

**MINUTES**  
**REGULAR BOARD MEETING**  
of the  
**WEST VALLEY WATER DISTRICT**  
August 17, 2017

**PRESENT**    **ABSENT**

**DIRECTORS**

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

**STAFF**

- |   |  |
|---|--|
| ✓ | 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                |

**LEGAL**

- |   |  |
|---|--|
| ✓ | Michael Davis, Gresham, Savage, Nolan & Tilden, PC |
| ✓ | Derek Hoffman, Gresham, Savage, Nolan & Tilden, PC |

**VISITORS**

- June D. Hayes, Director, SBV Municipal Water District  
Gil Navarro, Director, SBV Municipal Water District  
Anthony & Diana Araiza, Customers  
Judy McGowan, Customer  
Scott Olson

The Regular meeting of the Board of Directors was called to order by Donald Olinger at 6:07 p.m. at the District Headquarters, 855 W. Baseline Road, Rialto, CA.

## **OPENING CEREMONIES**

Pledge of Allegiance – Director Gregory Young  
Opening Prayer – Vice President Gonzalez  
Roll Call of Board Members – Quorum

President Olinger announced that Director Clifford Young, Sr. had notified the Board that he was unable to attend the meeting due to a personal matter.

## **ADOPT AGENDA**

Director Young made a motion to Adopt the Agenda and to table Business Item No. 1, Adopting Resolution No. 2017-26, Approving the Code of Ethics Policy (“COEP”) to a future workshop by the Board, seconded by Director Bourland with discussion. Director Young clarified that a COEP is needed to be updated and that we do have one in effect, however fairly outdated and that he is in full support of the intent. Director Young expressed that the document governs the actions of the Board, and the Board should have the opportunity to comment on it in a workshop, just the way comments and discussions are had with regard to the Board’s Ordinance No. 82 or budget items. It would be prudent to schedule a special Board meeting workshop where the Board openly, and in an honest way discussed each part of the document and compare it to what we currently have, as a copy of what is currently in effect had not been provided in the packet. Director Bourland inquired whether there is a requirement for refreshment of a COEP and whether the District is on target or time constrained. General Counsel Michael D. Davis clarified that the District is required to have a COEP and that a Conflict of Interest Policy (“COIP”) is required to be updated every two (2) years and submitted to the FPPC for approval. From everything we have been able to determine, the last update to the District’s COIP was in 1992, making the District approximately twenty-six years behind. Mr. Davis encouraged the Board not to put it out any farther than absolutely necessary, as the District is not in compliance at this time. Vice President Gonzalez commented that since 2014, she recalls Ordinance No. 72 included the ethics. However, when the ordinance was amended to Ordinance No. 84, the entire section was removed by the previous legal and President at the time and she did not want the policy to be prolonged any further and to schedule a workshop. Director Bourland stated that he is in support of a workshop and requested that it be done urgently, and to call a special meeting within the next week to work through it and get it done and expressed that he is nervous about being twenty-six years out of date and the risk it puts the District in. Following discussion, the Board scheduled a special Board workshop on August 28, 2017 at 6:00 p.m. and Director Young requested that the existing COEP and/or confirmation whether or not there is one. Director Young restated his motion to Approve the amended Agenda postponing Business Item No. 1 to a Special Meeting of the Board on August 28, 2017 at 6:00 p.m., seconded by Director Bourland. The motion carried by the following vote:

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

## **PUBLIC PARTICIPATION**

President Olinger 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.

Resident, Ms. Judy McGowan commented that she appreciated all the things that have been added to the water billing statement over the years, including the bar graph regarding how much water was used last year. Also, she liked the addition of the District’s Level-Pay Plan, which she has taken advantage of and suggested that if the District would be so kind to add how much customers are “in the hole” when paying each month and/or to identify whether there is an available credit. Ms. McGowan also commented that both The Southern California Edison (“SCE”) and The Gas Company do that. She stated had been on the Level-Pay Plan for two (2) years when she got a shock in February to pay an approximate \$200.00 water bill. Indicating whether or not a customer is in the hole or has a credit would be helpful. President Olinger directed Staff to assist Ms. McGowan with her request and commented that she has been a long-time customer of the District. The Board thanked Ms. McGowan for the suggestion.

Gil Navarro, Director of the San Bernardino Valley Municipal Water District (“Valley District”) and Deputy Commissioner of the Santa Ana Watershed Project Authority (“SAWPA”) announced that Valley District has created a number of committee workshops that are open to the public and thanked the District for sending Ms. Wendy Strack and Ms. Daisy Farias to the Water Use Efficiency Committee that he Chairs. In addition, other districts were also in attendance. Director Navarro stated that he has learned a lot this year and thanked the District for participating. Director Navarro also commented that Valley District’s Fiscal Year 2017-2018 Budget will be presented next month indicating the amount of funds that will be given back to the community in rebates, which the District has taken advantage of to help its consumers.

