



THREE VALLEYS MUNICIPAL WATER DISTRICT REGULAR BOARD MEETING MINUTES

Wednesday, November 16, 2022 – 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
Brian Bowcock, Vice President
Carlos Goytia, Secretary
Mike Ti, Treasurer
David De Jesus, Director
Bob Kuhn, Director
Danielle Soto, Director

STAFF PRESENT

Matthew Litchfield, General Manager
Steve Kennedy, Legal Counsel
Dominique Aguiar, Operations Supervisor
Nadia Aguirre, Executive Assistant
Wade Burroughs, Shift Operator
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
James Linthicum, Chief Finance Officer
Kevin Panzer, Assistant Engineer
Robert Peng, I.T. Manager
Viviana Robles, Human Resources/Risk Manager
Esther Romero, Accounting Technician
Marissa Turner, Admin./Communications Assistant

Virtual Attendees: Jacquelyn Badejo, Watts Clean Air and Energy Committee; Dr. Cassandra Bailey, Ignited Light; Steven Belhumeur, Groundswell; Josh Byerrum, Walnut Valley Water District; Julie Carver, City of Pomona; Chris Clarke, National Parks Conservation Association; Linda Cleveland, Wattskanda; Cedric Farmer; Kelly Gardner, Main San Gabriel Basin Watermaster; Cat Goytia; Rick Hansen, Cal Poly Pomona; Konstantin Hatcher, Kevin Hayakawa, Walnut Valley Water District; Ed Hilden, Walnut Valley Water District; Dr. Kathye Jenkins, Cynthia Perry Ray Foundation; Arrica Jimenez, Main San Gabriel Basin Watermaster; Denise Kniter; Richard Lambros, Engineering Contractors' Association; Ben Lewis, Golden State Water Company; Journey Lipscomb; Szu Lu, Rowland Water District; Martin Ludlow; Myra Malner, Rowland Water District; Mike Melinte, City of Covina; Dave Michalko, Valencia Heights Water Company; Thomas Monk, Walnut Valley Water District; John Monsen, Sierra Club; Toby Moore, Golden State Water Company; Stephanie Moreno, Water Quality Authority; Karla Salazar, Groundswell; Ed Sanders, Groundswell for Water Justice; Sherry Shaw, Walnut Valley Water District; Daude Sherrills; Sorrel Stielstra; Lisa Tarpin, Southern California Group; De'Andre Valencia, Building Industry Association of Southern California; Tony Zampiello, Main San Gabriel Basin Watermaster; Marcella Zita

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In person attendees: Anthony Ciotti, City of La Verne; Tom Coleman, Rowland Water District; Chris Diggs, City of Pomona; Erik Hitchman, Walnut Valley Water District; Peter Kavounas, Chino Basin Watermaster; Tony Lima, Rowland Water District; Jared Macias, Walnut Valley Water District; Dusty Moiso, Rowland Water District; Candice Moffitt; JR Ranells, City of La Verne; Sandra Rose, Monte Vista Water District; Justin Scott-Coe, Monte Vista Water District; Sonya Whatley

3. FLAG SALUTE

The flag salute was led by President Roberto.

4. APPROVAL OF AGENDA

Legal Counsel Kennedy stated the following: "In accordance with the unanimous direction and authority that was given and publicly announced by the Board at its meeting of September 9, 2022 - which was once again reiterated publicly pursuant to the closed session announcement issued by the Board during its meeting of October 19, 2022 - I would like to announce that a formal agreement with Aquilogic and Cadiz to terminate the District's involvement in the Bonanza Springs Study was entered into yesterday. A copy of that Agreement has been posted on the District's website. As a result, the District has completed its exit out of the management and administration of the Bonanza Springs Study as previously and publicly instructed by the Board. Consequently, since the District is no longer subject to potential exposure to liability as a result of the District's now-completed termination of its involvement in the Bonanza Springs Study in light of the provisions of the Agreement which expressly state that (1) the District's obligations in connection with the management of the Study are terminated, (2) the termination does not constitute a breach of contract, (3) the District is released from liability with respect to the termination of its administration of the Study, and (4) Cadiz will indemnify the District from any future liability arising out of the Study, I therefore request that the Board remove Item No. 11.A from closed session consideration and approve the agenda as amended."

Upon motion and second, President Roberto called for a roll call vote to approve the agenda as amended.

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| Moved: Director Soto | Second: Director Ti |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5403 Approve Agenda as Amended, Removing Item No. 11.A | |
| Motion passed 7-0-0 | |

5. PRESENTATION

General Manager Litchfield invited speakers up to the podium to recognize Director Brian Bowcock for his 20 years of service.

