CEO/General Manager, Heather Dyer serves as

the secretary of the board. Further, one board member may hold multiple offices, except the president and vice president positions must be held by separate individuals.

Fiscal Impact

There is no additional fiscal impact from this item.



DATE: January 3, 2023
TO: Board of Directors
FROM: Heather Dyer, CEO/General Manager
SUBJECT: Santa Ana Watershed Project Authority Commission Appointments

Staff Recommendation

The appointments to the Santa Ana Watershed Project Authority (SAWPA) Commission require formal Board action in the form of a Resolution. As one of five member agencies making up SAWPA, a Joint Powers Authority, the Valley District Board is asked to appoint a primary and alternate Commissioner. The Board has historically made these appointments for a two-year term coinciding with board officer terms. Staff has prepared the attached Resolution No. 1167 regarding SAWPA Commission appointments for the Board's consideration.

Fiscal Impact

There is no fiscal impact from this item.

Attachment

Resolution No. 1167

RESOLUTION NO. 1167

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
APPOINTING A COMMISSIONER AND ALTERNATE
COMMISSIONER TO THE SANTA ANA WATERSHED
PROJECT AUTHORITY**

BE IT RESOLVED by the Board of Directors of the San Bernardino Valley Municipal Water District that, _____ and _____ shall be designated and appointed as Primary Commissioner and Alternate Commissioner to the Santa Ana Watershed Project Authority, respectively. The effective date of said appointments shall be January 3, 2023.

ADOPTED this 3rd day of January, 2023.

President

ATTEST:

Secretary



DATE: January 3, 2023
TO: Board of Directors
FROM: Heather Dyer, CEO/General Manager
SUBJECT: Consider the Reappointment of Director T. Milford Harrison to the Association of San Bernardino County Special Districts Governing Board

Staff Recommendation

Support the reappointment of Director Harrison to the Governing Board of the Association of San Bernardino County Special Districts.

Background

Director Harrison currently serves on the Governing Board of the Association of San Bernardino County Special Districts (ASBCSD) as the Vice President. He was appointed to the ASBCSD Governing Board by the Valley District Board of Directors in January 2019. Director Harrison would like to continue representing Valley District through his service on the ASBCSD Governing Board.

Fiscal Impact

There is no fiscal impact to the District related to Director Harrison's reappointment.



DATE: January 3, 2023

TO: Board of Directors

FROM: Heather Dyer, Chief Executive Officer/General Manager

SUBJECT: Consider In-Person meetings or alternatively Resolution 1168 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period January 3, 2023, through February 1, 2023

Staff Recommendation

Receive feedback from legal counsel and determine if the Board would like to return to in-person meetings in the month of January; and discuss the implications of recent legislation and forthcoming action by the Governor to lift the COVID-19 State of Emergency declaration. If the Board decides to continue with virtual meetings, consider adoption of Resolution 1168 authorizing the San Bernardino Valley Municipal Water District to conduct remote meetings for the period January 3, 2023, through February 1, 2023.

Background

Based on recent legislation and forthcoming action by the Governor on the COVID-19 State of Emergency conditions, the Board should consider various options for in person, hybrid, or remote meetings and the specific requirements for each option.

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 teleconference 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.

Assembly Bill No. 361 provides additional flexibility for local agencies looking to meet remotely 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 went into 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. To do so, the local agency must adopt a Resolution making the following findings by majority vote every 30 days:

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.

On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. Beginning March 1, 2023, once the COVID State of Emergency is lifted, agencies will no longer have the necessary authority to hold virtual meetings under the provisions of AB 361.

On September 13, 2022, AB 2449 was signed by Governor Gavin Newsom. AB 2449 becomes effective January 1, 2023 and will give individual members of legislative bodies increased flexibility under very specific set of circumstances to participate in meetings via teleconference in the event of a personal emergency or “just cause”. Unlike AB 361, AB 2449 procedures do not require a state of emergency declaration, but the provisions are so onerous that the law is not likely to be a practical alternative for most agencies that would like to continue to meet virtually as a matter of practice.

The Board previously adopted Resolution 1165 on December 6, 2022. Based on the passage of time since the Board’s December 6, 2022, meeting a new resolution with the necessary findings is required to allow the Board to conduct remote teleconference meetings.

Fiscal Impact

None

Attachment

Resolution 1168

RESOLUTION NO. 1168

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 JANUARY 3, 2023, THROUGH FEBRUARY 1, 2023, 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 January 3, 2023 and shall be effective until the earlier of (a) February 1, 2023, 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 3rd day of January 2023.

Paul Kielhold
President

Heather P. Dyer
Secretary



DATE: January 3, 2023

TO: Board of Directors

SUBJECT: List of Announcements

- A. January 4, 2023, 8:30 a.m. – Upper SAR WIFA by Teleconference (Cancelled)
- B. January 5, 2023, 2 p.m. – Board of Directors Workshop – Resources by
Teleconference
- C. January 10, 2023, 2 p.m. – Board Workshop – Engineering by Teleconference
- D. January 11, 2023, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee by
Teleconference
- E. January 12, 2023, 2 p.m. – Board Workshop – Policy by Teleconference
- F. January 16, 2023 – District Closed in Observance of Martin Luther King, Jr.
- G. January 17, 2023, 9:30 a.m. – SAWPA Commission Meeting (Rotation of Officers and
Commission Appointments)
- H. January 17, 2023, 2 p.m. – Regular Board Meeting by Teleconference
- I. January 19, 2023, 8:30 a.m. – Division I Forum (location to be announced)
- J. January 25, 2023, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee by
Teleconference
- K. January– SBVW Conservation District- None scheduled
- L. February 1, 2023, 8:30 a.m. – Upper SAR WIFA by Teleconference
- M. February 2, 2023, 2 p.m. – Board of Directors Workshop – Resources by
Teleconference