

MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
June 15, 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
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
Maria Guerrero, Customer Service Representative II
Daisy Farias, Water Conservation Specialist
Lauren Albrecht, Public Affairs Analyst
Michelle Adams, Public Affairs Analyst

LEGAL

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Michael Davis, Gresham, Savage, Nolan & Tilden, PC

VISITORS

Greg Gage, San Bernardino Municipal Water Department
Tom Shalhoub, Director, Yucaipa Valley Water District
June B. Hayes, Director, SBV Municipal Water District
Cassandra Popli, Vice President ETA Agency
Kia, Account Representative, ETA Agency

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 – Vice President Gonzalez
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 Olinger. 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

BUSINESS MATTERS

Consideration of:

- 1. Adopt Resolution No. 2017-14, Commending Robert Christman for Dedicated Service -**
Following discussion, a motion was made by Director Young, to Adopt Resolution No. 2017-14, Commending Robert Christman for Dedicated Service, seconded by Director Bourland. Mr. Christman thanked members of the Board, direct reporting Staff and the Executive team. A photograph was taken with Mr. Christman and members of the Board to memorialize the event. The motion carried unanimously by the following 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 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 B. Hayes, Director of the San Bernardino Valley Water District (“Valley District”) announced the publication of the SoCal Yard Transformation, A Step-by-Step Guide to Get the Yard You Want, which is specifically geared for landscape planning in our area. Copies are available at Valley District and she is happy to provide copies for members of the Board.

CONSENT CALENDAR

A motion was made by Director Young to approve the Consent Calendar, seconded by Director Olinger. Director Bourland amended the motion to correct a re-correction to the Minutes of May 25, 2017 regarding dismissal of the District’s previous legal firm and that the vote should read 3-0-2, not 3-2-0. President Young referenced the Monthly Purchase Order Report (“PO”) on Page 37 of the packet and inquired about an invoice in the amount of \$16,011.00 issued to Ms. Mary La Rue Winter and the nature of the work she had performed. External Affairs Manager, Wendy Strack gave a general description of the work performed by Ms. Winter. President Young requested a copy of the invoice for the Board’s review. The amended motion was approved unanimously by the following vote:

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

BUSINESS MATTERS

Consideration of:

- 2. Approval of the Human Resources Committee and Employee Salary Committee Recommendation for the Compensation of Employees for the 2017-2018 Fiscal Year -** Following discussion, this item was received and filed, as it was approved at the June 12, 2017 special Board meeting and had been posted in advance to meet the posting requirement of the agenda. President Young announced that employees desired presenting additional information to the Board regarding compensation to employees and invited Staff to attend the special Board meeting scheduled on June 26th. The Board also invited employees to speak on Staff’s behalf at the meeting and requested that Mr. Litchfield notify Staff that the Board is interested in hearing their concerns and/or comments on the subject.
- 3. Adopt Resolution No. 2017-15, Approving the Annual Operating and Capital Improvement Budget for Fiscal Year 2017-2018 –** Following discussion, this item was received and filed, as it will be considered for approval at the June 26, 2017 special Board meeting.

4. **Approval of Resolution No. 2017-16, Adopting the Board of Directors Agenda Setting Policy** – A lengthy discussion ensued regarding the proposed policy and Staff’s recommendation for setting meeting agendas, including adding estimated number of pages to be reviewed for each item as part of the preliminary agenda, the legislative management software previously approved by the Board and the Board’s ability to delete items from the agenda. Following discussion, a motion was made by Vice President Gonzalez to Approve Resolution No. 2017-16, Adopting the Board of Directors Agenda Setting Policy, seconded by Director Olinger. Following discussion, Director Young made a substitute motion to table the Agenda Setting Policy until General Legal Counsel researched further, seconded by President Young. The substitute motion failed by the following vote:

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

The original motion made by Vice President Gonzalez to Approve Resolution No. 2107-16, Adopting the Board of Directors Agenda Setting Policy, seconded by Director Olinger carried by the following vote:

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

5. **Approval of Agreement for Professional Services for Website Redesign Services with ETA Agency** – Following discussion, representative Cassandra Popli, Vice President of ETA Agency and Kia, Senior Account Executive gave a brief description of the agency and services provided and answered questions from the Board. Following the presentation, a motion was made by Vice President Gonzalez to Approve the Agreement for Professional Services for Website Redesign Services with ETA Agency, seconded 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**

6. **Approval of District Community Sponsorship Program** – Following a detailed discussion, a motion was made by Vice President Gonzalez to Approve the District Community Sponsorship Program, seconded by Director Bourland. The motion carried by the following vote:

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

7. **Approval of Proposed Customer Eligibility Modifications to the WaterSMART Grant Program** – Following discussion, a motion was made by Vice President Gonzalez to Approve the Proposed Customer Eligibility Modifications to the WaterSmart Grant Program, seconded by Director Olinger. 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**

