

**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. – October 12, 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 October 12, 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, Consulting Engineer; Evelyn Rodriguez, Executive Manager - Finance and Administration; Patricia Cortez Executive Manager - Government and Community Affairs; Venessa Navarrette, Executive Assistant; Ruben Gallegos, Project Assistant; Priscilla Lu, Accounting/Financial Analyst, Jennifer Aguilar, Water Use Efficiency Analyst, and Valeria Rodriguez, Administrative Assistant.

OTHERS PRESENT

Ana Schwab, Anteneh Tesfaye, Anthony Alberti, Ben Lewis, Cvenegas, Dan Arrighi, David Muse, Jenny Savron, Jose Martinez, Kelly Gardner, Lenet Pacheco, Martin Zvirbulis, Stephanie Moreno, Steve Kiggins, Cynthia Sternquist and Victor Magana.

ADOPTION OF AGENDA

On motion by Director Fellow, seconded by Secretary Garcia, the agenda was adopted as presented by the following roll call vote:

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

PUBLIC COMMENT

Cynthia Sternquist, Temple City Mayor, thanked Upper District for an exceptional outreach to communities regarding WaterFest. She then asked President Chavez to agendaize holding in-person board meetings. She also requested the Board defer agenda item 7 (a) until after the upcoming election.

COMMITTEE REPORTS

Next scheduled committee meeting dates are as follows:

- (a) Administration and Finance – November 1, 2022, at 4:00 p.m.
- (b) Water Resources and Facility Management – November 2, 2002 at 4:00 p.m.
- (c) Government Affairs and Community Outreach – November 14, 2022, at 4:00 p.m.

Director Fellow reported that the Government Affairs and Community Outreach Committee discussed Consent Calendar items d, e and f. He stated that due to lack of quorum, there was no recommendation from the committee for said items.

CONSENT CALENDAR

The General Manager requested the Board to pull item (d) from the Consent Calendar for separate board discussion.

Director Fellow moved to approve Consent Calendar items (a), (b) (c), (e) and (f). Vice President Santana seconded the motion, which was approved by the following roll call vote:

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

- (a) Minutes of a regular meeting of the Board of Directors held on September 28, 2022, at 8:00 a.m.
- (b) List of Demands
- (c) Financial Reports – August 2022.
 - 1. Financial Statements.
 - 2. Director’s Public Outreach
- (e) Professional Services Agreement with Best, Best and Krieger for federal advocacy services from January 1, 2023 through December 31, 2024, for a monthly retainer of \$7,500 and a total not to exceed maximum of \$185,000.
- (f) Professional Services Agreement with Aaron Read & Associates, LLC for state advocacy services from January 1, 2023 through December 31, 2024, for a monthly retainer of \$10,000 and a total not to exceed maximum of \$245,000.

President Chavez requested the General Manager to provide some background on item (d) the proposed Resolution No. 10-22-649, re-ratifying the proclamation of a state of emergency by Governor Newsom and reauthorizing remote teleconference meetings.

The General Manager stated that Los Angeles County recently lifted its social distancing order, interpreted by others as the end of the state of emergency. He added that the Metropolitan board did not adopt its resolution for teleconference meetings at its recent meeting.

District Counsel briefly discussed the current regulations pertaining to the Brown Act that allows for remote meetings. He stated that these regulations require that for remote meetings to be allowed, state of emergency and social distancing recommendations must be in place.

Director Fellow added that there is no continuing resolution adopted by the Metropolitan Board.

District Counsel recommended that the Board adopt the resolution as presented pending completion of his team’s analysis of the situation.

Director Treviño stated that it is necessary to restore in-person board meetings to promote transparency to the public.

Vice President Santana expressed support for returning to in-person board meetings.

Secretary Garcia and the General Manager discussed how in-person and remote board meetings impact attendance.

Director Fellow echoed Vice President Santana’s support for having in-person board meetings.

Vice President Santana moved to approve Consent Calendar item (d) to adopt Resolution No. 10-22-649, Re-ratifying the Proclamation of a State of Emergency by Governor Newsom and Reauthorizing Remote Teleconference Meetings. Secretary Garcia seconded the motion, which was approved by the following roll call vote:

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

NOMINATION OF TWO UPPER DISTRICT REPRESENTATIVE TO THE MAIN SAN GABRIEL BASIN WATERMASTER FOR CALENDAR YEAR 2023

The General Manager gave a brief background on the item.

