

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

**Wednesday, June 5, 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
Joe Ruzicka, Treasurer
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
Kirk Howie, Chief Administrative Officer
Steve Lang, Chief Operations Officer
James Linthicum, Chief Finance Officer
Ben Peralta, Project Manager

Guests 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; Tom Coleman, Rowland Water District; Tony Lima, Rowland Water District; Dave Warren, Rowland Water District; Ben Lewis, Golden State Water Company; Jennifer Stark, City of Claremont; Steve Patton, City of Glendora; Darron Poulsen, City of Pomona.

4. Additions to Agenda

No additions to the agenda requested.

5. Reorder Agenda

No reorder to the agenda requested.

6. Public Comment

No public comment.

7. Presentation – Legal Update: Annual Sunshine Ordinance Review

Mr. Steve Kennedy provided an update of TVMWD's Sunshine Ordinance. The Board has voluntarily adopted the Sunshine Ordinance in addition to the Ralph M. Brown Act, heightening the District's commitment to operate transparently. The Sunshine Ordinance sets forth regular meeting schedules, identifies public comment requirements, addresses how to agendaize items and closed session item descriptions. The Board reviews the Sunshine Ordinance annually for changes to the law and district policy. Upon Mr. Kennedy's review, no modifications to the Ordinance are required. However, cases from the last couple of years were reviewed, which highlight the Brown Act and Sunshine Ordinance:

Olson v. Hornbrook Community Services District, 33 Cal. App. 5th 502 (2019) – this case illustrates the importance of language when preparing an agenda. The Court of Appeal held the Brown Act was violated since not all items due to be considered were listed on the agenda, therefore misleading the public and depriving their rights. Mr. Kennedy recommends the agenda be broad enough to give the Board flexibility to take action, yet specific for the public to know what the Board will act on.

Ribakoff v. City of Long Beach, 27 Cal. App. 5th 150 (2018) – the agency in this case has a 3-minute limit for public comment. Mr. Ribakoff was not allowed to speak longer than the given time limit, leading him to sue the Board for violating the First Amendment and the Brown Act. The Court found his First Amendment rights were not violated and agencies have the right to adopt time and place restrictions on speech.

8. Public Meeting FY 2019-20 Standby Charge

President Kuhn opened the public meeting and asked for the staff report. Ms. Liz Cohn provided the staff report for the FY 2019-20 Standby Charge. A public meeting is required due to an increase in the EDU charge from \$18.79 to \$19.23, which is below the maximum of \$29.41. Notice of the public meeting was published in the *Inland Valley Daily Bulletin* and *San Gabriel Tribune* for three consecutive weeks beginning May 15, 2019 and ending May 29, 2019. No public comment was received. President Kuhn asked for public comment. There being none, the public meeting came to a close.

President Kuhn recommended this item be moved to the June 19, 2019 Board meeting.

9. General Manager's Report

9.A – Main San Gabriel Basin Watermaster Cyclic Storage Agreement

Mr. Matthew Litchfield provided background information regarding the Main San Gabriel Basin Watermaster Cyclic Storage Agreement. Every five (5) years the District amends the agreement and was last done November 2018. Metropolitan Water District (MWD) advised TVMWD and Main San Gabriel Basin Watermaster (Watermaster) in March 2019 that a new agreement would be required since the amendment had expired. MWD agreed to a one (1) year agreement due to indemnification clauses that were added. Watermaster will schedule an appointment with the Court for full execution of the Agreement. TVMWD is working with Watermaster and Upper San Gabriel Valley Water District (Upper District) for needed deliveries into the Main Basin. An arrangement was made for Upper District to deliver 2,000 acre-feet from USG-3 on the District's behalf. Upon full execution of the Agreement, Watermaster will transfer the 2,000 acre-feet into TVMWD's cyclic storage account at no cost. The agreement will be effective upon full execution by all parties.

