

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

**August 16, 2021  
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  
Josh Byerrum, Director of Finance  
Alanna Diaz, Director of Human Resources/Risk Management  
Lily Lopez, Director of External Affairs  
Gabriela Sanchez, Executive Secretary  
Sherry Shaw, Director of Engineering  
Thomas Monk, Director of Operations  
Melanie Trevino, Administrative Assistant II  
James Ciampa, Legal Counsel  
Ron Woodruff, IT Specialist (Meeting Host)

The meeting was called to order at 5:00 p.m. with President Kwong 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) Director Mike Ti, and General Manager Matt Litchfield; Jayson Schmitt of Chandler Asset Management; WVWD employees, Tai Diep, Teofilo Pasillas, and Luis Lopez.

**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: Introduction of New District Employees**

- A. Mr. Pasillas introduced Mr. Luis Lopez, Utility Service Worker I, on the occasion of his completion of the probationary period for new employees. (Item 6-A)

**Item 7: Consider Approval of Consent Calendar**

- ◆ The Board was asked to approve the Consent Calendar, consisting of the minutes of the Special Board meeting held July 20, 2021, minutes of the Regular Board meeting held July 26, 2021, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report. (Items 7-1, 2, 3, 4, 5)

**Motion No. 21-08-1688: 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 Special Board meeting held July 20, 2021, the minutes of the Regular Board meeting held July 26, 2021, the Check Register, the Employee Expense Reimbursement Report, and the Community Outreach Report.. (Items 7-1, 2, 3, 4, 5)**

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

**President Kwong indicated Motion No. 21-08-1688, approving the consent calendar was approved by a (5-0) 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 July 2021. (Item 8)

**Motion No. 21-08-1689: 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 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 July 2021. (Item 8)**

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

President Kwong indicated Motion No. 21-08-1689 was approved by a (5-0) roll call vote

### **Committee Chair Reports**

#### **Item 9: Engineering Committee – Director Kwong**

- ◆ 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 – Director Tang**

- ◆ There were no Personnel Committee matters to come before the Board at this time. (Item 10)

#### **Item 11: Finance Committee – Director Lee**

- ◆ Mr. Jayson Schmitt of Chandler Asset Management presented an update on the firm's investment activities on behalf of the District. The Board then moved to receive, approve, and file the District's Consolidated Investment Transactions Report for the Month ending July 31, 2021 included in the Board Packet. (Items 11-A, B)

**Motion No. 21-08-1690: 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 receive, approve, and file the District's investment report for the period ending July 31, 2021, and the Consolidated Investments Transactions Report for the period of July 1, 2021 through July 31, 2021. (Items 11-A, B)**

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

President Kwong indicated Motion No. 21-08-1690 was approved by a (5-0) roll call vote

- ◆ The Board was asked to approve WVWD Resolution No. 08-21-685 (Replacing Resolution No. 08-20-668) Establishing the Walnut Valley Water District Investment Policy. (Item 11-C)

**Motion No. 21-08-1691: Upon Consideration thereof, it was moved by Director Lee, Seconded by Director Hayakawa and unanimously carried (5-0) by the roll call vote noted below, to adopt WVWD Resolution No. 08-21-685 (Replacing Resolution No. 08-20-668) Establishing the Walnut Valley Water District Investment Policy. (Item 11-C)**

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

President Kwong indicated Motion No. 21-08-1691, adopting Resolution No. 08-21-685, was approved by a (5-0) roll call vote

- ◆ As a matter of information only, the Board received the Local Agency Formation Commission FY 2021-22 Budget Allocation of Net Operating Cost report. (Item 11-D)
- ◆ As a matter of information only, the Board received a Revenue Bond Funds Held in Trust report. (Item 11-E)

#### **Item 12: Public Information/Community Relations/Legislative Action Committee – Director Hilden**

- ◆ The Board was asked to authorize the General Manager to execute a contract with SpryPoint to implement the customer engagement portal known as SpryEngage to enhance the District's communication efforts with customers and expand water awareness education at a cost of \$80,550. (Item 12-A)

**Motion No. 21-08-1692:** *Upon Consideration thereof, it was moved by Director Hilden, seconded by Director Hayakawa and unanimously carried (5-0) by the roll call vote noted below, to authorize the General Manager to execute a contract with SpryPoint to implement the customer engagement portal known as SpryEngage to enhance the District's communication efforts with customers and expand water awareness education at a cost of \$80,550. (Item 12-A)*

