

**A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CALIFORNIA 91016
8:00 A.M. – December 8, 2021**

Pursuant to the newly adopted provisions of the Brown Act and consistent with the Board's resolution ratifying the declaration of a state of emergency by the State of California in response to the COVID-19 pandemic, the Upper District held a regular meeting of the Board of Directors via zoom teleconference on December 8, 2021, at the hour of 8:00 a.m.

ROLL CALL

DIRECTORS PRESENT: Chavez, Santana, Treviño, Garcia and Fellow.

DIRECTORS ABSENT: None.

STAFF PRESENT: Tom Love, General Manager; Martin Koczanowicz, District Counsel; Steve Johnson, Consulting Engineer; Evelyn Rodriguez, Director of Finance and Administration; Patty Cortez, Director of Government and Community Affairs; Venessa Navarrete, Executive Assistant; Nichol Delgado, Community & Government Affairs Representative; Ruben Gallegos, Project Assistant; and Jennifer Aguilar, Water Use Efficiency Analyst.

OTHERS PRESENT

Jenny Savron, Nathan Chen, Randy Schoellerman, Stephanie Moreno, Ernesto Venegas, Marty Zvirbulis, Anteneh Tesfaye, Mary Saenz, Brenda Fowler, Ted Gerber, Jose Martinez, Lynda Noriega, Paul Zampiello, Kelly Gardner, David Muse, Roy Frausto, Lenet Pacheco and Jared Macias.

ADOPTION OF AGENDA

On motion by Director Fellow, seconded by Treasurer Treviño, the agenda was adopted by the following roll call vote:

FELLOW: AYE
TREVIÑO: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE

PUBLIC COMMENT

None.

COMMITTEE REPORTS

Next scheduled committee meeting dates are as follows:

- (a) Government Affairs and Community Outreach – January 3, 2022 at 4:00 p.m.
- (b) Administration and Finance – January 4, 2022 at 4:00 p.m.
- (c) Water Resources and Facility Management – January 5, 2022 at 4:00 p.m.

CONSENT CALENDAR

Secretary Garcia moved to approve Consent Calendar items (a) through (e). Director Fellow seconded the motion, which was approved by the following roll call vote:

FELLOW: AYE
TREVIÑO: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE

- (a) Minutes of a regular meeting of the Board of Directors held on November 17, 2021 at 8:00 a.m.
- (b) List of Demands.
- (c) Financial Reports – October 2021.
 - 1. Financial Statements.
 - 2. Director's Public Outreach.

- (d) Adopt Resolution No. 12-21-630, Re-ratifying the Proclamation of a State of Emergency by Governor Newsom and Reauthorizing Remote Teleconference Meetings.
- (e) Receive and file the Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

**UPDATE ON SAN GABRIEL BASIN
WATER QUALITY AUTHORITY
ACTIVITIES**

The General Manager introduced Randy Schoellerman, Executive Director of the San Gabriel Basin Water Quality Authority (WQA).

As requested by the Board, Mr. Schoellerman provided an update on WQA’s activities for the past year. He briefed the Board on the agency’s responsibilities, treatment projects, mediation plans, and both federal and state involvement. He reported that WQA’s board representatives are voted on by cities with pumping rights. He then presented the different operable units, highlighting South El Monte and La Puente Valley’s. Mr. Schoellerman explained how shallow and deeper contamination are redressed by separate parties and the use of reverse osmosis for treatment. In addition to modern treatment technology, Mr. Schoellerman expressed the importance of water compatibility and safety for customers in the San Gabriel Valley. He then presented WQA’s project funding for past and current projects, along with maps demonstrating location of the projects.

Director Fellow commended Mr. Schoellerman for his work at the WQA.

Director Santana and Mr. Schoellerman discussed the water quality in some of the worst wells in the area and how drinking water is required to meet drinking water standards to ensure a clean and safe drinking water for residents.

President Chavez and Mr. Schoellerman discussed how tap water is more highly regulated than bottled water.

Steve Johnson commended Mr. Schoellerman on his presentation and his work at WQA. He then explained the innovation behind groundwater contamination prevention and how it became more than a clean-up project, leading to water supply quality. He stated that WQA was instrumental in the development of regulatory requirements for water safety.

