

**MINUTES
REGULAR BOARD OF DIRECTORS MEETING
THREE VALLEYS MUNICIPAL WATER DISTRICT
VIA TELECONFERENCE**

**Wednesday, January 6, 2021
8:00 a.m.**

1. Call to Order

The Board meeting was called to order at 8:01 a.m. via teleconference. The presiding officer was President Bob Kuhn.

2. Roll Call

Roll call was taken with a quorum of the Board present.

Directors Present

Bob Kuhn, President
David De Jesus, Vice President
Carlos Goytia, Secretary
Brian Bowcock, Treasurer
Jody Roberto, Director
Danielle Soto, Director
Mike Ti, Director

Staff Present

Matt Litchfield, General Manager
Steve Kennedy, Legal Counsel
Nadia Aguirre, Executive Assistant
Liz Cohn, Senior Financial Analyst
Maria Contreras, Admin./Communications Assistant
Ray Evangelista, Engineering Assistant
Karen Harberson, Compliance Specialist
Kirk Howie, Chief Administrative Officer
Tim Kellett, Chief Water Resources Officer
Steve Lang, Chief Operations Officer
James Linthicum, Chief Finance Officer
Lucy Peña, HR/Risk Manager
Robert Peng, I.T. Manager
Ben Peralta, Project Manager
Esther Romero, Accounting Technician

Virtual Attendees: Ray Baca, Engineering Contractors' Association; Susy Boyd, Mojave Desert Land Trust; Jordan Brandman, Building Industry Association of Southern California; Chris Clarke, National Parks Conservation Association; Tom Coleman, Rowland Water District; Neal Desai, National Parks Conservation Association; Demi Espinoza, National Parks Conservation Association; Gregory Foster, Southern California Group; Naomi Fraga, California Botanic Garden; Victoria Hahn, Pomona resident; Rick Hansen, Cal Poly Pomona; Ed Hilden, Walnut Valley Water District; Erik Hitchman, Walnut Valley Water District; Denise Jackman, resident; Richard Lambros, Southern California Group; Ben Lewis, Golden State Water Company; Szu Lu, Rowland Water District; Myra Malner, Rowland Water District; Dave Milchalko, Valencia Heights Water Company; John Monsen, National Parks Conservation Association; Stephanie Moreno, Water Quality Authority; Steve Patton, City of Glendora; Columba Quintero, Native American Land Conservancy; Marci Stanage, Rebuild SoCal Partnership; Jennifer Stark, City of Claremont; Brian

Teuber, Walnut Valley Water District; DeAndre Valencia; BizFed; Dave Warren, Rowland Water District; Janet Zimmerman, CV Strategies.

3. Additions to Agenda

No additions to the agenda were requested.

4. Reorder Agenda

It was requested to combine items 7.A and 7.B.

5. Public Comment

Naomi Fraga commented on concerns for the Cadiz Project.

Deandre Valencia spoke in support of the Bonanza Springs study.

Columba Quintero spoke in opposition of the Cadiz Project.

Chris Clarke spoke in opposition of the Cadiz Project.

6. Presentation – Legal Update: Annual Sunshine Ordinance Review

Legal Counsel Steve Kennedy briefed the Board on the Sunshine Ordinance. The current Ordinance was adopted in April 2013. Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, adheres to COVID-19 pandemic social distancing guidelines. The order allows for meetings to be held remotely via teleconference as long as members of the public have access to the meetings in the same manner as the Board of Directors. Details of the order are included in the staff report provided by Mr. Kennedy. Proposed legislation has been submitted for these requirements to become permanent as an option for agencies to use.

AB 992 was signed into law on September 18, 2020, which modified the Brown Act with respect to social media postings by Directors. AB 992 allows public officials to communicate via social media regarding a matter within the Board's jurisdiction. However, this is only allowed as long as a majority of the Directors do not use the social media platform to "discuss among themselves" official business. This includes making posts, commenting and using emojis on comments or posts where other Board members have already commented. The Board should not "reply all" when a quorum of the board is included in an email. Director Roberto requested a more specific Board policy on social media.

The Board agreed to change public comment to a 3-minute limit instead of 5-minute limit on Board meeting agendas. Director Soto requested language be modified on Section 2.3.5 of the Sunshine Ordinance.

7. General Manager's Report

(Items 7.A & 7.B were combined for discussion)

7.A – TVMWD Policy Manual – Biennial Update

The Policy Manual was updated and is ready for input from the Board of Directors. Included in the draft are general cleanup language suggested by staff. In addition, there are changes/clarifications regarding Board of Directors Compensation and Reimbursement protocols. Email, social media and computer equipment polices were added to the manual for review. Director Soto recommended adding audio recordings of Board meetings to the district website. A discussion ensued on Section 2.3, Board of Directors-Organization, of the manual regarding the roles of the Officers of the District and the adoption of Board appointments.

Director Roberto suggested changes to the manual and will work with staff on those changes. A discussion ensued on Section 2.7, Board of Directors-Compensation, and the ability to list compensated and non-compensated meetings on the monthly expense form. Directors compensation will be further discussed at a Board Workshop in February/March 2021.

This item will be brought back to a future meeting for consideration of approval.

7.B – Review of TVMWD Resolution No. 17-06-802

The Board discussed Resolution No. 17-06-802 and the use of Director cell phones. It was recommended cell phone expenses, including insurance, come out of each Director's annual budget limit of \$7,500. The cell phone is to be used only for district business and there should be no expectation of privacy. Staff will work on incorporating a cell phone policy into the Policy Manual and update Section 2.8, Board of Directors-Reimbursement.

7.C – CY 2021 Board Officers and Board Appointments

The Board discussed the process of nominating and voting of Board Officers and Appointments. The role of the President, Vice President, Secretary and Treasurer were reviewed. President Kuhn recommended moving Board Appointments to the January 20, 2021 Board meeting.

Director Bowcock motioned to accept the current slate of officers and was seconded by President Kuhn and a discussion ensued thereafter. A roll call vote was taken and the following Board Officers for CY 2021 was approved:

- Bob Kuhn, President
- David De Jesus, Vice President
- Carlos Goytia, Secretary
- Brian Bowcock, Treasurer

Moved: Director Bowcock **Second: Director Kuhn**
Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti
Noes:
Absent:
Motion No. 21-01-5299 – Adoption of CY 2021 Slate of Officers
Motion passed 7-0

Director Roberto motioned and Director Goytia seconded for the formation of a Nominating Committee as an Ad Hoc Committee with three board members to discuss Officers for the upcoming year.

Upon motion and second, President Kuhn called for discussion. There being no further discussion, President Kuhn called for a roll call vote.

Moved: Director Roberto **Second: Director Goytia**
Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti
Noes:
Absent:
Motion No. 21-01-5300 – Formation of a Nominating Committee as an Ad Hoc Committee
Motion passed 7-0

Directors made recommendations for Board Appointments which will be voted upon at the January 20, 2021 Board meeting.

8. Future Agenda Items

Director Ti requested a COVID-19 update and whether staff is overworked or overstressed.

Director Roberto requested an ongoing agenda item for Director De Jesus to report on MWD activities.

9. Adjournment

The Board adjourned at 12:23 p.m. to its next regular Board meeting scheduled for Wednesday, January 20, 2021 at 8:00 a.m.



Bob Kuhn
President, Board of Directors
Three Valleys Municipal Water District



Recorded by: Nadia Aguirre
Executive Assistant