



THREE VALLEYS MUNICIPAL WATER DISTRICT REGULAR BOARD MEETING MINUTES

Wednesday, January 17, 2024 – 8:00 a.m.

1. CALL TO ORDER

The Board meeting was called to order at 8:05 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/Treasurer
David De Jesus, Director
Jeff Hanlon, Director
Bob Kuhn, Director

DIRECTORS ABSENT

Danielle Soto, Director

STAFF PRESENT

Matthew Litchfield, General Manager
Steve Kennedy, Legal Counsel
Dominique Aguiar, Operations Supervisor
Brittany Aguilar, Finance Manager
Nadia Aguirre, Executive Assistant
Freeman Ensign, Operations Supervisor
Karen Harberson, Compliance Specialist
Kirk Howie, Chief Administrative Officer
Steve Lang, Chief Operations Officer
Sylvie Lee, Chief Water Resources Officer
Kevin Panzer, Engineer
Brian Pen, Water Resources Analyst
Robert Peng, I.T. Manager
Jose Velasquez, Chief Finance Officer

Virtual Attendees: Andy Bullington, City of Covina; Josh Byerrum, Walnut Valley Water District; Ed Hilden, Walnut Valley Water District; Ben Lewis, Golden State Water Company; Tony Lima, Rowland Water District; Jared Macias, Walnut Valley Water District; Myra Malner, Rowland Water District; Meg McWade, City of La Verne; Dave Michalko, Valencia Heights Water Company; Stephanie Moreno, Water Quality Authority; Thomas Monk, 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; Chris Lancaster, Civic Publications; Dusty Moio, Rowland Water District; Dinny Rasmussen, League of Women Voters; Barbara Rugeley, League of Women Voters; Sherry Shaw, Walnut Valley Water District; Dale Wert, City of Glendora

3. FLAG SALUTE

President Roberto led the flag salute.

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

Barbara Rugeley from the League of Women Voters introduced Dinny Rasmussen as the observer for TVMWD.

7. PRESENTATION

A. CIVIC PUBLICATIONS, INC.

Mr. Chris Lancaster provided an overview of the various public outreach publications that are distributed through Civic Publications. The publications include Civic Leadership, Community Profiles, Earth Day, and annual reports for government agencies. Mr. Lancaster's background includes working for the Los Angeles newspaper group for 17 years where he headed government affairs. Thereafter he founded Civic Publications which creates publications that are distributed in newspapers and digitally in several languages to reach a broad community. Mr. Lancaster enjoys working with TVMWD and will continue to coordinate with the General Manager and Chief Administrative Officer.

8. CONSENT CALENDAR

The Board considered consent calendar items 8.A – 8.F for the January 17, 2024 Board meeting that included: (8.A) Receive, Approve and File Minutes, December 4, 2023 and December 20, 2023; (8.B) Receive, Approve, and File Financial Reports and Investment Update, December 2023; (8.C) Imported Water Sales, December 2023; (8.D) Miramar

Operations Report, December 2023; (8.E) Approve Director Expense Reports, December 2023; (8.F) Resolution No. 24-01-983 Tax Sharing Exchange County Sanitation District No. 21, Annexation No. 21-773

Moved: Director Hanlon Second: Director Ti
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Ti
Noes:
Absent: Soto
Motion No. 24-01-5471 Approval of Consent Calendar Items 8.A – 8.F
Motion passed 6-0-1

9. ACTION AGENDA

A. GROUNDWATER RELIABILITY PROJECT FUNDING COMMITMENT

Chief Water Resources Officer Lee reported on the Groundwater Reliability project for the Building Resilient Infrastructure and Community grant application. A commitment letter is needed to submit the Federal Emergency Management Agency’s Building Resilient Infrastructure and Communities (FEMA BRIC) grant application. The total Groundwater Reliability project cost is \$120 million, with \$40 million from the BRIC grant request and \$80 million from local funding among the partners. Local funding commitment is not committing TVMWD to complete the Groundwater Reliability Project. The governing bodies of the Groundwater Reliability partners will take future action on whether the project will be implemented. The Board asked questions about the project, cost, and the application process.