8. **Approval of Compensatory Time Off-Addition to Article 7 of the Human Resources Policies and Practices Manual** – Following discussion, a motion was made by Director Olinger to Adopt Resolution No. 388-65, Amending in Part, Resolution No. 388-61, Approving Compensatory Time-Off-Addition to Article 7 of the Human Resources Policies and Practices Manual, 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**

President Young requested to bundle the approval of the following items:

9. **Approval of Task Order No. 4 with Albert A. Webb Associates for Engineering Services for the Design of the Santa Ana Avenue Transmission Main Project.**
10. **Approval of an Agreement for Professional Services and Task Order No. 1 with CASC Engineering and Consulting for Engineering Services for the Design of the Persimmon Street Pipeline Replacement Project.**
12. **Award Contract for Construction of Purchasing Offices.**

A motion was made by Director Olinger to approve Item Nos. 9, 10 and 12, with the addition to including the Engineering and Design Warranty Provisions to Section 2.4 of the District's Standard Agreement for Professional Services, 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**

This item was taken out of order.

- 11. Approval of an Agreement for Professional Services and Task Order No. 1 with Engineering Resources of Southern California, Inc. for Engineering Services for the Design of the Valley Boulevard Pipeline Replacement Project** – Following detailed discussion regarding project contingency, a motion was made by Director Bourland to Approve an Agreement for Professional Services and Task Order No. 1 with Engineering Resources of Southern California, Inc. for Engineering Services for the Design of the Valley Boulevard Pipeline Replacement Project, with the addition of the Engineering and Design warranty, 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**

This item was taken out of order.

- 13. Approval of Updated Engagement Letter for General Legal Counsel Services - Gresham Savage Nolan & Tilden, PC** – Following discussion, motion was made by Director Young to Approve the Updated Engagement Letter for General Legal Counsel Services with Gresham Savage Nolan & Tilden, PC, and provide clean version to members of the Board, 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**

- 14. Approval of Payment to Tafoya and Garcia, LLP for Professional Services rendered through March 31, 2017; Statement No. 1014; \$16,978.50; and April 30, 2017; Statement No. 1015; \$17,575.00** – Following discussion, a motion was made by Director Young to Approve Payment to Tafoya and Garcia, LLP for Professional Services rendered through March 31, 2017; Statement No. 1014; \$16,978.50; and April 30, 2017; Statement No. 1015; \$17,575.00, seconded by President Young. The motion carried by the following vote:

Ayes: Directors: **Olinger, Young, Bourland, Young, Sr.**
Noes: Directors: **Gonzalez**
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. Requested to adjourn the meeting in honor of Ms. Gloria Harrison’s daughter, Diana Harrison Martinez who passed away on June 1st. Ms. Harrison is the editor of the Rialto Record.

Director Olinger had no report.

Director Young reported on the following:

- a. Echoed Vice President Gonzalez’ condolences to Ms. Diana Harrison Martinez.

Director Bourland had no report.

President Young had no report.

2. Legal Counsel/Consultants

Mr. Davis had no report.

3. General Manager

Mr. Litchfield reported on the following:

- a. Introduced the District’s new Chief Financial Officer (“CFO”) Ms. Marie Ricci to the Board of Directors.

4. Chief Financial Officer

Ms. Ricci had no report.

5. Operations Manager

Ms. Joanne Chan had no report.

6. Treasurer

No report.

7. Engineering Services Manager

Ms. Jadeski had no report.

8. External Affairs

Ms. Wendy Strack had no report.

9. Human Resources/Risk Manager

Ms. Karen Logue had no report.

10. Business Systems Manager

Mr. Jon Stephenson had no report.

11. Board Secretary

Ms. Shanae Smith had no report.

UPCOMING MEETINGS

FUTURE AGENDA ITEMS

Vice President Gonzalez requested to add “Re-Organization of District Officers” to the July 6, 2017 regular Board meeting agenda.

INFORMATION

None.

CLOSED SESSION

At 7:35 p.m. the Board convened to Closed Session to discuss the following:

- APPROVAL OF CLOSED SESSION MINUTES: Regular meeting June 1, 2017.

Approved.

- CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER – Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: General Manager.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER – Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: External Affairs.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER – Pursuant to Government Code Section 54957: Termination of Professional Services Agreement: Albright, Yee & Schmit, APC.

No reportable action.

- CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER – Pursuant to Government Code Section 54957: Evaluation of Professional Services Agreement: Prata & Daley, LLP.

No reportable action.

- 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.

THERE BEING NO FURTHER BUSINESS, VICE PRESIDENT YOUNG MOVED TO ADJOURN THE MEETING AT 8:22 P.M. IN MEMORY OF DIANA HARRISON MARTINEZ.

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

ATTEST:

Shanae Smith, Board Secretary