

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
March 21, 2017

PRESENT **ABSENT**

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DIRECTORS

- Dr. Clifford Young, Sr., President
- Linda Gonzalez, Vice President
- Gregory Young, Director
- Donald Olinger, Director
- Robert Bourland, Director

STAFF

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- Matthew H. Litchfield, P.E., General Manager
- Robert Christman, Interim Chief Financial Officer
- Karen Logue, Human Resources/Risk Manager
- Wendy Strack, External Affairs Manager
- Linda Jadeski, Engineering Services Manager
- Jon Stephenson, Business Systems Manager
- Joanne Chan, Operations Manager
- Shanae Smith, Board Secretary

LEGAL

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- David J. Olivas, Tafoya & Garcia, LLP

VISITORS

- Marie Ricci
- Danielle Maurizio
- Scott Olson, Redlands Tea Party

The Regular meeting of the Board of Directors was called to order by Dr. Clifford Young, Sr., at 6:00 p.m. at the District Headquarters, 855 W. Baseline Road, Rialto, CA.

OPENING CEREMONIES

Pledge of Allegiance – Director Gregory Young
Opening Prayer – Director Donald Olinger
Roll Call of Board Members – Quorum

ADOPT AGENDA

Vice President Gonzalez made a motion to Adopt the Agenda as presented, seconded by Director Bourland. The motion carried by the following unanimous vote:

Ayes:	Directors: Gonzalez, Olinger, Young, Bourland, Young, Sr.
Noes:	Directors: None
Absent:	Directors: None
Abstain:	Directors: None

PUBLIC PARTICIPATION

President Young indicated that any person wishing to speak to the West Valley Water District (“District”) Board of Directors (“Board”) on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the District Clerk. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.

There was no public comments.

CLOSED SESSION

At 6:03 p.m., the Board convened to Closed Session to discuss the following:

- CONFERENCE WITH LEGAL COUNSEL – PUBLIC EMPLOYEE APPOINTMENT – Pursuant to Government Code Section 54957 – Title: Chief Financial Officer.

At 7:18 p.m., Legal Counsel, Mr. David J. Olivas reported the following out of Closed Session:

- The District Board met in Closed Session Pursuant to Government Code 54957 – Public Employee Appointment of the Chief Financial Officer. The Board voted unanimously to affirm the General Manager’s appointment of Marie Ricci to the position of Chief Financial Officer. The contract will come back at the next public meeting regularly held.

CONSENT CALENDAR

Director Young made a motion to Approve the Consent Calendar as presented, seconded by Director Olinger. Vice President Gonzalez referenced Page 14 of the agenda packet and clarified that she did not stay at the Ritz Carlton as indicated by President Young. President Young requested she wait for the report. Mr. Olivas clarified that the minutes are a summary of what was said and the comment will stay in the minutes. The motion carried by the following vote:

Ayes: Directors: **Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **Gonzalez**
Absent: Directors: **None**
Abstain: Directors: **None**

BUSINESS MATTERS

- 1. California Special Districts Association Board of Directors Call for Nominations – Seat C** - Following discussion Director Young made a motion to table the item and bring back to the Board in to the second regular Board meeting in April, seconded by Vice President Gonzalez. The motion carried by the following unanimous vote:

Ayes: Directors: **Gonzalez, Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **None**
Absent: Directors: **None**
Abstain: Directors: **None**

- 2. Approval of Purchase of a 2-yard Dump Truck** - Following discussion, Vice President Gonzalez made a motion to Approve the Purchase of a 2-yard Dump Truck from Rotolo Chevrolet, seconded by Director Young. The motion carried by the following unanimous vote:

Ayes: Directors: **Gonzalez, Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **None**
Absent: Directors: **None**
Abstain: Directors: **None**

- 3. Approval of Amendment No. 1 to the Agreement for Supplemental Water Delivery to Marygold Mutual Water Company** - Following discussion, Vice President Gonzalez made a motion to Approve Amendment No. 1 to the Agreement for Supplemental Water Delivery to Marygold Mutual Water Company, seconded by Director Young. The motion carried by the following unanimous vote:

