

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

**April 19, 2021
MEETING CONDUCTED VIA WEBEX
AT:**

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

DIRECTORS PRESENT:

Kevin Hayakawa
Edwin Hilden
Scarlett Kwong (joined at 5:34 p.m.)
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
James Ciampa, Legal Counsel
Josh Byerrum, Finance Manager
Ron Woodruff, IT Specialist (Meeting Host)

The meeting was called to order at 5:02 p.m. with Vice President Tang 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 David De Jesus, Jody Roberto and Steve Ti, and General Manager Matt Litchfield; Lane Hayakawa; ACWA/JPIA Executive Committee President Jerry Galdbach.

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: Association of California Water Agencies Joint Power Insurance Authority Retrospective Premium Adjustment Stabilization Fund Report: District to Receive a Refund – Presentation by Mr. E.G. “Jerry” Gladbach, JPIA Executive Committee President

- ◆ Mr. Jerry Galdbach, ACWA/JPIA Executive Committee President, presented the District with a rebate check in the amount of \$108,555.61 from the Retrospective Premium Rate Adjustment Stabilization Fund. (Item 6)

Item 7: Consider Approval of Consent Calendar

- ◆ The Board was asked to approve the Consent Calendar, consisting of the minutes of the Regular Board meeting held March 15, 2021, minutes of the Special Board meeting held March 18, 2021, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report. (Item 7-1, 2, 3, 4, 5)

Motion No. 21-04-1647: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Hayakawa, and unanimously carried (4-0) by the roll call vote noted below, to approve the Consent Calendar, consisting of the minutes of the Regular Board meeting held March 15, 2021, the minutes of the Special Board meeting held March 18, 2021, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report. (Items 7-1, 2, 3, 4, 5)

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

Vice President Tang indicated Motion No. 21-04-1647 was approved by a (4-0) roll call vote

Item 8: 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 March 2021. (Item 8)

Motion No. 21-04-1648: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Hayakawa and unanimously carried (4-0) 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 March 2021. (Item 8)

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

Vice President Tang indicated Motion No. 21-04-1648 was approved by a (4-0) roll call vote

Item 9: Treasurer's Report

- ◆ Mr. Byerrum presented the Financial Dashboard as of February 28, 2021, the District Statement of Revenue, Expenses, and Change in Net Positions as of February 28, 2021, the District Statement of Net Positions as of February 28, 2021, and Summary of Cash and Investments as of February 28, 2021. (Items 9-A, B, C, D)

Motion No. 21-04-1649: Upon consideration thereof, it was moved by Director Hilden, seconded by Director Lee and unanimously carried (4-0) by the roll call vote noted below, to receive, approve, and file the Financial Dashboard as of February 28, 2021, the District Statement of Revenue, Expenses, and Change in Net Positions as of February 28, 2021, the District Statement of Net Positions as of February 28, 2021, and Summary of Cash and Investments as of February 28, 2021. (Items 9-A, B, C, D)

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

Vice President Tang indicated Motion No. 21-04-1649 was approved by a (4-0) roll call vote

Committee Chair Reports

Item 10: Engineering Committee

- ◆ The Board was asked to authorize the General Manager to execute a sole source contract with Applied Technology Group, Inc. (ATG) in the amount of \$94,225.53 for PN 20-3663 Redline AN80i End of Life Project. (Item 10-A)

Motion No. 21-04-1650: Upon consideration thereof, it was moved by Director Lee, seconded by Director Hayakawa and unanimously carried (4-0) by the roll call vote noted below, to authorize the General Manager to execute a sole source contract with Applied Technology Group, Inc. (ATG) in the amount of \$94,225.53 for PN 20-3663 Redline AN80i End of Life Project. (Item 10-A)

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

Vice President Tang indicated Motion No. 21-04-1650 was approved by a (4-0) roll call vote

- ◆ Mr. Monk reviewed the Operations report included in the Board packet. No action was taken by the Board. (Item 10-B)

Item 11: Personnel Committee – Director Tang

- ◆ The Board was asked to adopt CalPERS Resolution of Intention to amend the District's contract with the California Public Employees Retirement System (CalPERS). The Board was advised that the resolution gives notice of intention to amend said contract to provide for additional employee share payments under Section 20516 (Employees Sharing Additional Cost) of 1% for classic local miscellaneous members in the Unrepresented General Employees Unit, Unrepresented Mid-Management and Unrepresented Executive Staff. (Item 11-A)

