

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

**Wednesday, December 18, 2019
8:00 a.m.**

1. Call to Order

The Board meeting was called to order at 8:00 a.m. at the District 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 Bob Kuhn.

3. Roll Call

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

Directors Present

Bob Kuhn, President
David De Jesus, Vice President
Brian Bowcock, Secretary
Carlos Goytia, Director
Denise Jackman, Director
John Mendoza, Director

Staff Present

Matt Litchfield, General Manager
Steve Kennedy, Legal Counsel
Dominique Aguiar, Operations Supervisor
Nadia Aguirre, Executive Assistant
Liz Cohn, Sr. Financial Analyst
Freeman Ensign, Operations Supervisor
Ray Evangelista, Engineering Assistant
Karen Harberson, Compliance Specialist
Kirk Howie, Chief Administrative Officer
Tim Kellett, Chief Water Resources Officer
Steve Lang, Chief Operations Officer
Robert Peng, I.T. Manager
Ben Peralta, Project Manager

Guest present: Ted Ebenkamp, Walnut Valley Water District; Ed Hilden, Walnut Valley Water District; Erik Hitchman, Walnut Valley Water District; Brian Teuber, Walnut Valley Water District; Ben Lewis, Golden State Water; Tom Coleman, Rowland Water District; Tony Lima, Rowland Water District; Szu Pei Lu-Yang, Rowland Water District; Dave Warren, Rowland Water District; Kelly Gardner, Main San Gabriel Basin Watermaster; Lenet Pacheco, Valley County Water District; Jennifer Stark, City of Claremont; Ryan Walker; David Bloch; Chris Clarke; Carlos Gomez; Rick Smiles; Thomas Ruiz; Ralph Velador; Jayson Baiz; Marci Stanage; Richard Licerio; Alex Zamora; Efrain Lopez; Art V.; Jose Ramirez; Alphonso Sanchez; Ross Bunch; Mike Carasco; Bill Quisenberry; Joel Velazquez; Victor Carino; Rich Lambros; Ray, Baca; Dave Sorem; Brandon Pensick; Alex Artiega; DeAndre Valencia; Roman Nava; Gregory Foster; Rick Hansen.

4. Additions to Agenda

The passing of Director Joe Ruzicka created a board vacancy in Division 5. In honor of Director Ruzicka, the Board collectively, moved to add **Item 8.E - Declaration of Vacancy for Division 5** and **Item 8.F - Board Vacancy-Procedural Actions**, seconded by Director De Jesus.

President Kuhn asked if there was any public comment. There being none, the motion carried unanimously by a 6-0 vote.

5. Reorder Agenda

No reorder to the agenda was requested.

6. Public Comment

President Kuhn called for public comment.

Mr. Chris Clarke, National Parks Conservation Association, spoke in opposition of the Cadiz study and expressed his condolences on Director Ruzicka's passing.

Mr. Roman Nava, Building Industry Association, spoke in support of the Cadiz study and expressed his condolences on Director Ruzicka's passing.

Mr. Brandon Pensick, Southern California Partnership for Jobs, spoke in support of the Cadiz study.

Mr. Ray Baca, Engineering Contractors' Association, spoke in support of the Cadiz study.

Mr. Dave Sorem, Engineering Contractors' Association, spoke in support of the Cadiz study.

Ms. Marci Stanage, Southern California Partnership for Jobs, spoke in support of the Cadiz study.

Mr. Jose Ramirez, Liuna Local 783, spoke in support of the Cadiz study.

Mr. Thomas Ruiz, Liuna Local 783, spoke in support of the Cadiz study.

Mr. Deandre Valencia, BizFed, spoke in support of the Cadiz study.

Mr. Brad Jensen, San Gabriel Valley Economic Partnership, spoke in support of the Cadiz project and expressed his condolences on Director Ruzicka's passing.

Ms. Kris Murray, Southern California Water Coalition, spoke in support of the Cadiz study.

Mr. Rick Smiles spoke on behalf of John Preciado, Southern California District Council of Laborers, spoke in support of the Cadiz study and expressed his condolences on Director Ruzicka's passing.

Mr. Rich Lambros, Engineering Contractors' Association, spoke in support of the Cadiz study.

Mr. John Hakel, Southern California Partnership for Jobs, spoke in support of the Cadiz study.

Mr. John Monsen, National Parks Conservation Association, spoke in opposition of the Cadiz study and expressed his condolences on Director Ruzicka's passing.

