

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

**Wednesday, April 21, 2021  
8:00 a.m.**

**1. Call to Order**

The Board meeting was called to order at 8:00 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  
Dominique Aguiar, Operations Supervisor  
Nadia Aguirre, Executive Assistant  
Liz Cohn, Senior Financial Analyst  
Maria Contreras, Admin./Communications Assistant  
Freeman Ensign, Operations Supervisor  
Karen Harberson, Compliance Specialist  
Kirk Howie, Chief Administrative Officer  
Tim Kellett, Chief Water Resources Officer  
Steve Lang, Chief Operations Officer  
James Linthicum, Chief Financial Officer  
Robert Peng, I.T. Manager  
Ben Peralta, Project Manager  
Esther Romero, Accounting Technician

Virtual Attendees: Maritza Alvarez, Sacred Places Institute for Indigenous Peoples; Ray Baca, Engineering Contractors' Association; Jayson Baiz, LiUNA; Jordan Brandman, BIASC; Sara Catalan, Catalan Consulting; Chris Clarke, National Parks Conservation Association; Tom Coleman, Rowland Water District; Robert Cruz, SoCal Gas; Courtney Degener, Cadiz, Inc.; Neal Desai, National Parks Conservation Association; Demi Espinoza, National Parks Conservation Association; Gregory Foster, Southern California Group; Matt Gaines, IOUE Local 12; Jose Garcia, LiUNA; Kelly Gardner, Mains San Gabriel Basin Watermaster; Cat Goytia, PVDC; Kevin Hayakawa, Walnut Valley Water District; Ed Hilden, Walnut Valley Water District; Erik Hitchman, Walnut Valley Water District; Denise Jackman, resident; Brad Jensen, SGV Economic Partnership; Judy Kuhn, resident; Richard Lambros, Engineering Contractors' Association; Ben Lewis, Golden State Water Company; Richard Licerio, LiUNA; Tony Lima, Rowland Water District; Szu Lu, Rowland Water District; Myra Malner, Rowland Water District; Donald Martens, Pomona Valleys Democratic Club; John Mendoza, Pomona resident; Dave Michalko, Valencia Heights Water Company; Peter Mitchell, OC Cops/CSLEA; John

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Monsen, Sierra Club; Toby Moore, Golden State Water Company; Stephanie Moreno, Water Quality Authority; Kris Murray, KLM Strategies; Patrick O'Reilly, OPR; Laer Pearce, Laer Pearce & Associates; Matt Read, IOUE Local 12; Carlos Rodriguez, BIASC, Baldy View Chapter; Barbara Rugeley, LWV; Dave Sorem, Mike Bubalo Construction; Marci Stange, Rebuild SoCal Partnership; Jennifer Stark, City of Claremont; Mike Suarez, United Voices of Pomona; Pasquale Talarico, Hashtag Pinpoint; Lisa Tarpin, Southern California Group; Brian Teuber, Walnut Valley Water District; Frank Ury, Fenner Valley Water; De'Andre Valencia, BizFed; Ralph Velador, Laborers PSW-ROC, Dave Warren, Rowland Water District; Alex Zamora, LiUNA; Janet Zimmerman, CV Strategies.

### **3. Additions to Agenda**

No additions to the agenda were requested.

### **4. Reorder Agenda**

President Kuhn requested to reorder the agenda as follows: Item 6 – Presentation, Item 7 – Consent Calendar, and Item 5 – Public Comment.

### **5. Public Comment**

Demi Espinoza commented on the Bonanza Springs study.

Donald Martens commented on the Bonanza Springs study. Mr. Martens also submitted a letter from the Pomona Valley Democratic Club that was read on his behalf.

John Monsen commented on the Bonanza Springs study.

Maritza Alvarez commented on the Cadiz project.

Kris Murray commented on the Cadiz project.

Neal Desai commented on the Bonanza Springs study.

Chris Clarke commented on the Bonanza Springs study.

Gayle Pacheco submitted a public comment card to be read on her behalf.

Jose Garcia commented on the Cadiz project.

Carlos Rodriguez commented on the Cadiz project.

Teri Malkin submitted a public comment card to be read on her behalf.

Denise Jackman submitted a public comment card to be read on her behalf.

Deandre Valencia commented on the Bonanza Springs study.

Richard Licero submitted a public comment card to be read on his behalf.

Frank Ury commented on the Bonanza Springs study.

Jordan Brandman commented on the Bonanza Springs study.

Bonnie Duenas submitted a public comment card to be read on her behalf.

Matt Gaines commented on the Bonanza Springs study.

Vicki Giansante submitted a public comment card to be read on her behalf.

Matt Read commented on the Cadiz project.

Leah Skinner submitted a public comment card to be read on her behalf.

Ray Baca commented on the Cadiz project.

Alex Zamora submitted a public comment card to be read on his behalf.

Marci Stanage commented on the Bonanza Springs study.

Assemblymember Phillip Chen submitted a public comment card to be read on his behalf.