## CONSENT CALENDAR

A motion was made by Director Young to Approve the Consent Calendar with the amended August 3, 2017 Minutes, seconded by Director Bourland. The motion carried by the following vote:

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

## PUBLIC HEARING

No public hearing.

## BUSINESS MATTERS

### Consideration of:

This item was taken out of order.

1. **Adopt Resolution No. 2017-26, Approving the Code of Ethics Policy** – The item was tabled to the August 28, 2017 special Board workshop.
2. **Adopt Resolution No. 388-68, Approving the Reclassification of the Vacant Engineer Position to Engineering Development Coordinator** – Following discussion, a motion was made by Vice President Gonzalez to Adopt Resolution No. 388-68, Approving the Reclassification of the Vacant Engineer Position to Engineering Development Coordinator, seconded by Director Bourland. The motion carried by the following vote:

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

3. **2018-2019 Election of Board of Directors for the Association of California Water Agencies Region 9** – Following discussion, a motion was made by Vice President Gonzalez to Approve the Association of California Water Agencies Region 9 Nominating Committee's Recommended Slate, including Mr. Michael Wilson for the 2018-2019 Election for the Board of Directors for the Association of Water Agencies Region 9, seconded by Director Bourland. The motion carried by the following vote:

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

4. **Approval of an Agreement for Professional Services for Security System and Fire Panel Monitoring and Services** - Following discussion, a motion was made Director Young to Approve an Agreement for Professional Services to CRB for Security System and Fire Panel Monitoring and Services, seconded by Director Bourland. The motion carried by the following vote:

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

Director Young reported on the following:

- a. Thanked everyone for attending the meeting and wished everyone a good evening.

Director Bourland reported on the following:

- a. Aug. 17<sup>th</sup> - Attended a workshop regarding cyber security and Homeland Security was there, along with the Chief Executive Officer (“CEO”) of one of the biggest cyber security firms in the area and came back with a lot of good ideas that should probably be followed-up on, which he will speak to Mr. Jon Stephenson regarding what he’s learned. The District is eligible to receive free things from Homeland Security that he was not aware of. It’s definitely worth the District’s time to explore those options. The workshop was held at the police station in Ontario, with a turnout from several different utilities and municipalities, all discussing their cyber concerns, which are getting worse every day.

Vice President Gonzalez reported on the following:

- a. Attended the Bloomington Municipal Advisory Council (“MAC”) along with Director Young where they discussed the large cube buildings. There is not one day they are not knocking on doors, using the word “eminent domain.” Kudos to ex-President Betty Gosney who made the point of telling people that it is not eminent domain and not to feel threatened, and that they should name their price and then sign the contract and to not to sign until they were happy. Congratulated the MAC for being aggressive with Supervisor Josie Gonzalez and going after all illegal trucking.

- b. Aug. 10<sup>th</sup> – Attended her first Executive Committee meeting since the two (2) years she’s been the District’s Vice President and very impressed how the General Manager organized it. The Assistant General Manager (“AGM”) and Chief Financial Officer (“CFO”) were in attendance and a lot of input went back and forth. It was nice that you could sit there and express how you feel, as we are here to represent the people and if you’re gagged or pressured or can’t talk, you are not efficient. Thanked the General Manager and President Olinger for their leadership.
- c. Aug 11<sup>th</sup> – Attended the San Bernardino County Annual Water Conference in Ontario, hosted by San Bernardino County. There were several people in attendance, including several Board members, Mr. Navarro and lots of information was given.
- d. Aug. 12<sup>th</sup> – Attended the second joint Spanish class in conjunction with the City of Rialto at St. Katherine’s Church. Water Conservation Specialist Daisy Farias was also in attendance. Stayed for the entire class, as it was very interesting. Plants were raffled, it was very well organized and the City of Rialto provided the refreshments. Thanked External Affairs Manager Ms. Wendy Strack and Mr. Litchfield.
- e. Aug. 15<sup>th</sup> – Attended the Valley District Board meeting which was interesting. Brought back copies of the packet including, their Board Policies. Thanked the Valley District Directors in the audience and commented that women are strong. Thanked Director June D. Hayes for standing up, especially in water.
- f. Thanked everyone in the audience and commented we are here to represent the people.

President Olinger reported on the following:

- a. Attended the Executive Committee meeting and concurred with Vice President Gonzalez regarding District Committees and commented that the Human Resources Committee is always prepared and that he loves Ms. Karen Logue’s enthusiasm. She is always looking out for the employees, as well as the District.
- b. Attended the wedding ceremony of Director Bourland’s beautiful daughter Erin and husband Benjamin Luna. It was the largest wedding reception he ever attended with over four hundred and fifty guest in the Country Club area.

## **2. Legal Counsel/Consultants**

Mr. Michael Davis reported on the following:

- a. Referenced the written report on the dais, as well as an additional California Public Records Act request just received.

### **3. General Manager**

Mr. Litchfield reported on the following:

- a. Out of the office on Monday, August 21<sup>st</sup> and leaving at noon on Thursday, August 24<sup>th</sup>, returning Monday, August 28<sup>th</sup>.