Motion No. 21-04-1651: Upon consideration thereof, it was moved by Director Lee, seconded by Director Hilden and unanimously carried (4-0) by the roll call vote noted below, to adopt CalPERS Resolution of Intention to approve an amendment to the District's contract between the Board of Administration California Public Employee's Retirement System and the Board of Directors of Walnut Valley Water District, to include the following: To provide additional employee share payments under Section 20516 (Employees Sharing Additional Cost) of 1% for classic local miscellaneous members in the Unrepresented General Employees Unit, Unrepresented Mid-Management and Unrepresented Executive Staff. (Item 11-A)

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

Vice President Tang indicated Motion No. 21-04-1651, adopting CalPERS Resolution of Intention, was approved by a (4-0) roll call vote

Item 12: Finance Committee – Director Lee

- ◆ The Board was asked to receive, approve, and file the District’s Consolidated Investment Transactions Report for March 2021 included in the Board packet. (Item 12-A)

Motion No. 21-04-1652: Upon consideration thereof, it was moved by Director Lee seconded by Director Hilden and unanimously carried (4-0) by the roll call vote noted below, to receive, approve, and file the District’s Consolidated Investment Transaction Report for the period of March 1, 2021 through March 31, 2021. (Item 12-A)

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

Vice President Tang indicated Motion No. 21-04-1652 was approved by a (4-0) roll call vote

- ◆ The Board was asked to approve revisions to the District’s Rules and Regulations as detailed in the staff report and redlined provisions of the Rules and Regulations included in the Board packet. (Item 12-B)

Motion No. 21-04-1653: Upon consideration thereof, it was moved by Director Lee seconded by Director Hilden and unanimously carried (4-0) by the roll call vote noted below, to approve revisions to the District’s Rules and Regulations. (Item 12-B)

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

Vice President Tang indicated Motion No. 21-04-1653 was approved by a (4-0) roll call vote

- ◆ As a matter of information only, the Board received a Revenue Bond Funds Held in Trust report. (Item 12-C)

Item 13: Public Information/Community Relations/Legislative Action Committee – Director Hilden

- ◆ The Board was asked to adopt the “Social Media Rules of Use” policy, a policy regarding Walnut Valley Water District’s social media as a tool of engagement. (Item 13-A)

Motion No. 21-04-1654: Upon consideration thereof, it was moved by Director Hilden seconded by Director Lee and unanimously carried (5-0) by the roll call vote noted below, to adopt the Social Media Rules of Use policy. (Item 13-A)

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

Vice President Tang indicated Motion No. 21-04-1654 was approved by a (4-0) roll call vote

- ◆ The Board was asked to adopt a proclamation declaring May as “Asian American and Pacific Islander Heritage Month.” (Item 13-B)

Motion No. 21-04-1655: Upon consideration thereof, it was moved by Director Lee seconded by Director Hilden and unanimously carried (4-0) by the roll call vote noted below, to adopt a proclamation declaring May 2021 as “Asian American & Pacific Islander Heritage Month.” (Item 13-B)

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

Vice President Tang indicated Motion No. 21-04-1655 was approved by a (4-0) roll call vote

Item 14: TVMWD/MWD

- ◆ Updates on TVMWD and MWD business matters were provided by General Manager Matt Litchfield and Director David De Jesus, respectively. (Item 14)

(President Kwong joined the meeting at 5:34 p.m.)

Item 15: 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 March 2021. (Item 15)

Item 16: Puente Basin Water Agency (PBWA)

- ◆ The Board was asked to ratify the Puente Basin Water Agency FY 2021-22 Budget, as approved by the PBWA Commission at the April 1, 2021 meeting. (Item 16)

Motion No. 21-04-1656: Upon consideration thereof, it was moved by Director Lee seconded by Director Hilden and unanimously carried (5-0) by the roll call vote noted below, to ratify the Puente Basin Water Agency FY 2021-22 Budget. (Item 16-A)

Ayes: Hayakawa, Hilden, Kwong, Lee, Tang

Noes: None

Absent: None

Abstain: None

Vice President Tang indicated Motion No. 21-04-1656 was approved by a (5-0) roll call vote

Item 17: Spadra Basin Groundwater Sustainability Agency

- ◆ The Board received a report on Spadra Basin GSA business matters. (Item 17)

