



# THREE VALLEYS MUNICIPAL WATER DISTRICT REGULAR BOARD MEETING MINUTES

Wednesday, April 19, 2023 – 8:00 a.m.

## I. CALL TO ORDER

The Board meeting was called to order at 8:00 a.m. at the District office located at 1021 East Miramar Ave., Claremont, CA, and via teleconference. The presiding officer was President Jody Roberto.

## 2. ROLL CALL

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

### DIRECTORS PRESENT

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

### STAFF PRESENT

Matthew Litchfield, General Manager  
Steve Kennedy, Legal Counsel  
Dominique Aguiar, Operations Supervisor  
Nadia Aguirre, Executive Assistant  
Liz Cohn, Senior Financial Analyst  
Freeman Ensign, Operations Supervisor  
Karen Harberson, Compliance Specialist  
Kirk Howie, Chief Administrative Officer  
Steve Lang, Chief Operations Officer  
Sylvie Lee, Chief Water Resource Officer  
Kevin Panzer, Engineer  
Brian Pen, Water Resources Analyst  
Robert Peng, I.T. Manager  
Esther Romero, Accounting Technician

Virtual Attendees: Andy Bullington, City of Covina; Josh Byerrum, Walnut Valley Water District; Kelly Gardner, Main San Gabriel Basin Watermaster; Ed Hilden, Walnut Valley Water District; Ben Lewis, Golden State Water Company; Tony Lima, Rowland Water District; Myra Malner, Rowland Water District; Dave Michalko, Valencia Heights Water Company; Stephanie Moreno, Water Quality Authority; Wendy Saavedra, Assemblywoman Rubio's Office; Sherry Shaw, Walnut Valley Water District; Henry Woo, Walnut Valley Water District

In person attendees: John Bellah, Rowland Water District; Tom Coleman, Rowland Water District; Chris Diggs, City of Pomona; Erik Hitchman, Walnut Valley Water District; Jared Macias, Walnut Valley Water District; Dusty Moisio, Rowland Water District; Frank Montes, Hispanic Coalition of Small Business; Jennifer Stark; City of Claremont

## 3. FLAG SALUTE

The flag salute was led by President Roberto.

**4. DIRECTOR REMOTE PARTICIPATION PURSUANT TO AB 2449**

**A. NOTIFICATION DUE TO JUST CAUSE**

**B. REQUEST DUE TO EMERGENCY CIRCUMSTANCES**

There were no requests submitted by any Directors for remote participation due to Emergency Circumstances, and therefore no motion was needed for this item.

**5. AGENDA REORDER/ADDITIONS**

No reorder or additions to the agenda were requested.

**6. PUBLIC COMMENT**

President Roberto opened public comment and there was none.

**7. PRESENTATION**

**A. HISPANIC COALITION OF SMALL BUSINESSES**

Mr. Frank Montes provided background information on the purpose and goals of the Hispanic Coalition of Small Businesses (Coalition). Director Goytia, Division I, is a panelist at the Spheres of Sustainability Summit (Summit) hosted by the Coalition. Components of the Summit include water and energy conservation, financial assistance, and small business challenges. The Coalition is an umbrella organization that provides funding to its affiliate members and input on public policy to local, state, and federal agencies.

**8. CONSENT CALENDAR**

The Board considered consent calendar items 8.A – 8.F for the April 19, 2023 Board meeting that included: (8.A) Receive, Approve and File Minutes, March 1 and 15, 2023; (8.B) Receive, Approve and File Financial Reports and Investment Update, March 2023; (8.C) Imported Water Sales, March 2023; (8.D) Miramar Operations Report, March 2023; (8.E) Approve Director Expense Reports, March 2023; (8.F) Approve FY 2022/23 Encumbrance Carryforward.

Upon motion, second, and no discussion, President Roberto called for a roll call vote.

Moved: Director Ti	Second: Director Goytia
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5431 Approval of Consent Calendar Items 8.A – 8.F	
Motion passed 7-0-0	

**9. ACTION AGENDA**

**A. APPROVE FY 2023/24 BUDGET**

The final budget was presented to the Board for approval. No additional input has been received by the Board or member agencies. The treated rate will have an \$8 per acre-foot (AF) surcharge for a total tier I treated rate is \$1,264/AF. The untreated rate has a \$0 surcharge for a total of \$903/AF.

Upon motion, second, and no discussion, President Roberto called for a roll call vote.

Moved: Director Kuhn	Second: Director Soto
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5432 Approval of FY 2023/24 Budget	
Motion passed 7-0-0	

**B. APPROVE RESOLUTION NO. 23-04-959 ADOPTING WATER RATES AND CHARGES FOR CY 2024**

Upon motion, second, and no discussion, President Roberto called for a roll call vote.

Moved: Director Soto	Second: Director Goytia
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5433 Approval of Resolution No. 23-04-959	
Motion passed 7-0-0	

**C. RESOLUTION NO. 23-04-960 INITIATING PROCEDURES TO FIX, ADJUST, LEVY, AND COLLECT A WATER STANDBY CHARGE**

Upon motion, second, and no discussion, President Roberto called for a roll call vote.

Moved: Director Soto	Second: Director Ti
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5434 Approval of Resolution No. 23-04-960	
Motion passed 7-0-0	

**D. APPROVE BUDGET AMENDMENT FOR THE 2022 BOARD ELECTIONS**

A budget amendment was requested for the 2022 Board elections. The Los Angeles County Registrar-Recorder/County Clerk submitted an invoice in the amount of \$258,212 for TVMWD's share of the 2022 election. Divisions 1 and 3 were opposed and therefore costs were incurred. There are sufficient reserves to cover the amendment. The funds will be transferred from Board Elections Reserves to Board Election Expense.