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

**President Kwong indicated Motion No. 21-08-1692 was approved by a (5-0) roll call vote**

**Item 13: TVMWD/MWD**

- ◆ Updates on TVMWD and MWD business matters were provided by General Manager, Matt Litchfield. (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 July 2021. (Item 14)

**Item 15: Puente Basin Water Agency (PBWA)**

- ◆ Director Lee spoke on business matters conducted at the August 5, 2021, PBWA meeting. (Item 15)

**Item 16: Spadra Basin Groundwater Sustainability Agency**

- ◆ Director Tang reported on the August 2, 2021, Spadra Basin Advisory Committee Meeting. (Item 16)

**Item 17: General Manager's Report**

- ◆ The Board received the District's activities calendars for September, October, and November 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, 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 July 2021 was 15.26% lower than usage in June 2013. (Item 18-A)
- ◆ The Board viewed reports on California's water supply and reservoir conditions as of August 11, 2021. (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 Hayakawa reported that during the month of June he attended the District's Special Board Meeting and regular Board meetings.
- ◆ Director Hilden reported his participation the District's Special and Regular Board meetings.
- ◆ In addition to the District Board meetings previously reported on, Director Lee reported on her participation in a Spadra Basin Executive Committee meeting, a Puente Basin Water Agency (PBWA) Special meeting, and the Spadra Basin project sites tour.
- ◆ Director Tang reported on his participation in District Board meetings, a Special PBWA meeting, the Spadra Basin Executive Committee meeting, an Anti-Harassment training, an Ethics training, the Spadra Basin projects site tour, and the signing of a PBWA Resolution in his capacity as PBWA Chair.
- ◆ Director Kwong advised that she attended District Board meetings, conducted WWWD President's Duty by signing resolutions and bond-related paperwork in addition to participating in a Compost and Mulch virtual class.

**Item 20: Legal Reports**

- ◆ Mr. Ciampa indicated that the Legislature has reconvened from summer recess and will be completing consideration of bills introduced in 2021. Additionally, he noted his firm will participate in a workshop on Thursday, August 19 pertaining to the financial assistance for COVID-related unpaid customer water bills. (Item 20)

**Item 21: Items for Future Discussion**

- ◆ There were no requests for future discussion items. (Item 21)

**Item 22: Board of Directors Business**

- ◆ The Board was asked to approve the Cal OES (California Office of Emergency Services) Resolution "Designation of Applicant's Agent Resolution for Non-State Agencies", and to authorize the Board Secretary to execute the resolution certification for submission to Cal OES. (Item 22-A)

**Motion No. 21-08-1693:** *Upon consideration thereof, it was moved by Director Lee seconded by Director Tang and unanimously carried (5-0) by the roll call vote noted below, to approve the*

**Cal OES (California Office of Emergency Services) Resolution “Designation of Applicant’s Agent Resolution for Non-State Agencies” and to authorize the Board Secretary to execute the resolution certification for submission to Cal OES. (Item 22-A)**

**Ayes:** Hayakawa, Hilden, Kwong, Lee, Tang

**Noes:** None

**Absent:** None

**Abstain:** None

**President Kwong indicated Motion No. 21-08-1693 adopting the Cal OES Resolution was approved by a (5-0) roll call vote**

**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 – 6:14 p.m.**

**Item 25: Closed Session – 6:14 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 – 6:16 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 6:18 p.m.**

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Directors OF THE Walnut Valley Water District  
(Governing Body) (Name of Applicant)

THAT General Manager, OR  
(Title of Authorized Agent)

Assistant General Manager, OR  
(Title of Authorized Agent)

Director of Finance  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Walnut Valley Water District, a public entity  
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Walnut Valley Water District, a public entity established under the laws of the State of California,  
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 16 day of August, 2021

Scarlett Kwong, Board President  
(Name and Title of Governing Body Representative)

Jerry Tang, First Vice President  
(Name and Title of Governing Body Representative)

Edwin Hilden, Second Vice President  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Erik Hitchman, duly appointed and Board Secretary of  
(Name) (Title)

Walnut Valley Water District, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the Board of Directors of the Walnut Valley Water District  
(Governing Body) (Name of Applicant)

on the 16 day of August, 2021.

Erik Hitchman  
(Signature)

Board Secretary  
(Title)

**Cal OES Form 130 Instructions**

**A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.**

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the group responsible for appointing and approving the Authorized Agents.  
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

**Name of Applicant:** The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving Board Members.  
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a **minimum of three approving board** members need to be listed.

**Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval.  
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")