

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
February 17, 2015

Teleconference Location: 10213 Overland Trail
Cherry Valley, CA 92223

Directors Present: John Jeter, President
Bill Dickson, Vice President
Mary Ann Melleby, Treasurer
Blair Ball, Director
Ron Duncan, Director
Ray Morris, Director (via teleconference)
Leonard Stephenson, Director

Staff Present: Jeff Davis, General Manager
Jeff Ferré, General Counsel
Ken Falls, Operations and Maintenance Manager
Cheryle Rasmussen, Executive Assistant

1. **Call to Order, Flag Salute and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President John Jeter at 1:30 p.m., February 17, 2015 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. Director Dickson led the Pledge of Allegiance to the flag. A quorum was present.
2. **Statement Regarding Teleconferencing:** General Counsel Jeff Ferré made the following statement: This Board meeting is conducted pursuant to California Government Code Section 54953, in that one member of the Board will be participating in this Board meeting by speaker phone. In accordance with the Brown Act, the teleconference location has been identified in the notice and agenda for this meeting. I will now ask the Board Secretary to conduct roll call, after which I will confirm certain matters for the record.
3. **Roll Call:**

<u>Roll Call:</u>	Present	Absent
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Melleby	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
President Jeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Procedures for Holding Meeting at the Teleconference Location: General Counsel Ferré set forth the Brown Act procedures for the meeting which are required since this meeting includes a teleconference location. General Counsel Ferré confirmed with Director Morris that he in fact was able to hear the proceedings; that he had a copy of the February 17, 2015 Board Meeting Agenda; that the agenda was posted at his location, and that the location was accessible to the public. Director Morris responded in the affirmative to all such questions. General Counsel Ferré asked the attending board members if they were able to hear Director Morris. The board members responded that they could indeed hear him. General Counsel Ferré stated that all action items will require a roll call vote.

5. Adoption and Adjustment of the Agenda: The agenda was adopted as presented.

6. Public Comment: No members of the public requested to speak at this time.

7. Consent Calendar:

- A. Approval of the Minutes of the Regular Board Meeting, February 2, 2015
- B. Approval of the Minutes of the Engineering Workshop, February 9, 2015

Director Dickson moved, seconded by Director Duncan, to approve the consent calendar as presented. President Jeter requested a roll call.

<u>Roll Call:</u>	Aye	Noes	Absent	Abstain
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Melleby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Jeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carried 7-0.

8. Reports:

A. General Manager's Report:

(1) Operations Report: General Manager Davis reported on the following: **(a) 2014 SWP Water Deliveries:** The 2014 SWP deliveries are as follows: YVWD – 102 AF, BCVWD – 4405 AF, Banning – 608 AF. The total amount of SWP Table A water delivered in 2014 was 5115 AF.

(2) General Agency Updates: (a) Bureau of Reclamation Funding: The Bureau of Reclamation announced its intention to use \$96.9 million allocated to it under the Consolidated and Further Continuing Appropriations Act of 2015, to fund Western Drought response and rural water projects; water smart plants grants will be available. General Manager Davis stated that he will be looking into applying for the water smart plants grants, not only for the Agency, but also for the SGP Regional Water Alliance. **(b) Water Bond Hearing:** An informal water bond hearing titled "Proposition 1, Californian's Water Bond: Where do we go from here and How Will

We Know We Get There?" took place in front of the Assembly Parks and Recreation Committee a couple of weeks ago. This informational hearing at the Capitol provided lawmakers with an overview of the process and goals of disbursement of Proposition 1 monies. California departments that oversee the state's water and environmental resources are gearing up to disburse the \$7.5 billion in water bond funds approved by the voters in 2014. The process for disbursement of the funds will be a transparent, public process. **(c) Flume Update:** A technical meeting with USFS and FERC will be held in San Bernardino on February 19th, this meeting is related to the dispute process. General Manager Davis will not be able to attend as he will be in Sacramento. However, he will receive a full briefing and will report back to the board.

B. General Counsel Report: General Counsel Ferré gave a brief report on the interpretation of the obligation to comply with the Public Records Act. In general, a public agency has an obligation to assist the requester, but the requester has an obligation to narrow a request to something that is reasonable.

C. Directors Reports: (1) Director Melleby gave a brief report on the Beaumont Basin Watermaster meeting that was held on February 4th. She stated that the Watermaster will consider the adoption of the determination of the safe yield of the basin and the basin model at the April 1, 2015, Watermaster Board meeting.