Director Fellow nominated Vice President Santana and Vice President Santana nominated Director Fellow as Upper District representatives to the Main San Gabriel Basin Watermaster (Watermaster) for calendar year 2023.

On motion by Secretary Garcia, seconded by Director Fellow, the Board of Directors appointed Director Fellow and Vice President Santana as Upper District’s representatives to the Main San Gabriel Basin Watermaster for calendar year 2023 by the following roll call vote:

FELLOW: AYE
GARCIA: AYE
SANTANA: AYE
CHAVEZ: AYE
TREVIÑO: 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 Newspaper Articles.

ATTORNEY’S REPORT

District Counsel reported working with staff on transactional matters including: preparation for the closed session meeting regarding the General Manager’s performance evaluation, professional services agreement review, annual process for Watermaster’s representative, and the implications of AB 361.

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 was 177.3 feet as of October 7, 2022, noting continuing drop in the Key Well. He then reported that no notices of wells shutdown due to contamination were received during the month of September 2022.

The following is a summary of contamination ranges found in samples under Title 22 from 80 wells during August 2022.

| <u>Contaminant</u> | <u>Range (ppb)</u> | <u>MCL (ppb)</u> |
|--------------------|--------------------|------------------|
| PCE | ND - 1.7 | 5* |
| TCE | ND - 2 | 5* |

A detailed written report was provided in the Board’s agenda packet.

GENERAL MANAGER'S REPORT

The General Manager reported a correction on the report for USG-3 deliveries. He stated that USG-3 is on and that about 5,000 acre feet has been delivered since October 3rd. He stated that Upper District has been monitoring the Key Well levels, noting that it seems to be moving consistent with projected levels. He reported continuing discussions with Metropolitan on how to address drought conditions should they persist next year. He also reported receiving a positive response from the California Department of Fish and Wildlife Services regarding the Quagga Mussel Control Plan.

The General Manager announced the scheduled move-in to the new building will be on October 24th and 25th. He then commended Ruben Gallegos for facilitating the sale of the backup generator. He also announced that Upper District received the 2022 Sustained Excellence Award from the U.S. EPA WaterSense program.

Ms. Cortez, the Executive Manager for Government and Community Affairs briefly provided a rundown of WaterFest to be held on October 15th.

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

METROPOLITAN REPORT

Director Fellow reported that Adan Ortega was recently elected as a new chairman of the Metropolitan's board of directors. He also reported the Metropolitan Board's approval of a project labor agreement for construction contracts.

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

WATER QUALITY AUTHORITY REPORT

President Chavez reported that the WQA Board of Directors adopted resolution proclaiming statewide state of emergency and authorizing teleconferencing meetings. He also reported on WQA special election for alternate member representing cities with pumping rights.

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

WATERMASTER REPORT

A 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 Treviño congratulated Mr. Ortega on his election as the new chairman of the Metropolitan Board. He also thanked Ms. Gray for her tenure and for being the first chairwoman of color.

Vice President Santana thanked the Board for their support on her nomination to the Watermaster board. She also congratulated staff on the EPA WaterSense Award.

President Chavez stated that he is looking forward to WaterFest on October 15th.

FUTURE AGENDA ITEMS

None.

ADJOURN TO CLOSED SESSION

A closed session was held pursuant to Government Code section 54957; Performance Review: General Manager.

Secretary Garcia left the meeting.

REPORT ON CLOSED SESSION

The Board reconvened after closed session. District Counsel reported that a discussion was held by the board, instruction was given to staff and that no formal action was taken during closed session.

ADJOURNMENT

President Chavez asked if there were other business to come before the Board. There being none, the meeting was adjourned to a regular meeting of the Board of Directors to be held on November 9, 2022, at 8:00 a.m. via teleconference or the most rapid means of communication available at the time.

ATTEST

PRESIDENT

SECRETARY

SEAL

Demands numbered 21698 through 21739 on the General Fund Account of the Upper District at Citizens Business Bank totaling \$958,226.42 and demands numbered 1060 through 1064 on the Water Fund Account at the same bank in the amount of \$684,855.26.

