

**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. – April 13, 2022**

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 April 13, 2022, at the hour of 8:00 a.m.

- ROLL CALL**
- DIRECTORS PRESENT:** Chavez, Treviño, Garcia, Santana, and Fellow.
- DIRECTORS ABSENT:** None.
- STAFF PRESENT:** Tom Love, General Manager; Steve O'Neill, District Counsel; Steve Johnson, District Engineer; Evelyn Rodriguez, Director of Finance and Administration; Patricia Cortez, Director of Government and Community Affairs; Venessa Navarrete, Executive Assistant; Ruben Gallegos, Project Assistant; Jennifer Aguilar, Water Use Efficiency Analyst; and Nichol Delgado, Government and Community Affairs Representative.
- OTHERS PRESENT** Andy Bullington, Anteneh Tesfaye, Anthony Alberti, Arrica Jimenez, Ben Lewis, Dan Arrighi, David Muse, Javier Vargas, Jenny Savron, Jose Martinez, Kelly Gardner, Mike Melinte, Stephanie Moreno, Tara Robinson, Tony Zampiello and Ernesto (via phone).
- ADOPTION OF AGENDA** On motion by Secretary Garcia, seconded by Director Fellow, the agenda was unanimously 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 – May 2, 2022, at 4:00 p.m.
 - (b) Administration and Finance – May 9, 2022, at 4:00 p.m.
 - (c) Water Resources and Facility Management – June 1, 2022, at 4:00 p.m.
- CONSENT CALENDAR** Secretary Garcia moved to approve Consent Calendar items (a) through (e). 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
- (a) Minutes of a public hearing and special meeting of the Board of Directors held on March 16, 2022, at 8:00 a.m.
 - (b) List of Demands.

- (c) Financial Reports – February 2022
 - 1. Financial Statements
 - 2. Director’s Public Outreach
- (d) Resolution No. 04-22-638, Re-ratifying the Proclamation of a State of Emergency by Governor Newsom and Reauthorizing Remote Teleconference Meetings.
- (e) Federal and state legislative bill positions: STREAM Act, H.R. 5438, H.R. 4602, H.R. 3293, SB 1197, SB 896, AB 2078 and AB 1944, which are consistent with Upper District’s 2021-2022 Legislative Policy Principles adopted by the Board in December 2021.

**APPROVE UPPER DISTRICT’S 2022
MEETING SCHEDULE**

Director Fellow moved to approve the Administration and Finance Committee’s recommendation that the Board of Directors reschedule board and/or committee meetings affected by holidays and annual conferences, as well as the additional meeting calendar changes recommended by staff.

May 2022

- a. Reschedule the Administration and Finance Committee meeting to May 9th and cancel the Water Resources Facility Management Committee meeting on May 4th.

July 2022

- a. Cancel the Government Affairs and Community Outreach Committee meeting scheduled on July 4, 2022.
- b. Hold only one board meeting on Wednesday, July 27, 2022.

August 2022

- a. Hold only one board meeting on Wednesday, August 10th.

September 2022

- a. Reschedule the Government Affairs and Community Outreach Committee meeting from Monday, September 5th, to Monday, September 12, 2022.

November 2022

- a. Hold only one board meeting on Wednesday, November 9th.

December 2022

- a. Reschedule the first board meeting to Wednesday, December 7th.
- b. Cancel the Water Resources and Facility Management Committee and Administration and Finance Committee meetings.

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

**ADOPT RESOLUTION NO. 04-22-637,
INITIATING PROCEEDINGS FOR THE
ESTABLISHMENT OF A WATER
AVAILABILITY STANDBY CHARGE
FOR FISCAL YEAR 2022/23**

The General Manager provided some background information on Upper District’s standby charge.

Secretary Garcia moved to approve the Administration and Finance Committee’s recommendation to:

- a. Adopt Resolution No. 04-22-637, initiating proceedings for the establishment of water availability standby charge for fiscal year 2022/23;
- b. Schedule a public hearing on May 25, 2022; and
- c. Instruct the General Manager to publish notice of the hearing as required by statute.

Director Fellow seconded the motion, which was unanimously approved by the following roll call vote:

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

**AUTHORIZE THE GENERAL
MANAGER TO EXECUTE A NEW
PROFESSIONAL SERVICES
AGREEMENT WITH ALESHIRE &
WYNDER, LLC FOR LEGAL SERVICES**

Steven O'Neill announced general counsel's move to another law firm, stating that the new firm can provide better base support for public agency clients and offer a wide spectrum of legal specialties and litigation capacity.