### **4. Assistant General Manager**

Mr. Greg Gage had no report.

### **5. Chief Financial Officer**

Ms. Marie Ricci had no report.

### **6. Operations Manager**

Ms. Joanne Chan reported on the following:

- a. The Oliver P. Roemer Treatment Plant (“ORWTP”) is producing 9.5 mgd., up 32% due to a repaired motor drive.
- b. Lytle Creek Flow is 3.1 mgd, down 26 %.
- c. State Water Project (“SWP”) water flow is at 5 mgd., up 67 %.
- d. The FBR Treatment Plant is treating 2.9 mgd., its maximum capacity. President Olinger inquired as to whether or not the FBR Treatment Plant is operating properly. Ms. Chan confirmed that normally the FBR is operating property, however, a valve may fail on occasion. Staff has been able to fix the problem responsively.

### **7. Engineering Services Manager**

Ms. Linda Jadeski had no report.

### **8. External Affairs Manager**

Ms. Wendy Strack provided a written report on the dais.

### **9. Human Resources/Risk Manager**

Ms. Karen Logue reported on the following:

- a. Thanked Director Bourland for attending the Employee Recognition/Safety Luncheon on August 15<sup>th</sup> and for making a very honest and heartfelt speech that let everyone know that he really does care for the employees and that he has “walked the walk” and “talked the talk.”

## **10. Business Systems Manager**

Mr. Jon Stephenson reported on the following:

- a. Accela Legislative Management System – The implementation of the system has taken a bit longer than anticipated. Staff has beta tested the system and is now ready to provide training to members of the Board on the tools available when accessing the Board packets. The training is approximately twenty minutes on the iPad. Director Bourland inquired if the application is available for Android. Mr. Stephenson confirmed the application is only compatible with the iPad.

## **11. Board Secretary**

Ms. Smith announced the following:

- a. The California Special Districts Association (“CSDA”) is requesting members of the Board and/or Executive Management to participate in their committees. Information will be provided to Board members interested in participating.
- b. ACWA is electing a President and Vice President for their Board of Directors. Additional information will be provided.
- c. Reminder the Association of San Bernardino County Special Districts is dark in August.

President Olinger thanked Ms. Smith for keeping the Board in compliance with various reporting requirements.

## **UPCOMING MEETINGS**

None.

## **FUTURE AGENDA ITEMS**

Vice President Gonzalez requested that Mr. Davis bring back the Rosenberg’s Rules of Order adopted in 2015 for discussion. Mr. Davis commented that the determination of what rules are used by the District is in Ordinance No. 84. A draft of that has been completed and submitted to the General Manager for review prior to going before Committee. Director Bourland suggested that a workshop be conducted for review by the full Board. A discussion ensued regarding the use of Robert’s Rules of Order v. Robert’s Rules of Order, utilized by most agencies.

## **INFORMATION**

None.



## CLOSED SESSION

At 7:01 p.m. the Board convened to Closed Session to discuss several items. At 9:15 p.m., the Board reconvened to Open Session. Mr. Davis reported on the following:

1. APPROVAL OF CLOSED SESSION MINUTES (UNRESTRICTED): Regular meeting August 3, 2017 – Approved by a vote of 4-0-1, in all instances, Dr. Clifford Young, Sr. was absent.
2. APPROVAL OF CLOSED SESSION MINUTES (RESTRICTED): Regular meeting August 3, 2017.

Approved.

3. CONFERENCE WITH LEGAL COUNSEL – PERSONNEL MATTER – Pursuant to Government Code 54957: Public Employee Contract: General Manager.

The Board approved a new agreement for General Manager Litchfield by a vote of 3-1, Director Greg Young voting no.

4. 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.

No reportable action.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Suzanne Cook v. West Valley Water District & Clifford O. Young; San Bernardino County Superior Court Case No. CIVDS1713213.

No reportable action.

6. 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.

The Board approved a Joint-Use Agreement with Southern California Edison by a vote of 4-0-1.

7. 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.

8. 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.

9. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Jesus Campos Ugalde, Claim Number 178-0503.

No reportable action.

10. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Chantelle Washington, Claim Number 17-0433 (WVWD) and 17-053 (CCS).

No reportable action.

11. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Brandon Erwin, Claim Number 17-0433 (WVWD) and 17-053 (CCS).

No reportable action.

12. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Roland Vasquez, Claim Number 18-0072 (WVWD).

The Board voted 4-0-1 to reject the claim by Roland Vasquez.

13. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(b): Lorraine Baltierra, Claim Number CIV-150812-CIV DS1511630-CASEEN-132502.

The Board voted by 4-0-1 to accept the contract of settlement and authorize Staff to implement the settlement.

**THERE BEING NO FURTHER BUSINESS, DIRECTOR YOUNG MOVED TO ADJOURN THE MEETING AT 9:20 P.M.**

---

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

ATTEST:

---

Shanae Smith, Board Secretary