

**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
WALNUT VALLEY WATER DISTRICT**

**December 14, 2020
MEETING CONDUCTED VIA WEBEX
AT:**

<https://walnutvalley.webex.com/meet/bmeeting>

DIRECTORS PRESENT:

Kevin Hayakawa
Edwin Hilden
Scarlett Kwong
Theresa Lee
Jerry Tang

DIRECTORS ABSENT:

None

STAFF PRESENT:

Erik Hitchman, General Manager/Chief Engineer
Brian Teuber, Assistant General Manager
Sherry Shaw, Director of Engineering
Lily Lopez, Director of External Affairs
Thomas Monk, Director of Operations
Gabriela Sanchez, Executive Secretary
Andy Turner, Legal Counsel
Josh Byerrum, Finance Manager
Alanna Diaz, Director of HR and Risk Management
Ron Woodruff, IT Specialist (Meeting Host)

The meeting was called to order at 5:00 p.m. with President Lee presiding. All Board meeting participants and guests joined the meeting via the Webex link:

<https://walnutvalley.webex.com/meet/bmeeting>

Guests and others in attendance: Three Valleys Municipal Water District (TVMWD) Directors Jody Roberto and David De Jesus, General Manager Matt Litchfield, P.E and Chief Financial Officer James Linthicum; Lane Hayakawa.

Item 3: Public Comment

- ◆ There were no requests for public comment. (Item 3)

Item 4: Additions to the Agenda

- ◆ There were no requests for additions to the agenda. (Item 4)

Item 5: Reorder of the Agenda

- ◆ There were no requests for reorder of the agenda. (Item 5)

Item 6: Consider Approval of Consent Calendar

- ◆ The Board was asked to approve the Consent Calendar consisting of the minutes of the Regular Board meeting held November 16, 2020, the minutes of the Special Board meeting held November 19, 2020, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report. (Item 6-1, 2, 3, 4, 5)

Motion No. 20-12-1602: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Tang, and unanimously carried (5-0) by the roll call vote noted below, to approve the Consent Calendar, consisting of the minutes of the Regular Board meeting held November 16, 2020, the minutes of the Special Board meeting held November 19, 2020, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report. (Items 6-1, 2, 3, 4, 5)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

President Lee indicated Motion No. 20-12-1602 was approved by a (5-0) roll call vote

Item 7: Director Expense Reports

- ◆ The Board was asked to receive, approve, and file the Board member expense reports indicating per diem requests for meeting attendance and individual reports of additional expenses incurred by the District on behalf of each Director for events occurring during the month of November 2020. (Item 7)

Motion No. 20-12-1603: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Tang and unanimously carried (5-0) by the roll call vote noted below, to receive, approve, and file the Board member expense reports for meeting attendance and additional expenses incurred by the District on behalf of each Director for events occurring during the month of November 2020. (Item 7)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang
Noes: None
Absent: None
Abstain: None

President Lee indicated Motion No. 20-12-1603 was approved by a (5-0) roll call vote

Item 8: Treasurer's Report

- ◆ Mr. Byerrum presented the Financial Dashboard as of October 31, 2020, the District Statement of Revenue, Expenses, and Change in Net Assets as of October 31, 2020, the District Statement of Net Assets as of October 31, 2020, and Summary of Cash and Investments as of October 31, 2020. (Items 8-A, B, C, D)

Motion No. 20-12-1604: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Tang and unanimously carried (5-0) by the roll call vote noted below, to receive, approve, and file the Financial Dashboard as of October 31, 2020, the District Statement of Revenue, Expenses, and Change in Net Assets as of October 31, 2020, the District Statement of Net Assets as of October 31, 2020, and Summary of Cash and Investments as of October 31, 2020. (Items 8-A, B, C, D)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang
Noes: None
Absent: None
Abstain: None

President Lee indicated Motion No. 20-12-1604 was approved by a (5-0) roll call vote

Committee Chair Reports

Item 9: Engineering Committee – Director Lee

- ◆ Mr. Monk reviewed the Operations report included in the Board packet. No Action was taken by the Board. (Item 9-A)

Item 10: Personnel Committee

- ◆ The Board was asked to approve revisions to the WVWD 9/80 Work Schedule Policy. Staff advised that if approved, the proposed amendments would mirror language pertaining to the 9/80 work schedule stipulated in the Terms and Conditions of Employment for the term July 1, 2020 – June 30, 2023.
- ◆ Conversation ensued regarding District personnel policies. Director request was made for the Board to conduct a thorough review of personnel policies in 2022, during the next period of employee group negotiations. (Item 10-A)

Motion No. 20-12-1605: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Hayakawa and unanimously carried (4-1) by the roll call vote noted below, to approve the revisions to the WVWD 9/80 Work Schedule Policy. (Items 10-A)

Ayes: Hayakawa, Hilden, Kwong, Lee
Noes: Tang
Absent: None
Abstain: None

President Lee indicated Motion No. 20-12-1605 was approved by a (4-1) roll call vote