Ayes: Directors: **Gonzalez, Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **None**
Absent: Directors: **None**
Abstain: Directors: **None**

4. **Approval of Payment to Tafoya and Garcia, LLP for Professional Services rendered through January 31, 2017; Invoice No. 1012; \$16,914.00** – Following discussion, a motion was made by Director Young to Approve Payment to Tafoya and Garcia, LLP for Professional Services rendered through January 31, 2017; Invoice No. 1012; \$16,914.00, seconded by Director Bourland. The motion carried by the following vote:

Ayes: Directors: **Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **Gonzalez**
Absent: Directors: **None**
Abstain: Directors: **None**

5. **Approval of Payment to Larson O'Brien, LLP for Professional Services rendered through January 31, 2017 regarding the San Bernardino Valley Municipal Water District Matter; Invoice No. 3341; \$5,489.54** - Following discussion, a motion was made by Vice President Gonzalez to Approve Payment to Larson O'Brien, LLP for Professional Services rendered through January 31, 2017 regarding the San Bernardino Valley Municipal Water District Matter; Invoice No. 3341; \$5,489.54, seconded by Director Young. The motion carried by the following unanimous vote:

Ayes: Directors: **Gonzalez, Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **None**
Absent: Directors: **None**
Abstain: Directors: **None**

REPORTS – LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of Board Meeting).

1. Board Reports

Vice President Gonzalez reported on the following:

- a. Mar. 17th – Attended WECAN project in Bloomington. Public Affairs Analyst, Lauren Albrecht was there taking pictures. The ratepayer was very happy with the project right in front of her. She also built a vegetable garden and it broke her heart when she came out and said that her son is in a wheelchair and will now have the ability to wheel out and see what the District did for her. She was very touched by that. Director Olinger was also there and she is very happy with our services.
- b. Mar. 21st – Attended the San Bernardino Valley Municipal Water District (“Valley District”) Board meeting.
- c. Mar. 20th – Attended the Association of San Bernardino County Special Districts (“ASBCSD”) monthly dinner meeting at the Panda Inn. The speaker was Randall Lewis and he indicated that we are still in a bad economy, however apartments and condos are being built and small shopping centers. Took a picture with him and was surprised, as she had not seen him for five (5) years.
- d. Mar. 22nd – Will be at District Headquarters to participate in the health scan at 8:00 a.m.

Director Olinger reported on the following:

- a. Mar. 17th – Attended the District’s first WECAN inspection ceremony and learned a lot about the project. There will be plenty more inspections in the future.

Director Bourland reported on the following:

- a. Mar. 20th – Attended the ASBCSD and now has a lot of lunch meetings being asked to go to. If anyone would like to go to lunch, he is on board, however, his calendar is filling up.

Director Young reported on the following:

- a. Stated that something came up in the last meeting that has been bothering him. Comments were made by Mrs. Diana Araiza in the minutes on Page 9 of the packet which were just approved. Particularly, there are rambling comments about the Board never knew about it, however he has his marked up copy of the ordinance, which everyone received at the public meeting, which we all agreed to. Director Young stated that frankly, what has him more concerned is the very striking and detailed orientation of the information which she disclosed. Particularly what President Young is paying as a premium per month for long term care. That is confidential information. Director Young addressed Mr. Litchfield and Human Resources Manager, Ms. Karen Logue that someone in this building leaked an employee’s personal

information to a member of the public. He does not know who did it, but there is only a very short list of people in this building who would have access to that kind of information. He fully expects a report at a future meeting on who is the responsible party. Furthermore, working in a hospital as he does, he is well aware of something called HIPPA and a violation of HIPPA like this is a serious federal crime. Director Young stated that he was unsure if this fell under HIPPA, but it is a big deal, as this was released with the purpose of trying to smear the President of this Board, which is what the Feds call a malicious act of private data. Particularly, “offenses committed with the intent to sell, transfer or use an individual’s identified health information for commercial advantage, personal gain or malicious harm permits fines of \$250,000 and up to ten (10) years imprisonment in a federal penitentiary.” This is a serious crime and if can happen to a member of this body, it can happen to any of our other employees in this building. Director Young concluded by requesting that Mr. Litchfield and Ms. Logue investigate this matter in a thoughtful, fair and open process because we need to know who in this building was releasing confidential employee information to the public against not only our own internal rules, but potentially state and federal law.