Item 18: General Manager's Report

- ◆ The Board received the District's activities calendars June, July, and August 2021. (Item 18-A)
- ◆ The Board received a copy of the Puente Basin Watermaster Tentative 2021-22 Operating budget. As this was an informational item only, no Board action was taken. (18-B)
- ◆ The Board recognized District personnel for their recent completion of ACWA/JPIA Professional Development Programs: Teofilo Pasillas for his completion of the JPIA Human Resources Certification Program; Shawna Seals for her completion of the Supervisors' Basics Certification Program; and Melanie Trevino for her completion of the Human Resources Certification Program. (Item 18-C)

Item 19: Water Supply and Conservation

- ◆ The Board received reports and graphs of the following items: District potable and recycled water use, Calendar Year 2021 purchased water estimate, conservation goal summary, climate summary, and 2021 monthly water consumption versus the 2013 baseline year. The report noted that the District's water usage for March 2021 was 24.51% lower than usage in March 2013. (Item 19-A)
- ◆ The Board viewed reports on California's water supply and reservoir conditions as of April 12, 2021. (Item 19-B)

Item 20: 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 20)

- ◆ During the month of March, Director Hayakawa reported on his participation in District committee and Board meetings, and TVMWD Board meetings.
- ◆ Director Hilden advised that he participated in TVMWD Board meetings in addition to the District committee and Board meetings previously reported on. He also made note that he executed District Resolutions of Recognition for former Board of Directors Theodore Ebenkamp and Alfred Sinclair.
- ◆ In addition to the District committee and Board meetings previously reported on, Director Lee noted her participation in a Spadra Basin GSA Executive Committee meeting and a residential water survey conducted by WaterWise Consulting Inc.
- ◆ Director Kwong reported on her participation in District committee and Board meetings, a SGV Regional Chamber Government Affairs Committee meeting, a CEO Discussion for New Officials, and a residential water survey conducted by WaterWise Consulting Inc.
- ◆ In addition to District committee and Board meetings previously reported on, Director Tang made note of his assistance in translating a District flyer into Mandarin. He also advised that he attended a Spadra Basin GSA Executive Committee meeting and participated in a residential water survey conducted by WaterWise Consulting Inc.

Item 21: Legal Reports

- ◆ Mr. Ciampa provided an update on legislative matters of interest to the District and then advised that a closed session would be held following the regular business meeting. (Item 21)

Item 22: Items for Future Discussion

- ◆ There were no requests for future discussion items. (Item 22)

Item 23: Board of Directors Business

- ◆ There was no Board of Directors Business to come before the Board at this time. (Item 23)

Item 24: Public Comment on Closed Session

- ◆ There were no requests to comment on closed session items. (Item 24)

Item 25: Adjourn to Closed Session – 5:59 p.m.**Item 26: Closed Session – 6:00 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 26-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 26-B)

Item 27: Reconvene in Open Session/Report of Action Taken in Closed Session – 6:05 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 6:07 p.m.

RESOLUTION OF INTENTION NO. 04-21-679

**TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD OF DIRECTORS
WALNUT VALLEY WATER DISTRICT**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

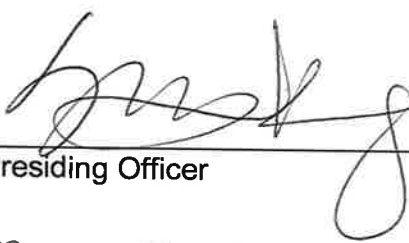
WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 1% for classic local miscellaneous members in the Unrepresented General Employees Unit, Unrepresented Mid-Management and Unrepresented Executive Staff.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Walnut Valley Water District at this regular Board meeting held on this 19th day of April, 2021, by the following roll call vote:

AYES: Hayakawa, Hilden, Kwong, Lee, Tang
NOES: None
ABSENT: None
ABSTAIN: None

By: 
Presiding Officer

Board President
Title

April 19, 2021
Date adopted and approved
(Amendment)
CON-302 (Rev. 3/9/2016 rc)

The undersigned, ERIK HITCHMAN, does hereby certify and declare that he is the duly appointed, qualified, and acting Secretary of Walnut Valley Water District; that the foregoing is a full, true, and complete copy of Resolution No. 04-21-679 of Walnut Valley Water District, as adopted by said Board of Directors at a regular meeting thereof, duly convened and held on the 19th day of April, 2021; that a quorum of Directors was present at all times at said meeting and voted in favor of said resolution by a roll call vote; and that said resolution has not been altered, amended, or rescinded and is still in full force and effect.

Dated: April 22, 2021




Secretary
Walnut Valley Water District