| | | | | |
|-------|--|---|---|-------------|
| 21698 | Accent Computer Solutions, Inc. | Inv. 153793D1, Deposit - New Office Move/Installation <i>(Board approved 10/16/15. Previously paid 09/21/22)</i> | | \$ 3,652.01 |
| 21699 | Foothill Technology Center, LLC | Inv. OCT 22LEA, Office Lease - October 2022 <i>(Board approved 04/09/11. Previously paid 09/21/22)</i> | | 20,751.00 |
| 21700 | Marjani Builders, Inc. | Inv. APP7, District Tenant Improvement Project <i>(Board approved 02/09/22. Previously paid 09/27/22)</i> | | 277,212.28 |
| 21701 | California Designs | Inv. 8588, Volunteer Shirts for WaterFest 2022 <i>(Previously paid 09/27/22)</i> | | 616.00 |
| 21702 | Unisource Solutions, Inc. | Inv. 21600.001Q, Deposit - New Office Furniture <i>(Previously paid 09/29/22)</i> | | 5,541.66 |
| 21703 | ACI Consulting Corporation | Inv. IN-004044, Sage Consulting Services, September 2022 | | 85.00 |
| 21704 | ACWA/JPIA | Inv. 0692244, Health Insurance Premium - October 2022 | | 24,978.42 |
| 21705 | Aleshire & Wynder, LLP | Professional Services, August 2022 Inv. 70310, Retainer Inv. 70311, Transactional Fees Inv. 70312, Transactional Fees <i>(Board approved 04/13/22)</i> | 4,267.00 275.80 <u>6,072.90</u> | 10,615.70 |
| 21706 | Best Best & Krieger, LLP | Inv. 945472, Lobbying Services through August 31, 2022 <i>(Board approved 12/09/20)</i> | | 7,500.00 |
| 21707 | Bravo Productions | Inv. 10/15/22B, WaterFest 2022 Event Management - Final Payment | | 7,322.50 |
| 21708 | Bulletin Displays | Inv. 34080, WaterFest 2022 Digital Bulletins | | 2,750.00 |
| 21709 | Canyon City Printing | Inv. 7881, Water Is Life Contest 2022, Trading Cards Inv. 7882, WaterFest 2022, Loteria Cards Inv. 7883, WaterFest 2022, Foam Loteria Cards Inv. 7884, WaterFest 2022, Signage | 3,398.66 544.22 172.46 <u>197.10</u> | 4,312.44 |
| 21710 | Center for Financial Empowerment | Inv. 11/20/22UD, 2022 Operation Gobble Sponsorship | | 1,500.00 |
| 21711 | Civic Publications, Inc. | Inv. 1739, Community Profiles 2022, "Our Vision our Mission" Ad | | 5,600.00 |
| 21712 | Downtown El Monte Business Association | Inv. 10/22/22UD, 2022 Dia De Los Muertos Sponsorship | | 500.00 |
| 21713 | Diamond Environmental Services | Inv. 0004050336, Portable Restrooms and Electric Sinks, WaterFest 2022 | | 4,323.10 |
| 21714 | Discovery Science Center | Inv. 1580-1A, March 2022-Supplemental Invoice <i>(Board approved 07/08/20)</i> | | 680.00 |
| 21715 | EcoTech Services, Inc. | Inv. 2413, Leak Repair Kit Program, September 2022 <i>(Board approved 06/08/22)</i> | | 3,240.00 |
| 21716 | G3LA, LLC | Inv. 1038, Water Conservation Webinar and Flyers, August 2022 Inv. 1049, Water Conservation Webinar and Flyers, September 2022 | 1,750.00 <u>1,750.00</u> | 3,500.00 |
| 21717 | Joey C. Soto | Inv. #95, Grant Writing Services, August 2022 <i>(Board approved 06/08/22)</i> | | 1,005.00 |
| 21718 | John Robinson Consulting, Inc. | Inv. UD-201501-37, TO1: State/Federal Loan/Grants Reporting, Jan - Aug 2022 <i>(Board approved 08/04/15)</i> | | 3,000.00 |
| 21719 | Planes De Renderos, LLC | Inv. 125Q, WaterFest 2022, Vendor and Volunteer Lunches | | 1,400.00 |
| 21720 | Rene Burguan | Inv. 0250Q, WaterFest 2022 Band | | 3,000.00 |
| 21721 | Ronald Guerrero | Inv. 10/15/22, WaterFest 2022 DJ | | 500.00 |