The General Manager stated that the new agreement has the same rate structure for transactional services, with one exception - the ceiling on the annual cost of living adjustment is currently at 3% while the new agreement proposes to raise it to 5%.

Director Fellow moved to authorize a professional services agreement with Aleshire & Wynder, LLC for legal services. 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

**APPROVE CANDIDATES FOR SPECIAL
DISTRICT LAFCO VOTING MEMBER
AND FOR SPECIAL DISTRICT LAFCO
ALTERNATE MEMBER**

The General Manager stated that the candidates for the Los Angeles County Local Agency Formation Commission (LAFCO) ballot for special district LAFCO voting member are Steven Appleton, Board of Trustee Member for the Greater Los Angeles County Vector Control District, Jerry Gladbach, Director of Santa Clarita Valley Water Agency, and Sharon Raghavachary, Director of Crescenta Valley Water District. He added that in the past, Upper District supported Sharon Raghavachary for the LAFCO representative appointment.

He then listed the candidates for special district LAFCO alternate member as Melvin Matthews, Director of Foothill Municipal Water District and Baru Sanchez, Board of Trustee Member for the Greater Los Angeles County Vector Control District. He added that in the past, Upper District supported Melvin Matthews for the LAFCO alternate member appointment.

Director Fellow nominated Sharon Raghavachary to serve as LAFCO voting member and Melvin Matthews to serve as alternate member. Vice President Santana seconded the nomination. With no other nominations received, the motion to nominate Sharon Raghavachary as LAFCO voting member and Melvin Matthews as alternate member was approved by the following roll call vote:

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

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 matters relating to redistricting, public records requests, and water fill station agreement language.

He also reported on an upcoming trial between San Diego County Water Authority (SDCWA) and Metropolitan Water District (Metropolitan) to be held in May regarding Metropolitan's 2014-2016 rates. He stated he will continue to monitor and report any decisions that have an economic effect on both Metropolitan and Upper District.

ENGINEER'S REPORT

The District Engineer provided a report on hydrologic conditions, basin deliveries, reservoir storage, canyon releases and rainfall averages. He stated that the Baldwin Park Key Well groundwater elevation was 182.1 feet as of April 8, 2022, and that the reservoir storage fluctuated the prior month with minimal recovery. He then reported that no notices of wells being shut down due to contamination were received during the month of March 2022. He also reported on Upper District's efforts with Main San Gabriel Basin Watermaster and Metropolitan to get more water into the basin.

President Chavez and the District Engineer discussed how the lack of State Water Project water contributed to the loss of 13 ft. of groundwater elevation from the prior year.

Vice President Santana and the District Engineer then discussed the negative impacts of historic low water level would have on Upper District's service area and what work has been done so far to prepare for potential lower groundwater elevation impacts on agencies, as well as recovery alternatives.

The following is a summary of contamination ranges found in samples under Title 22 from 73 wells during February 2022.

<u>Contaminant</u>	<u>Range (ppb)</u>	<u>MCL (ppb)</u>
PCE	ND – 2.5	5*
TCE	ND – 1.7	5*

A detailed written report was also provided to the Board.

GENERAL MANAGER'S REPORT

The General Manager shared information on Metropolitan's Member Agency Administered Program funds and how local agencies may apply for certain programs or projects and receive demand management funds back from Metropolitan.

The Director of Government and Community Affairs reported that four applications from Upper District's service area were submitted for Metropolitan's program funding. She shared that the Board previously approved the reallocation of these member agency funds to be used for Upper District conservation efforts within the community. Metropolitan commended Upper District's use of funds and development of conservation programs and asked staff to reach out to other member agencies to encourage their participation in Metropolitan's new program.

The General Manager continued to report on the State Water Project (SWP) allocation and its impact on Metropolitan service areas. He shared Metropolitan's proposal for a special water allocation for SWP dependent areas mainly to get significant water conservation and receive health and safety water allocation from the Department of Water Resources (DWR). He reported that DWR announced several steps to manage the State's water supply in anticipation of another dry year with reservoirs at or near historic lows. He added that the provisions are intended for member agencies that receive SWP water, however, adjustments are anticipated due to different demands from local agencies. He stated that he will continue

monitoring the situation and provide updates on any decisions that may impact Upper District and producers.