Moved: Director Kuhn Second: Director Goytia
Ayes: De Jesus, Goytia, Hanlon, Kuhn, Roberto, Ti
Noes:
Absent: Soto
Motion No. 24-01-5472 Authorizing the General Manager to provide the local funding commitment letter for the Groundwater Reliability Project for the Building Resilient Infrastructure and Community grant application
Motion passed 6-0-1

10. REPORTS

A. ANNUAL SUNSHINE ORDINANCE REVIEW

Legal Counsel Kennedy reported that the Board annually conducts its review of the Sunshine Ordinance and has expressed a commitment to board meetings being conducted over and above the requirements of the Brown Act. New judicial and statutory requirements

are reviewed annually in the Sunshine Ordinance. Legal Counsel provided a memo included in the board packet which refers specifically to AB 557, examines AB 2449, and the Sunshine Ordinance. Three Valleys operates according to AB 2449 for Directors needing to attend a board meeting remotely. Beginning January 1, 2024, Directors can attend a board meeting remotely under AB 557 and without AB 2449 or the Brown Act as long as there is a statewide state of emergency with recertification every 45 days. AB 557 removed the need for recertification by resolution and the board is no longer required to enforce social distancing guidelines. In light of AB 557, Legal Counsel recommended changes to the Sunshine Ordinance, Exhibit B, Article 6. This item will be brought back to the February meeting for consideration of approval.

Director Kuhn requested to remove the public comment 3-minute limit from the board meeting agenda. Legal Counsel reported that Section 2.3.3 of the Sunshine Ordinance states the President is authorized pursuant to Government Code Section 54954.3(b) to limit public testimony to three (3) minutes for each individual speaker. President Roberto stated that the 3-minute time limit is a good baseline for public comment.

B. LEGISLATIVE UPDATE

Chief Administrative Officer Howie provided a legislative update. SB 366, the California Water for All bill, is in the second year of the cycle. The bill is currently in the Assembly Water Parks Wildlife Committee and has until July 2024 to pass out of committee. There is new leadership in the Senate and Assembly with Mike McGuire as Senate Pro Tem and Robert Rivas as the assembly speaker. New and returning water bonds and bills will be updated in the coming months. An update will be provided after the March primaries and the general election in November.

C. WATER SUPPLY UPDATE

Chief Water Resource Officer Lee reported the initial allocation for the State Water Project (SWP) was 10% and it is likely to increase. The Upper Colorado River Basin snowpack is at 64% of normal. The SWP was turned off as of December 31, 2023 for any replenishment deliveries. 1,390 acre feet of water could be delivered into the Chino Basin as part of a request to MWD and is going through the process at Chino Basin Watermaster.

11. DIRECTORS' / GENERAL MANAGER'S ORAL REPORTS

General Manager Litchfield reminded the Board of the Leadership Breakfast on February 29 with Sites Project Authority guest speaker Ali Forsythe. An SB 366 tour is planned for February 23 with a stop at TVMWD where the Miramar Treatment Plant will be toured.

Legal Counsel Kennedy stated there was nothing to discuss in closed session for Items 12.A and 12.B. There was nothing to report in open session on Item 12.A.

He reported in open session on Item 12.B, with respect to the San Diego v. MWD case, San Diego and MWD presented opposing drafts of the proposed judgement that the court ordered in April and they were unable to reach agreement on the final draft. Separate judgements have been submitted to the court with a request for a hearing date and briefing schedule in March. A Member Agency Legal Counsel and General Manager's meeting was held in December and another meeting will be held on January 29 at Three Valleys.

12. CLOSED SESSION

The Board did not convene into closed session to discuss Items 12.A and 12.B.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Government Code Section 54956.9(d)(1)]

Name of Case: Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino County Superior Court Case No. RCV RS 51010

B. 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-14-514004 (Consolidated with Case Nos. CPF-16-515282 and CPF-18-516389)

13. FUTURE AGENDA ITEMS

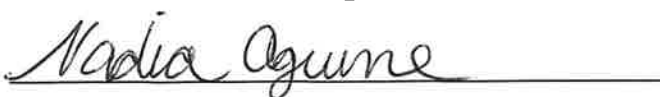
No future agenda items were requested.

14. ADJOURNMENT

President Roberto adjourned the meeting at 9:23 a.m. to the next regular board meeting scheduled for Wednesday, February 7, 2024.



Jody Roberto
President, Board of Directors



Recorded by: Nadia Aguirre
Executive Assistant