President Kuhn called for a break at 8:48 a.m.

President Kuhn reconvened the meeting at 8:56 a.m.

7. Consent Calendar

The Board was asked to consider consent calendar items (7.A-7.F) for the December 18, 2019 Board meeting that included: (7.A) Receive, Approve and File Minutes, November 6, 2019 and November 20, 2019; (7.B) Receive, Approve and File Financial Reports and Investment Update, November 2019; (7.C) Imported Water Sales, November 2019; (7.D) Miramar Operations Report, November 2019; (7.E) Salary Schedule Effective December 18, 2019; (7.F) Approval of Resolution No. 19-12-866 Adopting the Conflict of Interest Code.

Upon motion and second, President Kuhn called for discussion. There being no discussion, President Kuhn called for the vote.

Moved: Director Goytia	Second: Director Jackman
Motion No. 19-12-5251 – Approval of Consent Calendar Items 7.A - 7.F for December 18, 2019.	
Motion passed by a 6-0 vote.	

8. General Manager's Report

8.A – Approve Director Expense Reports, November 2019

The Board was asked to consider approval of the director expense reports submitted for reimbursement for November 2019.

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

Moved: Director Goytia	Second: Director Jackman
Motion No. 19-12-5252 – Approval of Director Expense Reports for November 2019.	
Motion passed by a 6-0 vote.	

8.B – CY 2020 Board Reorganization and Board Appointments

President Kuhn asked if there were any recommendations or a motion to approve the reordering of the Board. Director Jackman moved for Director Bowcock as Treasurer and Director Carlos Goytia as Secretary. President Kuhn confirmed the reordering as follows:

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

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

Moved: Director Jackman Second: Director Bowcock Motion No. 19-12-5253 – Approval of CY 2020 Board Reorganization. Motion passed by a 6-0 vote.

8.C – TVMWD Manual – Personnel and Benefits Manuals

Mr. Matthew Litchfield advised the board of minor updates to the Personnel and Benefits Manuals due to organizational changes with the addition of the part-time Human Resources/Risk Manager.

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

Moved: Director Goytia Second: Director Bowcock Motion No. 19-12-5254 – Approval of the TVMWD Personnel and Benefits Manuals. Motion passed by a 6-0 vote.
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8.D – American Water Infrastructure Act (AWIA) Update

Mr. Kirk Howie apprised the board of a professional services agreement with Claris Strategy to complete the remaining phases of the AWIA required Risk and Resilience Assessments and Emergency Response Plan. The cost of Phase 2: Completion of the Risk and Resiliency Assessment is \$94,511; the cost of Phase 3: Emergency Response Plan Update is \$46,740, with a total cost of \$141,251. Phase 1 has been completed and Claris is in the process of preparing the report and refined cost proposal to complete phases 2 and 3.

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

Moved: Director Bowcock Second: Director Goytia Motion No. 19-12-5255 – Approval of a professional services agreement with Claris Strategy for the AWIA not to exceed \$141,251. Motion passed by a 6-0 vote.

8.E – Declaration of Vacancy – Division 5

President Kuhn announced the declaration of vacancy for Division 5 effective December 13, 2019, the date of Director Ruzicka's passing.

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

Moved: Director Goytia Second: Director Bowcock
Motion No. 19-12-5256 – Approval of the Declaration of Vacancy for
Division 5.
Motion passed by a 6-0 vote.

8.F – Board Vacancy – Procedural Actions

Mr. Litchfield requested direction from the Board for procedural actions to fill the Division 5 vacancy either via appointment, special election or by the Los Angeles County Board of Supervisors.

Mr. Steve Kennedy prepared a board memorandum outlining the board vacancy process requiring the vacancy be posted in 3 conspicuous locations for 15 days within division 5. Appointment will need to take place prior to February 11, 2020 and will last until the next general election in November 2020.

Director Mendoza advised he is not prepared to move forward with the process. President Kuhn advised him to abstain if there is a motion.

President Kuhn made the motion to fill the vacancy via appointment, post the vacancy to fill the position and interview potential candidates at a later time.

Director De Jesus addressed Director Mendoza regarding time constraints and the need to fill the vacancy. Director De Jesus seconded the motion and requested an ad hoc committee activate if there are 5 or more applicants. The ad hoc committee will recommend to the full board which applicants are to move forward in the appointment process.

