

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

Wednesday, October 19, 2016  
8:00 a.m.

**1. Call to Order**

The Board of Directors meeting of the Three Valleys Municipal Water District (TVMWD) 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 a quorum of the Board present. Director Lantz had an excused absence

**Directors Present**

Bob Kuhn, President  
David De Jesus, Vice President  
Brian Bowcock, Secretary  
Joseph Ruzicka, Treasurer  
Dan Horan, Director (ar. 8:10 am)  
Carlos Goytia, Director

**Directors Absent**

Fred Lantz, Director (excused)

**Staff Present**

Rick Hansen, General Manager  
Steve Kennedy, Legal Counsel  
Liz Cohn, Sr. Financial Analyst  
Mario Garcia, Engineering & Operations Manager  
Vicki Hahn, District Clerk/Executive Assistant  
Karen Harberson, Operations WQ Assistant  
Kirk Howie, Assistant GM-Administration  
Steve Lang, Water Operations Manager  
Ben Peralta, Project Manager

Guests and others present: Roger Bradley, City of Claremont; Tom Coleman, Rowland Water District; Paul DiMaggio, Suburban Water Systems; Director Ted Ebenkamp, Walnut Valley Water District; Julie Gilbert, Jericho Systems, Inc.; Director Ed Hilden, Walnut Valley Water District; Erik Hitchman, Walnut Valley Water District; Saul Jaffe, Claremont Resident; Maria Kennedy, Kennedy Communications; Shay Lawrey, Jericho Systems, Inc.; Ben Lewis, Golden State Water Company; Director Tony Lima, Rowland Water District; Director Szu Pei Lu-Yang, Rowland Water District; Darron Poulsen, City of Pomona; James Tucker, Claremont Resident; Brian Teuber, Walnut Valley Water District; Director Mike Touhey, MWD/Upper San Gabriel Valley MWD

**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 any reason to reorder the published agenda. Staff did not have any reason to reorder the published agenda.

## 6. Public Comment

President Kuhn called for any public comment. Maria Kennedy, Kennedy Communications addressed the Board to invite them to a Schools and Stormwater 101 presentation, hosted by the San Gabriel Valley Civic Alliance on Friday, October 21, 2016.

## 7. Public Hearing – Initial Study-Mitigated Negative Declaration for TVMWD Well No. 3 (Baseline Road), Project No. 58458

Mr. Ben Peralta addressed the Board and provided a staff report on progress of TVMWD Project No. 58458, Initial Study-Mitigated Negative Declaration for TVMWD Well No. 3 (Baseline Road) which considers CEQA and environmental review of the project. Several written comments were received that were included and summarized in the agenda packet. Staff is in the process of responding to the written comments.

President Kuhn opened the Public Hearing at 8:04 a.m. to hear testimony and comments that concludes the final input process prior to taking action to adopt the CEQA Initial Study-Mitigated Negative Declaration for TVMWD Well No. 3 (Baseline Road), Project No. 58458. TVMWD has fully complied with the noticing requirements for this Public Hearing. In accordance with Government Code Section 6061, the Public Hearing was noticed in newspaper(s) of general circulation, *San Gabriel Valley Tribune* and *Inland Valley Daily Bulletin* on October 12, 2016.

There were two requests for public testimony, Mr. Saul Jaffe (618 W. Baseline) and Mr. James Tucker (619 W. Baseline).

Mr. Jaffe testified regarding his concerns relative to noticing of the project as it proceeds and reassurance that the existing well on his property will not be negatively impacted. He testified that he was not opposed to the project in general.

Mr. Tucker testified regarding his concerns relative to traffic control and construction noise at the project. He expressed his understanding that during the drilling phase the project was subject to related construction noise 24 hours per day, and he acknowledged the related inconvenience, and the willingness to accept this during the drilling phase. He also testified, seeking information regarding the barrier between his property and the project property which will be addressed further as the project proceeds to the equipping and design phase. An assurance was made that an appropriate barrier will be constructed between the two properties at that time.

President Kuhn inquired if there was any further testimony. There being none, the Public Hearing was closed at 8:24 a.m.

## 8. Consideration and Possible Approval to Adopt the Draft Initial Study/Mitigated Negative Declaration regarding TVMWD Well No. 3 (Baseline Road), Project No. 58458

Upon conclusion of the Public Hearing General Manager Hansen addressed the Board and advised that due to the number of written comments requiring response and in light of the oral testimony this morning it was staff's recommendation that approval to adopt the Draft Initial Study/Mitigated Negative Declaration regarding TVMWD Well No. 3 (Baseline Road), Project No. 58458 should be deferred to a future undetermined date to permit staff adequate time to analyze and respond to the concerns received. Upon motion and second the floor was opened for

discussion. Director De Jesus addressed Mr. Jaffe for clarification on how the well on his property is being used. Mr. Jaffe informed that during construction the well is being used for construction grading, with plans to use the well for irrigation and landscaping in the future. There being no further questions, President Kuhn called for the vote.