| | | | | |
|-------|-------------------------------------|---|--|------------|
| 21722 | Stetson Engineers, Inc. | Inv. 2533-197, General Engineering Support Services, August 2022 | | 15,412.26 |
| 21723 | State Water Resources Control Board | Inv. 09805-22-10, Package 3 Annual State Revolving Fund Loan Repayment | | 86,782.45 |
| 21724 | Ten Eight Security Services, Inc. | Inv. 1210, WaterFest 2022, Security Services | | 2,600.00 |
| 21725 | Upper District Payroll Fund | Inv. AUG 22, Reimbursement for Payroll and Payroll Taxes for Employees Inv. AUG 22D, Reimbursement for Payroll Taxes for Directors | 131,957.26 <u>8,217.94</u> | 140,175.20 |
| 21726 | Upper District Revolving Fund | Replenish Revolving Fund Account - September 2022 Office Supplies Computer Systems/Equipment/Maintenance/Insurance/Outside Service Director's Outreach Telephone/Utilities/Building Maintenance Water Conservation Program Expenses WRP Operation and Maintenance Medical/ODA Reimbursement/Processing Fee/Retirement Plan/Overdeposit | 436.03 956.43 500.00 2,073.00 1,305.00 37,480.29 <u>822.38</u> | 43,573.13 |
| 21727 | U.S. Bank Corporate Payment System | CalCard Changes through 09/22/22 Meetings, Travel, Conferences Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities Conservation Program Expenses, Education and Outreach | 7,155.29 1,903.39 <u>3,274.92</u> | 12,333.60 |
| 21728 | WLC Architects | Inv. 20, Construction Administration Services, August 2022 (Board approved 08/12/20) | | 18,000.00 |
| 21729 | Anthony Fellow | Director's Compensation, June 2022 7 Days District Business 4 Days MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 1,785.00 1,020.00 516.87 (500.00) <u>(1,072.93)</u> | 1,748.94 |
| 21730 | Anthony Fellow | Director's Compensation, July 2022 9 Days District Business 5 Days MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 2,295.00 1,275.00 516.87 (500.00) <u>(1,240.08)</u> | 2,346.79 |
| 21731 | Anthony Fellow | Director's Compensation, August 2022 10 Days District Business 8 Days MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 2,550.00 2,040.00 516.87 (500.00) <u>(1,474.44)</u> | 3,132.43 |
| 21732 | Edward L. Chavez | Director's Compensation, September 2022 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 2,550.00 1,460.97 (1,617.00) <u>(1,022.78)</u> | 1,371.19 |
| 21733 | Charles M. Treviño | Director's Compensation, September 2022 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 2,550.00 434.03 (500.00) <u>(539.01)</u> | 1,945.02 |
| 21734 | Jennifer Santana | Director's Compensation, September 2022 5 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 1,275.00 516.87 (500.00) <u>(175.33)</u> | 1,116.54 |
| 21735 | Anthony Fellow | Director's Compensation, September 2022 10 Days District Business 9 Days MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 2,550.00 2,295.00 516.87 (500.00) <u>(1,535.77)</u> | 3,326.10 |
| 21736 | Katarina Garcia | Director's Compensation, September 2022 6 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld | 1,530.00 516.87 (500.00) <u>(257.87)</u> | 1,289.00 |

| | | | | |
|-------|--|---|------------------------------|-----------------------------|
| | | | | 13207 |
| 21737 | Greater LA Area Council, BSA | Inv. 10/18/22UD, 2022 Distinguished Citizen Award Sponsorship | | 1,000.00 |
| 21738 | La Puente Valley County Water District | Inv. PROP84-LPVCWD 1, Partial Release of Prop 84 Grant Funds | | 224,070.12 |
| 21739 | Power Trip Rentals | Inv. RES# 34505, Generator Rentals, WaterFest 2022 | | <u>4,418.54</u> |
| | | | TOTAL | <u>\$958,226.42</u> |
| | | | | |
| 1060 | Central Basin MWD | Invoice No. USGV-AUG22, Purchase of 6.1 AF of Recycled Water in July 2022 <i>(Previously paid 09/27/22)</i> | \$ | 4,452.20 |
| 1061 | City of Industry City Hall | Invoice No. AUG-22, Purchase of 98.5 AF of Recycled Water in August 2022 Invoice No. AUG-22CIP, CIP Charge for August 2022 @ \$98 per AF | 31,126.00 <u>9,653.00</u> | 40,779.00 |
| 1062 | Metropolitan Water District | Invoice No. 10895, Purchase of 552.6 AF of Treated Water in August 2022 | | 617,954.30 |
| 1063 | San Gabriel Valley MWD | Invoice No. 544, 100.01 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in August 2022 @ \$200 per AF | | 20,002.00 |
| 1064 | Suburban Water System | Invoice No. 6700, Phase IIB Normal Operating Charge, September 2022 | | <u>1,667.76</u> |
| | | | TOTAL | <u>\$ 684,855.26</u> |