Jayson Baiz submitted a public comment card to be read on his behalf. Mr. Baiz also commented on the Bonanza Springs study.

Robert Pacheco submitted a public comment card to be read on his behalf.

Richard Lambros commented on the Bonanza Springs study.

Representative Young Kim submitted a public comment card to be read on her behalf.

Director Bowcock read an email from Mr. Brad Jensen. Mr. Jensen also commented on the Bonanza Springs study.

## **6. Presentation**

Mr. Robert Cruz, Public Affairs Manager at Southern California Gas Company, provided an overview of Senate Bill 31 (Cortese) – Decarbonization Programs Act. The bill incorporates building decarbonization within several aspects of electric utility ratepayer funded programs and within future federal moneys to address economic recovery and incorporates requirements for prevailing wage. The bill is currently being amended and could possibly be withdrawn. Mr. Cruz asked the Board to oppose SB 31 by agreeing to place the district logo on a coalition letter. President Kuhn advised that will be discussed during Item 8.C.

## 7. Consent Calendar

The Board was asked to consider consent calendar items (7.A - 7.I) for the April 21, 2021 Board meeting that included: (7.A) Receive, Approve and File Minutes: March 3, 2021 and March 17, 2021; (7.B) Receive, Approve and File Financial Reports and Investment Update, March 2021; (7.C) Imported Water Sales, March 2021; (7.D) Miramar Operations Report, March 2021; (7.E) Approve Director Expense Reports, March 2021; (7.F) Approve Resolution No. 21-04-888 and Resolution No. 21-04 889 for CSDA Board of Directors Nominations, Seat A Southern Network; (7.G) Approve Contribution to PARS Trust; (7.H) Approve FY 2020/2021 Encumbrance Carryforward; (7.I) Approve Resolution No. 21-04-890 Contract Compliance Policy.

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

**Moved: Director Roberto**                      **Second: Director Soto**  
**Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti**  
**Noes:**  
**Absent:**  
**Motion No. 21-04-5311–Approval of Consent Calendar Items 7.A-7.I**  
**Motion passed 7-0**

## 8. General Manager's Report

### 8.A – Conservation Program Update

Mr. Kirk Howie provided an update on current ongoing conservation programs. TVMWD continues to promote conservation programming among its member agencies. TVMWD was allocated \$374,000 through MWD for the current two-year cycle (July 2020 to June 2022). Forty percent of the funds have been committed to projects and several other projects are in discussion. Walnut Valley Water District, Rowland Water District and Pomona have taken advantage of available monies and enforced conservation programs. Other agencies have potential projects in the works.

### 8.B – Bonanza Springs Study Update

Mr. Litchfield provided a status report summarizing the work completed to date and is included in the board packet. Also included in the packet is a letter from TVMWD to Aquilogic dated April 5, 2021 and a response letter from Aquilogic dated April 6, 2021. The U.S. Bureau of Land Management (BLM) approved a plant and wildlife survey at Bonanza Spring that was to be completed on April 7. General Manager Litchfield will be provided an update at a meeting with BLM on April 21.

### 8.C – Legislative Update, April 2021

The Board discussed taking action on a draft coalition letter opposing SB 31 as presented by Mr. Cruz. Director Roberto stated she would like to wait on the vote until after the bill is amended. Director Roberto motioned to move taking action on SB 31 coalition letter at the May 19, 2021 Board meeting.

**Moved: Director Roberto**                      **Second: Director Goytia**  
**Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti**  
**Noes:**  
**Absent:**  
**Motion No. 21-04-5312 – This item will be moved to the May 19, 2021**  
**for further discussion and possible action**  
**Motion passed 7-0**

Mr. Kirk Howie provided an update on legislative activities through to April 2021. Assemblymember Rubio was asked to consider pulling AB 703 and making it a two-year bill. We will continue moving forward for now. Strategies are being discussed among General Manager Litchfield, Legal Counsel Kennedy, Mr. Howie and the district lobbyists. Mr. Howie provided an overview of AB 703 and two other similar bills that are being considered by the legislature.

#### **8.D – Redistricting Services Proposal**

The Board reviewed a redistricting services proposal from Best, Best & Krieger (BBK). BBK was the lowest, responsive bidder and has expressed confidence in meeting the timeline required to complete the work.

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

**Moved: Director Soto**                      **Second: Director Roberto**  
**Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti**  
**Noes:**  
**Absent:**  
**Motion No. 21-04-5313 – Approval of Redistricting Services with**  
**Best, Best & Krieger**  
**Motion passed 7-0**

#### **8.E – Approve Organizational Chart and Salary Schedule Effective July 1, 2021**

The updated organizational chart and salary schedule reflect the following changes:

- Reclassification of the part-time *Human Resources/Risk Manager* to full-time with a change in salary range and reporting structure.
- Addition of the *Operations Supervisor (T5)* position and corresponding salary range.
- Conversion of the *Engineering Assistant* position to an *Assistant Engineer* position. Since the previous board meeting the Engineering Assistant position has become vacant. The position is being requested to reclassify as Assistant Engineer. The position does not require a professional engineering license but does require a California Engineer-In-Training (EIT) certificate.