Director Garcia and Mr. Schoellerman discussed how areas with higher contamination are presented as darker sections on the area map.

**AWARD OF CONSTRUCTION
CONTRACT FOR UPPER DISTRICT’S
TENANT IMPROVEMENT PROJECT**

Director Fellow moved to authorize the General Manager to accept the bid submitted by the lowest responsive bidder, E. Avico, Inc., in the amount of \$2,685,956.00 and execute a contract and Notice to Proceed, subject to District Counsel review, to perform the required work.

Vice President Santana seconded the motion, which was approved by the following roll call vote:

FELLOW: AYE
TREVIÑO: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE

**AWARD OF WATER EDUCATION
GRANTS FOR FY 2021-22**

The General Manager explained that \$10,000 was originally budgeted for the FY 20-21 Water Education Grant Program. He added that there are unused funds from other projects that can be reallocated to allow Upper District to approve 28 grants, instead of only 12.

Treasurer Treviño moved to approve Option 2, funding 28 grants for water education programs per Upper District's FY 20-21 Water Education Grant Program for a total amount of \$22, 672.68. Secretary Garcia seconded the motion, which was approved by the following roll call vote:

FELLOW: AYE
TREVIÑO: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE

**REVISION OF THE 2021-22
LEGISLATIVE POLICY PRINCIPLES**

The Director of Government and Community Affairs explained that the recommended changes include policies that protect existing water rights and opposes legislative actions that would infringe upon such rights. She stated that also included are policies that support tax exemptions for water conservation programs. She also discussed the District's support for water research and resources for climate change legislation. She then discussed Treasurer Treviño's request to incorporate language that promotes funding for disadvantaged communities under Upper District's policy principles, included for board consideration.

Director Fellow moved to approve staff's recommendation to approve the revised 2021-22 Legislative Policy Principles and authorize the General Manager and/or the Director of Government and Community Affairs to direct advocacy consultants on positions consistent with these principles. Treasurer Treviño seconded the motion, which was unanimously approved by the following roll call vote:

FELLOW: AYE
TREVIÑO: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE

**METROPOLITAN'S DEMAND
MANAGEMENT COST RECOVERY
AND FUNDING MECHANISM**

The General Manager reported on an upcoming Metropolitan item that would impact Upper District. He explained that this item stems from the lengthy lawsuit between Metropolitan v. San Diego County Water Authority (San Diego) regarding the way Metropolitan collected its water stewardship charge (WSC), used to fund its conservation and local resources programs. San Diego argued that the charge should not apply to the transportation of water. He stated that an initial court ruling covering the years 2012-2014 indicated that WSC should not apply to transportation. The court clarified its ruling in September 2021 that the WSC should be excluded from the transportation charge for all years, not just for 2012-2014. This recent court ruling eliminated many cost recovery alternatives for Upper District. The General Manager stated that there is broad consensus among member agency managers to support the 100% supply option which would translate to an increase in cost of about \$73 per acre foot of water.

President Chavez left the meeting.

Director Fellow stated that he is leaning towards supporting the 100% supply option.

Treasurer Treviño expressed support for the 100% supply option.

INFORMATION ITEMS

The following items listed on the agenda for the information of the Board were read and ordered received and filed:

- (a) Press Releases and News Articles.

ATTORNEY'S REPORT

District Counsel reported working with staff on personnel matters, the San Gabriel Basin Watermaster letter agreement, review of labor codes, and the tenant lease agreement for the new building.

ENGINEER'S REPORT

The District Engineer provided a report on hydrologic conditions, basin deliveries, reservoir storage and rainfall averages. He reported that the Baldwin Park Key Well groundwater elevation has dropped to 182.3 feet as of December 3, 2021.

He reported that combined storage in the canyon is down to minimum pool. He also reported that no notices of wells shutdown due to contamination were received during the month of November 2021.

The following is a summary of contamination ranges found in samples under Title 22 from 59 wells during October 2021.

<u>Contaminant</u>	<u>Range (ppb)</u>	<u>MCL (ppb)</u>
PCE	ND – 3.7	5*
TCE	ND	5*

A detailed written report was also provided to the Board.