Upon motion and second, President Roberto called for a roll call vote.

Moved: Director Ti	Second: Director Soto
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5435 Approval of a budget amendment for the 2022 board elections	
Motion passed 7-0-0	

#### **E. SPHERES OF SUSTAINABILITY SUMMIT SPONSORSHIP**

The Board discussed considering approval of a sponsorship for the Summit. Directors provided comment on sponsoring the Summit and staffing the exhibitor table. Legal Counsel Kennedy clarified the purpose of each director's yearly travel budget is for items related to the functions that the district serves to the community. Directors discussed reviewing a list of sponsorships for the year. General Manager Litchfield will follow up with Mr. Montes on the Summit exhibitor table.

Upon motion and second, President Roberto called for a roll call vote.

Moved: Director Hanlon	Second: Director De Jesus
Ayes: De Jesus, Goytia, Hanlon, Soto, Ti	
Noes: Kuhn, Roberto	
Absent:	
Motion No. 23-04-5436 Approval of Summit Sponsorship for \$4,500	
Motion passed 5-2-0	

#### **F. CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION – SENATE BILL 366 PUBLIC RELATIONS FUNDING**

Each participating agency in the Solve the Water Crisis Coalition was asked to consider contributing \$20,000 towards the public relations program for SB 366. The Puente Basin Water Agency (PBWA) Commission approved \$10,000 to jointly fund the program with TVMWD for a total of \$20,000. President Roberto thanked General Manager Litchfield and PBWA for their efforts toward the program.

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

Moved: Director Roberto	Second: Director Kuhn
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Ti	
Noes:	
Absent: Soto	
Motion No. 23-04-5437 Approval of \$10,000 joint funding effort with PBWA	
Motion passed 6-0-1	

## **G. ADOPT RESOLUTION NO. 23-04-961 OPPOSING INITIATIVE 21-0042A1**

Chief Administrative Officer Howie briefed the Board on the Taxpayer Protection and Government Accountability Act. Adoption of Resolution No. 23-04-961 is in opposition to the bill that will keep it from being placed on the 2024 ballot. The bill is sponsored by the California Business Roundtable, a group of executives and professionals in the state.

Upon motion and second, President Roberto called for a roll call vote.

Moved: Director Hanlon	Second: Director De Jesus
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Soto, Ti	
Noes:	
Absent:	
Motion No. 23-04-5438 Approval of Resolution No. 23-04-961	
Motion passed 7-0-0	

## **10. REPORTS**

### **A. LEGISLATIVE UPDATE**

Chief Administrative Officer Howie reviewed key bills that are in discussion at capitol committee meetings – SB 23 (Caballero), SB 867 (Allen), SB 366 (Caballero), AB 1572 (Friedman), and Water Rights Legislation. Mr. Howie will continue to keep the Board apprised of these and other important bills. The annual lobbyist visit with Arnold and Associates in Sacramento is scheduled for May 24, 2023.

### **B. WATER SUPPLY UPDATE**

Chief Water Resources Officer Lee provided a detailed water supply update. The Upper Colorado River Basin is at 161% of the snowpack average; however, according to the draft environmental impact report, water supply cutbacks will still be needed. The State Water Project (SWP) allocation is at about 75% and the indication is it should move towards 100%. SWP contractor's supplies are above Table A normal allocation known as Article 21 supplies. Article 21 supplies are available when SWP contractors have enough capacity in the pipeline to route into storage. An in-lieu cyclic program agreement that provides storage in the basin is being worked on with MWD, Six Basins Watermaster, Chino Basin Watermaster, and Main San Gabriel Basin Watermaster. This item will be brought back to a future board meeting for consideration of approval.

## **11. DIRECTORS' / GENERAL MANAGER'S ORAL REPORTS**

General Manager Litchfield reminded the Board that the MWD Inspection trip is this weekend.

Director De Jesus commented on water supply and the probability that DWR will increase the allocation from 75% to 100%.

## 12. CLOSED SESSION

The Board convened into closed session at 9:24 a.m. to discuss the following item:

### A. 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

The Board convened out of closed session and into open session at 10:40 a.m. Legal Counsel Kennedy stated the Board met in closed session to give direction to its General Counsel on negotiating an amendment to the employment agreement for the District's General Manager. As a result of that, the Board unanimously approved the following amendments to General Manager Litchfield's current agreement:

1. On the contract term, adding one additional year effective July 1, 2023, with an evergreen clause that would add language to automatically add one year following an exceeds expectation performance evaluation
2. An increase in annual base salary to \$313,000 per year
3. Add a deferred compensation element to the agreement that will provide on a proportional basis each pay period contributions to the district's 401a plan that over a one-year period will be equal to the maximum amount of \$10,000.

Direction was given to General Counsel to prepare that amendment consistent with those directions. Other than that, no other reportable action was taken.

## 13. FUTURE AGENDA ITEMS

No future agenda items were requested.

## 14. ADJOURNMENT

President Roberto adjourned the meeting at 10:42 a.m. to the next regular meeting scheduled for Wednesday, May 3, 2023.

  
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Jody Roberto  
President, Board of Directors

  
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Recorded by: Nadia Aguirre  
Executive Assistant