- ◆ The Board was asked to approve revisions to the WVWD Uniform and Dress Code Policy. Staff advised that if approved, the proposed amendments would mirror language pertaining to Uniforms and Dress Code stipulated in the Terms and Conditions of Employment for the term July 1, 2020 – June 30, 2023. (Item 10-B)

Motion No. 20-12-1606: Upon consideration thereof, it was moved by Director Tang, seconded by Director Hilden and unanimously carried (5-0) by the roll call vote noted below, to approve the revisions to the WVWD Uniform and Dress Code Policy. (Items 10-B)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang
Noes: None
Absent: None
Abstain: None

President Lee indicated Motion No. 20-12-1606 was approved by a (5-0) roll call vote

Item 11: Finance Committee

- ◆ The Board was asked to receive, approve, and file the District's Consolidated Investment Transactions Report for November 2020 included in the Board packet. (Item 11-A)

Motion No. 20-12-1607: *Upon consideration thereof, it was moved by Director Hilden seconded by Director Tang and unanimously carried (5-0) by the roll call vote noted below, to receive, approve, and file the District's Consolidated Investment Transaction Report for the period of November 1, 2020 through November 30, 2020. (Item 11-A)*

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

President Lee indicated Motion No. 20-12-1607 was approved by a (5-0) roll call vote

- ◆ As a matter of information only, the Board received a Revenue Bond Funds Held in Trust report. (Item 11-B)

Item 12: Public Information/Community Relations/Legislative Action Committee

- ◆ The Board received the 2020 Annual Report provided by Reeb Government Relations, LLC, on their legislative activities on behalf of the District and other partnering agencies. No Board action was taken. (Item 12-A)

Item 13: TVMWD/MWD

- ◆ The Board received an update on TVMWD and MWD business matters. (Item 13)

Item 14: The P-W-R Joint Water Line Commission

- ◆ Included in the Board packet was the P-W-R Joint Water Line Commission water use report for the month of November 2020. (Item 14)

Item 15: Puente Basin Water Agency (PBWA)

- ◆ The Board received a report on activities from the December 10, 2020 Puente Basin Water Agency meeting. (Item 15)

Item 16: Spadra Basin Groundwater Sustainability Agency

- ◆ The Board received a report on Spadra Basin GSA business matters. (Item 16)

Item 17: General Manager's Report

- ◆ The Board received the District's activities calendars January, February, and March 2021. (Item 17-A)

Item 18 Water Supply and Conservation

- ◆ The Board received reports and graphs of the following items: District potable and recycled water use, Fiscal Year 2019-20 purchased water projections, conservation goal summary, climate summary, and 2020 monthly water consumption versus the 2013 baseline year. The report noted that the District's water usage for November 2020 was 13.08% lower than usage in November 2013. (Item 18-A)
- ◆ The Board viewed reports on California's water supply and reservoir conditions as of December 8, 2020. (Item 18-B)

Item 19: Directors' Oral Reports

(NOTE: Board meeting minutes provide written reports of Board meeting activities and committee meeting reports are given during the course of regular Board meeting activities. Directors include reports of their participation in non-expense/per diem paid community events as a matter of information.) (Item 19)

- ◆ Director Hilden advised that he participated in District Board and committee meetings, and a TVMWD Board meeting.
- ◆ In addition to the District Board and committee meetings previously reported on, Director Kwong noted her participation in TVMWD Board meetings, a San Gabriel Valley Regional Chamber Government Affairs Committee meeting, and the completion of two District-required Target Solutions Defensive Drivers trainings.
- ◆ In addition to the District Board and committee meetings previously reported on, Director Lee advised that she completed CSDA SDLA Module 4 virtual workshops. Additionally, she noted her participation in a Spadra Basin GSA meeting, and the ACWA/JPIA 2020 Board of Directors meeting.
- ◆ Director Tang's activities for the month of November entailed participating in District committee and Board meetings in addition to a Spadra Basin GSA meeting, an ACWA virtual meeting, and District-required Target Solutions Defensive Drivers trainings.
- ◆ Although Mr. Alfred Sinclair was not present to report on his activities for the month November, his expense report noted his participation in District committee and Board meetings in addition to a Spadra Basin GSA meeting, an ACWA virtual meetings, and TVMWD Board meetings.
- ◆ Although Director Hayakawa commenced his service as Board of Director in December, he did make note of his participation in District committee meetings during this month.