From Monte Vista Water District General Manager Justin Scott-Coe & President Sandra Rose presented Director Bowcock with a plaque of recognition.

General Manager Tom Coleman of Rowland Water District invited Director Bowcock to their December 13th Board meeting to present to him with the adoption of a resolution in his honor.

TVMWD Chief of Operations Steve Lang thanked Director Bowcock for his respect towards staff and years of service.

JR Ranells Assistant City Manager for the City of La Verne gave recognition to Director Bowcock for his service to the water industry and the city.

General Manager Litchfield presented Director Bowcock with a certificate of recognition on Behalf of Congresswoman Grace Napolitano's Office and Senator Anthony Portantino's Office for his 20 years of dedicated service. General Manager Litchfield read Resolution No. 22-11-946 recognizing Director Bowcock for his dedicated 20 years of service and accomplishments.

Director Bowcock responded by thanking staff and the board.

Director Soto thanked Director Bowcock for his service, all the work he has done for the community and the district and the support he has given her through her time as director.

Director De Jesus stated that he has appreciated Director Bowcock throughout his position on the board.

Director Kuhn thanked Director Bowcock for being a mentor and friend along with his accomplishments during his time on the board.

Director Goytia thanked Director Bowcock for his work and the history he's brought to the district and wished him well in his future endeavors.

Director Ti thanked Director Bowcock for the history he has shared with him and all the community outreach he has done.

President Roberto thanked Director Brian for his mentorship and service.

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

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| Moved: Director Kuhn | Second: Director Roberto |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5404 Approve Resolution No. 22-11-946 Recognizing Director Brian Bowcock for Twenty Years of Dedicated Service | |
| Motion passed 7-0-0 | |

At 8:46 a.m. President Roberto announced a short recess, and returned at 8:49 a.m.

6. PUBLIC COMMENT

Peter Kavounas provided public comment.

Denise Kniter provided public comment.

Ray Baca submitted public comment to be read.

Cedric Farmer provided public comment.

Linda Cleveland provided public comment.

Daude Sherrills provided public comment.

San Gabriel Valley Economic Partnership submitted public comment to be read on their behalf.

De'Andre Valencia provided public comment.

Chris Clarke provided public comment.

Ed Sanders provided public comment.

Dr. Cassandra Bailey provided public comment.

Dr. Kathye Jenkins provided public comment.

Jacquelyn Badejo provided public comment.

Karla Salazar provided public comment.

John Monsen provided public comment.

7. CONSENT CALENDAR

The Board considered consent calendar items 7.A – 7.K for the November 16, 2022 Board meeting that included: (7.A) Receive, Approve and File Minutes, October 5 and 19, 2022; (7.B) Receive, Approve and File Financial Reports and Investment Update, October 2022; (7.C) Imported Water Sales, October 2022; (7.D) Miramar Operations Report, October 2022; (7.E) Approve Director Expense Reports, October 2022; (7.F) CY 2023 Meeting Schedule (7.G) FY 2022/23 First Quarter Reserve Schedule; (7.H) Adopt Resolution No. 22-11-947 Tax Sharing Exchange County Sanitation District No. 22, Annexation No. 22-441; (7.I) Adopt Resolution No. 22-11-948 Tax Sharing Exchange County Sanitation District No. 22, Annexation No. 22-443; (7.J) Organizational Chart And Salary Schedule Modifications; (7.K) Adopt Resolution Nos. 22-11-949 And 22-11-950 For Grant Funding Applications.

Director Kuhn having questions on item 7.K, requested the item be pulled for discussion.

Upon motion and second, President Roberto called for a roll call vote for items 7.A-7.J.

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| Moved: Director Goytia | Second: Director Soto |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5405 Approval of Consent Calendar Items 7.A – 7.J | |
| Motion passed 7-0-0 | |

Director Kuhn inquired about what projects the grant funding would support and if there were any restrictions. General Manager Litchfield explained the funding TVMWD is pursuing would be applied to a turf replacement program. Out of the \$300 million grant opportunity approximately \$80 million would go towards this program. The minimum award amount being \$3 million with the stipulation that there is a 25% match from the member agencies. Director Ti asked if TVMWD could take MWD conservation funding and apply it to the 25%. Chief of Water Resources Officer Lee and Chief Administrative Officer Howie further clarified that TVMWD could not use the MWD MAAP fund as a cost share component.