GENERAL MANAGER'S REPORT

The General Manager reported on the drought and water supply situation.

He reported that the Department of Water Resources announced the State Water Project allocation at 0% for calendar year 2022, a first time and a cause for concern. He continued to report on potentially impacted areas if the drought worsens.

Upper District's Water Use Efficiency Analyst provided an update on the Water Smart Home program.

A General Manager's report was provided in the Board's agenda packet.

METROPOLITAN REPORT

Director Fellow reported that Metropolitan will continue conducting online meetings through March 2022.

A Metropolitan summary report was provided in the Board's agenda packet.

WATER QUALITY AUTHORITY REPORT

A Water Quality Authority report was provided in the Board's agenda packet

WATERMASTER REPORT

A Watermaster summary report was provided in the Board's agenda packet.

AB 1234 COMPLIANCE REPORT

A summary report was provided in the Board's agenda packet.

DIRECTOR'S COMMENTS

Director Fellow commended the General Manager for his recent presentation at the Water Education for Latino Leaders' conference. He also reported attending a memorial for former Arcadia Councilmember Roger Chandler.

Vice President Santana commended the Director of Finance and Administration and staff for an amazing job related to the yearend financial review.

FUTURE AGENDA ITEMS

The General Manager announced that at the first board meeting in January 2022, election of officers and reorganization matters will be discussed.


ADJOURN TO CLOSED SESSION

None.

ADJOURNMENT

President Chavez asked if there were other business to come before the Board. There being none, the meeting was duly adjourned to a regular meeting of the Board of Directors to be held on January 12, 2022, at 8:00 a.m. via teleconference or the most rapid means of communication available at the time.

ATTEST

DocuSigned by:

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PRESIDENT

DocuSigned by:

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SECRETARY

SEAL

Attachment 1
Consent Item 6 (b)
December 8, 2021

Demands numbered 21341 through 21367 on the General Fund Account of the Upper District at Citizens Business Bank, in the amount of \$324,027.61 and demands numbered 1007 through 1012 on the Water Fund Account at the same bank in the amount of \$3,135,189.75.

21341	Aaron Read & Associates, LLC	Inv. 211799, State Legislative Advocacy Services, October 2021 (Board approved 12/09/20)		10,000.00
21342	Accent Computer Solutions, Inc.	Inv. 148593, IT Management Support, December 2021 (Board approved 10/06/15)		2,656.19
21343	ACWA/JPIA	Inv.0676661, Health Insurance Premium - December 2021		29,021.55
21344	Best Best & Krieger, LLP	Inv. 920162, Lobbying Services through October 31, 2021 (Board approved 02/09/20)		7,500.00
21345	Civic Publications	Inv. 1688, CA Water 2021 Section, October 2021		4,987.00
21346	Discovery Science Center	Inv. 1534, 4th-7th Grade Water Education Program, October 2021 (Board approved 07/08/20)		13,457.50
21347	Ecotech Services, Inc.	Inv. 2091, Conserve-A-Palooza Giveaway Items Inv. 2110, Conserve-A-Palooza Giveaway Items	660.00 <u>125.00</u>	785.00
21348	Foothill Technology Center, LLC	Inv. JAN 22LEA, Office Lease - January 2022 (Board approved 04/09/11)		20,751.00
21349	G3LA, LLC	Inv. 915, Water Conservation Webinar and Flyers, November 2021		1,750.00
21350	Joey C. Soto	Inv. UD #84, Grant Writing Services, October 2021 (Board approved 08/04/15)		990.00
21351	La Opinion	Inv. 129491021, Water Conservation Ads, October 2021		3,125.00
21352	Olivarez Madruga Lemieux & O'Neill	Professional Services, October 2021 Inv. 325.996-17085, Transactional Fees Inv. 325.999-17086, Retainer (Board Approved 05/17/11)	1,419.10 <u>4,064.00</u>	5,483.10
21353	Spectrum Reach/Charter	Inv. 90523877, Water Conservation Commercial, October 2021 Inv. 90526241, Water Conservation Commercial, October 2021 Inv. 90529585, Conserve-A-Palooza Promotion, October 2021	1,800.00 1,500.00 <u>38.20</u>	3,338.20
21354	Stetson Engineers, Inc.	Inv. 2533-187, General Engineering Support Services, October 2021		16,700.64
21355	Upper District Revolving Payroll Fund	Inv. OCT 21, Reimbursement for Payroll and Payroll Taxes for Employees Inv. OCT 21D, Reimbursement for Payroll Taxes for Directors	130,231.65 <u>9,378.81</u>	139,610.46
21356	U.S. Bank Corporate Payment System	CalCard Charges through 11/22/21 Membership/Others Meetings, Travel, Conferences Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities Conservation Program Expenses, Education and Outreach	111.98 1,425.70 29.00 <u>378.84</u>	1,945.52
21357	Via Promotionals	Inv. 17967, District Logo Items Inv. 17979, District Logo Items	3,332.03 <u>6,704.81</u>	10,036.84
21358	WLC Architects	Inv. 13, Architectural Services for November 2021 (Board approved 08/12/20)		3,288.88
21359	John Robinson Consulting, Inc.	Inv. USD201501-35, TO1 State/Federal Loan/Grants Reporting, November 2021 (Board approved 08/04/15)		600.00
21360	La Opinion	Inv. 129490821, Water Conservation Ads, August 2021 Inv. 129490921, Water Conservation Ads, September 2021	1,375.00 <u>375.00</u>	1,750.00
21361	San Gabriel Valley Newspaper	Inv. 528433, October 2021 Water Conservation Ads		6,000.00

