

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
July 6, 2017

<u>PRESENT</u>	<u>ABSENT</u>	<u>DIRECTORS</u>
✓		Dr. Clifford Young, Sr., President
✓		Linda Gonzalez, Vice President
✓		Gregory Young, Director
✓		Donald Olinger, Director
	✓	Robert Bourland, Director
		<u>STAFF</u>
	✓	Matthew H. Litchfield, P.E., General Manager
✓		Greg Gage, Assistant General Manager
✓		Marie Ricci, 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
✓		Rosa Gutierrez, Associate Engineer
✓		Deborah Martinez, Human Resources Analyst
✓		Daisy Farias, Water Conservation Specialist
✓		Michelle Adams, Public Affairs Analyst
		<u>LEGAL</u>
✓		Michael Davis, Gresham, Savage, Nolan & Tilden, PC
✓		Derek Hoffman, Gresham, Savage, Nolan & Tilden, PC
<u>VISITORS</u>		June D. Hayes, Director, SBV Municipal Water District
		Jeff Riley, Carollo Engineers
		Anthony & Diana Araiza, Customers

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

ADOPT AGENDA

Vice President Gonzalez made a motion to Approve the Agenda and to move Business Item No. 9 Approval of Payment to Tafoya and Garcia for Professional Services rendered through May 31, 2017; Statement No. 1015; \$9,790.75 to Business Matters for discussion, seconded by Director Olinger. Following discussion the motion carried by the following vote:

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

PUBLIC PARTICIPATION

President Young indicated that any person wishing to speak to the West Valley Water District (“District”) Board of Directors 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.

Ms. June D. Hayes, Director of the San Bernardino Valley Municipal Water District (“Valley District”) requested that copies be made of two (2) items. Ms. Hayes discussed the first item, a bill stuffer, which was developed at the request of the City of Rialto for the City of Rialto Water and indicates the role of Valley District. It was also translated into Spanish. Ms. Hayes also commented on draft language for a bill for making California conservation a way of life, and that the bill is akin to budget-based rates for landscaping, not including commercial. A public hearing is scheduled for July 11th at the State Senate. General Legal Counsel, Michael Davis stated he would find out the sponsor of the bill at President Young’s request. Ms. Hayes commented on her concern as a citizen that a person could be held liable if they don’t follow the mandates, which include thirty days in jail and a fine not exceeding \$1,000. This will be a concern for the water boards and their customers.

CONSENT CALENDAR

A motion was made by Director Young to Approve the Consent Calendar with corrections regarding the employee salary committee recommendations. Director Young asked that Board Secretary Shanae Smith include that while he supports the Cost of Living Increase (“COLA”, in addition to expanding the District’s educational opportunities, he specifically opposed the matching deferred compensation and that his comments should be added, as it is not reflected in the minutes. Following discussion, the motion was seconded by Director Olinger. The motion was approved unanimously by the following vote:

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

BUSINESS MATTERS

Consideration of:

- 1. Construction Progress Report – Fixed Bed Biological Perchlorate Destruction Project by Carollo Engineers** – Assistant General Manager Greg Gage introduced Mr. Jeff Riley of Carollo Engineers who presented a brief PowerPoint presentation regarding the status of the Fixed Bed Perchlorate Destruction Project (“FXB”), including ongoing tasks completed year to date, budget and payment status of claims for reimbursement of the State Clean up and Abatement (“CAA”) grant funds and that public relations outreach through the American Water Works Association (“AWWA”) conference abstract is ongoing. Mr. Riley also reported that 98% of the construction is complete and start-up is scheduled for next week, progressing through the end of July, 2017. Once the system is started up, the demonstration testing will commence and last approximately six months. Mr. Riley concluded with photos of the progress and answered questions from the Board. The presentation was received and filed.
- 2. Adopt Resolution No. 2017-18, Approving Regulations for Candidates for Elective Office Pertaining to, and Costs of Candidate Statements Submitted to the Voters at the November 7, 2017 General District Election** – Following discussion, a motion was made by Director Olinger to Adopt Resolution No. 2017-18, Approving Regulations for Candidates for Elective Office Pertaining to, and Costs of Candidate Statements Submitted to the Voters at the November 7, 2017 General District Election, seconded by Vice President Gonzalez. The motion carried by the following vote:

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

3. **Adopt Resolution No. 2017-19, Amending Exhibits A & B of Articles 2020 and 2021, Schedule of Charges for the Hourly Labor and Vehicle/Equipment Hourly Rates Per Water Service Regulations** – Following discussion, a motion was by Vice President Gonzalez to Adopt Resolution No. 2017-19, Amending Exhibits A & B of Articles 2020 and 2021, Schedule of Charges for the Hourly Labor and Vehicle/Equipment Hourly Rates Per Water Service Regulations, seconded by Director Young. The motion carried by the following vote:

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

4. **Adopt Resolution No. 2017-20, Amending In Part, Resolution No. 2016-18, Authorizing Investment of Monies in the Local Agency Investment Fund** – Following discussion a motion was made by Director Young to Adopt Resolution No. 2017-20, Amending In Part, Resolution No. 2016-18, Authorizing Investment of Monies in the Local Agency Investment Fund, seconded by Director Olinger. The motion carried by the following vote:

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

5. **Adopt Resolution No. 388-67, Amending in Part, Resolution No. 388-60, Approving the Salary Schedule and Job Classification List in the Personnel, Policies and Practices Manual (Exhibit A)** – Following discussion, Director Olinger made a motion to Adopt Resolution No. 388-67, Amending in Part, Resolution No. 388-60, Approving the Salary Schedule and Job Classification List in the Personnel, Policies and Practices Manual (Exhibit A), seconded by Vice President Gonzalez. President Young inquired whether the salary classifications were in line with the current classification and compensation study. Mr. Gage confirmed that with the adoption of the 2017-2018 Fiscal Year Capital Improvement and Operating Budget, a 2.5% adjustment had been approved and that the classification and compensation study is ongoing and scheduled to be complete in December, 2017. The motion carried by the following vote:

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

6. **Awarding Contract for As-Needed Services for Well & Booster Maintenance and Repairs** – Following discussion, a motion was made by Director Young to Award a Contract to General Pump Company for a One- Year Term, with two (2) Additional one (1) year Options for As-Needed Services for Well & Booster Maintenance and Repairs, seconded Director Olinger. The motion carried by the following vote:

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

7. **Approval of Payment to Gresham Savage Nolan & Tilden, PC for Professional Services rendered through May 31, 2017; Statement No. W1582 - All Matters; Total Amount of \$16,064.33** – Following discussion, a motion was made by Vice President Gonzalez to Approve Payment to Gresham Savage Nolan & Tilden, PC for Professional Services rendered through May 31, 2017; Statement No. W1582 - All Matters; Total Amount of \$16,064.33, seconded by President Young. Director Young inquired about billing for Board Committee items and his understanding that it would be billed at the flat rate and whether the invoicing should be amended to reflect routine services instead. Mr. Davis stated the request was made by Director Bourland and he would look into it amend the invoice if necessary. The motion carried by the following vote:

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

8. **Approval of Payment to Larson O'Brien, LLP for Professional Services rendered through May 31, 2017 regarding the San Bernardino Municipal Water District Matter; Statement No. 3558; \$13,739.26** – Following discussion, a motion was made by Vice President Gonzalez to Approve Payment to Larson O'Brien, LLP for Professional Services rendered through May 31, 2017 regarding the San Bernardino Municipal Water District Matter; Statement No. 3558; \$13,739.26, seconded by Director Olinger. The motion carried by the following vote:

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

9. **Approval of Payment to Tafoya and Garcia, LLP for Professional Services rendered through May 31, 2017; Statement No. 1015; \$9,790.75** – Following discussion a motion was made by Director Young to Approve Payment to Tafoya and Garcia for Professional Services rendered through May 31, 2017; Statement No. 1015; \$9,790.75, seconded by Director Olinger. Vice President Gonzalez referenced a line item on Page 236 for .30 billable hours and inquired of General Legal Counsel Michael Davis regarding the status of the transition with the firm to obtain legal opinions related to the Long Term Care issue. Mr. Davis reported he had started to receive information from Tafoya and Garcia, LLP, mostly related to pending litigation. Mr. Davis also confirmed that the firm had not provided the remaining documentation requested related to routine matters, general communications or basic opinions. Vice President Gonzalez stated that she and another member of the Board had also requested information and that a ratepayer for fifty-three years has come here three (3) times and requested the information.