Item 20: Legal Reports

- ◆ Mr. Turner advised that a closed session would be held following the regular business meeting. (Item 20)

Item 21: Items for Future Discussion

- ◆ President Lee requested that staff agendize the review of personnel policies in 2022, during the negotiations phase of the employee negotiations. (Item 21)

Item 22: Board of Directors Business

- ◆ The Board was asked to consider approval of the third amendment to the General Manager's Employment Contract reflective of a 1% salary adjustment and a 2.5% Cost-of-Living Adjustment provided to all District employees in the Terms and Conditions of Employment for 2020-2023. (Item 22-A)

Motion No. 20-12-1608: Upon consideration thereof, it was moved by Director Tang, seconded by Director Hilden and unanimously carried (5-0) by the roll call vote noted below, to approve the Third Amendment to the General Manager's Employment Contract reflective of a 1% merit increase and a 2.5% Cost-of-Living adjustment, effective January 1, 2021. (Item 22-A)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

President Lee indicated Motion No. 20-12-1608 was approved by a (5-0) roll call vote

- ◆ The Board approved the 2021 WVWD Board meeting and workshop schedule, noting that subsequent adjustments may be made by the Board in accordance with the Brown Act. (Item 22-B)

Motion No. 20-12-1609: Upon consideration thereof, it was moved by Director Tang, seconded by Director Kwong and unanimously carried (5-0) roll call vote, to approve the CY 2021 Board and workshop meeting schedule as presented. (Item 22-B)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

President Lee indicated Motion No. 20-12-1609 was approved by a (5-0) roll call vote

- ◆ Officers were rotated in accordance with the "Board Reorganization Rotation Policy." (Item 22-C)
Scarlett P. Kwong, President
Jerry Tang, First Vice President
Edwin Hilden, Second Vice President
Kevin Hayakawa, Assistant Treasurer
Theresa Lee, Director
(Item 22-C)

Ms. Lee continued the duty of chairing the remainder of the meeting.

- ◆ It was determined that Board appointments to the offices of Secretary, Assistant Secretary, Treasurer and Second Assistant Treasurer would be as follows: Mr. Erik Hitchman, Secretary; Ms. Gabriela Sanchez, Assistant Secretary; Mr. Joshua Byerrum, Treasurer; Mr. Brian Teuber, Second Assistant Treasurer. (Item 22-C)

Motion No. 20-12-1610: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Kwong and unanimously carried (5-0) by the roll call vote noted below, to approve the Rotation of Officers and Board Appointments schedule as noted. (Item 22-C)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

Director Lee indicated Motion No. 20-12-1610 was approved by a (5-0) roll call vote

- ◆ Standing Committee positions were selected on a "chain of command" basis in accordance with the Standing Committee Selection Process, with the first choice going to the Board President, second choice to the First Vice President, third choice to the Second Vice President, and so on down the line, repeating in the same order, until all positions were filled as follows:

Committee	Chair	Member	Alternate
Engineering	Director Kwong	Director Hayakawa	Director Lee
Finance	Director Lee	Director Hilden	Director Kwong
Personnel	Director Tang	Director Kwong	Director Hilden
Public Info/Legislative	Director Hilden	Director Tang	Director Hayakawa

- ◆ Mr. Hitchman advised that ratification of the Commission/Agency assignments will take place at the January Board meeting where staff will present resolutions appointing representation on the Puente Basin Water Agency, P-W-R Joint Water Line Commission, and the Spradra Basin Groundwater Sustainability Agency Executive Committee. (Item 22-C)
- ◆ As a matter of information only, the Board was provided with the final version of the Terms and Conditions of Employment for the General Employees Unit, the Mid-Management, and Executive Staff employee groups for the term commencing July 1, 2021 through June 30, 2023. (Item 22-D)
- ◆ A schedule of 2021 key conferences/events was provided to the Board as a matter of information only. (Item 22-E)

Item 23: Public Comment on Closed Session

- ◆ There were no requests to comment on closed session items. (Item 23)

Item 24: Adjourn to Closed Session – 6:27 p.m.

Item 25: Closed Session – 6:28 p.m.

- A. The Board met in closed session in accordance with Government Code [§54956.9(a)] to discuss existing litigation in the case titled Bonnie Kessner, et al. vs. City of Santa Clara, et al. (Santa Clara County Superior Court Case No. 20CV364054). (Item 25-A)
- B. The Board met in closed session in accordance with Government Code [§54956.9(d)(2)] to discuss initiation of litigation with Legal Counsel – One Potential Case. (Item 25-B)

Item 26: Reconvene in Open Session/Report of Action Taken in Closed Session – 6:32 p.m.

- A. The Board met in closed session in accordance with Government Code [§54956.9(a)] to discuss existing litigation in the case titled Bonnie Kessner, et al. vs. City of Santa Clara, et al. (Santa Clara County Superior Court Case No. 20CV364054). The Board was briefed on the status of that case and no reportable action under the Brown Act was taken.

The Board also met in closed session in accordance with Government Code [§54956.9(d)(2)] to discuss one initiation of litigation matter with Legal Counsel. The Board was briefed on the facts and circumstances of the matter and no reportable action under the Brown Act was taken.

Adjournment at 6:37 p.m.

Motion No. 20-12-1611: *Upon consideration thereof, it was moved by Director Hilden, seconded by Director Kwong and unanimously carried (5-0) by the roll call vote noted below, to adjourn the meeting. (Item 26)*

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

Director Lee indicated Motion No. 20-12-1611 was approved by a (5-0) roll call vote