He then reported working with the Los Angeles County and the State of California, to get approval to take Colorado River water for replenishment, adding that approval will depend on how comfortable they are with Upper District's Quagga Mussel Control Plan. If approved, Upper District will then seek approval from the Department of Fish and Wildlife.

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

METROPOLITAN REPORT

Director Fellow reported that Metropolitan's board recently acted on ad valorem property tax rates, biennial budget for fiscal years 2022/23 and 2023/24, and funding for the next planning phase of the Sites Reservoir Project.

He provided some background on the ad valorem property tax rate and how, by majority vote, the Metropolitan Board approved the tax rate for four years.

He continued to report on how the decreased projected water transactions and increase in operation and maintenance expenses were key drivers for Metropolitan's rate increases. He stated that the Board approved an average of 5% rate increase for 2 years and that the Board will revisit the matter come December.

He then discussed the Board's proposal to collect snowpack and stormwater in the North Delta through the Sites Reservoir project. He explained that water currently runs off to the ocean, and how the project would resolve that and provide a great benefit to Southern California. He continued to discuss how this project would contribute to spawning and migration of salmon and serve as a dedicated environmental storage.

A Metropolitan summary report was also 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

An AB 1234 Compliance summary report was provided in the Board's agenda packet.

DIRECTORS COMMENTS

Director Fellow requested to adjourn the meeting in memory of the following people: Sally Baldwin, wife of former San Gabriel Councilman Harry Baldwin; Steve Baker, former City Treasurer of Monrovia; and Andrea Gardner. He then wished everyone a blessed Easter.

Treasurer Treviño echoed Director Fellow's request to adjourn in memory of Sally Baldwin.

Vice President Santana commended staff for pursuing Colorado River water.

FUTURE AGENDA ITEMS

None.


ADJOURN TO CLOSED SESSION

None.

ADJOURNMENT

President Chavez asked if there was any other business to come before the Board. There being none, the meeting was duly adjourned in memory of Sally Baldwin, Steve Baker and Andrea Gardner to a regular meeting of the Board of Directors to be held on April 27, 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)
April 13, 2022

Demands numbered 21481 through 21510 on the General Fund Account of the Upper District at Citizens Business Bank, in the amount of \$487,108.99 and demands numbered 1027 through 1030 on the Water Fund Account at the same bank in the amount of \$1,865,799.03.