**Moved: Ruzicka; Second: De Jesus**  
**Motion No. 16-10-5104 to defer adoption of the Draft Initial Study/Mitigated Negative Declaration regarding TVMWD Well No. 3 (Baseline Road), Project No. 58458. The motion passed with a 6-0 unanimous vote. Director Lantz had an excused absence from the meeting.**

## 9. Consent Calendar

The Board was asked to consider the Consent Calendar Items (9.1-9.2) for the October 19, 2016 Board meeting that included: (9.1) Receive, approve and file, September 2016 Board minutes for September 7, 2016 and September 21, 2016; (9.2) Receive, approve and file, September 2016 Financial Reports.

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

**Moved: Ruzicka; Second: Goytia**  
**Motion No. 16-10-5105 to approve the October 19, 2016 Consent Calendar items 9.1-9.2. The motion passed with a 6-0 unanimous vote. Director Lantz had an excused absence from the meeting.**

## 10. General Manager's Report

### 10A – Administration

#### 10.A.1 Legislative Update, October 2016

Mr. Kirk Howie provided the Board an update on current legislative activity. A summary of bills supported and opposed were included as part of the agenda packet. During the TVMWD Leadership Breakfast scheduled for October 27, 2016, Ms. Kathy Cole, MWD Legislative Representative will provide a comprehensive update on legislative activity during this past year. An update on two Central Basin MWD bills, SB953 (prohibiting sole source bids except for in an extreme emergency and requiring a 67% super majority vote to approve), and AB1794 (increasing CBMWD Board by three directors over the next three years through appointments by producers) were shared. TVMWD took a watch position on these bills.

Below is a summary of seats up during the General Election scheduled for November 8, 2016:

**Congress** – 53 seats; 39(D) and 14(R). It is not anticipated that any of the legislators supporting TVMWD's service area will change.

**CA Senate** – 20/40 seats; 26(D) and 14(R). There will be a change in two of the legislators supporting TVMWD's service area due to term limits for Senator Bob Huff and Senator Carol Liu. The current front runners are Ling Ling Chang(R) in District 29 and Anthony Portantino(D) in District 25.

**Assembly** – 80/80 seats; 52(D) and 28(R). There will be a change in two of the legislators supporting TVMWD's service area due to term limits for Assembly Member Roger Hernandez, and vacating seat to run for Senate by Assembly

Member Ling Ling Chang. The current front runners are Blanco Rubio(D) in District 48 and Philip Chen(R) in District 55.

Staff has provided outreach to each of the front runners to share about TVMWD and generally about the important water issues being faced in the State.

### **10.A.2 Approve Director Expense Reports for September 2016**

The Board was asked to approve September 2016 Director Expense reports. Upon motion and second the floor was opened for discussion. There being no discussion, President Kuhn called for the vote.

**Moved: Ruzicka; Second: Horan**  
**Motion No. 16-10-5106 to approve payment of the Director Expense reports for September 2016. The motion passed with a 6-0 unanimous vote. Director Lantz had an excused absence from the meeting.**

## **10B – Engineering and Operations**

### **10.B.1 Calendar Year Imported Water Purchases and Peak Flow Reports, September 2016**

Mr. Mario Garcia provided the Board with an update regarding imported water purchases and peak flows for the month of September 2016. Through September a total of 41,264 AF has been delivered to the Member Agencies, with a balance remaining of 39,424 AF available for delivery by end of CY 2016. We are currently trending to deliver approximately 60-65,000 AF of the total allowable Tier 1 balance to the Member Agencies. Additionally, a planned pre-delivery of 11,000 AF to benefit the Puente Basin will be completed prior to year end. It is anticipated that the current year-end Tier 1 deliveries will be at 71,000 AF.

A final report on peak flows that are measured from May to September each year was provided to the Board. The *max average* was reached on July 22, 2016 at 119.8 cfs. This is slightly higher than the max average reached during 2015 and will be reflected in the 2017-18 budget.

### **10.B.2 Miramar Operations Report – September 2016**

Mr. Lang provided an overview of the Miramar Plant operations and activities for the month of September 2016. Water quality continues to meet or exceed state and federal drinking water standards without any violations reported by SWRCB. Total Trihalomethanes are lower than normal, and continue to be below the maximum contaminant level. This is attributed to faster moving water from the State Water Project.

Mr. Lang reviewed current production/sales data month and year-to-date as follows. Total potable water produced 1963.7/AF; Well #1 and #2 ran for the entire month of September for a total of 84.8/AF produced. Total potable water sales for the month were 2048.6/AF. Total year-to-date potable water sold was 6154.4/AF compared to budget of 4059.0/AF. Total year-to-date well production was 2140.2/AF.

Hydroelectric generation data was reviewed. All plants were online, including the two new hydros - Miramar Hydro 2 and 3. Combined the hydro-generation plants continue to exceed their actual to budgeted hydro-electric production both month and year-to-date.