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

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| Moved: Director Kuhn | Second: Director Ti |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5406 Approval of Consent Calendar Item 7.K | |
| Motion passed 7-0-0 | |

8. REPORTS

A. LEGISLATIVE UPDATE

Chief Administrative Officer Howie thanked Director Bowcock for his time at TVMWD and wished him luck in his retirement before proceeding to give a legislative update. Chief Administrative Officer Howie informed the Board that the legislature was currently on recess and gave a general election recap. The congressional districts will remain with 4 representatives. The southern portion will now be covered under Linda Sanchez. The senate district is going from 5 representatives to 3, Connie Leyva and Josh Newman will no longer cover the TVMWD service area. On the state assembly, there will now be 4 representatives due to the redrawing lines of the last census restudy. President Roberto inquired about having a delegation roundtable to discuss the current water state.

B. WATER SUPPLY UPDATE

Chief Water Resources Officer Lee discussed the water demand projections for the 2022 Emergency Water Conservation Program. As a region, all State Water Project (SWP) dependent agencies are 3-4% below target. Our performance is consistently below target at approximately 30% lower than our volumetric limit. The SWP is anticipating a low allocation. MWD is not planning on the CRA being full, meaning we will likely be entering into a region wide water supply allocation plan next year.

9. ACTION AGENDA

A. COLORADO RIVER BASIN MEMORANDUM OF UNDERSTANDING

Chief Water Resources Officer Lee discussed the cooperative efforts of the Californian agencies joining the call to conserve water supplies. Director Ti inquired about the plan to implement the Memorandum of Understanding (MOU) to the member agencies. General Manager Litchfield stated that the water allocation saving plan is the implementation. Director De Jesus and Director Ti commented on the current water supply conditions and the commitments we need to take to ensure water supply. General Manager Litchfield commented on the MOU and the agencies intent. Tom Coleman commented that Rowland Water District will not be signing onto the MOU. Director De Jesus and President Roberto brought up areas of concern with the MOU. General Manager Litchfield assured the Board that there will be time to provide comments before it goes into the next legislative cycle.

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

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| Moved: Director Soto | Second: Director De Jesus |
| Ayes: Bowcock, De Jesus, Goytia, Roberto, Soto, Ti | |
| Noes: Kuhn | |
| Absent: | |
| Motion No. 22-11-5407 Approval of Colorado River Basin Memorandum of Understanding | |
| Motion passed 6-1-0 | |

B. DELTA CONVEYANCE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

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

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| Moved: Director Soto | Second: Director Roberto |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5408 Approval of the Delta Conveyance Environmental Impact Report | |
| Motion passed 7-0-0 | |

C. REVERSE-CYCLIC PROGRAM AGREEMENT

General Manager Litchfield announced MWD accepted the changes that were submitted to the agreement. The MWD program will allow member agencies to pre-purchase recharged water in advance and take advantage of the CY 2022 tier 1 untreated rate that is currently in place.

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

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| Moved: Director Bowcock | Second: Director Kuhn |
| Ayes: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti | |
| Noes: | |
| Absent: | |
| Motion No. 22-11-5409 Approval of Reverse-Cyclic Program Agreement | |
| Motion passed 7-0-0 | |

10. DIRECTORS' / GENERAL MANAGER'S ORAL REPORTS

General Manager Litchfield reminded the Board that the ACWA conference will be held at the end of November.

Director De Jesus requested to close the meeting in memory of MWD Director Phillip Hawkins and former MWD Chairman Phillip J. Pace.

Director Soto reiterated that the Bonanza Spring study agreement can be found on our website.

President Roberto thanked Legal Counsel Kennedy for his time and efforts with the Bonanza Spring study.

Director Bowcock thanked everyone that attended today's board meeting, especially his grandchildren and great grandchildren.

Director Ti requested that the General Manager report on our involvement with the Southern California Water Coalition on the January agenda.

Director Goytia requested a roundtable with the member agency general managers.

11. CLOSED SESSION

The Board convened into closed session at 10:26 a.m. to discuss item 11.B. Item 11.A was removed from the agenda and closed session.

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 – ANTICIPATED LITIGATION

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

The Board convened out of closed session and into open session at 10:54 a.m. Legal Counsel Kennedy stated no reportable action.

12. FUTURE AGENDA ITEMS

No future agenda items were requested.

13. ADJOURNMENT

President Roberto adjourned the meeting in honor and memory of MWD Director Phillip Hawkins and former MWD Chairman Phillip J. Pace at 10:55 a.m. to the next regular meeting scheduled for Wednesday, December 7, 2022.



Jody Roberto
President, Board of Directors



Recorded by: Nadia Aguirre
Executive Assistant