President Young stated he would reserve his comments until we are adopting the agenda for our next meeting.

2. Legal Counsel/Consultants

No report.

3. General Manager

President Young asked Mr. Litchfield to briefly inform the Board on our water supply and where we are and whether we have sufficient water to service our ratepayers in this District and how long are we projecting for. Mr. Litchfield confirmed that right now we have sufficient, adequate water supplies. The State Water Project (“SWP”) water allocation for this year will be 80% and there is plenty of water available for artificial recharge and direct delivery. He anticipates water levels will increase in the basin. It is very difficult to project out, however for the next two to three years, we are in good shape. President Young requested Mr. Litchfield write it up briefly and provide at the next Board meeting, as it would be helpful to the Board members to understand where we are in terms of water supply. The write-up should be made available on the District’s website in both English and Spanish. Director Bourland inquired about how difficult it would be to include language on the bills. A discussion ensued.

4. Interim Chief Financial Officer

No report.

5. Operations Manager

- a. The Oliver P. Roemer Water Treatment Plant is producing 5 mgd.
- b. Lytle Creek flow is at 5 mgd.

- c. State Water Project (SWP) water flow is at 1.9 mgd.
- d. The FBR Treatment Plant is treating 2.9 mgd.
- e. Rainfall Totals –Headquarters recorded 21 in., the South Shop in Bloomington recorded 18.9 in. and Zone 8 recorded 39.4 in.

6. Treasurer

No report.

7. Engineering Services Manager

No report.

8. External Affairs

No report.

9. Human Resources/Risk Manager

- a. Longevity Scan – We originally set up the scans for two (2) dates. The dates have been expanded and there is a total of sixty-three people will participate. Of that number, fifty are West Valley employees, totaling 67% of our current staff who is scheduled to participate in the scan. Thirteen are non-employees comprised of spouses, family and friends. An update will be brought back to the next meeting.

10. Business Systems Manager

- a. Access Control System is nearly complete. ID badges will serve as access cards into the building and the Boardroom.
- b. Legislative Management Software Project – Getting close to finishing programming and will be reaching out to the Board to schedule trainings.

11. Board Secretary

No report.

FUTURE AGENDA ITEMS

President Young inquired whether Board members had items to add to the agenda.

Director Young asked the General Manager and HR/Risk Manager bring back the report requested.

Vice President Gonzalez inquired of legal counsel regarding the requirements to request items be placed on the agenda.

Director Bourland requested that we email requests to the General Manager or Board Secretary and copy full the Board. Director Bourland stated that he was informed by a different legal counsel in San Bernardino that discussing agenda items, but not discussing details about the agenda items is perfectly legal. Mr. Olivas agreed.

President Young suggested that we get together with legal counsel and the General Manager and discuss, as this is a change in procedure. Vice President Gonzalez stated that she had not read anything in the Board's policy with regard to the President setting the agenda. Mr. Olivas announced that there is something called "policy in practice" of this Board to have done it this way. President Young directed Staff to bring the item back as Business Matter for discussion at the next regular Board meeting. Director Bourland requested that the current language in the policy be included.

Vice President Gonzalez requested a workshop to review District policies pertaining to the Board during the next regular Board meeting, as there has been a change in guard. President Young announced we will set a series of items on the agenda, including appointment to committees.

INFORMATION

None.

THERE BEING NO FURTHER BUSINESS, PRESIDENT YOUNG MOVED TO ADJOURN THE MEETING AT 7:57 P.M.

Dr. Clifford Young, Sr.
President of the Board of Directors
of West Valley Water District

ATTEST:

Shanae Smith, Board Secretary