21481	789 Inc.	Inv. E-210110, Public Relation Services, Feb - Mar 2022		\$ 10,000.00
21482	Aaron Read & Associates, LLC	Inv. 211999, State Legislative Advocacy Services, February 2022	10,000.00	
		Inv. 212048, State Legislative Advocacy Services, March 2022 (Board approved 12/09/20)	<u>10,000.00</u>	20,000.00
21483	Accent Computer Solutions, Inc.	Inv. 15032, Subscription Renewal - vmWare Kit	66.96	
		Inv. 150638, IT Management Support, April 2022 (Board approved 10/06/15)	<u>3,232.37</u>	3,299.33
21484	ACWA/JPIA	Inv.0684554, Health Insurance Premium - May 2022		27,399.01
21485	Best Best & Krieger, LLP	Inv. 929403, Lobbying Services through February 28, 2022 (Board approved 02/09/20)		7,500.00
21486	CORO Southern California	Inv. 20220228-02, Sponsorship - Water & Energy Focus Week 2022		1,500.00
21487	Ecotech Services, Inc.	Inv. 2228, Water Bottle Fill Station	5,400.00	
		Inv. 2238, Water Smart Home Program	19,655.00	
		Inv. 2242, Water Bottle Fill Station	21,450.00	
		Inv. 2249, Water Smart Home Program (Board approved 08/07/18)	<u>16,013.00</u>	62,518.00
21488	Foothill Technology Center, LLC	Inv. MAY 22LEA, Office Lease - May 2022 (Board approved 04/09/11)		20,751.00
21489	G3LA, LLC	Inv. 962, Curriculum Development, March 2022	1,750.00	
		Inv. 970, Water Conservation Webinar, March 2022	<u>1,500.00</u>	3,250.00
21490	Green Media Creations, Inc.	Inv. 1560, On-Demand Instruction - Residential Leak Detection, March 2022		650.00
21491	Joey C. Soto	Inv. UD #88, Grant Writing Services, February 2022	16,945.50	
		Inv. UD #89, Grant Writing Services, March 2022 (Board approved 08/04/15)	<u>1,773.75</u>	18,719.25
21492	La Opinion	Inv. 129490222, Water Smart Home Program Ad, February 2022		1,750.00
21493	Media Marketing Services, Inc.	Inv. USG W220308, Bottled Water Program		3,297.00
21494	Olivarez Madruga Lemieux & O'Neill	Professional Services, February 2022		
		Inv. 325.996-18493, Transactional Fees	6,670.60	
		Inv. 325.999-18494, Retainer (Board Approved 05/17/11)	<u>4,064.00</u>	10,734.60
21495	Rogers, Anderson, Malody and Scott, LLP	Inv. 70017, Preparation of State Controllers Report FY 20-21 (Board Approved 06/19/19)		685.00
21496	San Gabirel Valley Newspaper	Inv. 0000537489, Water Conservation Ads, February 2022		3,000.00
21497	Stetson Engineers, Inc.	Inv. 2533-191, General Engineering Support Services, February 2022		22,552.99
21498	State Water Resources Control Board	Inv. 050722_140, Package 4 Annual State Revolving Fund Load Repayment		75,541.85
21499	Tetra Tech, Inc.	Inv. 51860836, Task 24: Recycled Water Reliability Task Force through 01/28/22 (Board Approved 04/01/14)		6,090.00
21500	Upper District Revolving Payroll Fund	Inv. FEB 22, Reimbursement for Payroll and Payroll Taxes for Employees	122,203.18	
		Inv. FEB 22D, Reimbursement for Payroll Taxes for Directors	<u>11,065.63</u>	133,268.81
21501	U.S. Bank Corporate Payment System	CalCard Charges through 03/22/22		
		Meetings, Travel, Conferences	449.33	
		Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities	147.95	
		Conservation Program Expenses, Education and Outreach	<u>1,489.08</u>	2,086.36
21502	WLC Architects	Inv. 15, Construction Management Services for March 2022 (Board Approved 08/12/20)		3,620.62
21503	World Journal, LLC	Inv. 3674124, Water Conservation Ad, 02/05/22		1,360.00

21504	Upper District Revolving Fund	Replenish Revolving Fund Account - March 2022		
		Office Supplies	404.99	
		Computer Systems/Equipment/Maintenance/Insurance/Outside Service	1,312.93	
		Director's Outreach	2,366.00	
		Meeting/Travel/Conferences/Dues/Assessments/Membership	139.86	
		Telephone/Utilities/Building Maintenance	585.74	
		Water Conservation Program Expenses	1,427.22	
		WRP Operation and Maintenance	21,625.83	
		Medical/ODA Reimbursement/Processing Fee/Retirement Plan/Overdeposit	8,255.43	36,118.00
21505	Anthony Fellow	Director's Compensation, January 2022		
		7 Days District Business	1,785.00	
		3 Days MWD Business	765.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	(1,021.79)	1,545.08
21506	Anthony Fellow	Director's Compensation, March 2022		
		10 Days District Business	2,550.00	
		9 Days MWD Business	2,295.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	(1,535.77)	3,326.10
21507	Edward L. Chavez	Director's Compensation, March 2022		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(1,617.00)	
		Less Taxes Withheld	(1,022.78)	427.09
21508	Charles M. Treviño	Director's Compensation, March 2022		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	(539.01)	2,027.86
21509	Jennifer Santana	Director's Compensation, March 2022		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	(376.46)	2,190.41
21510	Katarina M. Garcia	Director's Compensation, March 2022		
		9 Days District Business	2,295.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	(411.24)	1,900.63
			TOTAL	\$ 487,108.99
1027	City of Industry City Hall	Invoice No. FEB-22, Purchase of 30.6 AF of Recycled Water in February 2022		9,669.60
1028	Metropolitan Water District	Invoice No. 10719, Purchase of 232.4 AF of Treated Water and 1,993 AF of Untreated Water in February 2022		1,838,257.30
1029	San Gabriel Valley MWD	Invoice No. 538, 79.85 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in February 2022 @ \$200 per AF		15,970.00
1030	Suburban Water System	Invoice No. 6679, October 2021 - February 2022 Operating Costs	234.37	
		Invoice No. 6680, Phase IIB Normal Operating Charge, March 2022	1,667.76	1,902.13
			TOTAL	\$ 1,865,799.03