The ad hoc committee is to be made up of the 3 neighboring Directors to division 5: Director De Jesus, Director Goytia and Director Jackman.

Director Mendoza inquired if leaving the seat vacant until the November 2020 election was an option. Mr. Kennedy advised if no action is taken before February 11, 2020, the Board of Supervisors will make the appointment within 90 days of the vacancy.

A special meeting will be held to conduct interviews and appoint a Director to division 5.

Mr. Tom Coleman approached the lectern and stated his support to the outlined appointment process. Mr. Coleman also acknowledged Director Ruzicka, his love of people, community volunteer and service to our country. He will be greatly missed.

There being no objection to the motion, it passed by a 6-0 vote.

Moved: Director Kuhn Second: Director De Jesus
Motion No. 19-12-5257 – Fill Division 5 via Appointment prior to
February 11, 2020 and activate an ad hoc committee if 5 or more
applications are received.
Motion passed by a 6-0 vote.

9. Directors' / General Manager's Oral Reports

Director Mendoza – attended PFAS conference at Chino Basin Water Conservation District and the OBMP Listening Session #8 at Chino Basin Watermaster.

Director Jackman – attended the ACWA conference and ACWA JPIA meeting in San Diego. Director Jackman thanked Mr. Howie for his hard work helping the District receive the award of top Outreach Award for Region 8 and the Overall Outreach Award at the ACWA Conference.

Director Bowcock – attended the ACWA conference and ACWA JPIA meeting in San Diego. Director Bowcock presented Mr. Howie with a Doctor of Water certificate from SCWUA for 15 years of service in the water profession.

President Kuhn – Chino Basin Watermaster is on track with the OBMP. The Water Quality Authority is moving ahead with getting Prop 1 funding for PFAS issues. President Kuhn is considering applying for the appointment to the JPIA board.

Director De Jesus – MWD made offer to San Diego County Water Authority to settle all matters and waiting for response. MWD entered into a pilot seasonal fallowing program with farmers. MWD will monetarily compensate participants for temporarily fallowing farmland.

Mr. Litchfield – TVMWD will be delivering over 11,000 AF into the Main San Gabriel Basin. Mr. Litchfield thanked staff for their contributions towards the ACWA awards the district received at the ACWA Conference. The next Leadership Breakfast will be held on January 30, 2020. The guest speaker will be Mr. Randall Neudeck. Mr. Litchfield recognized Mr. Dominique Aguiar for passing the T5 treatment certification. Mr. Aguiar thanked management and staff for their support during the process.

10. Closed Session

10.A – Conference with Real Property Negotiators (Government Code Section 54956.8)

- Property: 1500 N. College Avenue, Claremont, California [District is considering purchase of a small portion (10,000 sq. ft.) of this parcel]
- District Negotiator: Matthew Litchfield, General Manager
- Negotiating Parties: Rancho Santa Ana Botanic Garden
- Under Negotiation: Price and terms of payment

10.B – Conference with Real Property Negotiators (Government Code Section 54956.8)

- Property: 901 Corporate Center Drive, Pomona, California
- District Negotiator: Matthew Litchfield, General Manager
- Negotiating Parties: Foremost Corporate, LLC
- Under Negotiation: Price and Terms of Payment for Revised Easement

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

Title: General Manager

10.D – Threat to Public Services or Facilities (Government Code Section 54957)

- Consultation with Matthew H. Litchfield, General Manager and Robert Peng, Information Technology Manager

10.E – Conference with Legal Counsel – Existing Litigation [Government Code Section 54956.9(d)(1)]

Name of Case: San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case No. CPF-10-510830 (Consolidated with Case No. CPF-12-512466)

10.F – Conference with Legal Counsel – Anticipated Litigation

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

The board convened into closed session at 9:48 a.m. to discuss the above-mentioned items. The board reconvened out of closed session at 11:30 a.m. Mr. Kennedy advised there was no reportable action was taken on items 10.A, 10.B, 10.D, 10.E and 10.F. On item 10.C, the board evaluated the General Managers performance and the President and Vice President will meet informally with Mr. Litchfield to discuss.

11. Future Agenda Items

No future agenda items were requested.

12. Adjournment

The Board adjourned at 11:31 a.m. in memory of good friend and fellow Director Joe Ruzicka, to its next regular meeting scheduled for Wednesday, January 15, 2020 at 8:00 a.m.



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



Recorded by: Nadia Aguirre
Executive Assistant