21362	Upper District Revolving Fund	Replenish Revolving Fund Account - November 2021		
		Office Supplies	445.29	
		Computer Systems/Equipment/Maintenance/Insurance/Outside Service	960.20	
		Director's Outreach	1,000.00	
		Meeting/Travel/Conferences/Dues/Assessments/Membership	270.89	
		Telephone/Utilities/Building Maintenance	2,512.42	
		Water Conservation Program Expenses	1,506.62	
		WRP Operation and Maintenance	21,164.53	
		Medical/ODA Reimbursement/Processing Fee	<u>4,426.72</u>	32,286.67
21363	Katarina Garcia	Director's Compensation, October 2021		
		7 Days District Business	1,785.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(315.89)</u>	1,485.98
21364	Edward L. Chavez	Director's Compensation, November 2021		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(814.00)	
		Less Taxes Withheld	<u>(1,036.88)</u>	1,215.99
21365	Charles M. Treviño	Director's Compensation, November 2021		
		9 Days District Business	2,295.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Expense Reimbursement	(24.66)	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(489.38)</u>	1,797.83
21366	Jennifer Santana	Director's Compensation, November 2021		
		9 Days District Business	2,295.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(333.59)</u>	1,978.28
21367	Katarina M. Garcia	Director's Compensation, November 2021		
		7 Days District Business	1,785.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(315.89)</u>	1,485.98
			TOTAL	<u>\$ 324,027.61</u>
1007	Central Basin MWD	Invoice No. USGV-OCT21, Purchase of 5.8 AF of Recycled Water in September 2021 <i>(Previously Paid 12/02/21)</i>		\$ 4,220.84
1008	City of Industry City Hall	Invoice No. OCT-21, Purchase of 53.8 AF of Recycled Water in October 2021		15,978.60
1009	Metropolitan Waterd District	Invoice No. 1062, Purchase of 301.9 AF of Treated Water and 3,039 AF of Untreated Water in October 2021		2,847,126.41
1010	Sanitation Districts of Los Angeles County	Invoice No. 33544, Contract No. 4101 & 4101A - Fiscal Year 2020/21 Purchase of 1,558.10 AF of Recycled Water Chlorine Residual Chemical Cost Pump Operation & Maintenance	\$ 222,403.19 7,276.33 <u>17,447.73</u>	247,127.25
1011	San Gabriel Valley MWD	Invoice No. 534, 95.89 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in October 2021 @ \$200 per AF		19,178.00
1012	Suburban Water System	Invoice No. 6658, Phase IIB Normal Operating Charge, November 2021		<u>1,558.65</u>
			TOTAL	<u>\$ 3,135,189.75</u>