Mr. Davis stated that he would continue to submit requests to Tafoya and Garcia, LLP for the information. Discussion continued. Following discussion, the motion carried by the following vote:

Ayes:	Directors: Olinger, Young, Young, Sr.
Noes:	Directors: Gonzalez
Absent:	Directors: Bourland
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. Thanked everyone for attending the meeting.

Director Olinger reported on the following:

- a. Jun. 27th - Attended his 90th Birthday Celebration. Expressed his gratitude to Ms. Shanae Smith and Staff for all their efforts.

Director Young reported on the following:

- a. Jun. 21st – 22nd - Attended the Western Coalition of Arid States (“WESTCAS”) 25th Annual Conference in San Diego. The conference was informative and more technical than even the previous year and that he was the only Board member present and everyone else was District Staff. He still enjoyed himself, although he could not stay for the three days. However, he took a quick overnight trip for one day and it was really nice.
- b. Requested to adjourn the meeting in honor of Great Aunt Evelyn Anderson who passed away at the age of 100 years old. Ms. Anderson retired from Cal Trans and also worked for the State Water Resources Control Board and was part of the design team of the Oroville Dam and she was very proud of it. She live a very long amazing life and she will be missed.

Director Bourland was absent from the meeting.

President Young had no report.

2. Legal Counsel/Consultants

Mr. Davis reported on the following:

- a. Referenced his written Open Session Master Report and that he would provide a report in

Closed Session.

3. General Manager

Mr. Gage reported on the following:

- a. Informational Item – Distributed a correspondence from the Association of San Bernardino County Special Districts (“ASBCSD”) regarding an ongoing Local Agency Formation (“LAFCO”) issue and that no action is needed at this time. The item was received and filed.

4. Chief Financial Officer

Ms. Ricci had no report.

5. Operations Manager

Ms. Joanne Chan reported on the following:

- a. The Oliver P. Roemer Water Treatment Plant is producing 10 mgd., its maximum capacity.
- b. Lytle Creek Flow is 4.8 mgd, a 27% decrease since June.
- c. State Water Project (SWP) water flow is at 4.1 mgd., an increase of 17% since June.
- d. The FBR Treatment Plant is treating 2.9 mgd., its maximum capacity.

6. Treasurer

The Treasurer’s Report is included in the packet.

7. Engineering Services Manager

Ms. Jadeski had no report.

8. External Affairs

Ms. Michelle Adams had no report.

9. Human Resources/Risk Manager

Ms. Deborah Martinez had no report.

10. Business Systems Manager

Mr. Jon Stephenson had no report.

11. Board Secretary

Ms. Shanae Smith had no report.

UPCOMING MEETINGS

Ms. Smith announced the following upcoming meetings:

- a. July 12th at 5:00 p.m. – Human Resources Committee Meeting
- b. July 12th at 5:45 p.m. – Engineering and Planning Committee Meeting

FUTURE AGENDA ITEMS

None.

INFORMATION

None.

CLOSED SESSION

At 6:55 p.m. the Board convened to Closed Session to discuss several items. At 7:53 p.m. the Board reconvened to Open Session and Mr. Davis reported on the following:

APPROVAL OF CLOSED SESSION MINUTES: Regular meeting June 15, 2017 – Approved.

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): San Bernardino Valley Municipal Water District, et al., v San Gabriel Valley Company, et al; San Bernardino County Superior Court Case No. CIVDS1311085 / Fourth District Court of Appeal Division Two, Case No. E063180.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Southern California Edison v. Fontana I Medical Properties, et al; San Bernardino County Superior Court Case No. CIVDS1621129.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): EEOC Complaint, Kenny Hernandez, Case Number 480-2017-00835.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): EEOC Complaint, Shanae Smith, Case Number 480-2017-00219.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(a): FPPC Complaint, Clifford O. Young, Sr. v. West Valley Water District and Linda Gonzalez, Complaint No. COM-06092017-01044.

President Young and Vice President Gonzalez were excused due a potential conflict of interest.

THERE BEING NO FURTHER BUSINESS, DIRECTOR OLINGER MOVED TO ADJOURN THE MEETING AT 7.55 P.M. IN MEMORY OF EVELYN ANDERSON.

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

ATTEST:

Shanae Smith, Board Secretary