

MINUTES
REGULAR BOARD OF DIRECTORS MEETING
THREE VALLEYS MUNICIPAL WATER DISTRICT

Wednesday, May 3, 2017
8:00 a.m.

1. Call to Order

The Board of Directors meeting of Three Valleys Municipal Water District was called to order at 8:00 a.m. at the TVMWD office located at 1021 East Miramar Avenue, Claremont, California. The presiding officer was President Bob Kuhn.

2. Pledge of Allegiance

The flag salute was led by President Kuhn.

3. Roll Call

Roll call was taken with the full Board present.

Directors Present

Bob Kuhn, President
David De Jesus, Vice President
Joseph Ruzicka, Treasurer
Brian Bowcock, Secretary
Dan Horan, Director
Carlos Goytia, Director
John Mendoza, Director

Staff Present

Rick Hansen, General Manager
Steve Kennedy, General Counsel
Liz Cohn, Sr. Financial Analyst
Freeman Ensign, Water Operations Supervisor
Ray Evangelista, Engineer
Mario Garcia, Engineering & Operations Manager
Vicki Hahn, Executive Assistant/District Clerk
Kirk Howie, Assistant GM-Administration
Steve Lang, Water Operations Manager
James Linthicum, Chief Finance Officer
Ben Peralta, Project Manager
Esther Romero, Accounting Technician

Directors Absent

None

Others present: Jeff Allred, San Gabriel Valley Economic Partnership; Tom Coleman, Rowland Water District; Paul DiMaggio, Suburban Water Systems; Director Ted Ebenkamp, Walnut Valley Water District; Director Ed Hilden, Walnut Valley Water District; Erik Hitchman, Walnut Valley Water District; Ben Lewis, Golden State Water Company; Director Tony Lima, Rowland Water District; Director Szu Pei Lu-Yang, Rowland Water District; Brian Teuber, Walnut Valley Water District; Dave Warren, Rowland Water District; Regina Wang, San Gabriel Valley Economic Partnership; Davetta Williams, League of Women Voters; Charley Wilson, Southern California Water Committee

4. Additions to Agenda

President Kuhn inquired if there were any additions to the published agenda. Staff did not have any additions to the published agenda.

5. Reorder Agenda

President Kuhn inquired if there was a need to reorder the agenda. It was determined that the presentation by Southern California Water Committee would precede the presentation by the San Gabriel Valley Economic Partnership.

6. Public Comment

President Kuhn inquired if there were any requests for public comment. There were no requests for public comment.

7. Board Presentations

7.A Southern California Water Committee (SCWC)

Mr. Charley Wilson, Executive Director of Southern California Water Committee was present to update the Board on supplemental programs and services specific to planned communications to key external influencers relative to water issues and related policy setting matters of same. SCWC is undertaking a targeted communication program to these stakeholders, and is seeking partners. This proposed program is over and above the base membership. The investment to partner is a one-time cost between \$25-30,000.

7.B San Gabriel Valley Economic Partnership (SGVEP)

Mr. Jeff Allred, CEO and Ms. Regina Wang, Director of Marketing & Communications were present. Mr. Allred reviewed the mission and focus of the Partnership across its primary sectors of business engagement, political advocacy, marketing its strengths, workforce development, and the connectivity of all these sectors to the communities they serve – private, public and government. The Board was provided with a demonstration of the Partnership's new online power site, www.sgvpowersite.com.

8. General Manager's Report

8.A - Administration

8.A.1 – Making Water Use Conservation a California Way of Life Update

Earlier this year Governor Brown declared the California Drought Emergency was over by implementing Executive Order B-37-16. He charged five state agencies – Department of Water Resources, State Water Resources Control Board, California Public Utilities Commission, California Department of Food and Agriculture and California Energy Commission – with the implementation of a Plan to make water use efficiency a way of life in California. TVMWD has signed on with a coalition of other agencies and surrounding cities to express its support and providing detailed comments for consideration as the process of legislating water use efficiency moves forward.

TVMWD did take an oppose position on Trailer Bill 810 earlier this week relative to conservation. The issue with this bill is that it goes beyond the measure intended and imposes heavy regulation to an area of legislation that is already heavily regulated.

Two summary tables showing how both existing legislation and proposed legislation may be impacted by EO: B-37-16 was included in the agenda packet, along with an updated overview of the State's water conservation efforts from the Legislative Analyst Office.

8.A.2 – Legal Update – California Public Records Act (CPRA), Supreme Court Ruling.

The Board was provided with a litigation update on the March 2, 2017 decision by the California Supreme Court in City of San Jose v. Superior Court of Santa Clara County, California Supreme Court Case No. S218066.

In summary, this decision extends to staff members or Directors that conduct District business on any of their personal/private devices/accounts, and includes email and text. Use of these devices and/or private email addresses for any public business obliges that these devices or private addresses will be responsive to requests under the California Public Records Act for District information.

Mr. Kennedy is working with staff to develop an updated policy on how to approach matters related to this recent Supreme Court decision. The Board will be provided with updated Public Records Request, Cell Phone and Records Retention policies for review during its June meetings.

In the meantime, all staff and board members are encouraged to use the TVMWD assigned email address, and the District provided tablet for any electronically communicated District business, and to refrain from conducting any District business on personal devices/emails to avoid the co-mingling of private and public information.

If the Board adopts the recommended policy it may include that any request for records on a personal device may be responded to by a declaration/affidavit that no public records exist on personal devices or within personal accounts. In the event the policy is not followed the Board was alerted that potential fiscal issues against the District could be levied.

If there isn't any concern that the private devices/records may be subject to review in the event of a public records request, no change to existing policy is necessary. The purpose for this policy review is to protect private interests; in the absence of a policy personal devices and accounts may be subject to review.

8.B – Engineering-Operations

8.B.1 – Project Summary Update

The Board was provided with an update of ongoing projects at the District that included a photographic presentation of progress. The full report was included as part of the agenda packet and is available upon request.

8.C – Finance-Personnel

8.C.1 – California Municipal Treasurers Association (CMTA) Investment Policy

Chief Finance Officer, James Linthicum informed the Board that TVMWD had submitted its investment policy to CTMA to ensure that it met their criteria for public agencies. The District received some comments for minor improvements. Staff will work with Investment Manager, Chandler Asset Management to update the policy and return to the Board for consideration and approval in September.

9. Closed Session

The Board requested an update be made in open session.

9.A. Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1) – San Diego County Water Authority v. Metropolitan Water District of Southern California; State of California Court of Appeal, First Appellate District, Division Three, Case Nos. A146901 and A148266

General Counsel Steve Kennedy announced that oral arguments are scheduled to be held in San Francisco on May 10, 2017 and that he will be in attendance. No further update on this matter was given.

9.B. Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1) – Chino Basin Municipal Water District v. City of Chino, et.al. San Bernardino County Superior Court, Case No. RCV51010.

Mr. Kennedy reported on the outcome of the hearing in the preliminary decision held on April 28, 2017. The court moved forward the safe yield at 135' and put aside all other agreements. The Desalter opposition was approved.

10. Future Agenda Items

President Kuhn inquired about any future agenda items prior to calling for adjournment. There was no request for future agenda items.

11. Adjournment

The Board meeting was adjourned at 9:56 a.m. to May 17, 2017.

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

Victoria A. Hahn
District Clerk/Executive Assistant