The salary schedule reflects adjustments recommended by the General Manager as a result of the 2021 compensation study discussed at the March 3, 2021 Board of Directors meeting. The new ranges will become effective on July 1, 2021.

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

<b>Moved: Director Soto</b>	<b>Second: Director Ti</b>
<b>Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti</b>	
<b>Noes:</b>	
<b>Absent:</b>	
<b>Motion No. 21-04-5314 – Approval of Organizational Chart and Salary Schedule, Effective July 1, 2021</b>	
<b>Motion passed 7-0</b>	

#### **8.F – Approval of FY 2021/2022 Budget**

The budget and rates were properly noticed in the Inland Valley Daily Bulletin and San Gabriel Valley Tribune on April 15, 2021. Based on the final draft of the budget, TVMWD will still be able to reduce the current discount of \$6 per acre foot to \$16 for 2022 for the treated water rate. Mr. James Linthicum advised the board election invoice received was \$365,000 for the 2020 board election and significantly more than expected. The reserve category will be used to pay for this expense and can be replenished over the next couple of years. It was recommended to take \$200,000 from the water management fund and an additional \$5,000 from general reserves. In addition, TVMWD will preplan by putting \$200,000 into the board election fund now. Even under these changed conditions, the current budget still allows for a surcharge of -\$16.00 on the treated water rate.

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

<b>Moved: Director Soto</b>	<b>Second: Director Roberto</b>
<b>Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti</b>	
<b>Noes:</b>	
<b>Absent:</b>	
<b>Motion No. 21-04-5315 – Approval of FY 2021/2022 Budget</b>	
<b>Motion passed 7-0</b>	

#### **8.G – Approve Resolution No. 21-04-891 Adopting CY 2022 Water Rates and Charges**

The draft rate resolutions reflecting the rates and charges that will go into effect January 1, 2022 are included in the board packet. A surcharge discount of -\$16.00 per acre foot will apply to treated water delivered during calendar year 2022. A \$0 surcharge will apply to all untreated water delivered during calendar year 2022.

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 Soto**  
**Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti**  
**Noes:**  
**Absent:**  
**Motion No. 21-04-5316 – Approval of Resolution No. 21-04-891**  
**Adopting CY 2022 Water Rates and Charges**  
**Motion passed 7-0**

**8.H – Approve Resolution No. 21-04-892 Initiating Procedures to Fix, Adjust, Levy and Collect a Water Standby Charge**

Approval of Resolution No. 21-04-892 starts the process for the water standby charge for FY 21/22. MWD assesses each member agency a Readiness-To-Serve charge. A new vendor, Harris and Associates, was contracted this year to prepare the Engineer's Report. According to the current parcel count and equivalent dwelling unit, the charge will increase from \$19.90 to \$20.37 for FY 21/22. A Public Hearing will be held on June 16, 2021 to consider adoption of the standby charge resolution.

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

**Moved: Director Bowcock                      Second: Director Soto**  
**Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti**  
**Noes:**  
**Absent:**  
**Motion No. 21-04-5317 – Approval of Resolution No. 21-04-892**  
**Initiating Procedures to Fix, Adjust, Levy and Collect a Water**  
**Standby Charge**  
**Motion passed 7-0**

**9. Directors' / General Manager's Oral Reports**

General Manager Litchfield reminded the Board that the historical video shoot will be on May 5<sup>th</sup> at the District.

**10. Closed Session**

The Board convened into closed session at 10:35 a.m. to discuss the following items:

**10.A – Public Employee Performance Evaluation (Government Code Section 54957)**

Title: Matthew H. Litchfield, P.E., General Manager

**10.B – Conference with Labor Negotiators (Government Code Section 54957.6)**

- District Designated Representative: Steven M. Kennedy, General Counsel
- Unrepresented Employee: Matthew H. Litchfield, P.E., General Manager

### **10.C – Conference with Legal Counsel – Anticipated Litigation**

- Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
- One potential case

The Board reconvened to regular session at 2:05 p.m. Legal Counsel Kennedy advised in regard to Item 10.A, the Board conducted an evaluation of the General Manager. Regarding Item 10.B, the Board gave direction to Legal Counsel to bring back the employment agreement consistent with the instruction provided. Regarding Item 10.C, no reportable action was taken.

### **11. Future Agenda Items**

Director Soto asked to agendize at a future meeting a letter of support of the 57/10 interchange project.

Director Ti asked General Manager Litchfield to report at a future meeting on an analysis of water supply reliability consistent with the urban water management plan.

### **12. Adjournment**

The Board adjourned at 2:09 p.m. to the next regular meeting scheduled for Wednesday, May 5, 2021.



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Bob Kuhn  
*President, Board of Directors*



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Recorded by: Nadia Aguirre  
Executive Assistant