

**REVISED**  
**MINUTES**  
**REGULAR BOARD MEETING**  
of the  
**WEST VALLEY WATER DISTRICT**  
**October 19, 2017**

Attendee Name	Present	Absent
<b>Board Members</b>		
Donald Olinger, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Gonzalez, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clifford Young, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gregory Young, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Bourland, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Staff</b>		
Matthew Litchfield, General Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Gage, Assistant General Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marie Ricci, Chief Financial Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karen Logue, Human Resources/Risk Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wendy Strack, External Affairs Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Jadeski, Engineering Services Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joanne Chan, Operations Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Stephenson, Business Systems Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shanae Smith, Board Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>General Legal Counsel</b>		
Michael D Davis, Gresham Savage Nolan & Tilden, PC	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Derek Hoffman, Gresham Savage Nolan & Tilden, PC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kevin K. Randolph, Gresham Savage Nolan & Tilden, PC	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## VISITORS

Scott Olson  
Anthony and Diana Araiza, Residents

## OPENING CEREMONIES

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

## ADOPT AGENDA

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Gonzalez, Vice President
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

## PUBLIC PARTICIPATION

There were no public speakers.

## CONSENT CALENDAR

Vice President Gonzalez made a motion to Approve the Consent Calendar, seconded by Director Bourland. Director Gregory Young led a discussion regarding the Minutes of October 5, 2017 and whether the Cash Disbursement item indicated the correct vote. A discussion ensued as to the accuracy of the minutes. Director Gregory Young amended the original motion to Approve the Consent Calendar, and table the approval of the Minutes of the October 5, 2017 regular meeting to the next regular meeting in order that he may have an opportunity to review the audio for accuracy and to determine if the October 5, 2017 minutes accurately reflected the motions that the Board took on the action. Following discussion, the amended motion passed by the following vote:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Gonzalez, Vice President
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

## PUBLIC HEARING

None.

## BUSINESS MATTERS

- 1. APPROVAL OF A WATER SYSTEM INFRASTRUCTURE INSTALLATION AND CONVEYANCE AGREEMENT WITH THE NORTH FONTANA INVESTMENT COMPANY, LLC** - Following discussion, Director Gregory Young made a motion to Approve the Water System Infrastructure Installation and Conveyance Agreement with North Fontana Investment Company, LLC, pending review and comments by Legal Counsel, that would authorize Staff to enter into an agreement once we receive those comments, seconded by Director Bourland. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

- 2. APPROVAL OF GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** - Following discussion, Director Bourland made a motion to Approve the Guidelines and Procedures for Implementing the Provisions of the California Environmental Quality Act ("CEQA"), seconded by Director Gregory Young. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Robert Bourland, Director
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

- 3. APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES AND TASK ORDER NO. 1 WITH TKE ENGINEERING, INC. FOR THE DESIGN OF THE 24-INCH WATERLINE IN PEPPER AVENUE AT THE UNION PACIFIC RAILWAY-** Following discussion, a motion was made by Vice President Gonzalez to Approve an Agreement for Professional Services and Task Oder No.1 with TKE Engineering, Inc., seconded by Director Bourland. Following discussion, the motion passed by the following vote:

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Gonzalez, Vice President
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

**4. APPROVAL OF AN AGREEMENT WITH RITE-WAY ROOF CORPORATION FOR DISTRICT HEADQUARTERS ROOF REPAIR AND COATING PROJECT -**

Following discussion, Director Gregory Young made a motion to Approve an Agreement with Rite-Way Roof Corporation for District Headquarters Roof Repair and Coating Project, seconded by Director Bourland. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

**5. APPROVAL OF AN AGREEMENT WITH ERS INDUSTRIAL SERVICES, INC. FOR OLIVER P. ROEMER WATER FILTRATION FACILITY FILTER MEDIA REPLACEMENT AND COATING PROJECT -**

Following discussion, Director Young, Sr. made a motion to Approve an Agreement with ERS Industrial Services, Inc. for the Oliver P. Roemer Water Filtration Facility, seconded by Director Gregory Young. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clifford Young, Director
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

6. **APPROVAL OF AN AGREEMENT WITH CRB SECURITY SOLUTIONS FOR THE EXPANSION OF THE ACCESS CONTROL SYSTEM TO THE FBR TREATMENT PLANT AND BUILDING C** -Following discussion, Director Bourland made a motion to Approve an Agreement with CRB Security Solutions to Expand the Access Control System, seconded by Director Gregory Young. Vice President Gonzalez inquired of the Engineering Committee members as to why the item had been forwarded to the full Board for approval. Director Gregory Young commented that it is the natural order of the process. Mr. Litchfield also commented that due to amount of the contract, which exceeds \$25,000, the item needed to come before the full Board for approval. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Robert Bourland, Director
<b>SECONDER:</b>	Gregory Young, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