9. New Business: (Discussion and Possible Action) General Manager Davis stated that all three separate action items are related to studies that the participating entities feel are necessary regarding maintaining the water that comes from the Whitewater system into the region.

A. Consideration of Tunnel Study Proposal from Brierley Associates: A staff report and a copy of a proposal provided by Brierley Associates were included in the agenda packet. General Manager Davis stated that the purpose of this study is to identify alternatives and cost estimates for repairs to the Whitewater Flume in order to eliminate the losses in Burnt Canyon, and minimize influence of the US Forest Service. He reviewed with the Board the problems relating to Burnt Canyon and the need to look for alternative repairs of the flume. He explained that the Forest Service has a temporary permit on the pipeline at the bottom of the canyon. The purpose of the study is to look for alternatives, whether it be a tunnel or a pipeline over Gunsight Pass. The cost of this study is not to exceed \$90,000 and it is anticipated that 2/3 of this cost would be reimbursed by the City of Banning and the Banning Heights Mutual Water Company. Therefore the cost to the Agency would be a maximum of \$30,000. General Manager Davis asked the Board to consider approving the agreement up to a maximum of \$90,000, contingent on the signing of the cost sharing agreement by BHMWC and the city of Banning. General Counsel Jeff Ferré stated that it would also be contingent on review and approval of the final agreement by staff and legal counsel. Present Jeter opened the meeting to discussion and questions from the board and the public on this matter. General Manager Davis and the Board engaged in a questions and answers session. General Manager Davis stated that a verbal agreement was received by BHMWC and that two of the members of the Banning City Council have taken this issue to the full city council as an information item, and are recommending that they approve the cost sharing agreement; he is confident that it will be approved. He explained that there are no permanent permits associated with Burnt Canyon and that Southern California Edison would need to implement a permanent fix under any circumstance.

After discussion, Director Duncan made a motion, seconded by Director Dickson, to contract with Brierley Associates for a Tunnel Study at the cost not to exceed \$90,000; contingent on the signing of the cost sharing agreement by BHMWC and the city of Banning, and a review and approval of the final agreement by staff and legal counsel. *President Jeter requested a roll call.*

<u>Roll Call:</u>	<i>Aye</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Melleby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Jeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7-0.

B. Consideration of Environmental Justice Study Proposal from Aspen Environmental Group: A staff report and a copy of a proposal provided by Aspen Environmental Group were included in the agenda packet. General Manager Davis stated that the California Environmental Quality Act requires an Environmental Justice Study in order to ensure that a project does not disproportionately impact lower income people. The concern is, if the water supply is taken away what financial impact would be imposed upon them. The cost for the study is \$15,000. After discussion, Director Melleby made a motion, seconded by Director Duncan, to contract with Aspen Environmental Group for an Environmental Justice Study at the cost not to exceed \$15,000 for Phase 1 work; contingent on the signing of the cost sharing agreement by BHMWC and the city of Banning, and a review and approval of the final agreement by staff and legal counsel. *President Jeter requested a roll call.*

<u>Roll Call:</u>	<i>Aye</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Melleby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Jeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carried 7-0.

C. Consideration of Cost Sharing Agreement with City of Banning and Banning Heights Mutual Water Company: General Manager Davis stated that the city of Banning requested a written agreement. As stated before, this cost sharing agreement is for all three participating entities to pay 1/3 (approximately \$55,000 to each participating entity) of the cost of the alternate water supply study, the tunnel study, and the environmental justice study. Director Dickson made a motion, seconded by Director Stephenson, to approve the Cost Sharing Agreement with the City of Banning and Banning Heights Mutual Water Company, as presented. *President Jeter requested a roll call:*

<u>Roll Call:</u>	Aye	Noes	Absent	Abstain
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Melleby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Jeter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carried 7-0.

10. Topics for Future Agendas: Director Melleby requested information on EBX 2. Director Duncan suggested that this information be provided at a board meeting.

11. Announcements: *President Jeter reviewed the following announcements:*

- A. Finance and Budget Workshop, February 23, 2015 at 1:30 p.m.
- B. San Geronio Pass Regional Water Alliance – Technical Committee Meeting February 25, 2015 at 4:30 p.m. – Banning City Hall Conference Room
- C. San Geronio Pass Regional Water Alliance Meeting February 25, 2015 at 6:00 p.m. – Banning City Council Chambers
- D. Regular Board Meeting March 2, 2015

12. Adjournment: *President Jeter adjourned the meeting at 2:32 p.m.*



 Jeffrey W. Davis, Secretary of the Board
 cmf