A summary of special activities was reviewed and are available upon request. There were no outages during the month.

## **11. Directors' / General Managers Oral Reports**

### **11.A Local Agency Formation Commission (LAFCO)**

Director Ruzicka provided a copy of the LAFCO Agenda for their October 12, 2016 meeting for anyone's interest. Along with general ministerial activities, a protest hearing was held concerning Annexation No. 2016-07 to the City of Santa Clarita. Other inter-district activities were considered and approved including cancellation of the December 14, 2016 meeting, and approval of the 2017 Commission Calendar. Director Ruzicka will participate at the annual LAFCO conference in Santa Barbara October 25-28, 2016. Finally due to term limits, the current appointed Supervisors, Don Knabe and Mike Antonovich will be replaced following the November 8, 2016 General Election.

### **11.B Six Basins Watermaster**

Director Bowcock reported on activities from the September 28, 2016 Board Meeting. Items reviewed and considered at this meeting included the proposed grant application process, the potential injury report related to the proposed TVMWD's Well No. 3, as prepared by Wildermuth Environmental and operations and maintenance plans for Six Basins.

### **11.C Main San Gabriel Basin Watermaster**

Director Bowcock reported that as of September 30, 2016 the Key Well was at 172.4'. He also reported on the status of the three main reservoirs in the Main Basin, Cogswell, Morris Dam and San Gabriel Valley. Combined the capacity these reservoirs can store is 83,478 AF; they are presently at 13,374 AF.

### **11.D Chino Basin Watermaster**

President Kuhn reported that the safe yield has been submitted to the court for a final ruling which was expected to occur during the September 23, 2016 hearing; instead the judge decided to reopen the matter for additional questions and comments concerning the impact of the proposed decision prior to rendering his final ruling. This was not expected and is an indicator that the importance of the message delivered by legal counsel Scott Slater during the hearing was well received. Final action on this matter has now been deferred to February/March 2017.

### **11.E San Gabriel Basin Water Quality Authority**

President Kuhn reported that negotiations with the Baldwin Park Operating Unit are in progress to continue the clean-up efforts in the San Gabriel Valley and the partnerships with the potential responsible parties. The current agreement expires Spring 2017.

### **11.F San Gabriel Valley Council of Governments (SGV-COG)**

Director Goytia reported the next meeting is scheduled for October 20, 2016 and there is nothing to report.

### **11.G MWD Board**

Director De Jesus reported on recent action taken at the October 11, 2016 Board Meeting. Chairman Randy Record was re-elected to another two year term (2017-2019). SDCWA installed a new director, Elsa Saxod who replaced Yen Tu. Director Mark Cowin, California Department of Water Resources provided an

update on water conditions to the Water Supply and Planning Committee. Discussion took place regarding the California Fix and the proposed cost to each agency and MWD's involvement. This is still being evaluated and it is anticipated that updated information may be shared in Spring 2017. Mr. Howie provided an update from MWD Annual Legislative Planning meeting regarding issues as it concerns the California Water Fix and the Eco Restore. Director De Jesus recognized Vice Chair Mike Touhey who was in today's audience.

#### **11.H Additional Board Member or Staff Reports / Comments**

Director Bowcock reported that he and Kirk Howie presented a drought summary to one of the local mobile home parks in La Verne on October 18, 2016. The message was well received.

Director Goytia requested consideration by the Board to support community outreach for a turkey giveaway in conjunction with the efforts by Supervisor Hilda Solis. President Kuhn informed that this would need to be evaluated as it could be considered a gift of public funds. No further action was requested.

Mr. Hansen extended congratulations to Mr. Steve Lang for completing the one year management training through ACWA/JPIA.

#### **12. Closed Session**

The Board convened to closed session at 9:25 a.m. to discuss two items as follows:

- A) **Conference with Legal Counsel, Existing Litigation**, [Government Code Section 54956.9(d)(1)]; Chino Basin Municipal Water District v. City of Chino; San Bernardino County Case No. RCV51010.
- B) **Conference with Legal Counsel, Anticipated Litigation**, [Government Code Section 54956.9(d)(2)]; Significant exposure to litigation, one potential case.

#### **13. Report Out Of Closed Session**

The Board reconvened to regular session at 10:08 a.m. The Board was briefed on the two matters and there was no reportable action under the Brown Act.

#### **14. Future Agenda Items**

Reconsider adoption of the Initial Study/Mitigated Negative Declaration at a future (undetermined) meeting.

#### **15. Adjournment**

President Kuhn adjourned the meeting at 10:09 a.m. **The next regular Board meeting is scheduled for November 2, 2016 at 8:00 a.m.**

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*/s/ David De Jesus, Vice President  
for Bob Kuhn, President, Board of Directors  
Three Valleys Municipal Water District*

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**Recorded by: Victoria A. Hahn,  
District Clerk/Executive Assistant**