7. **EXECUTIVE MANAGEMENT STAFF EXPENSE REPORTS AND CALENDARS FOR THE PERIOD COVERING JULY 3, 2017 THROUGH OCTOBER 5, 2017 (RECEIVE AND FILE)** - Following discussion, the item was received and filed.
8. **ADOPT RESOLUTION NO. 2017-27 OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT APPROVING A POLITICAL ACTIVITIES POLICY** - Following discussion, Director Gregory Young made a motion to Adopt Resolution No. 2017-27, Approving a Political Activities Policy, seconded by Director Bourland. Vice President Gonzalez requested that Legal Counsel clarify for the record, the District officers and employees' rights regarding the activities outlined in the Political Activities Policy. General Legal Counsel Kevin K. Randolph explained that employees should never engage in political activities while in company uniform or on District property. However, in terms of other activities where they are doing their own private things on weekends, after hours, and not on District property, they are free to participate in political activities. Legal restrictions against soliciting campaign contributions from District officers and employees would apply at all times, but other types of fundraising are not generally prohibited. The policy implements state law prohibitions against political activities in the workplace. When they leave and go home on the weekends, in their own personal space, wearing their own clothes, then they retain the right, both constitutionally and statutorily to engage in protected activities. Mr. Randolph also clarified that the policy applies to all District property, including the break-rooms. President Olinger asked Mr. Litchfield how the policy would be promulgated to staff. Mr. Litchfield announced that he would make a presentation to staff regarding the policy and that each staff member would sign an acknowledgment form indicating they understand the policy to be placed in the employees' individual files. Director Young, Sr. inquired if the effective date is the date of the policy and is there a reason why we did not cite any federal or state statutes within the policy, which were in effect prior to the Board's review and consideration of the policy. Legal Counsel stated the policy is consistent with state law, however, in terms of its effectiveness and ability to be enforced, the policy must be adopted by the Board first, and that nothing in the policy changes the law. Following discussion, the motion failed by the following vote:

<b>RESULT:</b>	<b>DEFEATED [UNANIMOUS]</b>
<b>MOVER:</b>	Gregory Young, Director
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

Director Young, Sr. amended the original motion to Adopt Resolution No. 2017-27, Approving a Political Activities Policy to include that Legal Counsel include in the policy citations to applicable California statutory law, seconded by Director Bourland. The motion passed by the following vote:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clifford Young, Director
<b>SECONDER:</b>	Robert Bourland, Director
<b>AYES:</b>	Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

**9. APPROVAL OF PAYMENT TO KENNEDY COMMUNICATIONS - CHECK NO. 70666** - Director Young, Sr. inquired about the payment of the Kennedy Communications invoice and questioned why it did not come before the Board for approval. Mr. Litchfield stated that he had a discussion with the Finance Committee regarding his ability to approve contract invoices, within his authority, with the exception of legal bills, as they were clogging up the Board agendas and that the contracts had been pre-approved by the Board during the adoption of the operating budget. Director Young, Sr. led a discussion regarding the Board's ability to approve the payment and whether the federal lobbying work had been complied with. President Olinger suggested that Director Young, Sr. meet with Mr. Litchfield and Legal Counsel to discuss the matter and seek clarification. Vice President Gonzalez stated that she recalled that before this person was hired, Director Young, Sr. met with the consultant and former District General Manager before Ms. Maria Kennedy had been hired and that Director Young, Sr. was informed and aware of what Ms. Kennedy was going to do, which was consistent with what he asked her to do, and that this had been stated to her afterward. Vice President Gonzalez also commented that Bill Lawry of Innovative Federal Strategies had the qualifications or status that Director Young, Sr. is referring to regarding federal lobbying, and that Ms. Kennedy worked with Mr. Lawry and that she recalled on many occasions that Ms. Kennedy made it very clear she was not a federal lobbyist. Director Gregory Young stated for the record that the business of the Board should be done in full transparency and that he is upset that the invoices were paid prior to open discussion by members of the Board on the dais. Director Bourland recommended for the sake of clarity that the Executive Committee meet to clarify the General Manager's signing authority and report back to the full Board. The Board agreed that the original motion to approve the item would be withdrawn and to refer the item for discussion at a meeting coordinated by the General Manager, and for the Executive Committee to review and clarify the General Manager's signing authority.