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

Moved: Joe Ruzicka Second: Brian Bowcock
Motion No. 19-06-5232 - Approving the Main San Gabriel Basin
Watermaster Cyclic Storage Agreement
Motion passed by a 7-0 unanimous vote

9.B – Award of Contract – Nobel Systems for Enterprise Geographic Information Systems (GIS)

Mr. Litchfield reported on three proposals received for the GIS program. Staff received and evaluated three proposals from Spatial Wave, Miller Spatial and Nobel Systems. GIS is a new platform to the District, therefore staff interviewed other agencies GIS staff to gain perspective of the operating systems. After thorough review of all proposals, Nobel Systems scored the lowest, however, they offer a simple operation that is user friendly and would not require an additional GIS professional to be on staff. Secondly, Nobel Systems cost over three years is less than the other programs and within budget.

This item will be brought back to the June 19, 2019 Board meeting for approval.

9.C – Project Summary Update

Mr. Ben Peralta provided an update on District projects. The Grand Ave. well equipping project is under way. E.J. Meyer was issued a notice to proceed on May 6th and a preconstruction meeting was held on May 8th. Notification has been sent out to residents who may be impacted by construction; only one resident has called in for questions. Pipeline construction has started on site for approximately one

month and will move on to the street working from North to South. Estimated completion of this project is January 2020.

JWL Control Valve project will begin the week of June 17th for approximately one month. A flow control valve and new electrical panel will be installed.

An RFP has been sent out to various CEQA consultants, environmental consultants and Engineering firms for the Miragrand Well site on the Northwest corner of Miramar and Grand Ave. The Engineering firm will provide the preliminary design and the environmental consultant will use the design as the basis to start the environmental documentation process.

Director DeJesus requested Board members take a tour of current District projects this summer.

9.D – Debt Management Policy

Mr. James Linthicum gave an overview of a proposal to establish a Debt Management Policy. Legislative actions require government agencies to have a policy, although TVMWD has been debt free since 2012. The District has opted for a simpler policy due to currently being debt free. Changes can be made to the policy at a later date should the need arise.

This item will be brought back to the June 19, 2019 Board meeting for approval.

9.E – Modified Board Meeting Schedule

Mr. Litchfield presented the modified board meeting schedule for the Summer. The modified schedule includes cancelling the July 3, 2019, July 17, 2019, August 7, 2019, and August 21, 2019 Board meetings. Informational packets with ongoing District activities will be provided for any month that a Board meeting is not held, and a Special meeting can be called to attend to necessary business.

This item will be brought back to the June 19, 2019 Board meeting for approval.

9.F – Nomination of Director Bowcock to Serve on the ACWA Region 8 Board for 2020-21 Term

President Kuhn asked if there was any objection with moving this item to the June 19, 2019 Board meeting. There was no objection, therefore Director Bowcock's nomination to serve on the ACWA Region 8 Board will be moved to the June 19, 2019 Board meeting for approval.

9.G – Review of Los Angeles County Approval of TVMWD Conflict of Interest Code

Mr. Kirk Howie provided an update on the District's Conflict of Interest Code which was submitted in September 2018 to the Los Angeles County Board of Supervisors for the biennial review process. On May 14, 2019 the Board of Supervisors approved the District's amended Conflict of Interest Code with an effective date of May 15, 2019. The amended Conflict of Interest Code reflects title changes and deletion or addition of positions. The amended Conflict of Interest Code will be adopted via resolution.

This item will be brought back to the June 19, 2019 Board meeting for approval.

9.H – General Manager FY 2019-20 Work Plan

Mr. Litchfield reviewed the General Manager's FY 2019-20 Work Plan. The Work Plan sets out the specific projects and objectives as laid out in the District's Strategic Plan. Certain items are long term, which will carry over into future years, and other items are short term that will be completed this year.

The Board requested the Work Plan highlight newly added projects when brought back to the next Board meeting.

This item will be brought back to the June 19, 2019 Board meeting for approval.

10. Closed session - Announcement of Closed Session Actions

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


The Board reconvened to regular session at 10:15 a.m. A Special Board meeting was called for Tuesday, June 18, 2019 at 8:00 a.m.

11. Future Agenda Items

None

12. Adjournment

The Board adjourned at 10:16 a.m. to a Special Board meeting scheduled for Tuesday, June 18, 2019 at 8:00 a.m.



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

Nadia Aguirre

Recorded by: Nadia Aguirre
Executive Assistant