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE</b>
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## **10. GRESHAM SAVAGE NOLAN TILDEN, PC UPDATED GENERAL LEGAL COUNSEL AGREEMENT**

President Olinger recommended that the item be taken up during the meeting that would be coordinated to discuss item No. 9. Director Bourland requested to be included in the meeting. Director Young, Sr. clarified that he recognizes that we have Legal Counsel, however, he has questions regarding the process of hiring without a bidding process.

<b>RESULT: REFERRED TO COMMITTEE</b>
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**REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).**

### **1. Board Members**

Director Young, Sr. had no report.

Director Gregory Young reported on the following:

- a. Thanked everyone for coming out tonight.
- b. Thanked those members of the community who reached out with well wishes for his mother's speedy recovery, who has been in the hospital since the past weekend.

Vice President Gonzalez reported on the following:

- a. Oct. 9<sup>th</sup> - Attended the Human Resources Committee meeting.
- b. Oct 11<sup>th</sup> - Attended a training with Business Systems Manager on the new software.
- c. Oct. 12<sup>th</sup>- Attended the Executive Committee meeting.
- d. Oct. 13<sup>th</sup> - Attended the Grace Vargas Senior Citizen event.
- e. Oct. 17<sup>th</sup>- Attended the San Bernardino Valley Municipal Water District ("Valley District") Board of Directors meeting.
- f. Oct 18<sup>th</sup>- Attended the Kiwanis meeting where they were presenting scholarships to local schools for the "Student of the Month" award, including three high schools in located the Rialto area.
- g. Wished everyone a safe Halloween and encouraged everyone to protect their children.

Director Bourland reported on the following:

- a. Commented that two-thirds of the Board packet was from the Engineering Committee meeting and thanked Engineering Services Manager, Linda Jadeski and her team for all the great work put forth on the items.

## **2. Legal Counsel**

Mr. Randolph reported on the following:

- a. Referenced the status update of activities performed by Legal Counsel, on the dais for the Board. President Olinger thanked Mr. Randolph for substituting for Mr. Michael Davis.

## **3. General Manager**

Mr. Litchfield reported on the following:

- a. In the External Affairs Report at the dais is an article in the September issue of the Municipal Water Leader Magazine highlighting the District's FBR treatment plant and the District's pursuit of additional groundwater activities.

## **4. Assistant General Manager**

Mr. Gage had no report.

## **5. Chief Financial Officer**

Ms. Ricci had no report.

## **6. Operations Manager**

This item was taken out of order.

Ms. Chan reported on the following:

- a. The Oliver P. Roemer Water Treatment Plant ("OPRWTP") is treating 6.5 mgd.
- b. Lytle Creek flow is still down due to the improvement and cleaning at the After-bay.
- c. State Water Project ("SWP") water flow is at 5.8, same as the last report.
- d. The FBR Treatment Plant is treating 2.9, its maximum capacity.

## **7. Engineering Services Manager**

This item was taken out of order:

Ms. Jadeski had no report.

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**8. External Affairs Manager**

Ms. Strack was absent.

**9. Human Resources/Risk Manager**

Ms. Logue had no report.

**10. Business Systems Manager**

Mr. Stephenson had no report.

**11. Board Secretary**

Ms. Smith reported on the following:

- a. Oct. 22nd - Oct. 24th, 2017 - Attended the California Special Districts Association ("CSDA") Board Secretary Conference in Anaheim, CA.
- b. President Olinger commented on an email forwarded from Ms. Smith to the Board regarding the Association of San Bernardino County Special Districts ("ASBCSD") upcoming election for Board of Directors and inquired whether any District Board members were interested in the position.

**FUTURE AGENDA ITEMS**

**INFORMATION**

**CLOSED SESSION**

At 6:55 p.m. the Board convened to Closed Session to discuss several items. At 7:30 p.m., the Board reconvened to Open Session. Mr. Randolph reported on the following reportable actions:

The board approved Closed Session Items, 2, 3 & 4. There were no other reportable actions.

**ADJOURN**

**THERE BEING NO FURTHER BUSINESS, DIRECTOR BOURLAND MOVED TO ADJOURN THE MEETING AT 7:30 P.M.**

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**Donald Olinger**  
**President of the Board of Directors**  
**of West Valley Water District**

**ATTEST:**

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**Shanae Smith, Board Secretary**